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Crisis and innovation of liberal democracy: Can deliberation be institutionalized?

Liberal democracies, and by far not just the new ones among them, are not functioning well. While there is no realistic and normatively respectable alternative to liberal democracy in sight, the widely observed decline of democratic politics, as well as state policies under democracy, provides reasons for concern. This concern is a challenge for sociologically informed political theorists to come up with designs for remedial innovations of liberal democracy. In this essay, I am going to review institutional designs for democratic innovation. I shall proceed as follows. The first section addresses the question of the *functions* of liberal democracy. What are the features and expected outcomes of democracy which explain why liberal democracy is so widely considered today to be the most desirable form of political rule? The second section looks at the *institutional structure* and the constitutive mechanisms of democratic regimes. In either of these sections four relevant items are specified and discussed. Thirdly, I shall provide a very condensed summary of critical accounts concerning democracy's actual failures and symptoms of malfunctioning. In a final section, I distinguish two families of institutional innovations that are currently being proposed as remedies for some of the observed deficiencies of democracy, with an emphasis on "deliberative" methods of political preference formation.

(1) Four functional virtues of liberal democracy

The question is not often asked, as its answer appears quite obvious: What is democracy *good for*? In fact, there are several answers, corresponding to different schools of political theory. A minimalist answer is the negative one: There is simply *no principle available* in modern society according to which any *unequal* distribution of political rights (i. e., a set of aristocratic, dynastic, imperial, ethnic, religious, or party-totalitarian *privileges*) and, following from that, anything but the *universal* accountability of rulers could any longer be defended. This is the intuition that guided Tocqueville's (1988) analysis of democracy in America (with its implications, as the author saw them, for Europe) as well as the cautious political egalitarianism of John S. Mill (1861). Hence the *equality* of political rights of all *citizens* (as opposed to *subjects*) is the default position of democratic theory (a default position that, *nota bene*, still allows for two remaining exclusions: that of *children* below voting age who do "not yet" enjoy political rights and *resident foreigners* who may - or may not - be on their institutionally prescribed path to the acquisition of full citizenship ("naturalization")). Yet beyond these two categories of outsiders (outsiders in time and outsiders in space, as it were), all "full" members of the political community enjoy equal political rights - simply because no consensual criterion is available by which an *unequal* distribution of rights might be justified.

Yet equality of political rights and *universal* accountability of rulers can also be advocated on *positive* grounds. I wish to distinguish four of such grounds. The first (and the oldest) one is Immanuel Kant's (1795) defense of the republican form of government (with still limited political equality and accountability, according to him) on the grounds of *international peace*: "Republics" will never conduct wars against other republics - arguably one of the most robust hypotheses in the history of the social sciences. Second, a strong reason for the adoption and defense of

the democratic form of government was advanced in the first wave of European democratization after the World War I. It is, as it were, the domestic equivalent to Kant's hypothesis; it states that "territorial" representative party democracy (together with strong elements of "functional" representation through interest associations of major socioeconomic categories such as employers, investors, trade unions, the agrarian sector, the civil service etc.) will serve to institutionalize and thereby *pacify class and other conflicts of interest.* The mechanism through which democratic equality would lead to the peaceful and stable (rather than revolutionary and disruptive) processing of conflict, its accommodation, and change was thought (e. g., by Max Weber in his political writings of 1917 to 1919 and Hermann Heller (1933)) to reside in the voting and bargaining powers with which those inferior in socioeconomic power were to be compensated for their relative powerlessness through the constitutional provision of political resources - an arrangement that eventually would lead to a "balance of class forces" (Otto Bauer). The socioeconomic power of investors and employers would be neutralized, at least in part, by the political power that lower classes can derive, under a democratic constitution, from their quantitative majority. If every interest was given a "voice", nobody had any reason to "exit" to radical anti-systemic opposition. By virtue of its procedures, democracy is able to reconcile conflict to the extent which is necessary for the maintenance of stability and do so more effectively than any other regime form.

After this hypothesis of democratic stability was brutally falsified in major parts of continental Europe in the aftermath of the economic crisis of the early 30ies, it was revived after World War II through an institutional arrangement and policy orientation that became known as the post-war "Keynesian Welfare State": Political democracy, or so the basic tenet of this period can be sum-

marized, is a stable political arrangement because (and to the extent that) it is capable of organizing an ongoing *distributional positive-sum game* in which all sides involved - capital, labor, the public sector together with its social policies and social services - will simultaneously be able to gain, provided, that is, the material foundation of such encompassing *social progress*, namely continuous *economic expansion*, can be maintained or, if need be, effectively stimulated. This hypothesis - democracy is desirable because it generates balanced distributional progress - held remarkably true in the West throughout (roughly) the third quarter of the 20 century, i. e. the so-called "golden" post-war period. In this period, there were no permanent losers in rich democracies. It came, however, at least in Europe, to an abrupt halt in the mid-seventies. Two books, James O'Connor (1973) and Crozier et al. (1975), noted and analyzed in quite influential ways the "crisis of democracy" or, respectively, of "the state" that ensued when this hypothesis, too, turned out to be dubious. Reasons for scepticism were provided by the evidence of lasting high levels of unemployment which built up in European democracies since the mid-seventies, declining growth rates, and massive increases of income and other inequalities which were experienced by most of the OECD economies since the mid-nineties. The confidence in a productivist partnership between state and social classes that would immunize democracy against the consequences of economic crisis was soon dismissed and actively rejected by the market radical regimes of monetarist economic policies that are connected with the names of Reagan, Thatcher, (and more generally "the Washington consensus" and "neo-liberalism"). However, it must also be mentioned that representative democracy and the universal access to political rights has in fact played a major role in preventing or reversing severe social *regressions* in at least some countries of the post-colonial developing world, with Indian democracy as the outstanding ex-

ample. As Armatya Sen (1999) has powerfully demonstrated, there has not been a single major famine or other socio-economic disaster in a democracy, whereas such disasters were allowed to take their course in party dictatorships (such as during the "Great Leap Forward" in Mao's China).

Throughout the Cold War, representative democracy (i. e. its defining features of the constitutionally enshrined division of powers, accountable rulers, electoral competition and civil and political rights) has served to corroborate the claim that "the West" is not just economically superior to state socialism in terms of a far better performance in terms of *economic growth* and mass prosperity, but also morally superior as a regime of *political freedom* and equality of rights. The combined institutional arrangements of political democracy and organized capitalism performed so well (relative to the political and economic realities of Soviet style "really existing" socialism) that nobody in his right mind could conceivably opt for the latter. After the eventual breakdown of (all European cases of) state socialism in 1989-91, the function of liberal democracy and its "social" market economy as a political immunizer against "Communism" was no longer needed (which explains, for instance, the breakdown of the *Democrazia Christiana* in Italy in the early 90ies). Instead the thorny problem of orchestrating democratic transitions and democratizing former Soviet-ruled states appeared not just on the agenda of the transition countries, but on the Western agenda as well, including the project of enlarging the EU. This new and historically unprecedented problem was not just to *stabilize* democratic capitalism in the West, but to *initiate* the building of democratic capitalism *from the outside* in regions where state socialism had vanished. Today, as the accomplishment of the latter task is clearly far from complete, given strong symptoms of democratic deficiency in the region of even the ten new EU member states of post-

Communist capitalism (to say nothing about their neighbors to the East), and as the accomplishment of the former task is outright questionable after the experience of the 2008 financial market crisis and its aftermath in both old and new member states, the blessings of liberal democracy and democratic capitalism are less evident (both to the outside observer and the internal parttici-pants) than they, arguably, were at any point since WW II.

Before leaving the question of what democracy is "good for" (and entirely skipping the question here how the political and economic realities of the European Union can be reconciled with democratic principles) we should at least mention a fourth theory - namely the *republican* theory of democratic politics and its claim that the *opportunity* to participate in the collective affairs of the political community will actually have a virtuous *formative impact* upon citizen. This impact is thought to enable him or her to be a "good" citizen, i. e. a citizen both *able* (through enhanced understanding of public affairs) and *willing* (through the perceived moral obligation to transcend narrow and short sighted interests) to serve the common good of the political community as a whole. As I will try to show at the end of this essay, it is this argument in support of the democratic regime form that has powerfully re-surfaced in debates on reasons for and the future of liberal democracy.

(2) Four Defining structural features of liberal democracy (LD)

I propose a definition of LD here that consists of four elements: *stateness*, *rule of law*, *political competition*, and *accountability*.

(1) S*tateness* - We need to realize that LD is a regime form that (so far) is tied to *states*. Democrats may *advocate* a supranational or even global forms of democracy, but that amounts to a project that is, for the time being, evidently far from its realization. At present only states (in their turn defined by the coincidence of a territory, a people, and an effective apparatus of political rule) can be democratic.

Democracy remains thus, for the time being, plainly parasitic on statehood. It is also the case that statehood always *precedes* democracy in historical time. Democracies appear to be always "successor regimes", following upon non-democratic regime forms in a process of democratic transition, or democratization, of a pre-democratic (military, authoritarian, theocratic, totalitarian, colonial etc.) regime ruling over the state's territory and population.

Another link between stateness and democracy is this: In order for a state to be democratic in any meaningful way, it must possess a minimum of what is now often referred to as "state capacity" or "governing capacity". State capacity is the quality that allows a state, for instance, to protect its citizens from military or economic harm, to extract and allocate fiscal resources, defend the territory as well as its own monopoly of violence, establish and maintain an educational system, legislate and enforce regulatory laws, provide a measure of social and physical security and welfare, and manage succession crises - and all this without being significantly obstructed by so-called "factual" powers, be it criminal gangs and Mafia organizations, separatist ethnic mobilizations, armed forces of civil war, networks of predatory corruption, external political forces on which governing elites are dependent, or hostile religious movements. In other words: In order for a state to be a democratic state, it must be capable of delivering collectively binding decisions

and an extensive variety of (often fiscally costly) collective goods. If it is unable to do so (and to do so continuously in time and space!) we speak of a "failed" or "failing" state. The latter is defined by its deficient governing capacity relative to the kind and volume of problems on the state-organized solution of which the social integration and the systemic stability of societies depend. More specifically, governing capacity (the opposite of "ungovernability") is deficient if the state suffers from three all-to-familiar, as well as causally tightly interrelated, kinds of "absences": the absence of *borders* (at which the outward flow of capital and the inward flow of goods and services could be controlled); the absence (due to often giant and generally increasing levels of public debt) of *fiscal resources* available for the funding of public policies that serve *any* version of the public good; and the absence of *jobs*, which would allow the entire working-age population to participate, under acceptable terms, in the production and distribution of economic output.

So it would be a mistake to associate only impoverished third world countries and their feeble and often corrupt governments with the condition of "state failure". Also states of industrially advanced economies that are fiscally starved or in which elites subscribe to a doctrine of economic market liberalism and a radical retreat of "bureaucracy" and regulation can suffer from the syndrom of state failure and ungovernability. These conditions threaten to render democracy entirely pointless, particularly if, as in the EU, major parts of remaining governing capacities are being transferred to supranational agencies (The European Central Bank, the European Court of Justice, the European Commission) which are operating beyond the reach of effective accountability mechanisms. Neoliberal states are regimes whose policy agenda is so restricted that substantive concerns of the "people" remain largely bracketed out from it and have no access to the

making of public policies, as major area of public interest (urban development, health, education, the environment) are taken off the agenda of political authorities in the name of privatization, deregulation, and marketization. Here, the *universalism* of political rights comes to stand in stark contrast with the more and more *limited uses* to which citizens can actually *put* their rights, given the restricted nature of the collective functions states are financially able, and governing elites politically willing, to perform.

The discrepancy between the political rights non-elites enjoy and constraints imposed on political elites' agendas by the factual powers of global financial markets and other supranational wielders of economic, political, and military power can cause citizens to turn away from democracy in either of two directions: they either give up the confidence that political rights can be instrumentally useful for promoting their interests and improving the well-being of the political community as a whole - the familiar and today widespread attitude of distrust, apathy, political disaffection, and cynicism. (Crouch 2004, Torcal and Montero 2006) Or, even worse, they may come to conclude that political rights, having become a blunted sword, must be beefed up by additional and non-representative political resources, such as outbursts of populist mobilization and violent protest directed at alleged "enemies". As to the former alternative, it is worth keeping in mind the apparent paradox of "participatory inequality" (Lijphart 1997): it is exactly the less privileged strata of the population who would most benefit from the use of their political rights *if state capacity were less constrained* who are most likely to drop out of participation, given their experience of and frustration over those constraints. As to the latter, the quest for additional political resources can also lead to large segments of the population resorting to non-institutional,

disruptive, and more or less violently aggressive modes of political contestation which defy the official procedural rules of making collectively binding decisions.

The two conventional criteria of the strength and stability of democratic states are *legitimacy* and *effectiveness*. (Lipset 1981) By legitimacy we mean the quality of the holders of state power to have their decisions complied with (without the more than marginal use of coercion) even by those who see their interests and values damaged by those decisions. By effectiveness we mean the capacity of "getting things done", solve problems, and implement plans and projects. A democratic state is stable and resilient (or "consolidated") if and to the extent that its legitimacy and effectiveness are continuously enacted, demonstrated, and therefore taken for granted by all relevant actors, inside and outside of the state in question. But such "taken-for-grantedness" is never irreversible: Democratic regimes can "de-consolidate" and reach a point of self-subversion which may end in the suicidal subversion of democracy by (apparently) democratic means. A state that fails to "get things done" (e. g., because of widespread corruption or the deficiency of fiscal resources) will lose its legitimacy, and the loss of the latter will further undermine its capacity to govern.

(2) *rule of law* - Democratic states are states with a (mostly written) constitution which provides for (at least) two ways in which the exercise of state power is *limited*. One of these ways is to endow citizens with a bill of equal rights which cannot be legally infringed upon by governing authorities. These rights include personal rights (protecting the integrity of body and soul/conscience), economic rights (property and contract), political rights (of assembly, media communication, association, participation etc.) and often also "positive" social rights (social as-

sistance, social insurance, regulatory intervention into markets, the provision of services such as health and education). Democracies are "liberal" to the extent the substantive range of possible democratic decision-making is strictly *limited* and governments are effectively hindered to interfere with political and civic freedoms of citizens. For instance, the citizens' equal right to democratic participation is not itself at the disposition of those participating in the democratic process; i. e., it cannot be denied to minorities by majorities. Liberal democracies establish a precarious balance between collectively binding rules that are the *outcome* of democratic decision making (ordinary laws) and rules which are (at any given moment, at any rate) *immune* from such outcomes. - The other limitation of overall state power (to which I shall return) is the division and mutual constraint of (legislative, executive, federal, juridical,) state powers, with one of the most inconspicuous (though highly consequential) constraints being the temporal limitation of government (meaning that the tenure of elected office is time-limited and elections are periodic).

(3) Democracies organize *political competition* and institutionalize the non-violent conduct of political conflict between contending groups (parties) aspiring to government office. Winning contested elections is the procedure through which rulers gain their governing power - which means that elections generate *losers* (i. e., defeated parties and their supporters) who are expected to recognize the victory of the winner as legitimate - as a binding fact, if only for the time being, namely until the next elections. The identity and configuration of contending political parties is in part an artifact of the electoral system (with majoritarian electoral systems of the "single member plurality" (SMP) type normally leading to a two party system), in part a reflection of social cleavages (of class, religion, regional or national identities) and their organizational representations (trade unions, faith-based organizations). Democracy is the scene of "democratic

class struggle" (Lipset 1981), as well as other kinds of struggle for political power - struggles the outcome of which has (unless the state's capacity and agenda is severely constrained, as just discussed, by fiscal and/or ideological limitations) significant implications for peoples' life chances and the distribution of their capabilities.

Yet not all political competition, as carried out in electoral campaigns, is of such substantive sort. Political sociologists distinguish between three types of competitive struggle: First, he struggle over alternative ideological and *programmatic positions* and goals of political parties, with the core issue being the extent to which market forces *vs.* interventionist regulatory and distributive policies as well as social rights can and should be relied upon. Second, the struggle over alternative answers to *current issues*, such as "should we withdraw our troops from Afghanistan?" or "should we diminish our dependency on nuclear energy by investing in renewable sources of energy?". Third, the struggle between *persons* competing for the trust and electoral support of constituencies that they need for their access to leadership positions in government. Most comparative and historical research on the development of these three kinds of competitive contestation supports the generalization that parties increasingly fail to offer (and voters fail to appreciate) distinctive and encompassing programmatic positions and instead appeal to increasingly "volatile" voters by taking positions on (and claiming superior competence for the management of) specific issues such as tax, environmental, labor market, economic, or health policy. Another trend is the growing preponderance of the "personality" of contending political elite figures, with the design of the image and public appearance of personalities becoming increasingly the professionalized business of media and communication experts.

The ongoing surveying and measuring of public opinion trends also allows professional political communication experts to design, on behalf of the parties and elites they serve, a promising synthesis of these dimensions of political competition. There is in many OECD countries a clear tendency, and not just in the presidentialist systems, to *personalize* political conflict by giving (arguably undue) emphasis to the third of the above dimensions of conflict, namely leadership personality. This shift of conflict may not only have to do with the "end of ideology" and the secular approximation of social democratic forces to market-liberal views and programmatic outlooks, but equally to the *media*-based nature of the competitive struggle of politics. The archetypes of "winners" and "losers" in the drama of a "fight" among concrete persons can appeal to the passions in ways that are hard to match by ideological stances and controversial policy issues. Not only are persons, as compared to issues and programs, more easily (and more economically) portrayed and represented by print and electronic media alike; the "like/dislike" (or "trust/distrust") code of personalized conflict is also the more easily and deeply engrained into citizens' memory, while loyalties, judgments, and preferences concerning issues and programmatic ideas are more demanding to establish in any durable fashion. It often seems that the vehemence of personalistic political competition is the greater the *smaller* the actual differences between the contending parties are concerning their programs and policy platforms, as all major parties try to cater to the "median voter" and the practice of *state* craft is degenerating into mere *stage* craft (Streeck).

The personalization/presidentialization of politics often culminates in the "*populist*" confrontation of personalities combined with moralized identity issues sometimes bordering on cultural wars. This confrontation is designed to pose "*us*", the good, honest, decent, and deserving

people, as represented by a trustworthy leader (self-styled as "one of us"), against "*them*", the evil, suspicious, corrupt, and undeserving if not positively dangerous opponents. Populist politics are thus both unifying and divisive. They try to unify people on the basis of simple moral truths (which are held to be self-evident and do not require the effort of argument and reasoning) and do so by opposing "all of us" to categories of people that need to be stopped from inflicting further damage on "us". Populists and populist parties pick either of two kinds of foes. One is the ruling *political elite* (the "political class") itself, together with its bureaucrats, alleged cronies, and other beneficiaries of more taxes, more centralization, and more regulation. This libertarian, often anti-statist variety of populism defends not just free markets, but also the autonomy of local communities and regional identities. The other variety of populist divisiveness frames the "otherness" that is to be opposed not in anti-elite, but in *anti-minority* terms: the category of people that is to be opposed are the foreigners, the migrants, ethnic minorities. It is the attempted *fusion* of these two kinds of "otherness" that are the target of the rhetoric and politics of populist leaders (a fusion that has gained electoral strength in Europe in countries as different as Norway and Hungary) that can eventually challenge the viability of liberal democracy as it calls into question and actively undermines the fundamental democratic principle of equality of political rights.

(4) *accountability* - My last defining criterion of the institutional structure of liberal democracy is the presence of mechanisms which serve to hold ruling elites accountable for what they do, including what they fail to do. There are three kinds of such accountability enhancing institutional devices. First, in a *vertical* perspective and through the mechanisms of periodic general elections, party competition, and the investigative reporting of free media, *citizens* have the opportu-

nity of removing governing elites and majority parties from office if they are dissatisfied with their performance. Second, wrongdoings of incumbent governments can be exposed as such, through *horizontal* accountability mechanisms, by *parliaments* and parliamentary committees as well as by constitutional (or "supreme" or "high") *courts*. Third, much of correction of (putative) failures, errors, and malfunctioning of government policies takes place through the ongoing and inconspicuous influence of organized interests and their veto power (which consists in an often ambiguous mix of threats, warnings, and conditional promises). The use of such power is typically focused upon alleged negative impacts certain government policies (such as fiscal reforms) are claimed to have upon growth, employment, competitiveness, and fiscal and monetary stability.

Yet governing elites can also defend themselves against and escape the consequences of being held accountable for undesired results of their policies and decisions. "Blame avoidance" is known to be a dominant tactical motivation of incumbent governments. (Rosanvallon 2008) As the opposition party often does not have to offer more desirable policy alternatives, replacing the incumbent government by one that is led by the opposition is often not a promising move from the point of view of voters. In our age of "globalization", frustrating policy outcomes can be blamed on forces that are allegedly beyond the control of national governments - for instance, forces such as the financial market crisis. Margaret Thatcher's famous TINA argument ("there is no alternative") is often endorsed by economic orthodoxies that unfold, with the questionable authority of scientific objectivity, in all kinds of consultative bodies and in the media. Also, in an age of "governance" (usually understood as the multi-actor and multi-level configuration of policy actors), it is hard to see who exactly is to blame for negative results and how to locate a re-

sponsible actor. Finally, governments have numerous means (among them the subtle forms of control over the media, government-sponsored information campaigns, the tactical timing of decisions, clientelism, keeping failures secret or stretching their evidence over time) to immunize themselves against accountability mechanisms.

(3) *Diagnostics of democratic failure and the need for democratic innovation*

According to the diagnosis of prominent democratic theorists, we are in the midst of a second transformation of democracy (Dahl 2000, Warren 2003), with the first one being the transition from direct (agora, town hall) democracy to party-dominated representative democracy. There is now a recent and abundant literature on the "crisis" of democracy (Crozier et al. 1975, Pharr and Putnam 2000, Rosanvallon 2008), even "the end" of democracy (Guéhenno 1993), the "end of politics", or the rise of "post-democracy" (Crouch 2004). One of the context conditions that triggered these perceived challenges may have been the breakdown of state socialism. As long as state socialism existed, Western democracies could content themselves with claiming (and undoubtedly rightly so) that they were "better" than their authoritarian counterpart. After that counterpart became obsolete, they now have to demonstrate (and to provide compelling argument) that they are "good", i. e. normatively sustainable, on their own terms. What needs to be shown in a compelling way is that the institutional structures and mechanisms of liberal democracy (as summarized above in section 2) are actually capable of performing (some or all of) the functions (as discussed in section 1) for which liberal democracy is held to be the most desirable form of political rule. This demonstration is not an easy task, to put it mildly. Causal narratives on the crisis of democracy include economic globalization and the absence of effective supranational

regulatory regimes; the exhaustion of left-of center political ideas and the hegemony of market-liberal public philosophies, together with their anti-statist implications; and the impact of financial and economic crises and the ensuing fiscal starvation of nation states.

For reasons of limited space, I shall mention in a stenographical manner only some of the trends and symptoms that have lead authors to speak of the "crisis" - or creeping deconsolidation - of liberal democracy. In most liberal democracies there is a secular decline in electoral turnout. (Dalton 2004) Also, class specific turnout rates in general elections are drifting apart, with the least well-to-do showing the lowest interest in *voting* in elections, and even more so in engaging in the more demanding participatory practices of *joining* (movements, political parties, associations) and *donating* (of money, expertise, time).[1] This trend is accompanied by a sharp decline in citizens' trust in politicians. Both in new and in old democracies, apathy, cynicism, and a sense of powerlessness is on the increase. Many of the terms that have been used to describe the situation of widespread political alienation start with a "dis": dissatisfaction, disenchantment, disappointment, the sense of the people being disempowered by elites, depoliticization, disaffection. (Torcal and Montero 2006) In sharp contrast to the decline of European democracies in the inter-war period, however, such alienation has not given rise to explicitly anti-democratic movements. People remain democrats, if "frustrated democrats". (Dalton 2004) Similar trends have been documented concerning in all kinds of associations in general (again, with a class bias) and membership in political parties in particular. It has been argued that contemporary democracies are in

[1] In addition to my triplet of voting/joining/donating as modes of democratic participation, one might think of "knowing" (i. e., having access to a true picture of the collectively relevant situation and to methods that ensure the truth of the picture). But a discussion of the conditions of adequate - and unbiased - "cognitive participation" would have to focus on the media and their political function, a discussion I have to skip here for reasons of space.

fact "post-liberal" in that they are populated, at the level of the inputs of demands and preferences, by two categories of citizens: first, ordinary "natural" citizens - individuals who vote and participate in various ways - and second, a poorly legitimated class of "secondary citizens" which consists of associations, pressure groups, lobbies and similar agents of functional representation. (Schmitter 2000) By employing the organizational weapons of threats, warnings, and conditional promises, the latter can gain, a measure of (highly intransparent) control over public policy that the multitude of individual citizens can hardly match.

(4) *Two families of remedies*

Lipset's characterization of democracy as "democratic class struggle" emphasizes the essential aspect of contestation in the democratic process - the struggle for power among competing elites. Yet democratic politics does not just consist in the drama of competition, contestation, and open political conflict (a drama that is eventually to be decided by the casting of ballots in elections and the counting of votes). It also consist in the less conspicuous and less easily dramatized process in which citizens, by making use of their individual cognitive and moral resources and exchanging arguments in the public sphere, form judgments about the matters that affect the political community as a whole. The confrontational *conflict* of political wills and preferences as it is *expressed* in the voting booth is preceded by a process of will *formation* in which not numbers and the logic of aggregation, but interpretations of reality, arguments, and reasons play the central role. At the stage of *formation* - as opposed to *expression* - of political will, the institutional framework of the process does not consist in parties, votes, and elections, but in political rights of association and communication and the opportunities for deliberative will formation they pro-

vide. To be sure, these opportunities do not only depend upon the presence of civil and political rights; they also depend upon the "social realization", or the opportunity to make use, of those rights in the media, educational institutions, and associations/movements within civil society. The distinction between the two stages is important for democratic political theory; it is the same distinction as that between trying to *persuade* my opponent in a public exchange of arguments and *outnumbering* my opponent through mobilizing my support more effectively than the other side is able to. Democratic politics proceeds in cycles that involve *both* of these stages; we get a one-sided and defective picture of the democratic political process if we think of it only in terms of *expressing* preferences through voting and elections and not also in terms of the *formation* and *revision* of those preferences. (Goodin 2004) The two families of democratic innovations proposals focus on each of these two stages, the expression and the formation of the political will of citizens.

(a) Strengthening the voice of citizens and the expression of their will; modes of aggregation of "given" individual preferences

Individual citizens can participate in politics through three main channels: voting (in general elections), joining (associations, parties, or movements), donating (money, time, expertise). All three are affected in contemporary democracies by either a manifest decline of their usage or/and an increasing class bias. That is to say, the middle class and those above it vote, join, and donate more often and more extensively than those below it in terms of income, wealth, socio-economic security, and education. In order to overcome those biases, a variety of measures have been proposed to facilitate and equalize the *expression* of political preferences. These include changing

the electoral system to single transferable vote (STV); making voting mandatory (as in Australia, Belgium; Lijphart 1997); allowing for direct democratic and plebiscitary legislation (along practices of Switzerland and California serving as a model); enhancing devolution and the autonomy of local governments; democratizing the funding of interest associations (Schmitter 2000); allowing for vicarious voting of parents (one extra vote for every mother per son and every father per daughter; Hinrichs 2002); introducing gender (and perhaps other, for instance cohort) quota in the operation of parties, parliaments, and governments (Phillips 1995); making the number of representatives contingent upon the turnout of constituencies (cf. participatory budgeting in Brazil, Santos 1998); opening the option for voicing dissent by introducing the NOTA rule (which would allow the voter to cast a negative vote saying "none of the above") into the electoral process; making membership fees (more strongly) tax deductible; and reforming political and campaign finance according to the three principles of capping overall expenditures, making "plutocratic" donations more transparent, and financing campaign and political party expenditures out of public revenues (cf. Nassmacher 2009, cf. Ackerman and Ayres 2004). (For overviews of these and similar proposals for innovation, see Fung and Wright 2003; Schmitter and Trechsel 2004; Smith 2005 and 2009)

(b) *Improving will formation through deliberation*

There are two premises, or philosophical starting points, of any theory of deliberative democracy: (i) the pursuit if every preference that is consistent with the law is legitimated by liberal principles which deny the holders of state power the right (as it was claimed by the holders of power under state socialism) to denounce the citizens with certain critical preferences as suffer-

ing from "false" consciousness and thus provides a pretext to repress allegedly hostile intentions deriving from it. At the same time we need to recognize that preferences are not given and "natural", but *formed* through cognitive and moral considerations which in turn can be hampered by interests and passions, as well as by communicative conditions that hinder the reflective probing of one's preferences (Offe 1992). The institutional facilitation of such probing would lead to the neutralization of what Steven Lukes (2005) has called the "third" and least conspicuous kind of social power. (ii) The second premise is this: The formation of political (as well as other) preferences is not just a matter of intra-personal consideration and reflection alone, as in the monological process of "preference laundering" (Goodin 1982) taking place in some *forum internum*. Rather, it is a *social* process in which people *find out*, in the course of a non-strategic exchange of information and practical reasoning, what other people consider true and desirable for "all of us" - a process in the course of which the preferences with which people have entered the exchange may undergo *revisions*. (Whether or not such revisions will verge on consensus is bound to remain an open question for empirical observation.) The rule governing such deliberative exchange is something like this: You know what *you* want only after you know what *others* want, and after knowing and considering the reasons on which those others base their preferences. In practical terms, learning about other people's preferences and their reasons for holding them can encourage the formation and clarification of one's own preference on the matter under joint deliberation, provided the exchange takes place on a minimum level of respect and mutual assurance.

The institutional location in which preference formation as a social process takes place is the "life world" or, more specifically though congruently, the "third sector" (Goodin 2003). The so-

ciological distinctiveness of this "sector" consists in the fact that its organizational forms (foundations, movements, local initiatives, faith-based organizations etc.) are at the same time non-governmental organizations (NGOs) and non-profit organisations (NPOs). That is to say, what they do is not predominantly guided by criteria of *legal* correctness (as in public administration) or the ambition to gain law-making powers (as in political parties); and neither is it primarily guided by an economic calculus of *profitability*. Instead, the activities of NGOs/NPOs are dominated by normative *intentions* and the values to which such intentions relate (a case of Weber's *Wertrationalität*). Yet, while acting outside of the realms of market competition and political contestations, such organizations can have a direct impact upon both economic and political processes. (Goodin and Dryzek 2006) The question by which methods such impact can be institutionalized in democratic polities (Offe 1997) has led to numerous experiments, institutional innovations, and empirical observation of the nature of deliberative preference formation and change. (Smith 2009, Warren and Pearse 2008)

Since the early 90ies, the philosopher James Fishkin (1991, 1997) has experimented in many countries and settings with the method of "deliberative polling". This method is designed to generate evidence of the "hypothetical", or counter-factual will of the people. It shows what people *would* end up wanting had they been given the opportunity to think about, with others, under conditions promoting "enlightened understanding" (Dahl 2000) and mutual respect, what they "really" want. They are able to better understand, *revise* and upgrade their own preferences. Fishkin's method measures, in order to demonstrate the amount and the direction of preference revisions, the distribution of opinions and political preferences before and after a relatively short period of deliberation in which a randomly selected group of citizens is invited to participate.

When institutionalized - for instance in the form of "national issues conferences" preceding national elections or even in the form of an annual "deliberation day" (Ackerman and Fishkin 2004) - this would arguably have a major impact upon political elites: For as a result of deliberative polls, elites are provided with the opportunity to know what the well-considered, as opposed to the "raw" and unreflected, "will of the people" is. There would be a demonstration effect: if people actually *had* the time, expertise, and appropriate communicative framework to think seriously about the issues that are on the political agenda, they would demonstrably change their pre-given preferences (with which they *entered* the deliberative polling process) in a specific way (that in most cases can be characterized as a "left liberal" direction of preference revision; cf. Fishkin 1997: 183-196). It is not entirely clear from Fishkin's highly innovative work to what extent the finding of deliberative polls can actually exercise an *informal authority* (or "soft power") over political elites who are now, after such polls and the due publication of their outcomes by the media, known to know that the "will of the people" (as registered by ordinary opinion surveys to which they like to refer for legitimation purposes whenever it suits them) is in fact a mere *artefact* of prevailing non-deliberative conditions of preference formation.

Deliberative "mini-publics" (Goodin and Dryzek 2006; Fung and Wright 2003) must ideally conform to three criteria: they must be *democratic*, *deliberative*, and *consequential*. Two additional criteria are discussed by Smith (2009): procedures must be *affordable* and *transferable* to a variety of political issues, i. e. not limited to the most basic issues having to do with electoral systems and the problem of "choosing how to choose", as in the famous case of electoral reform in the Canadian Province of British Columbia, cf. Warren and Pearse 2008) The first of these criteria, the rights-egalitarian or *democratic* character, can be fulfilled in two ways. One is *"open ac-*

cess" to an assembly: whoever wants to be present has the right to come and to presents his/her point of view. This applies, for instance, in the case of participatory budgeting or the "deliberation day" proposal of Ackerman and Fishkin (2004). The drawback of this is the strong social selectivity that is connected with (i) who shows up and (ii) who takes the floor (to which the answer is likely to be: overwhelmingly members of the educated middle classes plus representatives of parties and interest groups). Moreover, if the assembly is large, deliberation according to the rules of a "mini-public" (see below) is hardly possible. Therefore, and as an alternative to "open access", advocates of deliberative procedures have typically opted for a *random selection of participants* and the technique of stratified sampling which is intended to make the composition of the mini-public as much as possible a mirror image of the constituency. In this way, an inappropriate role of political party delegates and bearers of functional representation (i. e., interest associations) can be avoided. It must be admitted, however, that self-selection (and the biases contingent on it, for instance age, education, rhetorical skills) cannot be fully avoided. After all, before a random selection can take place, people must declare their readiness to actually perform their role in the deliberative body should the lot decide that they may do so. Although both of these "democratic" methods of constituting a deliberative body - open access to assemblies and random selection of participants - clearly have their problems, the variety of experience, opinion, and points of view present in either of them is arguably still greater (and less affected by strategic interests in gaining and maintaining political power) than it is the case in ordinary representative assemblies.

Secondly, and although *deliberative* settings will hardly ever achieve the criteria of Habermas' "ideal speech situation", there can be a considerable approximation to it through the role of "fa-

cilitators". Participants are asked and constantly reminded by the facilitator to speak out, to listen to others, to behave respectfully, to discipline their political passions, to declare their interests in the issues under discussion, to learn about the issues and alternatives they are dealing with, to try to persuade others of their points of view through spelling out reasons, and to arrive at a policy recommendation which reflects, as far as possible, their shared understanding of what conforms to their notion of the common good. In that process, three considerations (or virtues) are typically coming up: *fact*-regardingness, *other*-regardingness, and *future*-regardingness. As to fact-regardingness, the typical question is: Do we know enough in order to develop an informed recommendation on some policy question? Other-regardingness concerns the readiness to take into account the interests, values, and rights of others. And future-regardingness is the ability to look at and evaluate the long-term consequences of the solutions proposed and to deal with issues of their sustainability. In order for a group of deliberators to live up to these demanding standards (and usually under severe time constraints), the group must be *small* in order to allow for a full presentation of arguments and opinions of its members. Also, and in order to enforce the above rules of deliberation, the *facilitator* must assume the role of enforcing roughly equal participation and an adequate input of information (which is usually provided by a diverse group of experts who are made available for lectures and questioning).

Perhaps hardest to realize is the third criterion: Deliberations of mini-publics must be (known by participants to have a reasonable prospect to be) *consequential*, i. e. have some measure of political impact. This impact can be entirely informal, but even that presupposes that political elites and members of legislative assemblies take mini- publics seriously, and that the media report on the process and outcome (recommendations) of deliberation. "Planning cells" (Dienel 1997) and

"citizen juries" (Coote and Lenaghan 1997)) are cases where the promised impact was to an extent formalized: sponsoring (local) governments made a formal commitment to provide reasons in public should they opt *not* to follow the recommendations given by deliberating mini-publics. Again the most far-reaching commitment was one that the government of British Columbia made, namely the commitment to hold a referendum on the Assembly's proposal (however one with strong super-majoritarian conditions which ultimately caused its failure by a narrow margin). At any rate, if the participants cannot rely on the expectation that what they do and come up with has at least some chance of "making a difference" in public policy, their readiness to participate, to spend time on learning and understanding, and to properly deliberate will soon be exhausted.

References

Ackerman, Bruce and Ian Ayres. 2004. *Voting with Dollars: A New Paradigm for Campaign Finance.* New Haven: Yale UP.

Ackermann, Bruce and James S. Fishkin. 2004. *Deliberation Day.* New Haven: Yale UP.

Bauer, Otto. 1907. *Social Democracy and the Nationalities Question.*

Coote, Anna and Jo Lenaghan. 1997. *Citizens' Juries: Theory into Practice.* London: IPPR.

Crouch, Colin. 2004. *Post-Democracy*. Cambridge: Polity.

Crozier, Michel J., Samuel P. Huntington and Joji Watanuki. 1975 *The Crisis of Democracy*, New York: NYU Press.

Dahl, Robert A. 2000. *On Democracy*. New Haven: Yale UP.

Dalton, Russell J. 2004. *Democratic Challenges, Democratic Choices. The Erosion of Political support in advanced industrial democracies*. Oxford: Oxford UP.

Dienel, Peter C. 1997. *Die Planungszelle. Eine Alternative zur Establishment-Demokratie.* Opladen: Westdeutscher Verlag.

Fishkin, James S. 1991. *Democracy and Deliberation. New Directions for Democratic Reform.* New Haven and London: Yale UP.

Fishkin, James S. 1997. *The Voice of the People. Public Opinion and Democracy*. New Haven: Yale UP.

Fung, Archon and Erik Olin Wright (eds.). 2003. *Deepening Democracy. Institutional Innovations in Empowered Participatory Governance*. London:Verso.

Goodin, Robert E. and John S. Dryzek. 2006. "Deliberative Impacts: The Marco-Political Uptake of Mini-Publics" *Politics and Society* 34, no. 2, 219-244.

Goodin, Robert E. 1982. *Political Theory and Public Policy*. Chicago: University of Chicago Press.

Goodin, Robert E. 2003. "Democratic Accountability: The Distinctiveness of the Third Sector" *Archives Européennes de Sociologie* 44, no.3, 359-369.

Goodin, Robert E. 2004. "Input Democracy" in: Engelstad, Frederik and Oyvind Osterud (eds.). *Power and Democracy.* Aldershot: Ashgate, 79-100.

Guéhenno, Jean Marie. 1993. *La Fin de la Démocratie*. Paris: Flammarion.

Heller, Hermann. 1983. *Staatslehre*. Tübingen: Mohr 1983 [1933].

Hinrichs, Karl. 2002. “Do the Old Exploit the Young? Is Enfranchising Children a Good Idea?” *Archives Européennes Sociologiques* 43, 35-58.

Kant, Immanuel. 1795. *Zum Ewigen Frieden. Ein philosophischer Entwurf.*

Lijphart, Arend. 1997. "Unequal Participation. Democracy´s Unresolved Dilemma" *American Political Science Review* 91, no. 1, 1-14.

Lipset, Seymor M. 1981. *Political Man: The Social Bases of Politics.* Baltimore: Johns Hopkins UP.

Lukes, Steven. 2005. *Power. A Radical View.* London: Palgrave.

Mill, John S. 1861. *Considerations on Representative Government*.

Nassmacher, Karl Heinz. 2009. *Political Finance*. Baden-Baden: Nomos.

O’Connor, James. 1973. *The Fiscal Crisis of the State.* NY: Saint Martin's Press.

Offe, Claus. 1992. "Bindings, Shackles, Brakes: On Self-Limitation Strategies" in: A. Honneth, T. McCarthy, C. Offe and A. Wellmer (eds.). *Cultural-Political Interventions in the Unfinished Project of Enlightenment.* Cambridge, Mass., London: MIT-Press 1992, 63-94.

Offe, Claus. 1997. "Microaspects of Democratic Theory: what makes for the deliberative competence of citizens?" in: Hadenius, Axel (ed.). *Democracy's Victory and Crisis.* Cambridge: Cambridge UP: 81-104.

Pharr, Susan J. and Robert D. Putnam (eds.). (2000). *Disaffected Democracies. What's troubling the trilateral countries?* Princeton: Princeton UP.

Phillips, Anne. 1995. *The Politics of Presence: The Political Representation of Gender, Ethnicity, and Race*. Oxford: Oxford UP.

Rosanvallon, Pierre. 2008. *Counter-democracy: politics in an age of distrust.* Cambridge: Cambridge UP.

Santos, Bonaventura de S. 1998. "Participatory Budgeting in Porto Alegre: Toward a Redistributive Democracy" *Politics & Society* 26(4), 461-510.

Schmitter, Philippe C. 2000. "The Prospects of Post-Liberal Democracy" in: Karl Hinrichs, Herbert Kitschelt and Helmut Wiesenthal (eds.). *Kontingenz und Krise*, Frankfurt: Campus, 25-40.

Schmitter, Philippe C. and Alexander H. Trechsel (eds.). 2004. *The future of democray in Europe. Trends, analysis and reforms*. Strasbourg: Council of Europe.

Smith, Graham. 2005. *Beyond the ballot: 57 democratic innovations from around the world*. http://www.soton.ac.uk/ccd/events/SuppMat/Beyond%20the%20Ballot.pdf.

Smith, Graham. 2009. *Democratic Innovations: Designing Institutions for Citizen Participation.* Cambridge: CUP.

Sen, Armatya. 1999. *Development as Freedom*, NY: Knopf.

Tocqueville, Alexis de. 1988 [1835, 1840]. *Democracy in America*. 2 vls. New York: Vintage.

Torcal, Mariano and J. R. Montero (eds.). 2006. *Political Disaffection in Contemporary Democracies. Social Capital, institutions, and politics*. London: Routledge.

Warren, Mark E. and Hilary Pearse (eds.). 2008. *Designing Deliberative Democracy*. Cambridge: CUP.

Warren, Mark E. 2003 "A Second Transformation of Democracy?" in Cain, B.C., R. J. Dalton and Susan E. Scarrow (eds.), *Democracy Transformed?* Oxford: OUP.