

**'POST-LIBERAL' DEMOCRACY:
A SKETCH OF THE POSSIBLE FUTURE?**

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To paraphrase Karl Marx and Friedrich Engels for the Nth time, a new specter is haunting 'real-existing' democracy: **Post-Liberal Democracy (PLD)**. Now that the liberal version has managed to sweep virtually all alternative macro-political regimes from the field, victorious democrats have been freed from the vanished spectre of **People's Democracy**, they can now disagree among themselves over the meaning of their preferred (and no longer just "better than the other") form of political domination and to evaluate the *praxis* of their respective democracies according to their compatibility with whatever normative criteria these actors decide to apply.

The evidence is accumulating that, whatever the criteria their citizens apply, both 'real-existing' (REDs) and 'newly-existing' democracies (NEDs) are being judged severely and, hence, suffer increasingly from problems of legitimacy - not to mention, efficacy. There exist already considerable and widespread signs of this growing discontent, even if they are still somewhat unevenly distributed across the 'old' regimes of Western Europe and North America, and the 'new' ones of Latin America, Asia and Africa. Voter turnout has declined, as has

SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

trade union membership, the prestige of politicians, citizen interest in public affairs, the perceived role of parliaments, the strength of party identification and the stability of electoral preferences. Conversely, rates of constitutional litigation have risen; accusations (and convictions) of corruption have increased, and anti-party candidacies have proliferated. The sources behind this discontent do not seem to be conjunctural - indeed, it initially coincided in the 1980s with relatively good economic performance and a fairly stable and peaceful international system.

Moreover, the present crisis has greatly increased the magnitude of virtually all these features of citizen *desencanto*. They are affecting parliamentary, presidential and semi-parliamentary democracies, centralized and federalized ones, two and multi-party ones, central and peripheral ones, new and old ones. Nor have these "morbidly symptoms" been confined to a particular segment of the ideological spectrum - even if, in the short run, they seem to have had more of an impact upon the 'progressive' forces of the Left that advocate a greater rather than a lesser role for active state intervention in order to provide greater personal security and equality among their citizens.

My **hunch** is that, when citizens get around to examining what discontents them most about the performance of their "real-existing" democracies, they will tend to focus attention on the **liberal (and not the democratic)** characteristics of these Regimes.¹ For Liberalism, whether as a conception of political order or as a doctrine about economic policy, may have coincided in some countries with the rise of democracy, but it has never been immutably or unambiguously linked to its practice, least of all, once this type of regime was transformed to include mass enfranchisement, popularly elected executives, self-perpetuating political parties, specialized class and professional associations and boisterous social movements. Indeed, at the time, most of these changes were opposed by liberals who had preferred a restricted franchise, a passive form of electoral participation, parties composed of local notables, and multiple checks-and-balances to ensure that popular (and potentially

¹ In this essay, I will attempt (among other things) to specify what is 'liberal' about the present practice of 'real-existing' democracy. Needless to say, the concept 'liberal' has proven to be "polysemic" - capable of bearing many different meanings. Benjamin Constant in his essay on "La Liberté des Anciens comparée à la Liberté des Modernes" comes closest to capturing its distinctive properties by comparing them to the original Greek version. Perhaps, the best title for this essay would have been: "La Démocratie des Modernes comparée à la

tyrannical) majorities would be contained.

More recently, however, usage in Europe (and especially in the United States) has tended to celebrate this connection with Liberalism and, hence, literally to equate "democracy" with "constitutional, representative, individualist, voluntarist, privatist, capitalist, functionally limited, strictly political democracy as practiced within nation-states." Any one who questions the status of these implied qualifiers risks being labeled as, at best, an illiberal non-democrat or, even worse, as an anti-liberal one.

I think that it is useful to remember that the contemporary ideological hegemony of liberal democracy was not so firmly established in the past and may not persist in the future - for the following reasons:

- The "classical" democracies that anteceded the present ones and which provided many of their symbols and normative justifications had very different practices of citizenship and accountability;
- Not only do various "direct" forms of democracy persist, but also there are very different types and degrees of "indirection" built into contemporary representative democracies;
- Political parties and territorial constituencies do not provide the only (and, perhaps, in some cases not even the predominant) connection between citizens and their rulers;

Démocratie des Prochains."

SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

- Elections between competing candidates may no longer be capable of ensuring the accountability of rulers, either because the candidates do not offer a significant choice to voters or because, once in office, they can use "incumbency resources" to ensure their re-election;
- In most contemporary democracies the effective citizens, i.e. those who actually influence public policy, are not individuals, but organizations that purport to represent the "categoric" interests and passions of citizens;
- Purely voluntary participation and recruitment of these organizations has the effect of skewing both associations and movements to favor privileged social groups with more of the necessary resources;
- Both political parties and interest associations are increasingly being led, not by normal, part-time 'amateur' citizens, but by full-time professionals who select their personnel, define their objectives and conduct their campaigns.
- Institutional configurations based on checks and balances ("horizontal accountability" + "multiple veto-points" to use the contemporary jargon) may only (re)produce stalemate and/or protect the power of well-entrenched and privileged minorities;
- Constitutions tend to reify the distribution of power at the moment of foundation and can become anachronistic when dealing with new political forces and policy issues, especially when they have been made virtually impossible to amend;
- Unqualified observance of the rule of law and of judges tends to favor incumbents and privileged classes, especially when many of the laws and not a few of the judges are "carried over" from the previous autocracy;
- It has long been a matter of controversy whether the generic principles of democracy should be confined to

SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

"public/political" institutions, or extended to cover ostensibly "private/non-political" institutions that have an impact upon the society as a whole;

- It is a historical accident, having little or nothing to do with democracy, that its practices have been largely confined to nation-states, i.e. to a sub-set of territorial units of very unequal size, level of development, national unity, cultural homogeneity and so forth that claim an exclusive identity and a sovereign territory.

These transformations amount to what Robert Dahl has called 'revolutions' in the praxis of democracy. Elsewhere, I have suggested that, in addition to his three revolutions of size, scale and scope, contemporary REDs and RCDs have already gone through two others (permanently organized interest associations and professionalization of the role of politicians) and are in the midst of two, possibly four, simultaneous ones (the extension of guardian agencies, multi-level & supra-national government, policy-making by governance and electronic politics). As was the case in the past, these major transformations in praxis have been occurring without violence and even without the perpetrators being aware of their significance.

My **second hunch** is that these (usually implicit) liberal qualifications -- and, perhaps, others -- will be explicitly questioned in the coming decades. Far from being secure in its unprecedented challenges. Its future, as I have suggested

SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

elsewhere, may well be increasingly "tumultuous, uncertain and very eventful."² The End of History - even in the eschatological sense of Hegel/Fukuyama - has not yet been reached, although the sources of a comprehensive and principled rejection of liberal democracy will not come, as in the past, from the emergence of an autocratic alternative but from the reassertion of the fundamentals of democratic theory.

I take the following to represent the basic and distinctive principles of a liberal democracy:

- Its exclusive emphasis on the individual citizen and on individualism, substantive and procedural as well as methodological;
- Its commitment to voluntarism in the form and content of political participation, as well as in the recruitment of politicians;
- Its insistence on rights and their protection by pre-established constitutional/legal norms that place these rights beyond political contention;
- Its fixation with territorial representation and partisan competition for providing the only legitimate links between citizens and public authorities;
- Its confinement to the bounds of national state institutions as well as its (tacit) complicity with nationalism;

² Philippe Schmitter, "The Future of Democracy is Not What it Used to Be," Zeitschrift für Vergleichende Politikwissenschaft Vol.11, No. 4 (Dezember 2017), pp. 459-469.

SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

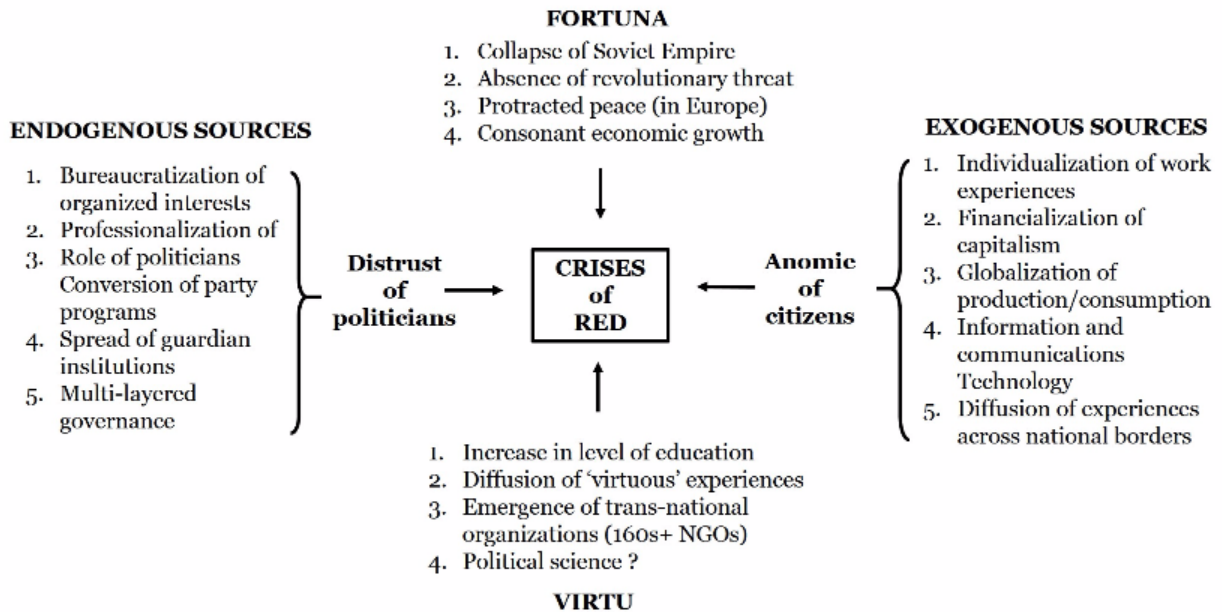
- Its hostility to coercive public authority, especially when backed by large numbers of less-privileged citizens, and therefore its affinity for complex systems of 'checks and balances;'
- Its restriction to formal political equality and indifference to persistent and systemic (if informal) inequalities in the distribution of benefits, the representation of interests and the pursuit of influence.

Every one of these principles is threatened by one or another of the major trends that characterize the contemporary world: globalization of trade and production systems; change in the role and source of technological innovation; concentration of the ownership of productive or distributive property; formation of regional trading blocs and supra-national organizations; expansion and inter-penetration of communications systems; increased vulnerability to business cycles across national borders; necessity for industrial restructuring in the face of greater international competitiveness; liberalization of financial flows from one country to another; increased inequality in income and especially wealth; individuation of personal life-situations; and - last but not least -- growing insecurity due to changes in the configuration of Great Powers and declining capacity for governance by exclusively national institutions.

Granted that some of these challenges are not new and that liberal democracy has managed to survive analogous threats in the past; nevertheless, the magnitude, multiplicity and simultaneity of these trends are unprecedented -- as is the absence of any "systemically plausible" autocratic alternative for coping with them.

[Place Figure One Here]

Figure One



The central theme of Figure One is that REDs are being assailed from two directions: a set of changes that are

endogenous to its practice and a set of changes that are **exogenous** to it, but affect the environment in which RED is embedded and from which it derives its resources. The endogenous (political) sources combine to produce and reproduce **mistrust** in the politicians and institutions of RED. The exogenous (socio-economic) sources contribute to the spread of **anomie** in the population. Its core hypothesis is that the peculiar intensity, persistence and potential threat of the present crisis of RED are rooted in the interaction between these two "intermediate conditions." Mistrust alone would most likely result only in sporadic outbursts of resistance by citizens, usually in the form of reactions to revelations of scandalous malfeasance in office. Anomie alone only provides an incentive to withdraw passively from politics or to express personal dissatisfaction which, however, is incapable of motivating others due to his or her social isolation. Together, mistrust and anomie are capable of sustaining a movement of opposition that could threaten "democracy as we have known it."

The literature on the spread of distrust in contemporary REDs is enormous - and growing.³ I see no reason to summarize or

³ Google the concept, "political distrust," and you will get 13,000,000 hits (16/03/18). Moreover, most of the items seem to

SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

explicate it here in any detail. The evidence from surveys of public opinion is overwhelming that it has increased exponentially in recent decades, roughly beginning in the 1980s.

While it initially focused on citizen perceptions of politicians and their parties, it has extended to cover almost the whole gamut of RED institutions - with some exceptions such as the military and the judiciary. Needless to say, there is still considerable variation among REDs, but virtually everywhere the trend is toward greater skepticism and, in some places, even outright rejection of their utility and legitimacy.

The second new specter haunting 'real-existing democracy' has been much less noted - perhaps, because it is much more difficult to measure using the traditional instruments of public opinion research; but also because its manifestations are much more insidious and subversive, namely, *anomie*.⁴ Generically, it has been defined as a condition in which individuals feel alienated and purposeless because they lack shared standards, values and/or

refer to its contemporary manifestations.

⁴ The concept was introduced into modern social science by Emile Durkheim where it was initially used to explain suicide - especially its "altruistic" version. Whether its intrusion into contemporary political analysis will lead to the conclusion that RED will destroy itself altruistically remains to be seen. Emile Durkheim [1897], Suicide: a Study in Sociology (New York:

SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

ideals. To put it into political terms, *anomie* is a condition in which citizens have lost their sense of belonging to a specific and meaningful political group and gained the impression of being exploited by privileged groups that impose their own - self-serving - rules and values. In short, the anomic citizens of REDs are both rootless and resentful. When they act politically (if they do at all), it will be due to a sense of momentary allegiance or a confluence of disparate factors. This condition is especially subversive of REDs since they depend on the competition and cooperation of stable and predictable collectivities with clearly defined (if conflicting) interests - mainly, as expressed through political parties and interest associations. Anomic individuals have much weaker incentives to respond in conformity to established norms and much greater difficulty in doing so collectively.⁵

My **third hunch** is that, eventually, the most appealing alternative will turn out to be **Post-liberal Democracy (PLD)**. I admit that, in the immediate context, the trend has been toward

The Free Press, 1951).

⁵ It goes without saying that anomic individuals are among those most likely to support "populist" candidates of the Right, especially those who have experienced or been threatened with downward social mobility.

More Liberal Democracy (MLD). Privatization of public enterprises, removal of state regulations on professions, industries and services, liberalization of financial flows, conversion of political demands into claims based on rights, replacement of collective entitlements by individual contributions, sacralization of property rights, downsizing of public bureaucracies and emoluments, discrediting of "politicians" in favor of "entrepreneurs," enhancement of the power of "neutral-technocratic" institutions, such as Central Banks, at the expense of "biased, political" ones -- all these modifications have two features in common: (1) they seek to diminish popular expectations in the exercise of public choice, and (2) they try to make it more difficult to assemble majorities to overcome the resistance of minorities, especially well-entrenched and privileged ones.

Whether this process of "de-democratization" can continue is, of course, the all-important question. The justification for MLD rests almost exclusively on the superior economic performance that is supposed to accrue to a liberalized system of production and distribution -- along with the deliberate effort to foster a strong normative rejection of politics as such. Since the Great

Recession triggered by the crash of financial markets in 2008 and subsequently due to the negative impact of neo-liberal policies of austerity, the anticipated material bonus has not persisted - quite the contrary. Albert O. Hirschman has suggested that modern polities are subject to cyclical shifts in their involvement with private and public objectives.⁶ If he is correct, the prevailing cynicism about recourse to collective as opposed to individual choices may not be sustainable and could even be reversible in the near future.

As is the case with all specters, that of post-liberal democracy suffers from a fuzzy, unstable and highly idiosyncratic configuration. It emerges from the penumbra to challenge the prevailing liberal orthodoxy, but is only discerned and valued by a few. It serves to discredit the (self-)limited accomplishments of liberal democracy - especially when the excesses of hyper-liberalism are experienced - but no one can yet discern what its *Gestalt* is or what its impact might be.

My **fourth hunch** is that no regime - autocratic or democratic - transmogrifies itself until an attractive alternative exists and is known to significant actors (unless, of course, the

⁶ Albert O. Hirschman, Shifting Involvements: Private Interests and Public Action (Princeton: Princeton University Press, 1982).

SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

existing regime is simply defeated in war and a new one is imposed by the regime of another state). Therefore, PLD's future as an alternative is contingent upon its conversion from spectre to plausible (and desirable) model. Of course, it might just be possible that - as was certainly the case with the previous specter to haunt Europe (Communism People's Democracy) - the alluring vision of a better world will convert itself into a horrifyingly different reality!

One way of guarding against another "God that failed" is to make sure that PLD is less contemptuous of what liberal democracy has accomplished and consciously seeks to build upon its strengths while adjusting to the expanded scale of exchanges and communications that are irrevocably part of the future global system. I think that this means accepting the following assumptions:

- That possessive individualism, rational calculation and a preference for private goods will persist;
 - That "man's capacity for altruism is limited" (Ricardo) and will remain so;
 - That traditionally ascribed identities or communities will continue to be eroded;
 - That radical shifts in the distribution of wealth or the rights of property cannot be democratically enacted;
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SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

- That citizens place a limited, but not negative, value on political participation;
- That individuals have preferences and are aware of the need for collective action in their defense, but have a restricted capacity to explore their interest situation and a strong temptation to free-ride on the ideas and actions of others;
- That organized and professionalized intermediation between individuals and authorities is, therefore, here to stay -- in part because of the above two limitations and in part because of the expanded scale of public policy and private exchanges;
- That -- despite their manifest imperfections -- political parties, electoral competition and territorial representation will retain their symbolic importance for attaching individuals to the body politic;
- And, finally, that citizens are anxious to improve the performance of democracy -- **provided** that the proposed reforms do not generate too much uncertainty, do not cost too much and do not egregiously violate any of the above assumptions.

I would be the first to admit that these are narrow strictures that, not only preclude any radical or utopian vision of PLD, but would also virtually condemn its proponents to a path of endless efforts at intellectual persuasion, protracted consensus-building and cautiously incremental reform. They will have to walk an ideological tightrope between some very well-entrenched practices that powerful groups continue to value and some not very well-elaborated promises that less powerful groups

SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

have yet to understand. "Post-liberalism" will not be "illiberalism." Moreover, its proponents will have to offer plausible changes in policies and institutions that will make a significant difference, but can be decided upon and implemented in conformity to the rules of pre-existing liberal democracies. In other words, a post-liberal democratic regime (if and when it comes) will not be the product of revolution.

A SKETCH OF WHAT POST-LIBERALISM MIGHT LOOK LIKE

Before I attempt a sketch, I should specify the parametric assumptions behind the effort. I am taking for granted that the following five transformations will inevitably affect whatever type of democracy (or autocracy, for that matter) that is to emerge in the near future.

1. Developments in information and communication technology will continue to undermine the institutions and practices of REDs and NEDs, but they potentially could offer new and better foundations for eventual PLDs.
2. Capitalism will continue to provide the material and cultural bases for democracy, but its center of accumulation will increasingly be financial, rather than industrial, and this will have a major impact upon the structure of

competing and conflicting interests.

3. Opportunities for remunerated employment will decline in almost all economic sectors due to robotization and this will result in shorter working hours and, therefore, increased leisure time for citizens.
4. The presumed coincidence between physical territory, economic function, collective identity and legitimate authority will continue to decline, thereby, calling into question the nature of existing political constituencies - national and sub-national.
5. Citizens within these shifting constituencies will become better educated, more informed by the experiences of others, more likely to live in cities, and more diverse in ethnic, religious and cultural origin due to increased cross-border migration.

Faced with these challenges, REDs and NEDs will have to change if they are to remain the same - i.e. democratic regimes accountable to the preferences and experiences of their citizens. Now, to the sketch.

Principles

The defining principle of political liberalism is "**individual freedom**" - defined negatively as the absence of

SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

obligations, restrictions or regulations imposed by arbitrary authorities. Individuals are enjoined not to engage voluntarily in behavior that will harm others and citizens may be compelled collectively to pay taxes, serve in the military and, of course, obey the rule of law - but only when the obligations are legitimately imposed and functionally necessary.

The defining principle of post-liberalism would retain the criteria of legitimacy and functionality, but stress the positive importance of "**collective freedom**" or the desirability of obligations, restrictions and regulations that are necessary to attain positive goals ("public goods") for the polity that have been chosen according to the legitimate consent of the citizenry. Democracy would change from being a form of government designed to protect citizens (and, sometimes, denizens) from tyranny to one in which they would be obligated to contribute to using public authority for the attainment of goals that would (perhaps, only eventually) benefit them collectively.

At this point, I am reminded of the (in)famous dictum of Jean-Jacques Rousseau (hardly a liberal) that "*on le (le citoyen) forcera d'être libre*" - loosely translated as "Citizens may have

SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

to be forced to be free"⁷ While there is some dispute about what he meant, my interpretation is that, in a post-liberal democracy, once a collective decision (Rousseau called this: the "General Will") on the distribution of some important public good has been determined according to pre-established legitimate criteria, those who do not initially share in it should nevertheless contribute to its realization - for their own good. In the contemporary context, where it would be unrealistic to assume an all-encompassing consensus, I propose a 'soft' version of Rousseau's appeal to coercion: namely, that citizens (and denizens where eligible) should be "nudged" into contributing to the attainment of collective goals - even when they do not initially comprehend how this would benefit them or their descendants. Nudging means that instead of being outright coerced into conformity, they would be presented with a revised set of incentives - material and emotional - that would induce them to cooperate.

The second general principle of PLD would involve the recognition that citizens are not just individuals and that their political actions are not just based on rational maximization of

⁷ Jean Jacques Rousseau, Du Contrat Social, Libre 1, Chapitre VII, (1762).

SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

marginal advantage for themselves. Citizens are always members of some constituency/community - and, most often, simultaneously of several constituencies/communities. As anomic as they may feel in a given instance, they are only capable of recognizing their interests and passions in relation to others - those who share these interests and passions and those who oppose them. Moreover, REDs and NEDs have become saturated with permanent organizations that claim to represent their passions and interests. Even those who do not contribute to or join these parties, associations and movements are influenced by them and acquire (however imperfectly) their own identity in relation to them.

The purpose of PLD reforms should be to discourage citizens from "free-riding" on these collectivities, to get them to recognize their relevance, to contribute to their existence and even to participate in their activities. Nudging in this instance would involve various kinds of incentives - from outright monetary payment, to the distribution of vouchers, to tax exemptions, to subsidized services, to symbolic public recognition *e così via*. This has become especially urgent due to the (above mentioned) shifting nature of functional, territorial and ideational constituencies/communities in REDs and NEDs, and to the extent to which this has served to undermine the

traditional representative organizations of civil society.⁸

Citizens

The formal criteria for this status have become relatively standard across world regions: citizens are all 'national' residents who attain a specific age, regardless of their gender, religion, ethnicity, 'previous condition of servitude' or sexual preference - and they have equal political rights. There are a number of 'marginal' issues still to be resolved in many REDs and NEDs, such as the exact age of entitlement, the treatment of legal foreign residents (denizens), the voting rights of expatriots and, especially in the US, the eligibility of former convicted felons. None of these, however resolved, is likely to lead to PLD. What is needed is to provide incentives for existing citizens to exercise their rights to participate more frequently and consequentially.

The following are some potential reforms that might contribute to this objective.⁹

⁸ In what follows, I will suggest only a few of the many innovative projects that are currently circulating and being experimented. For a more comprehensive account, I recommend: Graham Smith, *Power beyond the Ballot: 57 Democratic Innovations* (London: The Power Inquiry, 2005).

⁹ Some of these have been developed in the context of a working group of academics and politicians under the auspices of

1. **Universal citizenship:** all persons legally born as citizens within a given territory should be granted the right to vote at the moment of birth, even if this right would be exercised by his/her parent or guardian until the moment of formal/legal maturity.¹⁰
2. **Rewarded Voting:** all citizens who have been proven to vote consistently in two or more elections at any level would be granted a tax exemption equivalent to the average daily salary from the appropriate fiscal authority.¹¹
3. **Electoral Lotteries:** Each citizen upon voting would be given a lottery ticket, the winners of which would be announced along with the winners of the election. The winning sum would be subsequently contributed to a public agency or non-

the Council of Europe and are discussed in greater detail in Philippe C. Schmitter and Alexandre Trechsel, eds., The Future of Democracy in Europe Trends, Analyses and Reforms (Strasbourg: Council of Europe Publishing, 2004).

¹⁰ NB The objective of this proposal would be to correct for the growing demographic bias in contemporary REDs and NEDs due not just to the relative increase in the proportion of elderly citizens, but their much greater likelihood of voting. It also should encourage inter-generational communication about political issues and (perhaps) transmission of political identities.

¹¹ NB This would only be feasible if voting were to become exclusively electronic (Proposal 6), since the citizen's tax payer number would be one element used in identifying him or her eligibility to vote.

profit institution of the citizen's choice.¹²

4. **Referendums and Initiatives:** All legislative measures impacting a significant proportion of the citizenry (when requested by a pre-established number of signatories) or that are flagged by a pre-established proportion of the parliamentary deputies (presumably, from the opposition party) should be put to a binding referendum at the appropriate level of aggregation.¹³
5. **"Smart Voting:"** Citizens should be offered the opportunity to be able to match their preferences on a number of salient public issues with the responses of all electoral candidates for public office. And, in an expanded version, citizens

¹² NB Elections should be made more "attractive and personal," and a lottery with randomly selected and publicly celebrated winners would contribute to this - but without rewarding them personally. And their subsequent decisions to allocate their winnings to specific public or private programs or causes might provide an unobtrusive indicator of latent public preferences.

¹³ NB It is most important that referendums and initiatives - if they are to become a part of PLD -- become a regular and predictable component of the political process. When isolated or "one-off," they typically turn into plebiscites on the popularity of the government of the moment, rather than a reflection on their subject-matter. Also, much of the effect depends on their anticipation which encourages legislators and executives to seek the largest possible extent of support in order to preclude their being held.

should be kept informed of the voting behavior of their elected representatives on these same issues.¹⁴

6. **Postal and Electronic Voting:** Citizens should be given the opportunity to vote at home or work by postal ballot or electronic message during a reasonably protracted period which would allow them time to make a larger number of decisions and even to reverse their choices within the allotted time.¹⁵

7. **Deliberative Polling:** Randomly selected "panels" of citizens should be assembled (and paid) to listen to opposing arguments and to ask questions on a range of salient political issues and the results of these deliberations should be made public.¹⁶

¹⁴ NB This has already been implemented on an experimental basis with considerable success in both national and supra-national (i.e. European) elections. It definitely increases interest in the contest and introduces a measure of fun into the electoral process. The addition of a feed-back option would presumably contribute to holding representatives accountable.

¹⁵ NB This is already rapidly expanding in both REDs and NEDs and both seem to encourage higher levels of turnout. Most importantly in relation to several of the other PLD proposals, they would permit citizens to devote more time and thought to the act of voting.

¹⁶ NB This too is already far advanced and many different versions have been experimented. For a summary of results, see James S. Fishkin & Robert C. Lukin, "Experimenting with a

8. **Variable Constituencies:** Citizens within a given political unit should be allowed to choose the constituency in which they prefer to vote - within certain pre-established territorial limits. One could even imagine that, thanks to prior electronic mobilization of a sufficient number, they might even be able to constitute functional rather than territorial constituencies with their own representatives.¹⁷

9. **Participatory Budgeting:** All local governments should be required to set aside a fixed proportion of their revenues to be allocated by an assembly of randomly selected local citizens after hearing from interested parties, associations and movements.¹⁸

Democratic Ideal: Deliberative Polling and Public Opinion," Acta Politica, No. 40, 2005, pp. 284-295.

¹⁷ NB Manipulation of the boundaries of legislative consistencies for partisan purposes ("gerrymandering") is a peculiar feature of US RED, but all REDs have so-called "safe" districts in which partisan opponents have little or no incentive to vote. If it would be possible to insert some degree of limited uncertainty in the locus of voting, this might improve the competitiveness of elections and the incentive to participate in them. Moreover, encouraging such "carpet-bagging" might not be so disruptive when almost everywhere the greater physical mobility of persons is constantly affecting the composition of constituencies anyway.

¹⁸ NB For a review of the extensive experience with this innovation, see Leonardo Avritzer, The Two Faces of Institutional Innovation (Cheltenham: UK & Northampton, MA: Edward Elgar,

Representatives

Under this rubrique, PLD could accomplish even more since the properties of citizenship have become relatively uniform across countries and, at least formally, already quite extensive. Moreover, it is to this realm of representation that most of the discontent generated by citizen mistrust and anomie can be traced. Whether they are elected, selected or self-appointed, all representatives are subject to the dilemma, captured by Peter Maier, between being both **responsive** to their constituency and **responsible** to the polity as a whole.¹⁹ The developments noted above in the context of contemporary REDs and NEDs have strongly tilted this choice in favor of the latter. Even more damaging has been the fact that 'responsible' policy-making has more and more often been defined in supra-national terms, i.e. by the alleged imperatives of a globalized economic order with its 'guardian institutions' being trans-national industrial and financial enterprises along with their protective international organizations: the International Monetary Fund, the World Bank, the World Trade Organization - not to mention the innumerable

2017).

¹⁹ Peter Maier, Ruling the Void: The Hollowing of Western Democracy (New York: Verso, 2013).

regulatory agencies of the European Union.

The thrust of efforts at improving representation should be devoted, first and foremost, to rendering more equal the access of citizens to a greater variety of forms of collective action; second, to re-establishing the balance between responsiveness and responsibility at the national level; and third, to making those elected or selected more accountable for their actions.

1. **NOTA Voting:** In every election and every constituency there should be a 'fictitious' candidate: "None of The Above." Should this candidate win, the election would be nullified and repeated until NOTA loses and a 'real' candidate wins.²⁰
2. **Vouchers for Funding Political Parties:** In every election, citizens would be offered a voucher for a fixed sum to be paid to the party of his or her choice. Other 'private' or 'public' sources of funding should be restricted; vouchers for the NOTA candidate would go to a fund for supporting new parties; un-allocated vouchers would be distributed

²⁰ NB The obvious intent here is to encourage participation by those who would otherwise not vote given the absence of any candidate that appeals to him or her. There is some experience with this innovation. India and Nevada seem to be the leading cases, but in both only a very small percentage of those voting chose this option. In neither case, however, was it specified that a new election would have been held if NOTA had won.

according to the proportions established by the allocated ones.²¹

3. **Vouchers for Civil Society Organizations:** Citizens when filling their tax returns would be offered the possibility of contributing a fixed sum to one or more non-profit, legally certified associations or movements and of agreeing to receive subsequent communications from those chosen.²²
4. **Transferable, Intensity Voting:** Citizens should be allowed to express the intensity of their preference for competing candidates. They would be given, say, 100 points to

²¹ NB Public-funding for political parties has become a regular feature of many REDs and NEDs, although it relies on the manifestly oligarchic device of using previous electoral results as its distributive principle. Placing the funding in the hands of citizens and allowing them to allocate a voucher even to a party or parties that they did not vote for would substantially change the practice. Vouchers that were not earmarked for any existing party would go to a fund for the financing of new ones (upon petition).

²² NB Something already approximating this exists in several REDs and at least one NED that I know of (Hungary). Tax-payers are permitted to distribute a certain percentage of their income tax bill (03% to 08%) to a list of eligible organizations - advocacy groups, social movements, charitable agencies, churches, etc. This has encouraged competition among such organizations and greater transparency regarding how they spent the funds received. Shifting to a fixed sum would allow citizens (and perhaps even denizens) not paying income tax (but required to file with regard to it) to participate in such a scheme.

distribute across the eligible candidates and their preferences for a losing candidate should be transferred to the next most preferred.²³

5. **Shared Mandates:** Parties should have the option of presenting two candidates for any single elected position. And they should be free to determine the criterion to apply when making this choice: man-woman, old-young, moderate-radical *e così via*.²⁴

6. **Variable Thresholds for Election:** Some REDs and many NEDs have experimented with legally established term limits, especially for the highest executive office.²⁵ An alternative to this which would recognize that, especially at the legislative level, there is a need for politicians

²³ NB Under this system, all of the votes cast in a first-past-the post-election would make some contribution to the eventual result.

²⁴ NB The profession of politician (and it is becoming more and more professional) is very demanding in time and erratic in substance which discourages the recruitment of persons who value retaining a private family or occupational career. Sharing the position (and its salary) might contribute to widening the pattern of recruitment of potential candidates.

²⁵ I am reminded of the salutation that I used to receive when communicating with officials of the Mexican government: "Sufragio Efectivo; No Re-elección." This did not impede the dominant party (PRI) from winning every election at every level for more than 50 years!

with greater experience in particular policy areas and that re-election can be, after all, an expression of citizen trust, would be to require that incumbents - in order to win -- should receive more votes in each successive election. Failing to cross this threshold would require the convocation of a second round with only the top two or adjacent candidates eligible.²⁶

7. **Intra-Party Democracy:** "Primaries" have been touted as a mechanism for ensuring this. All legally registered parties should be offered additional public funds for the purpose of competitively selecting their candidates, but only provided they follow pre-established criteria regarding eligibility, transparency and, obviously, the obligation to recognize and promote the winners.²⁷

²⁶ NB This would not eliminate so-called "safe districts" - after all, they do often reflect the segregated patterns of settlement of many societies - but it would encourage incumbents to make the effort to turn out their supporters. They would probably win the subsequent second round, but the embarrassment might have some effect on their subsequent behaviour as representative.

²⁷ NB Primaries were initially a peculiarity of US politics, but they have proliferated in recent years, especially in Europe, apparently as a device to revive party identity and mobilize the efforts of party militants. There has rarely been any uncertainty about their outcome since the rules have been usually

8. **Compulsory and equal access to television during elections:**

As a condition for receiving a license to broadcast on a given frequency, by satellite or by cable, every television or radio station (public or private) would be required to offer free air time to all parties, with the thresholds, times and frequencies to be decided by normal legislation at each level of government. These stations would also be prohibited from broadcasting paid party announcements outside of a designated period for campaigning.²⁸

9. **Obligatory Disclosure:** All candidates for elected or selected positions of public authority should be required - under oath - to disclose their income, wealth and tax payment as a condition for initially being eligible for office and, subsequently, if elected or selected, as an obligation upon leaving office.²⁹

crafted to determine them *ex ante*. An especially promising innovation is the "top two" provision in which the two candidates receiving the most primary votes become the subsequent candidates - regardless of party.

²⁸ NB Something like this already exists in many European countries (*par conditio*), but without the prohibition from broadcasting privately funded propaganda at any time. One objective of this proposal is also to bring down the cost of elections as well as to equalize access to mass media.

²⁹ NB The first aspect of this proposal has become a customary

10. **Citizens' Assembly:** A month-long annual meeting of randomly selected citizens based on the constituencies presently occupied by elected representatives in the lower assembly of the legislature would be convened to review one or two drafts of bills assigned to it by a dissident group of legislators (say, composed of 1/3 or 1/4 of them) and have the power to reject or, at the least, to suspend the application of these bills.³⁰
11. **Reciprocal Representation across national borders:** Countries with high levels of exchange in products, capital and people across their national borders should, on a reciprocal basis, exchange a small number of representatives (say, 2 or 3) with rights to equal voice and information and, eventually, vote in their respective

practice in most REDs and a few NEDs, although to my knowledge it is not a legal obligation. The latter component does not yet exist, but should contribute both to inhibiting corruption and improving the confidence of citizens in the honesty of their representatives.

³⁰ NB To some extent, the existence of such an Assembly would be a more economical and public-regarding substitute for referendums or initiatives - provided that the ear-marked legislative drafts would reflect the concerns of the general public and not those of the inner workings of representative institutions themselves.

upper legislative chambers.³¹

Rulers and Rules

In this regard, proponents of PLD face a difficult paradox: on the one hand, liberal democratic theory has firmly established majority voting by elected representatives – even in some instances, plurality voting – as the appropriate decision rule for approving laws and choosing rulers.³² On the other hand, the actual practices of most liberal democracies are replete with non-majoritarian devices. The simple reason for this is that “one person may equal one vote” in principle, but these same persons

³¹ NB The unavoidable fact that the practice of liberal democracy has been confined to national states with their respective territorial monopolies violates a major (and very ancient) principle of ‘fair’ government, namely, *Quod omnes tangit debet ab omnibus approbari* (“That which affects all should be approved by all”). The recent emergence of regional organizations with representative assemblies and some legitimate authority has only partially compensated for this. Bi-lateral arrangements such as the one proposed would constitute a formal recognition of this defect and provide some symbolic relief – especially where the countries involved are of great difference in size and capability, e.g. the USA and Mexico.

³² Even though, this is a relatively recent (18th Century) feature of democracy. The previous assumption (admittedly, for small scale and homogeneous societies) was that decisions would be made by consensus – even to the point that those who persistently dissented could be banished from participating or simply sent into exile.

in practice are likely to have very different intensities of preference for different public choices. So, citizens with strong preferences (and usually with greater material resources) form a myriad of associations and movements that intervene in the process of making binding decisions. As Stein Rokkan put it some time ago: "Votes are counted; influences are weighed" in order to draft legislation, to choose among alternative courses of action and, especially, in order to affect the subsequent implementation of laws.³³ No plausible model of PLD can ignore this aspect of political life and the abstruse rules that govern it.

As I have argued above and elsewhere, one major source of the decline in the role of traditional organizations involved in the protection and promotion of class, sectoral and professional interests - trade unions, business, employer and professional associations - is the growing *anomie* present in large segments of the population due to the individualization of life (and especially of work) experience.³⁴ More and more persons find themselves in "ambiguous interest situations" without any clear reference group to rely upon. While there are signs of some

³³ Stein Rokkan (where did he say this?)

³⁴ Philippe Schmitter, "Democracy and its Discontents," unpublished paper, European University Institute, November 2016.

revival of affiliation and mobilization in movements advocating public action with regard to some single issue or cause, these rarely address the need for basic reform in rules and practices. Once satisfied (even symbolically), they usually disband or become routinized components of 'normal' local, provincial or national politics. Whatever their sometimes exaggerated initial intentions, these movements cannot be expected to contribute much to the creation of an alternative, post-liberal type of democracy.

And whoever these eventual agents of reform turn out to be, they will have to cope with one of the most 'Iron' of laws in politics: those who rule and who have succeeded in doing so because they have won under one set of rules, will be very reluctant to change those rules.³⁵ Maurice Duverger thought he had discovered the answer. He called it: "contagion from the

³⁵ At this point, I cannot resist introducing a quote from Machiavelli: "... there is nothing more difficult to carry out, nor more doubtful of success, nor more dangerous to handle, than to initiate a new order of things. For the reformer has enemies in all those who profit by the old order, and only lukewarm defenders in all those who would profit from the new order, this lukewarmness arising partly from fear of their adversaries, who have the laws in their favour; and partly from the incredulity of mankind, who do not truly believe in anything new until they have had the experience of it." The Prince, Chapter VI.

Left.”³⁶ Minority factions or previously excluded or indifferent entrants into politics from the Left of the political spectrum would enter party competition supporting innovation, drive existing Left parties toward the center and, eventually, compel centrist and rightist parties to accept their innovations. Unfortunately for PLD, the recent evolution of REDs and many NEDs has witnessed exactly the contrary. Innovations in rules and substance have consistently come from the Right – and this seems to have driven traditional Left and Right parties further toward the center. It certainly has not encouraged them to innovate. What is more: these new rightist (and often populist) parties have no interest or inclination to propose the sort of innovations that might lead to PLD. On the contrary, most at least pretend that they are in favor of MLD – more liberal democracies.

All this is another way of saying that changes in the identity of rulers and the rules they presumably govern by will be much more difficult to reform than the role of citizen or the obligations of representatives.

1. **Freedom of Information Acts:** All governing institutions

³⁶ Maurice Duverger, Les Partis Politiques (Paris: Armand Colin, 1951).

should be required to make public all relevant information about their respective processes of decision-making (including dissenting opinions), and should be required to provide annual reports on the process of implementation of their policies.³⁷

2. Guardians for Guardian Institutions: These institutions - staffed by allegedly independent experts - have increasingly been assigned responsibility for making policy in areas which politicians have decided are too controversial or complex to be left to the vicissitudes of electoral competition or inter-party legislative struggle. All of these un-democratic agencies: central banks, regulatory agencies, electoral commissions, accounting offices, *e così via* should submit their annual reports for approval to a special expert monitoring commission created jointly by all parties in parliament.³⁸

³⁷ NB These acts already exist in many REDs and should become a standard practice in all of them (and in NEDs).

³⁸ NB The concept of 'guardian institutions' was invented by Robert Dahl in his Democracy and its Critics (New Haven: Yale University Press, 1989), p. 142. He observed that such deliberately un-democratic institutions have increasingly acquired discretionary action over issues that have a major impact upon the lives of citizens. Even more potentially

3. Vernehmshlastungsvorfahrhen: This is the indigestible label for a formal-legal practice of the Swiss parliament that is supposed to guarantee that all associations and movements who declare an interest in a given draft policy proposal would not only receive information about the decision-making process with regard to it, but also be entitled to testify before the relevant parliamentary committees. In contemporary parlance, this has been called **governance**. Under its auspices, there have developed an incredible variety of (usually informal) sites for deliberations and negotiations between public and private actors.³⁹

4.

A Problematic Conclusion

Needless to say, not all of these proposed reforms in

alienating is the fact that some of these guardians are not even national, but operate at the regional or global level - *vide* the 'conditionality' imposed by the IMF or the EU. In Peter Mair's terms, the rise of guardianship has been a major factor preventing representatives from acting **responsively** to the preferences of their constituents by forcing them to act **responsibly** to the imperatives of their material environment.

³⁹ NB For a critique of the concept and its practice, see Philippe Schmitter, "Réflexions liminaires à propos du concept de 'gouvernance'", in Corinne Gobin et Benoît Rihoux (eds.), La Démocratie dans tous ses états. Systèmes politiques entre crise et renouveau, (Louvain-la-Neuve: Bruylant-Academia s.a., 2000).

SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

citizenship, representation and government are equally "post-liberal" in inspiration or likely impact. They may not even be compatible with each other. The best one can hope for in our "post-revolutionary" era is incremental and piecemeal experimentation, probably beginning at the local level which, if successful, could subsequently be "scaled up" to national or even supra-national regimes. This might convert the vague spectre of post-liberal democracy into something more like a credible alternative.

But it would not be the 'real thing'. Tinkering with political practices alone will not bring about the sort of social contract that underlies all legitimate forms and stable practices of democracy - an embedded sense of fairness and appropriateness that is capable of overriding the inevitable interest cleavages and cultural conflicts embedded in all complex societies and capitalist economies. And that will depend on substantive reforms, especially ones that will lead to greater regulation of the practices of capitalism and a more equal distribution of the surplus it generates. I am convinced, however, that it is highly unlikely that binding agreements on such substantive matters will be reached unless the "rules of the democratic game" are changed beforehand and that, under present conditions, can only be

SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

accomplished incrementally.⁴⁰ A new Social Contract cannot be "signed by an invisible hand" (as orthodox liberals might hope), nor can it be "imposed by the masses" (as radicals might hope). It must be deliberated, negotiated and ratified into place by 'real-existing' political actors who have some degree of equivalence in power and who can confidently claim to represent the interests and passions of 'their' citizens. That indispensable equivalence and confidence no longer exists in most REDs and NEDs and it would be the objective of the reforms proposed above to bring them about.

Any alternative to liberal democracy - except perhaps for more liberal and less democratic rule - is bound to be plagued by serious problems of "agency." The increased distrust of politicians and anomie of citizens militate against it. However

⁴⁰ This argument explains why I have said nothing about the currently fashionable topic of "deliberative democracy" in this essay. Even if one admits that Habermas' insistence on *Herrschaftsfreiheit* as a pre-condition for its discourse is utopian, it is still necessary that those involved not only recognize each other's right to participate, but also have some equivalent capacity to harm or to hurt each other for such deliberations to have an effect. In other words, the actors have to be able to negotiate credibly before they can decide deliberatively - and this condition rarely exists in contemporary REDs or NEDs. All of my suggested reforms are designed to bring about greater equivalence among citizens acting collectively.

SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

intellectually appealing the model may be, it will be impossible *ex ante* to specify who (or, better, what combination of actors) would support such changes, how much of the transition costs they would be willing to bear, and how they might successfully choose and implement these reforms - while respecting the pre-existing rules of liberal democracy. Once a revolutionary rupture with these institutions has been ruled out -- as seems to be the case for the foreseeable future -- the basis of the sort of sustained social or political support that would be required by any substantial reformist effort becomes much less evident. It is, therefore, almost impossible to overestimate the enormous entropy built into the institutions and practices of contemporary liberal democracy and the attendant difficulty in convincing people to accept new ideas about rather fundamental political and economic relations.

The reforms already embedded *seriatum* in liberal democracy all required at least the spectre, if not the imminent threat, of revolution to make them seem worthwhile. Today, however, revolutionaries are rare and their terrorist replacements strengthen rather than weaken the will to sustain the *statu quo*. The actors who are presently undermining the performance and, inexorably, the legitimacy of liberal democracy are not its

SCHMITTER: A SKETCH OF POST-LIBERAL DEMOCRACY

declared enemies; they are its self-avowed supporters, i.e. those citizens and groups who claim that they are supporting, conforming to and expecting to benefit from democracy. The task of reform would be facilitated greatly if extremists of the Right or the Left were self-avowedly seeking to replace these liberal rules and practices with some autocratic form of government, but their efforts are presently inconsequential and unconvincing and likely to remain so in my opinion. Where the greatest threats to democracy come from its "normal practitioners" -- the usual voters, citizens, deputies, interest representatives and movement activists engaging in their usual behaviors -- it will be much more difficult to convince potential agents of the necessity for institutional reforms. All they experience in their daily lives are "morbidly symptoms" *à la* Gramsci -- a lot of grumbling, dissatisfaction, sub-optimality and outbursts of incivility -- but hardly enough to motivate their rulers to invest in a novel and as yet untested post-liberal democracy.

Sin màs nada, for the moment.