

## DIAGNOSING AND DESIGNING DEMOCRACY

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Robert Dahl is famous for the observation that democracy has radically transformed itself – re-designed itself, if you will – over the centuries. The same word, democracy, has prevailed while its rules and practices have changed greatly. In other words – those of de Lampedusa – only by changing has it remained the same. And Dahl does not even hesitate to label these changes as “revolutionary” – even if most of them came about without widespread violence or institutional discontinuity.

Dahl identifies three such revolutions in democracy:

The first was in **size**. Initially, it was believed that RED was only suitable for very small polities, e.g. Greek city-states or Swiss cantons. The American constitution re-designed the practice of democracy by making extensive use of territorial representation and introducing federalism – thereby, breaking the size barrier. This set a major precedent in that ‘democratic’ representation became irrevocably tied to competitive elections in spatially defined constituencies at multiple levels of aggregation. Subsequently, this was followed by a juridical decision asserting the supremacy of the most inclusive (“federal”) level and to a political process that privileged stable political organizations (“parties”) within the political process.

The second revolution was in **scale**. Early experiments with democracy were based on a limited conception of citizenship – severely restricting it to those who were free from slavery or servitude, mature in age, literate or well-educated, paid sufficient taxes and so forth. Over time – some times gradually, other times tumultuously -- these restrictions were re-designed until the criteria have become almost standard and include all adult “nationals” regardless of gender or other qualifications. No polity today can claim to be

“democratically” representative that does not – at least, formally – respect these criteria, even though the actual practice of the mass franchise virtually everywhere is systematically deficient in terms of general turnout and the participation of particular social groups. Moreover, the sheer increase in the scale of the electorate had a major impact on the internal organization of the political parties that competed for votes and on the type of politicians who won these elections.

The third Dahlian revolution was in **scope**. REDs began with a very restricted range of government policies and state functions – mostly, external defense and internal order. Again, over time, democratic regimes became responsible for governing a vast range of regulatory, distributive and re-distributive issues – so much so that a substantial proportion of gross domestic product is either consumed by them or passes through their processes. Here, the impact upon democratic representation was more gradual and less obtrusive than the previous two. It took the form of expansion of a variety of arrangements for consulting and negotiating with organized interests outside the electoral/territorial constituencies. These ‘functional’ representatives of classes, sectors and professions – rarely elected and more often selected – were incorporated within the process of public decision-making, most often in the drafting and implementing stages, but they also became important in “lobbying” elected officials in legislative and executive bodies.

Dahl makes a second important general observation about these revolutions. **Most of them occurred without those who were involved being aware that they were acting as “revolutionaries.”** Democratic politicians most often responded to popular pressures, externally imposed circumstances or just everyday dilemmas of choice with incremental reforms and experimental modifications in existing policies and these accumulated over time until citizens and rulers eventually found themselves in a differently designed polity – while still using the same label to identify it. Indeed, one could claim that this is the most distinctive and valuable characteristic of democracy: its ability to re-design itself consensually, without violence or discontinuity – even

sometimes without explicitly diagnosing the need for such a 'radical' change in formal institutions and informal practices.

## **DIAGNOSING OTHER DEMOCRATIC REVOLUTIONS**

Of course, it is precisely the task of political scientists studying democratic polities to make such diagnoses – whether or not their analyses are accepted by the general public or ruling elites. And this is my self-assigned task in this chapter.

I am convinced that we are (again) in the midst of a democratic revolution – in fact, in the midst of several simultaneous democratic revolutions. Two of them seem to have exhausted their radical potential and already become well-entrenched features of “modern, representative, liberal, political democracy” – at least, in Europe and North America; two others are still very active in their capacity to generate new challenges and opportunities and have still to work their way through the process of re-designing democracy.

The first of these “post-Dahlian” revolutions concerns **the displacement of individuals by organizations as the effective citizens of democracy.**

Beginning more or less in the latter third of the 19<sup>th</sup> Century, new forms of collective action emerged to represent the interests and passions of individual citizens. James Madison and Alexis de Tocqueville had earlier observed the importance of a multiplicity of “factions” or “associations” within the American polity, but neither could have possibly imagined the extent to which these would become large, permanently organized and professionally run entities, continuously monitoring and intervening in the process of public decision-making. Moreover, whether or not these organizations of civil society are configured in a pluralist or a corporatist manner, the interests and passions they represent cannot be reduced to a simple aggregation of the individuals who join or support them. They have massively introduced their own distinctive organizational interests and passions into the practice of REDs and become their most effective citizens.

From the perspective of liberal democratic theory, this revolution poses two very important normative challenges. First, the entrepreneurs/leaders of these organizations have rarely been elected to their positions through a competitive process. At best, they can be said to have been “selected” by members who can (presumably) exercise voice and complain about the actions of “their” leaders or who can withdraw their support by defecting and even by joining some other organization. At worst, these members have been made to contribute involuntarily and/or have no alternative organization to turn to. Second, to the extent that legitimacy in REDs ultimately rests on the political equality of individual citizens, these organizations are manifestly unequal in their resources and capacities. Indeed, virtually all research demonstrates that small, compact, and privileged minorities are much easier to organize and that large, diffuse and under-privileged groups are systematically under-represented in these ‘functional’ channels.

The second “post-Dahlian” revolution has to do with **the professionalization of the role of politician**. Earlier liberal democratic theory presumed that elected representatives and rulers were persons who might have been somewhat more affected by “civic” motives, but who were otherwise not different from ordinary citizens. They would (reluctantly) agree to serve in public office for a period of time and then return to their normal private lives and occupations. While it is difficult to place a date on it, at some time during the Twentieth Century, more and more democratic politicians began to live, not **for** politics, but **from** politics. They not only entered the role with the expectation of making it their life’s work, but they also surrounded themselves with other professionals – campaign consultants, fund-raisers, public relations specialists, media experts, and – to use the latest term -- “spin-doctors.” Whether as cause or effect, this change in personnel has been accompanied by an astronomical increase in the cost of getting elected and of remaining in the public eye if one is so unfortunate as to become un-elected.

Again, this development is “normatively challenging.” Professionalization has not just affected party politicians, but also the representatives of functional interests. Both need more and different resources to occupy their positions

and the temptation is difficult to resist that they will collude to obtain them by shifting to public funding and/or involuntary contributions (not to mention, corruption), thereby, depriving ordinary citizens of one of their most elementary sanctioning capacities. Both will undoubtedly invoke the “complexity” of contemporary policy-making (not to mention, the need for “secrecy” when it comes to security issues) in order to claim that only they can understand the ramifications of taking decisions on such matters.

In my view, these two revolutions seem to have run their course and there are signs of a reaction against them settling in among mass publics. The usual permanent organizational representatives of class, sectoral and professional interests – especially, one has to admit, trade unions – have declined in membership and even in some cases in number and political influence. New social movements have emerged that proclaim less bureaucratic structures and a greater role for individual members – even some enhanced mechanisms for practicing internal democracy. Candidates for elected public office now frequently proclaim that they are not professional or partisan politicians and pretend as much as is possible to be “ordinary citizens.” Movements have emerged in some countries, especially the USA, to limit the number of terms in office that a politician can serve. Whether these trends will be sufficient to stop or even invert these two “post-Dahlian” revolutions is dubious (to me), but they do signal an awareness of their existence and of their (negative) impact upon the practice of REDs.

And, now, let us turn to a diagnosis of the two more recent – indeed, contemporary and simultaneous – revolutions going on within REDs.

The first regards (again) the scope of decision-making in democracies. And, again, I can borrow a concept from Robert Dahl. Over the past twenty or more years – indeed, much longer in the case of the United States – REDs have ceded authority to what Dahl has called “**guardian institutions.**” The expression is taken from Plato and refers to specialized institutions – usually regulatory bodies – that have 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. The *locus classicus* in the contemporary period is the central bank, but earlier examples would be the general staffs of the military, anti-trust authorities, railroad regulatory agencies or civil service commissions. In each case, it was feared that the intrusion of “politics” would prevent the institution from producing some generally desired public good. Only experts acting on the basis of (allegedly) neutral and scientific knowledge could be entrusted with such responsibilities. A more cynical view would stress that these are often policy areas where the party in power has reason to fear that if they have to hand over office in the future to their opponents, the latter will use these institutions to punish the former or to reward themselves.

The net effect of guardianship upon REDs has been rather obvious – although usually well-concealed behind a rhetorical “veil of ignorance” interwoven with strands of Pareto-Optimality or scientific certainty, namely, that contemporary democracies have been increasingly deprived of discretionary action over issues that have a major impact upon their citizens. “Democracies without choice” is the expression that has emerged, especially in neo-democracies, to describe and to decry this situation. Even more potentially alienating is the fact that some of these guardians are not even national, but operate at the regional or global level.

Which brings me to the second contemporary revolution within REDs – or, better, with particular intensity within European REDs: **multi-level governance (MLG)**. During the post-World War II period, initially in large measure due to a shared desire to avoid any possible repetition of that experience, European polities began experimenting with the scale or, better, level of aggregation at which collectively binding decisions would be made. The most visible manifestation of this has been, of course, the EEC, the EC and now the European Union (EU). But paralleling this macro-experiment, there emerged a widespread micro-level one, namely, the devolution of various political responsibilities to sub-national units – *provinces, regioni, Länder, or estados autonómicos*. As a result, virtually all Europeans find themselves surrounded by a very complex set of authorities, each with

vaguely defined or concurrently exercised policy *compétences*. The oft-repeated assurance that only national states can be democratic is no longer true in Europe, even though in practice it is often difficult to separate the various levels and determine which rulers should be held accountable for making specific policies. European politicians have become quite adept at “passing on the buck,” especially, at blaming the European Union (or the Euro) for unpopular decisions. New political parties and movements have even emerged blaming the EU for policies over which it has little or no control – for example, over the influx of migrants from non-EU countries.

It is tempting to return to reflections on Dahl’s original revolution, the radical change in the size of democracy with the foundation of the United States of America. This was resolved by creating a set of local, state and national territorial constituencies nested within a hierarchy that assigned distinctive legitimate authority and relative autonomy to each level. The difference with contemporary MLG in Europe is not only that the component units have historically had much greater autonomy and stronger identities, but more importantly that the sheer size and heterogeneity of the European citizenry has made it much more difficult to form political parties at the “union” level out of pre-existing national ones. This, combined with the ambiguous commitment to granting the European Parliament full parliamentary status, has greatly undermined its status as a representative body as evidenced by the almost monotonic decline in turn-out for European elections. If that were not enough, the assignment of legal competences to the various levels is very ambiguous and embedded in often contradictory treaties. Even the Draft Constitution and the subsequent Lisbon version failed to resolve this problem of *Kompetenz-Kompetenz* and many policy issues have been declared “overlapping.” The only way such a complex polity can function is by almost continuous negotiations between the levels – which makes effective representation almost impossible.

Multi-level governance could, of course, be converted into something much more familiar, namely, a federal state with clearly delineated competences,

but resistance to this is likely to remain quite strong for the foreseeable future – *viz.* the rejection of the Draft Constitutional Treaty by France and the Netherlands and of the Lisbon Treaty by Ireland. Which means that the confusion over which policy *compétences* and the ambiguity over which political institutions are apposite for each of these multiple levels will persist. And, when it comes to the design question, there seems to be a general awareness that the rules and practices of democracy at each of these levels can not, and should not be identical. Especially when it comes to ensuring the accountability of a polity of the size, scale, scope and diversity of the European Union, this would demand a literal re-invention of democracy, a task that was not even attempted by the Convention that drafted the unsuccessful Constitutional Treaty and subsequently diluted in the Lisbon Treaty.

## **THE CAUSES OF OUR PRESENT DEMOCRATIC REVOLUTIONS AND DISCONTENTS**

We do not have to look far for the root causes of these simultaneous revolutions: organizational citizenship, professionalization, guardianship, and multi-level governance. They are exceptionally diverse and strong. The rate, the scale and the scope of changes in the context in which REDs are “condemned” to operate seem to be unprecedented and, most important, beyond the reach of the traditional units of authority that have heretofore dominated its political landscape. Most of today’s problems are either too small or too large for yesterday’s sovereign national states and, hence, as we have just seen, within Europe there has been a vast amount of experimentation with devolution to smaller political units and integration into larger ones. For the first time, the level of aggregation at which reforms should be designed and implemented has become almost as important a question as knowing their substance. The classic question, *Que faire?* now has to be supplemented by a much less frequently asked question, *Où faire?*



Moreover, because they are living for the first time in a relatively “pacified environment” without the prospect of either war or revolution, European democracies will find it difficult to resort to “emergency” measures or “temporary” suspensions in order to pass designed reforms against strong opposition. The key problem will be finding the will to reform existing rules among the very rulers who have benefited by them and who usually cannot be compelled to do so by an overriding external threat to their security or tenure in office.

One generic issue dominates all speculation about the future design of democracy – namely, **how well do its currently-existing and well-established formal institutions and informal practices “fit” with the much more rapidly changing social, economic, cultural and technological arrangements that surround it and upon which democracy depends both materially and normatively?**

In the Green Paper that I and Alexandre Trechsel wrote for the Council of Europe (CoE), we identified the following generic sources of change in the complex environment currently surrounding European democracies. Each of them presents a **challenge** in the sense that it threatens the viability of existing rules and practices of REDs, but each also represents an **opportunity** in the sense that it opens up the possibility for creative and imaginative reforms that could actually improve the performance of these very same “real-existing” liberal democracies.

### **1. Globalization**

Definition: an array of recent transformations at the macro-level that tend to cluster together, reinforce each other and produce an ever accelerating cumulative impact. All of these changes have something to do with encouraging the number and variety of exchanges between individuals and social groups across national borders by compressing their interactions in time and space, lowering their costs and overcoming previous barriers – some technical, some geographical, but mostly political. By all accounts, the driving forces behind globalization are economic. However, behind the formidable power of increased market competition and technological innovation in goods and services, lies a myriad of decisions by national political authorities to tolerate, encourage and, sometimes, subsidize these exchanges, often by

removing policy-related obstacles that existed previously – hence, the association of the concept of globalization with that of liberalization. The day-to-day manifestations of globalization appear so natural and inevitable that we often forget they are the product of deliberate decisions by governments that presumably understood the consequences of what they have decided to *laisser passer* and *laisser faire*.

Guiding Rival Hypotheses: (1) Globalization narrows the potential range of policy responses, undermines the capacity of (no-longer) sovereign national states to respond autonomously to the demands of their citizenry and, thereby, undermines established channels of partisan representation and weakens the legitimacy of traditional political intermediaries and state authorities; (2) Globalization widens the resources available to non-state actors acting across national borders, shifts policy responsibility upward to trans-national quasi-state actors – both of which undermine established oligarchic and collusive arrangements between political parties and promote the diffusion of trans-national norms of human rights, democracy and ‘good governance’ that find expression through new social movements.

## **2. European Integration**

Definition: the direct impact of EU directives and regulations upon member, candidate and adjacent states and the indirect effect of continuous and varied interaction of politically relevant European actors, both of which tend to produce a gradual convergence toward common norms and practices and, hence, a reduction in the persistent diversity of norms and practices that have historically characterized the European “region.”

Guiding Rival Hypotheses: (1) European integration tends to undermine established national practices of partisan representation and democratic participation without replacing them with supra-national practices of comparable nature and importance; (2) European integration through the “conditionality” that it imposes on candidate member-states and the legal supremacy according to European law over member-state laws tends to promote higher and more uniform standards of democratic performance at the national and sub-national levels and encourages associations and movements to shift their attention to the supra-national level.

## **3. Inter-Cultural Migration and Co-habitation**

Definition: the voluntary and involuntary movement of persons across previously more closed and secured national borders and the permanent residence of increasing numbers of foreigners, especially of non-European origin, within European societies.

Guiding Rival Hypotheses: (1) Migration and the co-habitation of cultures previously separated from each other tend to generate a negative reaction on the part of ‘native’ inhabitants of more culturally homogeneous European countries and this finds its expression in xenophobic social movements, ultra-nationalist political parties and racially motivated incidents that undermine the

authority of established political organizations and agencies, force existing national (and, eventually, supra-national) governments to adopt policies restricting further in-migration and this has a secondary impact on the rights of national citizens and the stability of existing political competition; (2) Migration and the co-habitation of natives and foreigners have a positive impact upon the practice of democracy at several levels of aggregation since they diversify the bases of recruitment by political parties, shift the existing lines of partisan competition, compel politicians to pay attention to previously ignored issues and, in the longer run, contribute to the formation of more diverse (“layered”) collective identities and greater tolerance by both rulers and citizens.

#### **4. Demographic Trends**

Definition: Change in the demographic profile of European societies in the direction of lower birth rates and higher proportions of elderly people.

Guiding Rival Hypotheses: (1) Aged people are more likely to vote and to do so consistently for the same political party, to continue to be members of the same interest associations and, hence, to acquire greater relative influence over the policy process which allows them to appropriate for themselves an increasing share of public funds and selective benefits and this in turn leads to youth disaffection with political parties on the grounds that their leaders are (accurately) perceived as paying increasing attention to the aged (and may themselves be getting older and older); (2) Demographic shifts, especially in their territorial impact (and when combined with compensating foreign in-migration), are bringing about long-overdue re-distributions in political representation and public policy that will enhance regime legitimacy and economic performance – provided that initially politically disaffected youth subsequently become engaged citizens and stable members of parties and associations.

#### **5. Economic Performance**

Definition: The combined effect of several persistently negative economic components, at a minimum, of lower rates of growth, higher levels of unemployment, and more un-equal distributions of income & wealth upon the citizens’ perception of their individual and collective well-being.

Guiding Rival Hypotheses: (1) Decline in economic performance in Europe, especially relative to the United States, leads to a perception among citizens that their democratic institutions are serving them badly and that they should be reformed in a more liberal “American” direction which includes a rejection of traditionally more “ideological” European political parties; (2) Decline in relative and even absolute economic performance is not perceived as a corresponding decline in quality of life and, therefore, leads to a reaffirmation of the distinctiveness and value of the “less liberal” political institutions of (continental) Europe, which includes those traditional parties and class associations that are seen as responsible for the “European Social Model.”

## **6. Technological change**

Definition: The rapid, unpredictable and uncontrollable diffusion of changes in technology across political borders – whether through shared knowledge or commercial competition – and its impact upon the way in which citizens, representatives and rulers exchange information and communicate among themselves and with each other.

Guiding Rival Hypotheses: (1) The acceleration in technological change, especially in information and communication technologies, reduces the absolute cost of exchanges, protects the autonomy of users and lowers relative disparities in access among citizens and between them, their representatives and their rulers and, therefore, both increases political equality and makes it more possible to hold the latter accountable – provided that existing parties and associations adopt these changes; (2) This accelerated technological change only reduces transaction costs for a privileged segment of persons (“the Digital Divide”) and opens up wider disparities between those who can and those who cannot exploit it; thereby, adding new elements of discrimination and bias to the political process, but also further dividing existing parties and associations along generational lines.

## **7. State Capacity**

Definition: The ability of existing permanent governing institutions, especially at the national level, to carry out effectively and autonomously (“in a sovereign manner”) the tasks that have been assigned to them by rulers and are expected of them by citizens.

Guiding Rival Hypotheses: (1) In the present international/interstate context, (as captured by Items #1, #2, #6 & #10 in this listing), the governing institutions of previously sovereign national states find it increasingly difficult to extract sufficient resources, to regulate internal behavior and, hence, to satisfy effectively and efficiently the expectations of their citizens within existing borders – and this causes a decline in trust for nationally bounded representatives and in the prestige and legitimacy of rulers; (2) While the above-noted changes in the external context do restrict the autonomy of national states, they also contain incentives for shifting governing tasks to both the sub- and supra-national levels of aggregation and these institutions “beyond and below” the nation state are becoming increasingly (if gradually) capable of satisfying citizen expectations and generating political legitimacy, and citizens may (eventually) shift their expectations to representative organizations at these levels.

## **8. Individuation**

Definition: The shift, due to changes in working conditions, living contexts, personal mobility and family structure, in the locus of identity and collective action from large (“encompassing”) historically generated socio-political categories such as class, race, religion, ideology and nationality to much more

fragmented and personalized conceptions of self-interest and collective passion.

Guiding Rival Hypotheses: (1) Individuation at the level of interests and passions undermines the tendency for citizens to support, join and act in conjunction with more encompassing political organizations such as parties, trade unions and nationalist movements, produces a structure of intermediary associations that is more specialized in purpose and less connected in action than in the past, leads to a decline in the ability of polities to pursue over-riding “general” or “public” interests and, ultimately, to a decline in the legitimacy of democracy; (2) Individuation may undermine traditional forms of collective action, but it provides powerful incentives for creating new intermediaries that are more flexible in their structure, participatory in their decision-making, capable of forming (and re-forming) networks for the production of public goods of over-riding general interest, and this contributes to the legitimacy of new forms of democracy.

## **9. Mediatization**

Definition: The tendency to acquire information about politics and to receive political messages exclusively from a plurality of sources in the mass media, but especially from television and internet, that are in commercial competition with each other for the attention of consumers and the profit of owners.

Guiding Rival Hypotheses: (1) Mediatization destroys previously well-established mechanisms whereby citizens discussed politics directly with each other (and their children) and obtained their information and proximate identity through distinctively public and political intermediaries such as parties, associations and unions, and replaces them with a commercial nexus that trivializes information about politicians and exploits their personal rather than political actions; (2) The growing plurality of sources, the privatization of ownership and the competition between firms for consumer attention liberates the media from control by rulers and insulates them from partisan manipulation; thereby, creating a more diverse and accessible “public sphere” from which citizens can more easily extract information and in which they can participate virtually at much lower cost and effort.

## **10. Sense of Insecurity**

Definition: An increase in the perception of having to face avoidable risks and the magnitude of their probable consequences by vulnerable individuals and groups due either to threats external to one’s own society or to damaging behaviour from one’s own co-citizens.

Guiding Rival Hypotheses: (1) The manipulation by rulers of this growing sense of insecurity, especially that due to foreign non-state actors (e.g. terrorists), reduces basic freedoms and promotes aggressive (“pre-emptive”) behaviour that undermines institutions of the accountability of rulers to citizens and distorts the competition and co-operation of democratic representatives; (2) Efforts by rulers to exploit insecurity in order to avoid accountability will

generate a reaction among previously apathetic groups of citizens that will resuscitate pre-existing parties, associations and (especially) movements in defense of threatened freedoms and provide a basis for the foundation of new intermediary organizations.

We drew three (tentative) conclusions from this unprecedented state of affairs.

**First**, established democracies in Western and Southern Europe will find it increasingly difficult to legitimate themselves by comparing their performance with that of some alternative mode of domination, whether real or imagined. Now that liberal democracy has become the norm throughout Europe and overt autocracy persists only in countries with markedly different cultures and social structures, the standards for evaluating what governments do (and how they do what they do) will become increasingly “internal” to the discourse of normative democratic theory, that is to what differing conceptions of democracy have promised over time and for which citizens have struggled so hard in the past. Therefore, there should be a tendency towards a convergence in formal institutions and informal practices within Europe that will, in turn, lead to a narrower and higher range of political standards.

**Second**, new democracies in Central and Eastern Europe and the western parts of the former Soviet Union will find it increasingly difficult to legitimate themselves simply by arguing that they are so burdened by their respective autocratic heritages that they cannot possibly respect the norms of behaviour and attain levels of performance set by established democracies. The standards that their recently liberated citizens will apply in evaluating their rulers will rapidly converge with those already in use in the rest of Europe. Polities failing to meet these standards will experience more frequent electoral turnover in power and may even be threatened by popular rebellion, unless their newly empowered rulers respect the rules established by the “real-existing” democracies to their West.

**Third**, in both Western and Eastern cases, the polities involved will usually only be able to re-design and improve the quality of their respective democratic institutions and practices by means of partial and gradual reforms.

Moreover, these reforms will have to be drafted, approved and implemented according to pre-existent norms. Rarely, if ever, will the opportunity present itself for a more thorough-going, large-scale or “abnormal” change. After all, how much change in the rules of democracy can one expect from rulers who have themselves benefited from these very same rules? The usual rotation of parties and party alliances in and out of power will, at best, open up only modest opportunities for change.

My primary hypothesis about political design is that **the future of democracy in Europe lies less in fortifying and, thereby, trying to perpetuate existing formal institutions and informal practices than in re-designing and changing them.** “Whatever form it takes, the democracy of our successors will not and cannot be the democracy of our predecessors” (again, an idea taken from Robert Dahl). There is nothing new about this. As we have seen, thanks to Dahl, REDs have undergone several major transformations in the past in order to re-affirm their two central principles: (1) the sovereignty of equal citizens; and (2) the accountability of unequal rulers. And, I can see no reason why democracy cannot re-design itself again.

## **BEGINNING WITH A GENERIC DEFINITION AND MOVING TO SPECIFIC REFORMS**

Terry Karl and I have tried to produce the most “generic” working definition of democracy and came up with the following: **Modern political democracy is a regime or system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and co-operation of their representatives.** Using it as a guideline for designing new institutions and practices does not “pre-commit” the analyst to any specific model, institutional format or decision rules. It leaves open the key issues of how citizens choose their representatives, what the most effective mechanisms of accountability are and how collective binding decisions are taken. But the definition does provide him or her with the three types of actors who are expected to combine through a variety of

processes to produce the *sumum bonum* of political democracy, namely, accountability: **citizens, representatives and rulers.**

I am convinced that REDs are experiencing crises in all three of these constitutive dimensions. So far, however, citizens, representatives and rulers have neither agreed on the magnitude of these crises nor on the design of a concerted response to them. With some exceptions, they have responded either weakly or by attempting to reinforce existing rules and practices. There have been some very innovative efforts to transform challenges into opportunities at the local level, but these have failed to prevent a decline in the quality of their respective national institutions. Citizens had become increasingly aware of this “design problem” and focused much of their discontent upon representatives, i.e. upon politicians as individuals and parties as organizations.

In the Green Paper for the Council of Europe, I and my colleagues responded by making specific (and relatively modest) recommendations for reform – 28 of them in all. Some of them were inspired by the dispersed efforts that European democracies are already making; others are novel and have never been tried before.

Obviously, I do not have sufficient time to present all of them in this chapter, so I will focus very briefly on just a few for each of the three types of actors, i.e. citizens, representatives and rulers.

- I. **Citizens:** These are the “principals” upon whom the entire edifice of RED rests. Most of the literature assumes that they are individual persons; whereas, we have argued that the most effective ones are organizations acting as “agents” by representing diverse categories of them. The core normative issues have become (1) the extent to which these increasingly professionalized agents can be controlled by their voters, members, contributors or followers; (2) the degree to which the intrinsic equality of individual citizens can be displaced by the intrinsic inequality of their collective representatives; and (3) the



capacity of increasingly individualized persons to recognize and trust those who claim to speak for the various (and often conflicting) social categories to which they belong.

Innovations are needed to ensure the greater accountability of agents, to diminish the gap between professional and amateur skills, to increase the range of choice among candidates and associations; and to encourage participation by voters and members.

1. **Universal citizenship:** would grant voting rights to all legally entitled citizens from the moment of birth, with one parent exercising these rights until the age of political maturity.
  2. **Discretionary voting:** would allow citizens to spread their vote across candidates according to their intensity of preference and to vote for “none of the above” (NOTA) when no candidates were preferred.
  3. **Lotteries for electors:** to award each voter with a ticket to one of three lotteries (one for first-time voters, one for consistent voters, one for all others) with prizes to distribute funds for public policies.
- II. **Representatives:** These collective “agents” have become so omnipresent and embedded in the political process that they are capable of acting as “principals” independently of the citizens they are supposed to re-present. Elections are less able to ensure their accountability – even as competitiveness and rotation in power has increased – thanks to partisan collusion and absence of credible alternative programs. “Selected” or “Self-Appointed” agents do not usually have to worry about such obstacles to their tenure – especially if they are acting in the name of such principals as whales, trees or future generations.

Reforms should focus on making elections more competitive; on permitting a wider range of citizens to become representatives; and

tying the funding of parties (and other intermediary organizations) to citizen preferences.

1. **Shared mandates:** would allow parties to nominate two candidates for each elected position, one to serve as the “senior” representative, the other as his/her deputy with the distribution of tasks to be determined by parties or candidates.

2. **Variable thresholds for election:** would make it progressively more difficult for incumbent representatives to be re-elected by raising the necessary threshold for election.

3. **Vouchers for financing political parties:** would finance all registered parties through the distribution of vouchers for a fixed sum by citizens when voting. Could be combined with NOTA voting to provide an accumulating fund for financing new parties.

III. **Rulers:** ‘Real-Existing’ Democracies are not anarchic. They have persons and organizations that exercise authority and that can wield legitimate coercion if necessary. Most of these rulers are elected under competing party labels and have previously played some role as representatives of territorial constituencies – which is not to say that “selected” and “self-selected” representatives of other constituencies do not also form part of the ruling elite. What is distinctive about democratic rulers is supposed to be their *pro tempore* status and their contingent tenure in office. All REDs are supposed to have regular and predictable mechanisms for holding them accountable for their actions in the public realm – whether this involves citizens directly acting in periodic elections as in a presidential regime or indirectly through their representatives as in a parliamentary regime. Unfortunately from a democratic perspective, the proliferation of independent governing agencies has produced a sub-set of rulers that are not controlled by either mechanism.

What are needed are changes in the rules and incentives that will give amateur citizens some form of collective expression to counter the effect of their increasingly professionalized rulers, that will address the growing information gap between citizens, their representatives and their rulers, and that will improve the system of checks and balances between not just the three classic “powers” but between all of them and the increased role played by undemocratic “guardian” institutions.

1. **A Citizens’ Assembly:** would establish an annual assembly composed of randomly selected citizens to review (and eventually to reject) a limited number of legislative drafts referred to it by a minority of regularly elected deputies.
2. **Electronic monitoring and online deliberation systems:** to provide a publicly organized and funded system for monitoring the legislative performance of all elected representatives and for communicating with these representatives.
3. **Guardians to watch the guardians:** would empower the parliament to employ specialists who would have open access to all ‘guardian’ institutions and who would be responsible for reporting regularly on their performance.

## CONCLUSION

Liberal political democracy, as presently practiced in Europe, is not “the end of history.” Not only can it be re-designed, it must be – if it is to retain the legitimate respect of its citizens. It has done this several times in the past in response to emerging challenges and opportunities, and there is no reason to believe that it cannot be done in the present.

The major generic problem of contemporary European democracy concerns declining citizen trust in institutions of partisan representation and participation

in electoral processes. Therefore, those reforms that promise to increase voter turnout, stimulate membership in political parties, associations and movements, and improve citizen confidence in the role of politicians as representatives and legislators deserve prior consideration, especially in those cases where they might also make politics more entertaining and appealing to youth. The second most important problem concerns the increasing number of foreign residents and the political status of denizens in almost all European democracies. Measures to incorporate these non-citizens within the political process should also be given a high priority.

Single reforms in the rules of the democratic game have rarely been efficacious on their own. In the past, it has usually been 'packages' of interrelated reforms that have been most successful in improving performance and legitimacy. Sometimes this was the result of an explicit and rational calculation of the interdependencies involved; most often however it was the product of the political process itself with its inevitable need for legislative alliances, compromises among competing forces and side payments to recalcitrant groups. In other words, in "real-existing" democracies, the design of reform measures is almost always imperfect, all the more so when the intent is to change the future rules of competition and co-operation between key political forces.

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