THE EROSION OF DEMOCRACY –
THE BEGINNING OF THE END?

Michael Th. Greven

The state of the discussion and my intention

'Democracy' today seems to be recognized as a universal normative concept, in politics as well as in mainstream political science. Despite its historical origin in a world quite different from that of ours today and the one most probable to evolve in the future, most political scientists seem to believe that mere organizational improvements could secure its future as a regime and its validity as a normative concept.

The intent of my somewhat speculative intervention is to (again) raise the historical consciousness that in political science, as an empirically grounded discipline, 'history' is not only part of our history, but of the present and future as well. 'Democracy' as a specific regime, or even as a normative idea with a presently universal claim, may have a future, or not. The latter possibility must not be excluded from our discourse because of our normative preferences for this regime. Objective trends of development as well as at least some important actors in the future may care little about our normative preferences.

Public normative justifications of alternative political systems rarely appear, and even most of those systems, whose democratic status is questioned by public critique both internally and externally, defend themselves not with reference to an alternative normative concept, but claim to be simply a variant type of democracy. "All today

claim to be democrats … because the word 'democracy' is by itself a value, a mascot, a magic and legitimizing word – the only one that counts today" (Flores d'Arcais 2004, 8).[1]

At the same time the more traditional democracies of the West are faced with a public discourse in politics and political science that disputes the future of democracy at large in a somewhat dramatic tone. The "end of democracy" (Guéhenno, 1993) was already proclaimed years ago, though "post-democracy" seems to be the more appropriate description of its present situation for some (Crouch 2004), while at the other edge of this public discourse very optimistic models of "cosmopolitan Europe" (Beck/Grande 2004), or even "cosmopolitan democracy" (Held 1995), or a "global civil society" are proposed and viewed as a source of democracy (Ginsborg 2006). These more optimistic approaches also assume that democracy at the national level is no longer sufficient, but has a chance of survival as "Democracy Beyond the State" (Greven/Pauly 2000).

My approach in this paradoxical and confusing discussion leans more towards the sceptical diagnosis of the present situation. The first reason for this is very simple but often neglected in discussions: 'democracy', like every other human endeavor or institution of historical origin, has an internal history itself and will most probably – like every other historical effort – not last for all eternity. Even its history is contestable. Christian Meier has reconstructed the conceptual 'invention' of 'democracy' in the days of Kleisthenes and after, as a development of a new order in which for the first time the *demos*[2] became the decisive power, as an early development without the respective vocabulary and concepts, which only afterwards came into conscious practice.

In its beginnings, 'democracy' meant nothing else but exactly this decisive role of the general assembly in the power games of the times. Luciano Canfora even describes antique 'democracy' in the assembly as "Gewalt",[3] force exercised by social groups of non-owners against the privileged and wealthy classes" (Canfora 2006, 73). But the membership of this political assembly always remained very exclusive and was – in contrast to the concept of democracy based on natural law developed much later – not grounded in the principle of general human equality. The validity of *isonomia* in Greece gained no social dimension and reflected only the decisive position of the general assembly as a whole in opposition to the old powers (Meier 1970, 8 -9,

36-44). Nevertheless, and beyond all differences and changes in history, Meier describes the invention of 'democracy' from a modern point of view. The question which then arises is: is there an essence of 'democracy' beyond its variable historical perceptions and institutions? Working from an opposing perspective, Paul Veyne even asks, "[d]id the Greeks know democracy?" He instead insists on the "diametrical" cleavage between the antique and modern political conscience:

> We proceed from universality to the institution, while they started from the institution and, even if they proceeded as far as democracy, they never felt universalism as an ideal or conflict of conscience. For them it could happen, that they turned back at census-vote, (while for us universalism is a natural right, which might not yet be not fully realized and suffer restrictions; but if once established, one cannot be back (Veyne 1988, 21).

It is easy to see that Veyne's scepticism is on the one hand paralleled by an almost Hegelian optimism that in future an historical backlash against the egalitarian universalism of modern democratic theory would be impossible.[4] Even if that were to be conceded, the question remains as to whether this egalitarian universalism could be transformed into something else, different from what we know today, because abstract principles always manifest themselves in practices and institutions; if these change the practical appearance of those principles, they might also change or at least differ in their practical impact.

This reference to the 'universalistic principles' of democracy, which in normative perspective are not held to be surmountable, may be valuable in philosophical debates, but do not necessarily have any practicable implication for the future of political regimes. Some argue that only the historical appearance of democratic institutions change in history, while the 'universalistic principles' as such will always remain the same. That may be – even if the history of political thought as well as the history of democratic principles shows that these principles have not always been recognized and evaluated in the same normative manner.

However, neither normative principles by themselves nor human conduct and practices alone determine our future. Being sceptical about the future of democracy, I nevertheless try to avoid any determinism in politics. On the contrary, we in modern societies live in a situation in which, on the one hand, the principal contingency of

our political construction, of what we intentionally practice and perceive as our 'political system', has become evident to almost everyone (Greven 2009). On the other hand, this reflexive state of contingency does not mean that modern human beings and societies are completely 'free' in voluntarily constructing their political orders. Many structural constraints and – with the same limiting effect – unintended outcomes of social behaviour, and even sometimes the political decisions of certain hegemonic powers, always establish together only a specific corridor of possibilities for political decision-making and action typical of a certain historical situation. Every historical situation has its own area for contingencies. Some of the more objective limitations to human possibilities in the near future could and should already be known to us, indeed should have long been clear to us. Take as one example the scarcity of certain resources like oil, water and fertile soil, which determine "that our western style of living is perhaps neither sustainable nor possible at a global level" (Ekardt 2007, 12). That being the case, what would be the implication for the future of democracy in the OECD-West and at a global level? In other respects we, like every other generation before us, do not know what kind of possibilities lay behind that already conscious corridor of perceived possibilities and restrictions – because it is only afterwards, in historical perspective, that alternatives beyond the actual consciousness of a certain time-period become clear.

Modern democracy rests on contingent normative principles

Even a 'realistic' approach to the analysis of present democracy must start with a normative conception of what – at minimum – a system requires that would deserve to be called 'modern democracy'. This normative core cannot be found in a certain set of historical institutions but must be grounded in more abstract principles, which nevertheless are of historical (modern) origin. Such normative claims arose when individuals and collectivities successfully demanded them. The fundamental principle of every modern democracy since the American and French Revolution can be described as a narrative:[5] a number of individuals come together to form a community in which they recognize each other as free and equal under a system of law and government, which they establish and which is responsive to them thereaf-

ter. Their imagined original freedom from any government thus will be transformed into their right to participate in establishing and running the system of law and government, and to live and behave how they want within the limits of the positive law of that system. Their equality under that system, i.e. their political equality, will have three dimensions: equal opportunity to influence the running of the system of government, equality under the law and a common set of fundamental rights with which even their own government or the majority are not allowed to interfere. These are the main aspects of what has come to be called 'equal freedom' in the tradition of modern democracy, since John Locke's 'Second Treatise'. In operational terms this democratic form of government functions only if all members (subsequently called 'citizens') practically recognize the majority-principle as legitimization of decision-making, if they accept the authority of representatives and officeholders in government elected for a period of time according to the principle of equal freedom. Finally, the future must be open to a revision of former laws and for new policies in a subsequent period of elected government.

My assertion is that all other normative aspects of historical modern democracies can and must only be derived from this fundamental principle of 'equal freedom'. Where 'equal freedom' is abandoned or sincerely neglected, 'modern democracy' has already changed.

Nevertheless, empirically and according to recent developments some more hidden implications of these fundamental normative principles have only more recently become obvious, among them that: democratic government always rests on an exclusive citizenship according to the "congruence-principle" (according to Zürn 1998, 239) with its two dimensions: "input-congruence" must exist in form of identity between those who are submitted to valid regulations and those who have equal access to participation in bringing about these regulations; "output-congruence" exists only if the validity claim of regulations completely covers the policy-area of those regulations. Only if the first normative principle is respected can citizens perceive of themselves as "co-authors" of the regulations which they must obey (Habermas 1992), and if it is violated, they become ruled by others and the democratic idea of collective self-determination has failed. All those permanently governed and subject to the law of a democracy thus ought to be full citizens, i.e. deserve "equal freedom" – for instance children as well as immigrants. The second principle is violated

if citizens are submitted to regulations, or the impact of regulations, which originate outside their own political system. Ulrich Beck has called this historical understanding of the modern democratic state a "container-state", based as it is on the principle of the sovereignty of the people, and the respective theoretical consciousness "method-ological nationalism". He declares both in the course of globalization as outdated, given the empirical development of migration and grow-ing transnational interdependence in all policy-areas and social rela-tions (Beck 2002, 70 – 94).

Representation as well as government – that is the distinction be-tween those many governed and those few who govern – is not in contradiction with the fundamental principle, because also democra-cies are rule-based, as a "lack of rule is not a democratic ideal. Democ-racy in turn makes rule at first explicit and thus enables it to become legitimized" (Möllers 2008, 13). Democratic rule always rests on pro-cedures and institutions in accordance with the principle of "equal freedom" and only through this is it made legitimate. Usually, demo-cratic representation rests on a territorial base with clear boundaries to which their authority extends, and thus the inclusion of citizenship in practice rests to a certain degree on territorialism (*ius soli*), indepen-dently of the construction of collective identities.

Not only are those identities, memberships and territories of our present democracies historically founded and thus contingent, but also what has here been called the fundamental principle. 'Equal free-dom' as a principle has found many philosophical justifications in the long history of democratic thought – but its practical recognition in modern societies and constitutions ultimately rests on sufficient po-litical support only.

'Modern democracy' rests on contingent practices

Practices and support, not normative or philosophical arguments, de-cide on the future of modern democracy (Rorty 1988) – a fact often neglected in some normative varieties of 'democratic theory'.

Theoretical or philosophical justifications and theories, because of the very nature of democratic government, can in no way substitute at any point in time the sufficient support of the citizenship. In case of internal conflict, the answer to the question of what is 'sufficient' sup-

port is a practical power-question – as could have been learned from those few cases in which democracies have been overthrown by undemocratic powers.[6] To conceive of a democratic system legitimized in theory but not sufficiently supported and normatively accepted by the population is a *contradictio in adjecto*. Thus, democracies today share the objective contingent foundation of all 'political societies': it is politics only which actually and in future decides their fate as democracies. However, democracies may not only be overthrown by an undemocratic movement or a military coup, but can also change their normative orientation gradually and at first without public observance, in a process of steady erosion. Something like a slippery-slope towards authoritarian or even totalitarian regimes can take place in democratic regimes which in the beginning of this process only violate the normative content of democratic principles in single decisions or certain policies. Such violations of the normative foundation of the Humans Rights of individuals or even certain groups must not always become as spectacular as in Guantanamo Bay. "Many political decisions, procedurally made in complete accordance with democratic rules, can nevertheless contradict the normative preconditions of democracy. They are completely legal but are absolutely and aggressively antidemocratic; such politics attack the rare, but very fragile basis of democracy" writes Paolo Flores d'Arcais (2004, 53). Legal majorities and public discourse may even support such tendencies, which sometimes today undermine democratic principles under the proclaimed promise of increased security and defended wealth.

From all this, and especially from the political dependence of a democratic regime, a further normative implication is derived, which I call the Sartori-criterion: "It is a paradox that democracy, while being more complex than every other form of government, cannot persist if its principles and mechanisms surpass the intellectual horizon of the average citizen" (Sartori 1992, 23). Those 'average citizens' who cannot understand the functioning of their democratic regime, will most likely not be ready to support or even defend it at any time – that is the practical aspect of a major problem today. Those who do not understand cannot be taken seriously as the actual source of democratic legitimacy – that is the even greater normative challenge of today's democracies.

'Modern democracy' developed in different times

Long-lasting democratic regimes of government are confronted with an ever-growing objective state of complexity in both the problems facing them and policy-solutions available. The long-term process of inclusion has given the political system increasing responsibility to monitor and regulate almost every aspect of social, economic and cultural life in modern political societies. Likewise, the lasting process of growing inter-dependence between formerly separate 'democracies'[7] and the development of 'trans- and supranational' levels of governance has added to the complexity today. "Politics" is not any longer – as the democratic myth proclaimed – legitimate personal rule of identifiable individuals or at least parties, who could be held responsible. Accountability is a general problem. The 'polity', 'government' and 'state' in the eyes of the 'average citizen' has become an inscrutable labyrinth of bureaucratic institutions, a series of particular organisations and procedures within a legal system which only experts can survey. Policy programs to secure pensions, health care, energy, or public transport today are much too complex to be discussed in more detail in public discourse; the professional politicians and experts react with the distinction between 'policy-making' and 'policy-performance', acknowledging that most of the ordinary citizens cannot understand intellectually what really happens. Given the cleavage between expertise and public wisdom in politics for professional politicians, it must not be easy to avoid a cynical approach to their fellow citizens in the long run.

For various reasons the cognitive resources in the citizenry are always limited, and will remain to be so despite any efforts in public education. At the time when the modern democratic creed and first regimes became a reality however, the elite based character of these regimes was an acknowledged fact – 'politics' had not yet developed its present state of inclusion and complexity. In the context of that background, the democratic myth that citizens could understand and at least through participation in elections could co-determine their common fate – necessary for the normative foundation of the regime – could still function in practice. The personalization of representation in constituencies and the feeling that individuals could be held accountable for policy-outcomes at all times contributed to the feeling of legitimacy.

But the major question, given the complexities of multi-level governance in a world of interdependence and overlapping multi-network-structures, is in my view the discrepancy between the fundamental normative requirements of democracy and complexity itself. Democracy as a normative concept and historically as a set of political institutions has developed under much less complex circumstances; at least the perception of what is the central political question to which democracy should give an answer historically, has been very simple. The historical experience of Government in the initial phase of modern times was that of personal rule, hierarchy, and privilege on the part of the nobility. The idea of democratic government, especially in its liberal form, which de facto dominated the institutionalization of various forms of modern representative government in reality, was especially critical of the combination of personal rule and privilege, but let hierarchy more or less untouched. This was no accident. The tradition of dynastic recruitment of government was in the end replaced by the idea of general elections. "The principle of free and secret elections requires that everybody can become candidate" (d'Arcais 2004, 59), and each has an equal chance of success. Offices held in government should not be misused for personal privileges and held responsible to the *common good*. Also, the governor for the time being remains a citizen for whom the principle of equal freedom applies as for every other citizen; immunity protects the office and not the office-holder. In democratic government, the idea of hierarchy retains a function; indeed an import one: it is a necessary precondition for the conception of popular sovereignty, which had replaced the former conception of dynastic or even divine sovereignty as the major principle of legitimate government. This is so, because only if a consistent hierarchy of offices in democratic government exists, can accountability and responsibility on the part of office-holders dependent on election by their democratic compatriots be upheld. The German Constitutional Court speaks of the uninterrupted chain of representation and accountability as a necessary requirement of democracy, which can only exist in institutions or organisations with one hierarchy. This is why the idea of 'separation of powers' in democratic government has always been an alien element of democratic institutions, more so than one of a constitutional court which can overrule decisions of parliament. Today we find the strict representative model of popular sovereignty institutionalized in parliamentary sovereignty almost only

in Great Britain, while most representative democracies have more or less followed the path of the US-American constitution in establishing a system of divided government, with 'separation of powers' or the like – which originally and until today was meant as a counter against the radical understanding of sovereignty of the people and the strict idea of democracy. "The surveillance of democratic rules seems especially important if the trust in democratic self control is missing" (Möllers 2008, 74).

But who then controls a court of judges which neither discusses in public nor can be voted out of office by the democratic sovereign, and nevertheless has a final say in constitutional matters? In history this kind of thought always represented the fear of the unrestricted popular will of the masses by elites – an argument put forward as early as Plato's criticism of democracy. The German discussion about the *Grundgesetz* after the defeat of Nazism is very significant in this respect: the underlying premise in some of the debate was that democracy in the Weimar Republic suffered from too much direct democratic impact by undemocratic mass organisations, and that the new democracy therefore should be protected against undemocratic populism. However, the idea that 'populism' is 'undemocratic' very often has some undemocratic and elitist implications. It neglects the fact that the fight for "individual self-reliance" against a modern central state monopoly and economic oligarchies has also had a democratic component since at least Thomas Jefferson and Andrew Jackson (Priester 2007, 23). This may also apply to some of the widespread 'populist' opposition to "Brussels".

For my central argument it is not important that most representative democracies never realized the necessary strict hierarchy of offices which alone would render the leading elected office-holders in government accountable and responsible in a strict sense; the political reality has always been much more complex, and ever more so during the last century due to a continual process of politicisation and the inclusion of an ever growing number of issues regulated by policy. Concepts like 'governance' and 'network-regulation' describe today what has already long been a reality. Important is that these concepts only recently changed the perception of democratic government beyond the small circles of professional political scientists. Thus, the former fundamental myth of democratic legitimacy is now eroding among the public, especially if and when a majority of citizens tends

to believe that those holding office in the central government - do not really 'govern' as they proclaim – and sometimes in public confess. This widespread and somewhat realistic view can have various forms and content, alternative versions very well known from popular surveys and all grasping some factual aspect of a more complex reality. The simplest version of this is that the elites only use government institutions for their individual interest and business. "The political – the public – has turned into the private" writes Paolo Flores d'Arcais in view of the Berlusconi-regime (d'Arcais 2004, 75). But this kind of criticism of 'democratic elitism' today seems almost too optimistic, because the underlying assumption remains that more responsible representatives could give democracy another chance. Yet, we observe all kinds of conspiracy theories from finance-capital to still widespread anti-semitism in Islamic countries: not elected and authorized governments, but 'hidden powers' rule the world. Despite such unrealistic views and ideologies, a more realistic public perception of the complexities of politics in a globalized multi-level network of private and public governance seems to be growing, according to which, de facto, nobody can longer be held accountable for political (social, cultural, economic) developments. According to this understanding, government seems to 'evolve' out of human control. Governments just perform, play roles – but do not really govern and control what happens. It is especially this last perspective which undermines not only the normative idea of democratic self-determination but the very idea of government all together. This new popular wisdom resembles suspiciously the approach of 'autopoiesis' in Niklas Luhmann's system-theory (Luhmann 2000) – according to which we have to abandon the 'old-European' ideology that citizens can, at least to a certain significant degree, govern and determine their common destiny. Or is it perhaps the other way around, and this theoretical approach represents in scientific terms what has necessarily and realistically become the dominant public consciousness?

The trend towards elitism and expertocracy becomes evident

Since the sixties and seventies of the last century this early elitism was normatively challenged by recent neo-republican theories of participatory or "strong democracy" (Barber 1984) and denounced as

"democratic elitism" (Bachrach 1970). In the eighties, ever since large proportions of normative democratic theory put their hopes on 'new social movements' first and 'civil society' second. In normative theories of democracy elites had become anathema, until today.

Currently even in political science a (fourth) "transformation of democracy", leaving behind the idealistic ideas of "participatory democracy", is stated and somehow normatively affirmed (Buchstein/ Jörke 2007).[8]

Given the actual complexities of policy and the functioning of the democratic regime as a whole, democracies needed to and did indeed develop further into elite-regimes or even expertocracies – more so now than they have been in modern times. From the sociological perspective of modern societies this development seems to be unavoidable and without alternative. Political participation in parties, interest-groups, various organizations and social movements may play an enormous role for the individuals and even have a substantial impact on policy outcomes, but it does not by itself overcome the expertocratic character of modern politics. Experts act and are necessary in all manifestations of modern politics, and the average citizen may through his involvement in a single issue even become an expert himself, but still will not come up to the original republican idea of a citizen in charge of the *res publica* as a whole. The 'classical citizen' did not pursue individual interests, and engaged in single issues only in context of the *bonum commune*. Maybe the local level remains in part a *refugium* of citizen participation in the original sense, but even this local level and the problems to be handled there today have become "glocalized" (Sassen 2007).

Beyond this occasional activity and participation of citizens, 'politics' today is a profession with its own career pattern requirements and qualifications. The access and real chance to become a member of the governing elite is unevenly distributed among 'equal' citizens – equal only legally – due to the uneven distribution of resources to gain popular support and access to political offices and the privilege of wealthy and powerful social minorities.[9] To raise campaign funds and to get access to supportive interest groups and lobbies, social, and cultural capital are prerequisites not attainable by the lower classes. The former class-based political organizations of the old working class movement have today almost assimilated into the general career patterns of bourgeois organisations. Rarely does one out of that lower

origin today pass through the filtering system of education and professional careers to get a chance at political influence and impact. The substantial prerequisites and qualifications of democracies today are almost everywhere in full contradiction with their own fundamental normative principles – still upheld in ceremonies and legitimatory discourses. The formal political representation in western democracies is paralleled nowhere by equivalent social representation. Here and there we can even observe semi-dynastic patterns of recruitment to 'democratic' offices. This social selectivity of democratic recruitment is a first and major step away from the fundamental principle of equal freedom and down the slippery slope from social to political oligarchy, even dictatorship and tyranny.

Complexity and interdependency as growing objective limitations of democracy

Political Science,[10] via abundant empirical evidence from many surveys, is well aware of these permanent and systematic violations of fundamental normative principles and the idea of democracy, and rarely ever asks what this tells us in normative and theoretical perspectives about the nature of present political systems – still called 'democracies'. At best 'democracy' becomes "redescribed" (Buchstein/Jörke 2007). But will "redescription" cover every future change of former normative principles and historical institutions under the seemingly eternal label of 'democracy' – or is a fundamental change under way?

The structural effects and empirical details of growing global and regional interdependence, the so called 'globalization' within and between democracies has been widely discussed for years now, and need not be discussed again here in more detail. I will just briefly mention four aspects which are pivotal in our discussion. Firstly, one mentioned already: as a consequence of the growing interdependence of economic, social, cultural and personal activities across national boundaries, the "container-model" (U. Beck) of national politics and democracy becomes problematic, both in practical political terms as well as in more analytical perspective of the social and political sciences. Policies of national governments are not the only ones which today have a deep impact on the life of citizens in a nation-state; thus,

in light of the aspect of democratic legitimacy, national citizens even in democracies become subjected to an ever increasing degree to trans- or supranational rule. This is not a problem of the European Union with its 'democratic deficit' alone, but a practical consequence of a growing number of numerous transnational regimes with global functional regulations in various policy-fields today. The democratic idea of the political self-determination of a collectivity of citizens becomes an illusion. On this level we thus observe a wide gap between the power of impact which some transnational regulatory institutions, administrations and agencies have acquired on the life of ordinary citizens, and their capacity to participate or just recognize the sources of that impact. Citizens are no longer able to hold someone accountable for policies, which directly affect their lives.

Secondly, proposals to develop and establish 'transnational' or even 'global democracy' not only suffer from too much optimism, but also in various aspects contradict the minimal normative principles of modern democracy. Years ago, David Held as one of the pioneers of these ideas summarized his proposals of a future "cosmopolitan democracy", "[t]he global order consists of multiple and overlapping networks of power involving the body, welfare, culture, civic associations, the economy, coercive relations and organized violence, and regulatory and legal relations…. Law-making and law-enforcement can be developed within this framework at a variety of locations and levels" (Held 1995, 271). This vision of "law-making… at a variety of locations and levels" from the perspective of the 'average citizen' would certainly cause serious problems of belonging and loyalty, and transparency. Overlapping and probably conflicting claims of authority may occur – as in former days of feudal rule. Altogether, this increases the complexity of the political processes to a hitherto unknown degree. The participation of "civic associations" on the one hand increases participation, but on the other creates a normative problem of its own, because this participation is not in accordance with the principle of 'equal freedom' which in politics requires the equalization of participatory impacts as in the 'opov-principle' ("one person – one vote"). Not every kind of participation in governance is democratic, instead only that participation which rests on and supports the principle of equal freedom (Greven 2007).

While many proposals exist as to how democracy probably could be established beyond the state, in practical terms only the growing

participation and even impact of various self-mandated actors from NGOs to international law-firms can be observed. Their participation in transnational governance networks increases both the "informalization" (Greven 2005) and deficit of democratic legitimacy. Associations of the often idealized 'civil society' usually pursue partial interests and depend on non-transparent resources. Many of those NGOs today themselves suffer from a deficit of internal democracy and de facto are – especially on an international and transnational level – highly professionalized. Thus, the principle-agent-problem seems even more dramatic as in political parties and the mere claim of advocacy in the 'public interest' on the part of those NGOs cannot, as some prominent political scientists claim (Wolf 2002), substitute regular and institutionalized democratic control and authorization.

Thirdly, it seems as if the congruence-principle is not applicable to transnational politics and regulatory regimes, because with reference to them no definite 'demos' can be perceived or legally constructed. Again, David Held was among the first who proposed "general referenda cutting across nations and nation-states… with constituencies defined according to the nature and scope of disputed problems" (Held 2005, 273). But who would decide which particular "demos" is, or would in future be, effected by a proposed solution to a "disputed problem"? Proposals of functional "multiple demoi" in accordance with the respective policy-field of regulation (H. Abromeit 1998), are both in conflict with the principle of equal freedom and would additionally open the floor for strategic action and manipulation in constructing the various "demoi" ad hoc. And finally, all those proposals which see some variant of global or 'cosmopolitan' democracy as the appropriate reaction to globalization, if they propose transnational or even global parliamentarization (Held 2005, 273), are faced with what Robert Dahl recently characterized as the "dilemma of magnitude" (Dahl 2006, 75-79). While representative institutions have historically been the institutional answer to the problem of how to allow large populations at least indirect participation and an impact in the modern territorial nation-states, they are still based on personal representation. All representation in political systems which have to make authoritative binding decisions, must in the end rest on personal representation. In modern nation-states, one representative in parliament represents in Belgium for instance, 68,989 citizens of his or her constituency, while an Indian MP represents close to two million citizens

(exactly 1,954,258, according to Dahl 2006, 79). We can see that representative bodies like parliaments are also faced with the "dilemma of magnitude". That means that one cannot expand their membership beyond certain almost objective frontiers if one still expects this body to be a forum of deliberation. Deliberation always needs not only an agenda and limited time to reach decisions, but also a limitation of active participation, as "masses" cannot deliberate but only listen and acclaim. Thus, due to their aim and their functional logic, such bodies will rarely ever have a membership in future beyond some hundred members. Given that fact, how could one ever represent 'mankind' at large, understood as the global citizenry of a global democracy? The UN-Assembly is not by accident a representative body of state-governments – and could not directly be or become one of a cosmopolitan citizenry.

As a consequence, despite numerous 'theoretical' proposals, there seems to exist, thus far, no transnational construction of democratic citizenship in practice which is in normative accordance with the fundamental democratic principle.

Already, these four briefly mentioned fundamental implications of globalization undermine for the time being normative and institutional foundations of modern democracies. Democracy in states is eroding, while at the same time no transnational supplement is developing. It is my contention that the fundamental trends of globalization will last and even accelerate in future, the contradiction or misfit between the outcomes of these trends and national democracy.

'Modern democracy' erodes – who cares?

What will happen? At present, the most obvious reaction in practice seems to be that these obvious facts are being repressed, simply shut out of the mind: the performance in governments and parliaments and among most of the political elites follows the script "business as usual" – despite the obvious fact that fundamental conditions of democratic government have changed in the meanwhile. Take as an example the national parliaments in the various EU-member-states: estimates in Germany say that more than fifty percent of all legal regulations which year after year newly regulate various aspects of social, economic and cultural life of the German population originate

at the EU-level of governance, and are rarely openly discussed and passed by the German *Bundestag* and *Bundesrat* – even when those national institutions of democratic decision-making remain legally responsible according to the German constitution. On the other hand, only very small minorities observe the EU-level of policy-production; neither do the Commission, nor the various meetings of the Council, and only once in a great while do the European Parliament, appear on German television screens. The mass media are still preoccupied with the national political scene. Elections to the European Parliament are perceived by national elites and citizens as well, as 'national by-elections' only. The candidates remain little known among the electorate, and the agenda during the campaign still has a national focus. In consequence, the practically relevant policy-production for the German citizenry is to a significant degree not perceived or recognized by the German public and its citizens. Beyond a widespread diffuse feeling of 'Brussels' having an impact on their life, most citizens perceive this impact as coming from the 'outside'. This situation, again, contradicts the democratic idea of collective self-determination. The question is: how long will this repression work, and how long will the populations in EU-member societies tolerate this situation. What will happen if the citizens of various national democracies one day become aware that they have now de facto long been governed by external powers, which they never directly elected and cannot hold accountable? Not least because of the often neglected language divisions. It has always been strange to me that political science discusses at large the 'digital divide' of the world wide web while at the same time represses the simple fact that majorities of the citizenship in most EU-countries today are not able to understand the only possible *lingua franca* of transnational politics inside and outside the EU. What is the probable reaction of those populations: will they demand an increase in democracy at the EU-level, or are the actual problems with referenda in Denmark, France, the Netherlands and most recently Ireland already 'signs on the wall' that the hitherto transnational elitist approach of European integration as a political project beyond the open market has failed? This would lastly also cause a serious backlash for all those intellectuals who have become used to interpreting the EU in their given political status, as an example of working transnational democracy.

As mentioned earlier in this text, democracy in modern political societies is the contingent result of historical practice and related con-

sciousness, and as such has now and in future no other *fundamentum* – neither on ontological, anthropological or normative grounds (Rorty 1989). Political science and the average citizen show a growing awareness that our traditional concepts and understanding of democratic politics do not any longer represent the reality. Many small changes have occurred over time in part altering the meaning and normative essence of democratic institutions and practices. These small changes accumulate – if not already today then necessarily in the long run – to a fundamental turnover of our traditional institutions, practices and normative understanding of what deserves the name 'democracy'. While modern democracy historically started in 1688 with spectacular 'revolutions', it may disappear from world history via a long lasting process of creeping erosion already under way.

NOTES

1. All quotations from German publications are my own translations.
2. *Demos* in an absolute naturalistic manner as the power of the general assembly of citizens (ecclesia) which had to be taken into account by the old ruling nobility.
3. As in the German "Staats*gewalt*" (state-power).
4. With the background of the totalitarian experiences of the last century, and given the present situation of Human Rights in many parts of the world, this is in my mind a display of astonishing, almost careless optimism.
5. This is neither an historical account nor contractualism in a strict sense (based on premises of 'natural law" etc.), but just a heuristic argument to reconstruct normative principles of what in a long historical approach became until today 'modern democracy'; by the way: the American and French revolution (until 1793), both than and afterwards perceived as based on Human Rights, did not abandon slavery.
6. This took place after World War II, for instance, in South America (Argentina, Chile etc.) and Europe (Greece).
7. In terms of normative democratic theories of 'popular sovereignty', they were at least perceived as 'separate'.
8. Following the approach of Robert Dahl and state 1, 2, 3, or 4, "transformations of democracy" implies that something, the 'essence' of democracy, could be identified beyond 'its' historical emanations; this is not the place to discuss in detail this problematic approach.
9. In Germany and some other Western societies the Civil Service forms a channel upwards to political careers as does the Military in some non-Western 'democracies'.
10. "Political Science, which as science ("Wissenschaft") through its wretched praxis of apology has abdicated since long…." (d'Arcais 2004, 70)

LITERATURE

Abromeit, Heidrun (1998): *Democracy In Europe: Legitimizing Politics In A Non-State Polity*, New York et al.

Bachrach, Peter (1970): *Die Theorie demokratischer Elitenherrschaft,* Frankfurt am Main.

Barber, Benjamin (1984): *Strong Democracy,* Berkeley and Los Angeles.

Beck, Ulrich (2002): *Macht und Gemacht im globalen Zeitalter.* Frankfurt am Main (Suhrkamp).

Beck, Ulrich / Grande, Edgar (2004): *Das kosmopolitische Europa.* Frankfurt am Main (Surhkamp).

Buchstein, Hubertus/ Jörke, Dirk (2007): Redescribing Democracy. *Redescriptions* 11, 178 - 200.

Canfora, Luciano (2006): *Eine kurze Geschichte der Demokratie,* Köln.

Crouch, Collin (2008): *Postdemokratie*, Frankfurt am Main.

Dahl, Robert (2006): *Politische Gleichheit – ein Ideal?*, Hamburg.

Ekardt, Felix (2007): *Wird die Demokratie ungerecht?,* München.

Flores d'Arcais, Paolo (2004): *Die Demokratie beim Wort nehmen*, Berlin.

Ginsborg, Paul (2008): *Wie Demokratie leben*, Berlin.

Greven, Michael Th. (2005): The Informalization of Transnational Governance: A Threat to Democratic Government, in: E. Grande/ L.W. Pauly (Eds.), *Complex Sovereignty*, Toronto, 261-284.

--------------------------- (2007): Some Considerations on Participation in Participatory Govern-ance, in: B. Kohler-Koch/ B. Rittberger (Eds.), *Debating the Democratic Legitimacy of the European Union*, Lanham et al., 233 - 248

--------------------------- (2009): *Die politische Gesellschaft*, 2nd . Ed., Wiesbaden

---------------------------/Pauly, Louis W. (Eds.) (2000), *Democracy Beyond The State?.* Lanham.

Guéhenno, Jean-Marie (1993): *La fin de la démocratie*, Paris.

Habermas, Jürgen (1992): Faktizität und Geltung, Frankfurt am Main.

Held, David (1995): *Democracy And Global Order*, Cambridge.

Luhmann, Niklas (2000): *Die Politik der Gesellschaft*, Frankfurt am Main.

Meier, Christian (1970): *Die Entstehung des Begriffs 'Demokratie'*, Frankfurt am Main.

Möllers, Christoph (2008): *Demokratie – Zumutungen und Versprechen*, Berlin.

Mongardini, Carlo (2005): Governare un nuovo ordine globale, Roma.

Priester, Karin (2007): *Populismus,* Frankfurt/New York.

Rorty, Richard (1988): Der Vorrang der Demokratie vor der Philosophie, in: Ders., *Solidarität oder Objektivität?* Stuttgart, 82 - 125.

-------------------- (1989): *Contingency, Irony, And Solidarity*, Cambridge.

Sartori, Giovanni (1992): *Demokratietheorie*, Darmstadt.

Sassen, Saskia (Ed.) (2007): *Deciphering The Global: Its Scales, Spaces And Subjects,* New York.

Veyne, Paul (1988): Kannten die Griechen die Demokratie?, in: Ch. Meier/P. *Veyne, Kannten die Griechen die Demokratie?*, Berlin, 13 – 44.

Wolf, Klaus Dieter (2002): Contextualizing Normative Standards for Legitimate Govrnance beyond the State, in: J.B. Grote/B. Gbikpi (Eds.), *Participatory Governance*. Opladen.

Zürn, Michael (1998): *Regieren jenseits des Nationalstaates*, Frankfurt am Main.