

democratic anⓧieties

Disturbances Take Precedence

Why We Need to Regain the Procedural Consensus

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Democracy is group decision-making writ large. It rests upon norms of reciprocity and trust in these norms. Only if we can trust in one another's reciprocity is the procedural consensus on a system of government based on majority rule possible. Even if majority rule in modern democracies is complemented with different sets of checks and balances, support for a decision-rule that enables decisions without explicit consent from those bound by them is anything but self-evident. Yet, in our heterogeneous and pluralistic societies, only this procedural consensus enables the peaceful management of conflict.¹ Only mutual trust in reciprocity and the procedural consensus that builds on it guarantees that losers in majority decisions remain loyal to the democratic regime. They remain loyal because they can hope to win support for their positions in the future, trusting that the winners will hear and understand their arguments and respect their interests. Contemporary democracy is characterized by profound substantial disagreements—over fair distribution, immigration, or climate policy—and under pressure to demonstrate its capacity to achieve legitimate and effective decisions. However, this capacity is reduced by “disturbances” that make the procedural consensus stagger.

What is a disturbance? In groups, disturbances may consist of open or hidden resentments and hostility, disrespect, inequalities in floor time, and interruptions or offenses. Why should disturbances matter? Jürgen Habermas assumes reaching understanding is the “inherent telos of speech,” based on linguistic pragmatics.² He follows H.P. Grice, who pointed out that linguistic interaction is regulated by a principle of reciprocal co-operation.³ To accept the co-operation principle is to regard the speaker as a rational being who is, in general, able to understand what I say and vice

¹ Niklas Luhmann, *Legitimation durch Verfahren* (1983).

² Jürgen Habermas, *The Theory of Communicative Action* (Boston, Beacon Press, 1984).

³ H. P. Grice, *Studies in the Way of Words* (Harvard University Press, 1991).

versa.⁴ When fundamental co-operation—their willingness to understand and be understood—is in doubt, group decision-making becomes impossible. To Ruth Cohn, “disturbances and passionate involvements take precedence” is not so much a rule to be implemented by facilitators, but the statement of an empirical fact: *hurt feelings and resentment will undermine reciprocity and prevent substantial agreement whether or not we want and allow them to.*⁵

Democracy’s disturbances

What are today’s disturbances of democracy? A large body of excellent journalism and academic research reports socio-economically disadvantaged groups in rural areas and neglected neighborhoods feeling disrespected, excluded, and dominated. Kathy Cramer’s ethnographic work in particular opens a window into a world of resentment cosmopolitan liberals are mostly unaware of.⁶ Larry Bartels and Armin Schäfer’s work shows representatives are less responsive to the interests and preferences of the poor, turning them into perpetual losers in the democratic process.⁷ It is hard to imagine that the loyal opposition of perpetual losers is something to count on. Talking about grievances, however, we should not forget those experienced by liberal and progressive politicians, journalists, and academics who are confronted with hate mail, threats, and virtual sexual assaults.

If we want democratic institutions to retain the capacity to address large-scale problems and divisive substantial disagreements constructively, it seems we need to first stabilize the procedural consensus upon which democracy rests. How can we deal with the disturbances of contemporary democracy? In theme-centered interaction, participants are encouraged to voice their feelings in first-person form, to say, for

⁴ Claudia Landwehr, *Political Conflict and Political Preferences: Communicative Interaction Between Facts, Norms and Interests* (Colchester: ECPR Press, 2009).

⁵ Ruth C. Cohn, “The Theme-Centered Interactional Method—Group Therapists as Group Educators,” *Journal of Group Psychoanalysis and Process* 2, no. 2 (1969).

⁶ Katherine Cramer, “The Competence of Others: How Our Perceptions of Others’ Civic Abilities Inhibits Democratic Innovation” (Paper presented at “Democratic Participation—A Broken Promise?” workshop, Villa Vigoni, Italy, March 13-17, 2017).

⁷ Larry Bartels, *Unequal Democracy: The Political Economy of the New Gilded Age* (Princeton University Press, 2009); Armin Schäfer, “Government of the People, by the Elite, for the Rich: Unequal Responsiveness in an Unlikely Case” (Paper presented at “Democratic Participation—A Broken Promise?” workshop, Villa Vigoni, Italy, March 13-17, 2017).

example “I feel dominated when you interrupt me” rather than “you are a domineering person who permanently interrupts people.” While this simple rephrasing may not be enough to overcome deep divisions and prevent injury, it reinforces the norm of reciprocity: what matters for reciprocity is not what people are but what they do or do not do to one another.

Can we translate this approach into politics? I believe that we can through “democratic meta-deliberation.”⁸ These processes are required to confirm norms of reciprocal interaction but at the same time address the rules of the democratic game openly and in light of their biases and shortcomings. While the term “meta-deliberation” may sound technical or even elitist in the ears of some, my own experience with citizens in Germany shows most people are willing and able to engage in it.⁹ In general, even highly heterogeneous citizen groups often succeed in establishing and sticking to discursive rules. What I call for, however, is not just citizen deliberation, but citizen deliberation that makes the norms and rules of interaction and decision-making of a larger group than their own, namely the democratic demos, the theme of deliberation.

Every citizen possesses experience with and knowledge of group decision-making—in the family, on the school board, in a sports club, or a political party. Competence in citizen groups is therefore more equally distributed in meta-deliberation than it often is in deliberation about substantial questions, where more educated participants tend to dominate the floor. The self-selection bias in deliberative citizen forums, which leads to an overrepresentation of socio-economically advantaged groups, has often been criticized.¹⁰ However, Michael Neblo’s work indicates that in the United States, participants in citizen deliberation may be just as representative of the general population as voters.¹¹

⁸ Claudia Landwehr, “Democratic Meta-Deliberation: Towards Reflective Institutional Design,” in “Governance, Trust and Democracy,” supplement, *Political Studies* 63, no. S1 (2015): 38-54.

⁹ Claudia Landwehr, “Die Diagnose ohne den Patienten gestellt: Anmerkungen zu Postdemokratie und Bürgerbeteiligung.” *PVS Politische Vierteljahresschrift* 55, no. 1 (2014): 18-32.

¹⁰ For example, see Lynn M. Sanders, “Against Deliberation,” *Political Theory* 25, no. 3 (1997): 347-376.

¹¹ Michael A. Neblo, Kevin M. Esterling, Ryan P. Kennedy, David M. J. Lazer and Anand E. Sokhey, “Who Wants to Deliberate—and Why?” *American Political Science Review* 104, no. 3 (2010): 566-583.

Democratic meta-deliberation in practice

Citizen forums can promote the revitalization of the procedural consensus in two ways. First, they can, especially in highly divided communities and societies, reduce disturbances that impede constructive politics. Jürg Steiner's work shows the healing effects of deliberation across deep divides in post-civil war societies such as Colombia.¹² If resentments within American civil society are as severe as Kathy Cramer's studies suggest, meetings between representatives and constituents like those suggested and implemented by Michael Neblo might have a similar therapeutic effect in the United States.¹³ Second, and even more important, they can provide an input to larger scale public deliberation by pointing out institutional deficiencies and injustices and by offering proposals for institutional reform.

In the end, a revitalization and reinforcement of norms of reciprocity and a procedural consensus can only succeed if meta-deliberative discourses are taken to the level of mass publics and politics. Take [the example](#) of the *Dallas Morning News*, an American newspaper with a mixed readership of Democrats and Republicans and a somewhat more liberal editorial staff. Following Trump's victory in the presidential election, the newspaper focused its reporting on the scandals around the Trump administration and its apparent failures, often choosing a gleeful tone. The paper's Republican readership was enraged by what they regarded as biased and unfair news coverage, with many readers threatening to cancel their subscriptions. Subsequently, the editorial team invited a group of Republican readers to their office to discuss their coverage of Trump and his administration. While the editors did not change their substantial evaluations, they did eventually concede their gleeful tone was misplaced in a newspaper. Similarly, the strategy of ostracism and ostentatious contempt some European journalists and established politicians have practiced towards populists are unlikely to be successful, as Jan-Werner Müller argues: they will only confirm voters' impression of not being heard and represented by mainstream politics.¹⁴

¹² Jürg Steiner, Maria Clara Jaramillo, Rousiley Maia, and Simona Mameli, *Deliberation Across Deeply Divided Societies: Transformative Moments* (Cambridge: Cambridge University Press, 2017).

¹³ Michael A. Neblo et al., "Who Wants to Deliberate—and Why?" *American Political Science Review* 104, no. 3 (2010): 566-583.

¹⁴ Jan-Werner Müller, "On Populism and Polarization" (Paper presented at "Democratic Participation—A Broken Promise?" workshop, Villa Vigoni, Italy, March 13-17, 2017).

Moreover, mainstream parties should address dissatisfaction with existing decision-making procedures and patterns of representation, whether by suggesting democratic innovations or by clearly and comprehensibly defending existing institutions. It seems surprising, for example, that among the parties competing for September's general election in Germany, only the populist Alternative für Deutschland (AfD) devotes a significant part of its manifesto to democracy itself—in this case to advocate a more direct form of it in keeping with its populist ideology. Other parties, and especially liberal and democratic ones, must enter this discourse about the future of democracy, take the opponent seriously, and offer arguments rather than simple condemnations.

Conclusion

If we want to defend existing liberal democratic institutions, we must understand that the procedural consensus is never entirely stable and cannot be relied upon. Given that in any electoral system, any legislative or administrative decision-making procedure will have outcomes that benefit some groups and interests more than others, institutional design must always remain contestable in a democracy. We must be careful to avoid a fallacy of many proponents of the post-democracy-diagnosis: There never was a golden age of democracy and there never was an uncontested consensus on democratic institutions. Instead, consensus has been and must be re-established over and over again in processes of permanent re-constitutionalization. In this sense, the expansion of participatory politics that we have seen in many Western democracies since the 1970s, at least on local and subnational levels, can be seen as a reaction to citizens' changing expectations and to successful challenges to the procedural consensus.

If the procedural consensus is to be renewed and restored, the present disturbances must be taken seriously and addressed both confidently and open-mindedly by politicians and political parties. Whether each and every Western democracy will look exactly the same in ten or twenty years as today is an open question. Significant changes in the system of government seem more likely in some countries than in others and will, where they occur, to some extent be the contingent result of social and political struggles. But in any case, we may still hope that majorities in most countries

not only share norms of reciprocity but also support a procedural consensus that makes democratic institutions resilient enough to absorb shocks and withstand challenges.