

Is There a Crisis of Democracy?

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► **Abstract:** Democracy seems to be inextricably linked to crisis. This is true since the ancient writings of Plato and Aristotle. More recently, the debate over the crisis of democracy goes on under the heading of “postdemocracy.” This article addresses the question of whether the crisis of democracy is an invention of theoretically complex but empirically ignorant theorists who adhere to an excessively normative ideal of democracy, on three levels: first, on the level of quality of democracy indices developed by experts; second, on the basis of the survey reports on the opinion of the demos; third, on a deeper analysis of crucial spheres of democracy. The results hint in different directions. According to expert indices and polls, the message is: there is no crisis of democracy. However, the partial analyses on participation, representation, and effective power to govern reveal unresolved democratic challenges, such as an increasing level of exclusion of the lower third of the demos from participation, an inferior representation of their interests, and a loss of democratic sovereignty in policy making.

► **Keywords:** embedded democracy, latent crisis, loss of democratic sovereignty, market conformist democracies, social exclusion, two-third demos

Introduction

No other concept in political and social sciences has acquired so much notoriety as “crisis”: crisis of the welfare state, crisis of political parties, crisis of parliament, legitimacy crisis, structural crisis, fiscal crisis, Euro crisis, crisis in the Middle East, crisis of dictatorships, and the ever recurring crisis of democracy.

There are three major debates on the crisis of democracy. First, there is a public discourse. Here, one opinion seems to prevail, namely that the crisis of trust in political elites, political parties, parliaments, and governments aggregate into a general “crisis of democracy.” Second, political theory has posited from the outset that democracy is inconceivable without crisis. This applies to the ancient writings of Plato, Aristotle, and



Polybios (Keane 2009; Held 1996: 13ff.), continues in the early modern age with Thomas Hobbes, and reaches the beginning of the modern era with writings of Alexis de Tocqueville, Karl Marx, and Max Weber. The crisis debate has gained new momentum since the 1970s: It took off with the leftists Jürgen Habermas (1975) and Claus Offe (1972), the conservatives Crozier, Huntington, and Watanuki (1975) and entered the new millennium with the Neo-Schmittian Chantal Mouffe (2000) and Colin Crouch (2004) who precipitated the Europe-wide debate on “post-democracy.” The message from left to right has been clear: Yes, democracy is in crisis.

However, empirical research on democracy is more cautious. Russell J. Dalton (2008), for example, notes decreasing trust in political authorities or dissatisfaction among democrats, and Susan Pharr and Robert D. Putnam (2000: 25 ff.) speak of weaker performance by democratic institutions. Pippa Norris (2011: 241) denies that there is a crisis of trust in democracy; she speaks only of “trendless fluctuations in system support.”

Is the crisis of democracy an invention of theoretically complex but empirically ignorant theorists who usually adhere to an excessively normative ideal of democracy? Or, is empirical analysis confined to partial diagnostics and satisfied with positivist “superficiality” in survey data without recognizing the deeper causes and crisis phenomena that arise from cumulative interdependence between individual occurrences of crisis?

Democracy as a Contested Concept

Democracy is a contested concept. Normative discourse on (good) democracy is as old as democracy itself, and it intensified in the twentieth century. The boundless variety of different theories of democracy became difficult to penetrate (see, for example Held 1996; Schmidt 2008). Most classifications are mixed, reading like a long adjectival catalogue of democratic theory. It is described as conservative, liberal, social, pluralist, elitist, decisionist, communitarian, cosmopolitan, republican, deliberative, participatory, feminist, critical, post-modern, or multicultural – to name only the most obvious epithets.¹ On the search of a more parsimonious taxonomy, we can distinguish three groups of democratic theory: the minimalist, medium, and maximalist models.

The Minimalist Model

Minimalists, like the influential economist and democracy theorist Joseph A. Schumpeter (1942), assumed that free, equal, and secret ballots are not only the core of democracy, but democracy itself. Via elections, ac-

According to Schumpeter's model of democracy, political entrepreneurs – mostly parties – offer their programmatic product which is demanded, reviewed, selected, or rejected by the voters. The offer in highest demand gets the contract to temporarily represent the majority of voters' interests and preferences. Since elections occur periodically, the representatives elected are accountable to those they represent, who can choose to re-elect them at the next election or not. The minimalists thus limit the essence of democracy to the "vertical accountability" between the governed and those who govern (Przeworski 2007: 475).

For the analysis of crisis in mature democracies, the minimalist concept is of little use. Consideration of the competitive selection of rulers alone does not reveal whether a democracy is in crisis or not, and what the causes of any crisis are. We can answer these questions only if our analysis covers not only elections but also political parties, parliaments, governments, and civil society. Finally, we have to investigate whether the elected representatives are actually governing and not acting on behalf of large corporations, banks, lobbies, and supranational regimes.

The Mid-Range Model

Advocates of a medium-range model of democracy regard the minimalist understanding of democracy as thin and inadequate. To the democratic core of free, universal, equal, and fair elections, they add the spheres of rule of law and horizontal accountability. Moreover, they note that if and only if free elections are embedded in the guaranteed human and civil rights and in checks and balances can democratic elections be democratically meaningful. Jürgen Habermas (1992) and other adherents of this model of constitutional democracy have postulated the indispensable "co-originality" of civil protection and political participation rights.

The Maximalist Model

Maximalists include the output dimension in their notion of democracy. They include public goods, such as internal and external security, economic welfare, welfare state guarantees, fairness in the distribution of basic goods, income, social security, and life chances. In particular, they emphasize the need to avoid extreme inequalities in the distribution of income, and view the provision of primary and social goods at the core of democracy. Social democrat Eduard Bernstein, Weimar constitutional lawyer Hermann Heller (1934), and today's Amartya Sen (1999), Thomas Meyer (2005), and neo-Marxist theorists of democracy in Latin America represent this position. In North American democratic theory, maximal-

ism is rejected on both normative and analytical grounds for being too broad (Dahl 1971, 1989; Przeworski 2010). However, the last three decades of increasing inequality among members of the Organisation for Economic Co-operation and Development has brought the issue of socioeconomic distribution back into the limelight of democratic theory (Hacker and Pierson 2010; Stiglitz 2012).

The answer to the question of whether or not there is a crisis of democracy depends largely on the preferred definition of democracy. Minimalist concepts do not possess an adequate analytical sensorium for recognizing when major aspects of democracy are in crisis. Maximalistic concepts have the opposite analytical problem: They have such high normative standards that only few democracies can pass their “social democratic test.” I therefore suggest following a medium-range concept of democracy and view in this range the notion of “embedded democracy” as analytically most helpful (Merkel 2004).

Embedded Democracy and Crisis Diagnosis

At the core of embedded (constitutional) democracy stand five partial regimes: democratic election (A), political participation rights (B), civil rights (C), horizontal accountability (D), and effective power to govern (E) (see Figure 1).

Electoral Regime (A)

The electoral regime has a central role in democracy because elections are the most visible expression of popular sovereignty. A democratic electoral regime requires universal active and passive voting rights as well as free and fair elections. A democratic electoral regime is a necessary but not sufficient condition for democratic governance. If crisis infects a democratic electoral system, it strikes at the heart of democracy. Changes in voting behavior, such as increasing voter abstention, increasing volatility or persistent discrimination against ethnic groups, classes, or women are the early warning signs of the diagnosis that participation and representation fail to reflect the totality of the demos sufficiently.

Political Rights (B)

Political rights prerequisite and go beyond elections; they complete the vertical dimension of democracy. They constitute a public in which organizational and communicative power can be developed. Only the col-

lective formulation of opinion and political will enables full electoral competition. Specifically, political rights are embodied in the freedom of speech and the right to associate, demonstrate, and formulate petitions. The most important political actors in partial regimes of established democracies are parties. They compete for votes, form governments, and ensure that governments really govern. Changes in political parties and the party system usually reveal early crisis tendencies in the political system. This is the case when integrative, catch-all parties experience robust electoral decline, while anti-system, right-wing populist parties grow stronger and the number of parties proliferates. All of this goes hand-in-hand with a consistent decline in party membership and the transformation of existing parties into cartel parties without any roots in society and with the potential to undermine basic organizational pillars of representative democracy. The scope of dysfunction, of course, extends beyond parties and encompasses direct democratic forms of participation such as referenda, (deliberative) citizen forums, juries, and participatory budgeting.

Civil Rights (C)

Civil liberties must complement democratic elections and political participation. Freedom rights protect citizens from illegitimate state interference. Individual rights grant legal protection of life, liberty, and property, as well as protection against illegitimate arrest, exile, terror, torture, or unjustifiable intervention in personal life. These individual rights tame the majoritarian democratic will and prevent what Tocqueville called a “tyranny of the majority.” When the civil rights of ethnic and religious groups, immigrants, or other structural minorities are restricted, the quality of democracy deteriorates. The same is true when state authorities unilaterally resolve the trade-off between internal security on the one side and freedom of expression and information on the other side to the detriment of individual freedoms, as in the case of some post-9/11 Western democracies.

Horizontal Accountability (D)

Horizontal accountability concerns the mutual checking of constitutional powers. We have to examine it in terms of a balanced mutual interdependence and autonomy of the legislative, executive, and judicial branches. The independence of the judiciary and, in particular, judges is especially important. Democracy crises are often characterized by the fact that the balance of power between the executive and legislative shift to the detriment of the latter. If parliaments increasingly lose legislative and regula-

tory power, the causes and consequences of these crisis symptoms should be examined.

Effective Governance (E)

The fifth part of the effective governance regime specifies that only individuals, organizations, and institutions that have been legitimized by free and general elections are entitled to make authoritatively binding political decisions. Military, but also powerful companies, banks, or financial funds should not be allowed to decide on security and financial or economic policy. In advanced democracies, the military is not the obvious problem. But a similarly problematic limitation of the sovereign prerogatives of parliament and government can be observed in global financial markets, and the way these markets empower institutions like the International Monetary Fund or supranational regional institutions such as the European Central Bank, and the European Union.

In this context, it is possible to distinguish between internal and external embeddedness. The broader point here is that partial regimes are able to affect democracy only when they are mutually “embedded.” Democracy is thus seen as a system of partial regimes that reciprocally complement but also limit each other. Every democracy is also embedded in

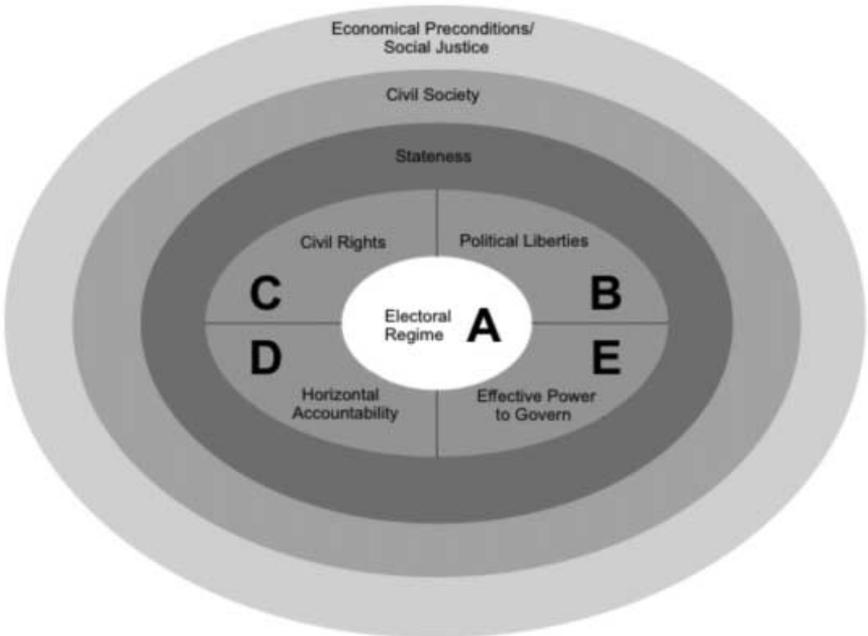


Figure 1. The Concept of Embedded Democracy (Merkel 2010: 31, modified).

an external environment. This environment serves to enclose democracy; it enables or hinders it, stabilizes or destabilizes it. The most important external conditions of embeddedness include the socioeconomic context, civil society, and international or regional integration in organizations and policy regimes. If these external embedding conditions are thin or impaired, they often result in defecting democracy in a given context or making it more fragile and unstable.

Crisis: A Poorly Defined Concept

“Crisis” comes from the ancient Greek and initially meant opinion, judgment, or decision. The term later became more specific, coming to mean uncertainty, precarious situation, aggravation, decision and turning point. “The concept imposed choices between stark alternatives: right or wrong, salvation or damnation, life or death. Until the early modern period the medical meaning, which continued to be used technically, remained dominant virtually without interruption” (Koselleck 2006: 358, author’s translation). Since then, the concept of crisis has spread to almost all economic, social, political, and personal aspects of life. The term gained importance and became a catch-phrase. “The concept of crisis, which once had the power to pose unavoidable, harsh and non-negotiable alternatives, has been transformed to fit the uncertainties of whatever might be favored at a given moment” (Koselleck 2006: 399, author’s translation).

In simple terms, we can distinguish at least two uses of the term in political system’s crisis theories: First, an *acute crisis*, which threatens the very existence of political order and requires unmistakable action. This perspective is taken to a certain extent from Marx’s theory of the crisis of capitalism. If we transpose this understanding of an acute and final crisis into the democratic system, crisis might seem like a preliminary stage for a democratic collapse and the transformation toward an autocratic regime (Merkel 2010). When seen from an attenuated neo-Marxist perspective, the collapse of the late capitalist state – including its democratic form – presents the final stage of a progressive crisis sequence (Habermas 1975).

With the waning of neo-Marxism however, this variant of crisis theory has almost entirely disappeared, at least as far as mature democracies are concerned. It has been replaced by a concept of latent crisis. Latent means that the crisis can drag on without a conceptually predicted conclusion. Formal institutions remain in place, but the idea of democratically legitimated and representative popular government atrophies. What remains

is nothing more than a post-democratic façade (Crouch 2004) or a diminished subtype of democracy (Offe 2003). Since it is hard to expect system collapse in mature democracies, I suggest focusing on the second type of crisis when analyzing the current state of these democracies.

The notion of “crisis type 2,” which proves to be relevant for the analysis of mature democracies, suggests focusing on the following three questions in the context of a crisis analysis: 1) What do democracy indices show with respect to the changes in the quality of democracy during the last decades? 2) What do opinion surveys tell us about the people’s opinion on a possible crisis of “their” respective democracy? 3) What do partial analyses of the five partial regimes tell us about the current state of democracy?

The Experts’ Opinion: Quality Indices of Democracy

If we wish to investigate whether democracy is in crisis or loses its quality, we can first turn to democracy indices. They use either expert assessments (Freedom House, Polity) or “objective” indicators (Democracy Barometer) that seek to capture the democratic quality of a political regime. If quality indices are available over a relevant period of time and can with sufficient differentiation identify downward trends in democracy, we can speak of a creeping crisis of democracy. If we find a dramatic decline in the measured quality of democracy over a short period of time, we could talk about an acute crisis of democracy.

Freedom House and Polity IV show virtually no variance for the top 50 democracies over the past three decades. According to their rough measurement, established democracies are in the same good condition as they were in the 1970s. Democracy Barometer (DB) has developed a democracy index (100 indicators) with more sensitivity toward variance in the “30 best democracies.” The DB allows for an index covering the entire democratic system, but also has scores for the three core principles (freedom, equality, power control) or the nine core functions of democracy, such as participation, transparency, representation, and rule of law. This can help identify both holistic and partial trends in democracy from 1990 onward.

The overall DB index does not give any evidence to the crisis hypothesis. It even shows a slight increase in the quality of democracy from 1990 to 2010 (Democracy Barometer 2010). However, this does not apply to all countries; some reveal positive, some negative trends, such as Italy under Berlusconi and the United States under George W. Bush. If we disaggregate the aggregate index into different functions and select four

functions such as individual liberty, rule of law, representation and participation, an interesting observation can be made. While individual liberties and rule of law remained stable on a comparatively high level over two decades (1990-2010), the quality of representation and participation has changed. The quality of representation increased mainly due to a better representation of women and ethnic or sexual minorities. The quality of participation, however, declined. The reason can be found in its higher social selectivity. Especially the lower social classes increasingly abstain from political participation and do, for instance, participate less in general elections. In the context of non-conventional forms of participation such as protest, manifestations, direct democracy, deliberation, and participation in juries and councils, the lower classes have always been dramatically under-represented. While the recognition, representation, and participation of women and “cultural” minorities have improved over the last two decades, the lower third (if not half) of society has been increasingly marginalized. The overall message is clear: There is no crisis of democracy, not even a slight deterioration of the quality of democracy.

People’s Opinion: Mass Surveys

What do the people think about the working of their democracy? A crisis of democracy can be said to exist when the majority of the citizens perceive the situation as a crisis. This is, analogue to Weber’s legitimacy belief, a belief of citizens that democracy is the only legitimate political regime. A close look at the *Eurobarometer* shows that over the last four decades (since 1973) the level of democratic satisfaction for all the countries in the European community has been extremely stable. According to these figures, from the subjective perspective of the citizens, we cannot speak of a crisis of democracy either.

But, how deep can such a survey index go? Does it describe only the surface of reality without detecting changes that occur in institutions and processes below the surface? Aggregate indices do not register internal shifts, as when citizens lose confidence in the core institutions of representative democracy (majoritarian institutions) such as parties, parliaments, governments, at a time when their confidence in non-majoritarian institutions remains very high (police, administration, judiciary, central banks). A first detailed look at the polls seems to confirm this. While trust in political parties remains on an extreme low level, trust in parliaments has been declining from a mid-level toward a lower level; trust in the police, constitutional courts, and the bureaucracy remains far above levels of trust in parties and parliaments. Having said

that, would a shift of the legitimacy axis within democratic systems indicate a crisis of democracy? A precise exploration of this occurrence seems to be particularly important because it could disclose whether such subterranean shifts can lead to a change in the understanding of democratic legitimacy among citizens.

Surveys about the trust in institutions do not reveal the whole story. There is still a gap between the extremely low trust (according to surveys) in political parties and the yet rather high voter turnout in Western Europe. None of these empirical facts should be emphasized without mentioning the other. It may correct the euphemists arguing that there are only “trendless fluctuations” (Norris 2011), or the pessimists stating that we already entered a post-democratic era (Crouch 2004). However, what we observe during the last two decades is a moderate decline in electoral participation in Western Europe and a dramatic one in Eastern Europe. Focusing on this single albeit central indicator of democracy, we can observe that not so much the old, well-established democracies of the West seem to be in crisis, but the new democracies of Eastern Europe.

The main message of the mass surveys is not that clear. On the one side, the citizens are still satisfied with the working of their democracies, but, on the other, they show low trust vis-à-vis the core organizations and institutions of representative democracy (parties, parliaments). They approve especially with those organs of the democratic state that are non-majoritarian such as police, judiciary, and the administrative apparatus of the state. It is not too hazardous to assume that there appears to be a different understanding between experts and the average citizen as to what democracy means.

Beyond Description: Causal Partial Analyses

A deeper analysis of the crisis question has to move beyond the level of mere description. It should provide some causal explanations to find out the causes and the strength of their impact on the proper and improper working of present democracies. Here the crisis theories of democracy transcend the pure “positivist” perspective. Crisis theories from such different authors as Offe (1972: structural crisis), Habermas (1975: legitimation crisis), Crozier et al. (1975: overload crisis), Huntington (2004: identity crisis) Crouch and Streeck (2004 respectively 2013: hollowing-out crisis) provide insightful hypotheses about challenges to democracy. These include: i) financial capitalism as a challenge to democracy; ii) globalization as a challenge to the democratic nation-state; iii) socio-

economic inequality as a challenge to the democratic principle of equality; iv) too much participation leading to overly demands and therefore to an overload of the state; and v) cultural diversity as a challenge to the political community.

These five sets of challenges are obviously exogenous to the core of democratic institutions. The transformation of these exogenous challenges into internal structural changes can have two different consequences. First, conducive to democracy: handling challenges productively, adapting institutions to changing environments, and adopting appropriate policies to productively transform external challenges in reforms. A second possible consequence could be that challenges are not handled productively. Examples are the social uprooting of parties (Mair 2006), increasing social selectivity in political participation, and increasing dominance of the markets over politics.

We have investigated the impact of these challenges on the five partial regimes of “embedded democracy” (Merkel 2014). In some of these partial regimes the challenges were transformed into positive change that improved the quality of democracy. In others they undermined the functioning of democratic institutions since productive ways to transform these challenges into democratizing reforms were not found.²

Electoral Regime

There is a moderate (Western Europe) or drastic (Eastern Europe) decline in voter turnout. Declining electoral participation is due particularly to political apathy of lower social classes. While the gender gap is nearly closed, selectivity in terms of social class has significantly increased. The increasing socioeconomic inequality during the last three decades has been transformed (i.e.) into a higher inequality of cognitive resources and political knowledge. The lower the political knowledge, the fewer voters are able to translate their interests in appropriate voting preferences. The more unequal a society, the more people are unwilling or unable to participate meaningfully in the context of elections.

Political Rights and Opportunities

For almost three decades European party systems have been changing: The traditional catch-all parties are in decline while more specialized or populist parties have emerged – ecological parties, right-wing populist parties and leftist socialist parties. Catch-all parties had mobilized the lower class voters better than most other parties; the “new” parties rarely represent the interests of the lower classes. Less conventional forms of

participation such as referenda, deliberative assemblies, participatory budgeting or citizen councils are unable to stop this political exclusion. Since they are cognitively and politically more demanding than voting, they are socially even more exclusive. They do not seem to be a cure for the social exclusion disease, but rather an accelerator of it.

Civil Rights

Compared to the 1960s when women (Switzerland) or Afro-Americans (six US states) were not allowed to vote, when women did not have the full range of economic and civil rights in many democracies, when homosexuals were criminalized and the discrimination against ethnic minorities was ubiquitous, the civil rights situation today has improved considerably. Today's governments, parliaments, parties, and the political elites are compelled to be more transparent. Contemporary civic associations are more numerous and more political. They monitor politics much more closely than some decades ago (Keane 2009). Yet, we are not living in a world where civil rights and the rule of law are unchallenged. The practices used by the US-American National Security Agency (NSA), the British Government Communications Headquarters (GCHQ) and secret services elsewhere in the world have demonstrated this in public only recently. Nevertheless, there can be no doubt that the situation of civil rights situation has improved.

Horizontal Accountability

The last decades have seen a weakening of national parliaments. Globalization and transnationalization have strengthened the executive at the cost of parliaments. Only governments are represented in the context of international governance regimes. Parliaments, the core of representative democracies, have lost some of their legislative and surveilling powers.

Effective Power to Govern

What governments have gained in power vis-à-vis parliaments on the one side, they have lost to the markets on the other side. Deregulation and globalization have empowered financial actors such as banks, hedge funds, investors, and global firms. "Markets" have become the principals, governments the agents. If these principals are hit by self-inflicted crises, as it has been the case of the financial crises after 2008, they can externalize their problems and force the governments to bail them out.

Conclusion

Is democracy in crisis? The three different levels of analyses have yielded three different results. Indices of democracy constructed by scholars do not indicate that mature, well-established democracies are in crisis, neither in an acute crisis nor in a latent one. The message on the second level is more ambiguous. If the citizens of the EU Member States are asked whether they are “very” or “fairly” satisfied with the working of their democracies, the polls of Eurobarometer have shown slightly higher satisfaction in 2010 than in the first half of the 1970s. But if the same citizens are asked how much trust they have in representative democracy’s core institutions, namely parties, parliaments and governments, their trust in political parties, parliaments, and governments is lower than in the police or the legal system. The interpretation of this ambiguity can be at least threefold: First, the demos is cognitively dissonant by being satisfied with the working of the democratic system as a whole, but having only low or medium trust in the core institutions of representative democracy. Second, the citizens have a different understanding of what democracy means compared to that of scholars of democracy. Third, people do not see a crisis of democracy, but want to see less power given to political parties and parliaments.

The third level, the empirical analysis of democracy’s partial regimes, sheds more light on to democracy’s specific parts. There is evidence that the societal demand to grant more civil rights and representational opportunities to the different kinds of minorities has led to an improvement of democracy within these democratic dimensions. However, four out of five partial regimes are confronted with unresolved problems worsening the democratic situation: There is an increasing dropout of the lower classes from political participation and a trend to neglect the representation of their interests in parliament (Merkel 2014). Parliaments have been weakened over the last decades to the benefit of executive power and supra- or transnational modes of governance. However, these executives have lost effective governmental power to deregulated markets, central banks, and global economic actors. National democracies have lost sovereign democratic prerogatives to supranational regimes, which are less transparent, scarcely accountable, and far away from citizens’ participation.

So, is there a crisis of democracy? There is certainly not a crisis about to deconsolidate the well-established democracies. It is also an empirically unfounded myth that there was a golden age of democracy in the 1950s or 1960s. But we are witnessing some “subterranean” erosion of democracy not recognized by the demos. Protest movements and a po-

liticized civil society may influence the political agenda and make democracy more adaptive to social, economic, and political demands. But they are too weak to change the course of globalization, marketization, and the increasing socioeconomic and political inequality of our polities and societies. Moreover, they lack the thickness of democratic legitimacy, which parliaments enjoy since they are elected by *general* and *fair* elections. The future of democracy therefore is still to a large extent the “future of representative democracy” (Alonso, Keane, and Merkel 2011).

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► NOTES

1. David Collier and Steven Levitsky (1997) have counted hundreds of different adjectives for democracies.
2. The following results are drawn from the empirical analyses in Merkel (forthcoming).

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