

# FRED EMERY COLLECTION

## TOWARD REAL DEMOCRACIES



Southern Cross  
University Press



**FRED EMERY  
COLLECTION**

**TOWARD REAL  
DEMOCRACIES**

# Table of Contents

Table of Contents.....	ii
Introduction.....	iii
<b>PART ONE.....</b>	<b>I</b>
DEMOCRACY TODAY, YESTERDAY & TOMORROW.....	1
Chapter 1. Representative Democracy.....	2
Chapter 2 On Taking Turns to Govern.....	16
Chapter 3 The Possibility of Change.....	19
<b>PART TWO.....</b>	<b>31</b>
ON KNOWING WHAT TO DO.....	31
Chapter 4 Transition to Participative Democracy.....	32
Chapter 5 New Emerging Forms.....	39
Chapter 6. Two Models of Participative Institutions.....	51
Chapter 7 Effective dialogue and the new technology.....	62
Overview of Parts I and II.....	72
<b>PART THREE.....</b>	<b>74</b>
SOME CRITICAL PROBLEM AREAS.....	74
Chapter 8 Property and Democracy.....	75
Chapter 9 Democratic Laws.....	82
Chapter 10 Democracy without Bureaucracy?.....	90
References.....	104

## Introduction

This study arose from concern about the lack of participation of citizens in the democratic process and the prevalence of apathy and withdrawal, cynicism about government processes, and distrust of politicians. Today, this concern is more widely shared and is more profound than ever before.

These symptoms-were to be expected in the early days of extending the electorate franchise to the poorer, non-propertied and non-literate masses. However, it was assumed that the level of participation would increase with the spread of universal primary education and since World War II, near universal secondary education (in the western democracies). It was also assumed that participation would increase with the growth in effective leisure time (not just time recovering from arduous physical labor) and a growth in real income which allowed individuals to take personal advantage of the revolution in information technology. These assumptions have not been justified. Levels of participation have gone from bad to worse. Clearly we have to re-think the grounds that led us to those assumptions.

There is no evidence that people are any less concerned with being masters of their own fate. We must look elsewhere if we are to unravel the paradox of people being strongly dedicated to the notion of democracy (the 'ideal' of democracy ?) and yet, in practice, unwilling to participate in the democratic processes. We must look more closely at those processes to see if there is something about them that inhibits participation. The political scientists have, in general, been reluctant to consider such possibilities. Perhaps we should extend our enquiries further to consider the general conditions that induce people to participate with others in advancing their joint concerns ?

I am no political scientist.

However, since 1945, I have been concerned, as a social scientist, with the exercise of social power. This concern has always been both theoretical and practical. I have been no stranger in the territories that political scientists claim as their turf as my overriding concern has been with developing effective forms of participation.

In a paper to a recent Michelesen Institute (Bergen, Norway) conference on Government and Participation David Marsden explored the paradoxes to be encountered in trying to say "What is Community Participation". He finally had to turn away from political science explanations and conclude that his audience should look in a different direction:-

"Different management styles need to be developed to allow for greater participation ... The development of organizational cultures which ensure the commitment of members is at the forefront of recent management thinking."

It so happens that for the past thirty years Eizrc Trist, Einar Thorsrud and myself, co-workers over this period, have been recognised as being in that "forefront of recent managerial thinking". It was our concern with the theoretical and practical problems of democratizing the workplace that put us at the spearhead of changes in managerial thinking.

## Toward Real Democracies

As the problems of democratizing work expanded from the workplace to plant and enterprise management we had to confront the problem of democratizing the exercise of power-at-a-distance. We were then invading the theoretical space of the academic political scientists.

In this book I have tried to spell out some of the many implications of the radical solution that we found necessary to resolve this problem. This is the selection of 'representatives' by lot instead of by popular ballot. It is our experience that persons selected by a properly randomized procedure remain representative (typical) of the population from which they are selected; persons selected by popular ballot automatically become members of a special class of people, politicians. The book brings together what my colleagues and I have learnt since I first tried to sum up our experiences in the first Rafi Ahmad Kidwai Memorial Lecture in New Delhi, on 14 April 1976, to Mrs Gandhi's Ministers and Heads of Departments. (Emery, 1981).

I finished writing this volume in late 1988. At that point in time I had no idea that demands for democracy had built up to the point where they would bring about the collapse of the communist regimes of East Germany, Czecho-slovakia and Hungary; bring victory to the Solidarity Movement of Poland and shake the stuffing out of Rumania, Bulgaria and the Soviet Union itself.

This book is not a response to the events of 1989. When I had given a good deal of thought to the future of the Eastern Bloc in 1976 (Emery 1977) I was stymied. I had no idea of what internal dynamics might force change on a theocracy and I was not idealistic enough to imagine that it might be the human demand for democracy. I wrote this in the relaxed state of thinking that I was writing of possibilities that might be explored in the next decade or so. I thought that what I had been forced to think about in the democratization of work might be of some broader relevance in the decades yet to come. I actually took some comfort in the feeling that, at long last, I was writing about a matter that could be left to the next generation.

The events of 1989 shocked me out of that complacency. At the same time, these totally unpredicted events left a disturbing sense of *deja vue*. Similar unpredicted, international, political earthquakes had occurred before in modern western society.

The multiple shockwaves of 1848 are a well documented part of history and we have barely gotten over the shock of the international 'counter culture' of around 1968. Now, in 1989, we have had in Eastern Europe what seems like a re-run. As in 1967-72 it is the youth who have made most of the running, not the intellectuals, the workers or the peasantry. The spectre that now haunts Eastern Europe is democracy; it is very definitely not the spectre of communism that Marx and Engels wrote about in 1848.

I suggest that this near bloodless revolution will usher in a period of considerable social instability. The populations of Eastern Europe grew up on a diet, not only of rubbish about the virtues of communist rule but also, of a continuous stream of critical exposes of the Western institutions of representative democracy. That latter stream of criticism did not have to be invented; selective reporting was generally all that was needed. As the Eastern European countries establish their own institutions of representative democracy we may

## Introduction

therefore find the rapid emergence of a level of discontent with those institutions that we have not seen in the West since the Great Depression. The situation will obviously be exacerbated by the inevitable increase in unemployment and shrinkage of the social support systems to which they were accustomed. Admittedly those social services were pathetically poor but for many they were seen as a real alternative to destitution.

My point in making this introduction is to suggest that, whilst in the West we can take our time in exploring new forms of participatory democracy, there is considerable urgency in considering such forms in the newly liberated societies of Eastern Europe. Because of the urgency I do not think that those countries have any option but to adopt representative forms at the national level. However, I do think they should give serious consideration to participative forms that could provide a buffer system at the lower and middle levels. These local levels should handle social services, community services, policing and education. If the citizens govern the delivery of these services at the local level then they get an education in democratic living, they will be less inclined to project blame on the central bodies and they can learn to supplement meagre provisions with voluntary local supports.

Until attending the Bergen Conference on Government and Participation, June 1990, I had assumed that in most of the Third World countries the local elites were so well entrenched that we were looking at a time table for democratization that was like that of the West. I simply had not realized how many of the ruling elites in those countries owed their power base to external alliances serving the Cold War. With the disappearance of their role as pawns in potential 'wars by proxies' those ruling elites seem no more substantial than the communist party rulers of Eastern Europe. The urgency of demands for participative democracy seem no less than that of the Eastern European countries.

Still, this introduction takes me ahead of my argument. I am already presuming my answer to the question that I originally posed, that is, "What is real democracy?".

The question of what is real democracy is confused by what is quite a simple but profound problem - the question of what is real. Sartori, a very conservative but deeply knowledgeable political scientist, admits that the ordinary people have no problem with the question. To quote him :

“ the fact is that all over the world the common man of the twentieth century understands the word democracy very much in the same way as did the citizen of ancient Athens : its utterance elicits similar behaviour, similar expectations, and similar demands”. (p.155)

Sartori knows that the citizens of Athens expected that they would have equal chances of taking turns in governing themselves; in making the decisions that would affect them and their society. They did not accept that it was democratic if someone else could claim to represent their interests and to speak on their behalf. Sartori is admitting that this is how 'the common man of the twentieth century' understands what is meant by 'real democracy'. But he believes that somehow or other the common man is victim of harbouring an unrealistic, idealistic view of democracy.

## Toward Real Democracies

The common man is guilty in fact of taking the word democracy at its literal meaning. Writing, in obvious anguish, Sartori asks :-

“Why did we reinstate - after two thousand years of oblivion and disrepute - a term whose original and literal meaning calls for a blatant impossibility ?”  
(p.115)

The confusion we face in trying to determine what is real democracy is simply that the common man insists that only participatory democracy is real democracy whilst the experts, the political scientists, claim that only representative democracy can be achieved in reality. Sartori's professional concern is understandable. Political scientists have arrived at something of a consensus. The key points of the consensus are :-

- a) democratization of government in a modern state can go no further than what can be achieved in representative systems. That is, what we see in the advanced democracies is essentially the end form of democratic evolution.
- b) representative democracy no more than a social mechanism for ensuring fair competition between political elites that are relatively open to people from all social strata. (Note that there is no such consensus about ways of achieving equality of representation eg proportional representation and referenda).
- c) as a mechanism for government representative democracy has no necessary implications for what is appropriate in family life, educational institutions, or work places.

An undiscussed point of consensus is that there are some rights to property, particularly corporate property, that have priority over democratic rights.

With this sort of consensus it is easy to understand why political scientists deplore continued discussion of democratic ideals.

It is misleading, however, for someone like Sartori to deplore the action of earlier political elites in letting the genie of democratic ideals out of the bottle. Without holding out the prospect of achieving the democratic ideal those past elites would not have been able to establish the legitimacy of the modern state. It was by extending the electoral franchise, opening up their own ranks and other such democratic reforms that the ruling elites were able to gain the acquiescence of the new social strata emerging with industrialization. That is, the development of modern democracy was in main about preserving the rights of elites to continue to rule. It had little to do with the progressive development of the ideals of Western civilization and hence the elites had no desire to be reminded of what the Athenians had achieved. However, they had to inflate the value to the recipients of the extensions of the franchise etc in return for acquiescence, always with a view of receiving more than they gave. The end goal of this process was clearly identified by Mosca and Michel at the turn of the century. To inflate the value of the steps in this process, the political elites, once they realized that naked oligarchy was unsustainable, shifted from publicly despising democracy, to praising and seeking public acclaim for the steps they were legislating for as being steps



## Introduction

that they had initiated toward the ideal of democracy. Disraeli's biographers have done us the service of revealing how bitterly he opposed the Electoral Reform Act and then presented himself as the champion of the cause when it was a fait accompli.

It was by harping on this ideal that successive generations of elites were able to deflate potential opposition. Now that the concessions have gone as far as they can without challenging the claim to prior rights by the corporations they wish to bury the ideal.

How are we to settle this conflict of interpretations about what is real or can become real?

I think that we can immediately dismiss the nominalism that prevails amongst the empirically oriented political scientists. This philosophical stance of nominalism leads them to deny that concepts like democracy or capitalism could refer to any reality other than the particular instances that have been observed. Science has, in fact, no difficulty in accepting that its concepts, like those of electron, gravitation and RNA, refer to realities beyond what has been observed. It so happens that I do not think that democracy is in itself a human ideal. I do think, however, that democracy, as conceived of by the Athenians and the twentieth century common man, represents a necessary social condition for individuals to pursue their ideals. The pursuit of ideals is the attempt to find guidelines to choose between conflicting purposes: just as purposes enable us to choose between conflicting goals. These are choices that human beings have sometimes to make. They are choices that can be rewarding or punishing and choices that always involve sacrifices. There is nothing unreal about them. The pursuit of ideals is evidenced in civilizations that were totalitarian because even in them some elites enjoyed relative freedom. At the same time we observe that this pursuit, and hence the concern for democracy, is not likely to be of much importance to people whose noses are held to the grindstone of mere survival, or to people who can conceive of no alternative to the purposes dictated by the mores, religion and culture.

What I am suggesting is that it is not difficult to interpret the rise of democracy, in all of its complexity, to this concept of a democratic ideal.

However, the consensus position of the political scientists ('end of the road'; just a mechanism'; no further implications') is apparently well buttressed by facts. These facts have to be confronted before we can safely conclude on what is real democracy.

I suggest that the confidence of the political scientists in their consensus derives in large measure from the way they have narrowed the field of what they consider relevant facts. They have narrowed the field so as to exclude the question of 'how and in what ways does the elected delegate represent the electors?' In excluding this question they also exclude the question of how far does the voter feel committed to or responsible for decisions agreed to by their delegate. They have in effect perpetrated the fallacy of assuming that democracy begins and ends with the electoral process of selecting, supporting and voting for candidates. As Walter Lippman put it in writing about these self-styled champions of democracy :-

"The democratic fallacy has been its preoccupation with the origin of government rather than with the process and results... His whole attention has been on the

## Toward Real Democracies

source of power, since he is hypnotized by the belief that the great thing is to express the will of the people (on the unexpressed assumption that elected representatives somehow represent that will.. But no amount of regulation at the source of a river will completely control its behaviour, and while democrats have been absorbed in trying to find a good mechanism for originating social power, that is to say, a good mechanism of voting and representation, they neglect almost every other interest of man. For no matter how power originates, the crucial interest is how power is exercised." 1925.

In contrast to this the issues of commitment and responsibility for implementing decisions were central to our concerns when, in 1962, we were brought in to study the effects of the representative democratic forms that had been-introduced into industry. The Norwegian Trade Union Council, the Employers' Federation and the Government were only interested in our particular experiments insofar as there was a measurable increase in the commitment and responsibility of workers to implementing the decisions arrived at with their elected delegates.

What we found in collating and carrying out a series of empirical studies was that the representative forms of democracy were a sham. Elected worker representatives on company boards, works councils and consultative committees constituted a new minority type of worker, the worker-cum-politician but failed to inspire more commitment or a greater sense of responsibility in their electorates. Our findings, based on studies in Britain, West Germany, Yugoslavia, Poland and Norway were that:-

- a) The employees who chose to stand for election were not typical, were not seen as such, and were viewed with suspicion by their ex-peers, their electorate.
- b) When elected the representatives tended to distance themselves from their electorate and go into collusion with management.
- c) The majority of the worker-electorate remained as apathetic and as alienated as before. (Emery & Thorsrud, 1969).

There appeared to be no case for legislation to further extend such forms of representative democracy. We proposed, and it was accepted by all parties, that we should experiment, under real-life conditions, with participative forms of democracy. By this we meant that workers would be directly involved in making the decisions that immediately affected their mode of working. In effect it meant that work groups took over the responsibilities no exercised by foremen.

This introduction of participative democracy at the workplace very effectively reduced apathy and alienation. Commitment and responsibility increased significantly and, not suprisingly, so did productivity and quality control whilst absenteeism and accident rates were reduced. These first Norwegian field experiments occupied us only for the five years, 1963- 68, but in the following twenty years they have been replicated many hundreds of times, in just about all of the continents and in all major technologies. The same radical improvements have been

## Introduction

found regardless of whether the work was blue-collar, clerical or professional and regardless of age, sex, educational level or ethnicity.

This work strongly underlines the constructive social forces that can be released by effective forms of participation at the 'grass-roots' level. It strongly undermines arguments that assume that apathy and withdrawal from responsibility are the natural state of the mass of people.

However, even the strongest critics of notions of participatory democracy, eg Sartori and Schumpeter, readily admit that the ideal of democracy can be found in the small, face-to-face meetings of people who respect one another and are seeking grounds for common action. The fact that we had found effective forms of participatory democracy at the level of workplace groups was no answer to what kind of democracy would work when people were too separated in time or space, or too numerous to meet as face-to-face groups. Sartori, Schumpeter and the like all argued that at this point we had no alternative but to go to a system of elected delegates. Some of our own research people argued the same way. They argued that perhaps works councils and the like would be different with participative democracy at the workplace level. Our evidence was, however, that a change in the nature of the electorate did not change the dynamics involved in elections and the delegation of authority to elected representatives. We were in a deadlock as we knew that within the decade to the mid-seventies there would be a demand to extend participation into the higher levels of management and we would be expected to have sensible proposals.

We got our first clue to a solution from developments in three quite independent study sites - a new fertilizer plant in Porsgrun, Norway, a very large and modern electrical turbine plant in Tiruchi-rapalli, South India, and a small precision engineering company in Melbourne, Australia. In each place the management and workers sought to have effective participation at the higher levels of plant and company management. In each they considered election of delegates from the work teams and rejected the proposal as one which would lead to jealousies, recriminations and unhealthy divisions in the workforce. Those were their explanations. In each case they decided that worker members on the management group would be selected by lot and rotated on a basis of strictly even chances for all to take their turn. With this coincidence, across three different cultures, the penny dropped for us. Fortunately, at the same time as we grasped this clue George Collier published his study of the Tzotzil culture of Central America. Selection by lot for public service had persisted in this culture for-centuries and had become the prime definition of social standing. It did not take us long to realize that we had the same principle entrenched in the Anglo- Saxon cultural heritage of 'trial by jury'. We entrust juries with decisions about life and death but we do not elect representatives to juries. We select juries by a process of drawing lots from lists that are supposed to be designed so as not to systematically exclude any of the sub-groups that constitute the community.

Here we at last had an alternative principle and method of representation that did not rely on election and the creation of politicians. It was a principle that we were professionally well acquainted with in the mathematics of selecting representative samples; and selecting them in such a way that they do not become unrepresentative by reason of the process of selection. Because none of our research team had a background in the classics it was another couple of

## Toward Real Democracies

years before we discovered Aristotle's work on the Constitution of Athens and realized that the best documented and most profoundly relevant test of participatory democracy was provided by the Athenian civilization. Even that was not easily come by. The tradition amongst classical scholars has been to focus on the mass meetings and speeches in the Agora and assign such matters as selection by lot to the category of trivia. Fortunately, Michael Finley in his 1972 lectures at Rutgers University redressed the balance. Without the most extensive use of sortition to control practically every possible source of political power and influence the Agora would have quickly passed into history as an example of mobocracy. With such an extensive use of sortition Athens was able to bind together for two hundred years a participative democracy that, given the then existing means of transport and communication, was effectively more widespread than is the USA or the USSR today.

It is not just foolish to argue that we have nothing to learn from ancient Athens because it was so small and we are so big and complex : it is a downright distortion of the facts; facts that were as available to political scientists as they were to us.

It is also no argument to suggest that the Athenians were ignorant of the 'sophisticated' procedures we have developed for drawing electoral boundaries, weighting votes, providing checks and balances etc. As Aristotle pointed out, the Athenians were well aware of the alternative of representative democracy and explicitly rejected it. They rejected it because it created pride, envy and jealousy as prime movers of policy, and because the rich always manage to win more places (If the reader feels that matters of pride, envy and jealousy are trivial matters in the exercise of power I can only suggest a re-read of Shakespeare's "Julius Caesar".)

In what follows in this book I have tried to spell out the implications of this revised perception of history. I have tried to confront the fact that we are an industrial world of a complexity that the Athenians could not have dreamt of and we have accumulated some additional knowledge, particularly of the conditions for effective communication. (Knowledge that I am sure we could have found in Plato's dialogues).

I should , however, give a brief outline of what difference, if any, that a transition to selection by lot to membership of our governing bodies would mean to a modern democracy based on selection by election. Several differences are inevitable and hence predictable. First, the composition of the governing bodies would be much the same as the composition of that part of the society it is supposed to represent (eg all those over age 18 who are not in mental institutions). If fifty percent of that population are women then we would expect fifty percent of the selectees to be women. If there were an ethnic minority of say ten percent then we would expect to find approximately ten percent of the selectees would be from that minority. Lawyers, ex-trade union officials, retired business men and the like would not be present in the governing bodies in any thing like their present numbers. Of course, there is, as the Americans say, a down-side. If fifteen percent of the population is uneducated and of low intelligence then so will be about fifteen percent of the selectees. If five percent are alcoholic then so will five percent of the selectees, I think that elected bodies already cope with problems of this magnitude. In any case, sortition, selection by lot, usually allows an individual to turn down their selection at the price of removing their name from the list for

## Introduction

future selection.(as medico's do for jury service). People who recognize their affliction would probably refuse the invitation to do public service.

The second major effect is that selection by lot would spell the end of the party system. In the first place it would be pointless for a person to join a party and curry favour with a view to winning the choice as a party candidate. Neither the party nor the individual would have the slightest influence on the names that come up only by the drawing of lots. The representatives that emerge from the drawing of lots would know quite well that their being chosen owes nothing to any party, nor to any special qualities they might think they possess. They come to office owing no debts and no grounds for getting swollen heads. In office they have no debts to pay. In office there is no benefit in trying to serve a party as there is no way that any political party can reward them with advancement to the front benches, can offer them support for the next election or offer them perks of administrative office if they fail to get re-elected. There is no way, in such a participative democracy, for a party machine to corrupt an individual with the offer of a career in politics for the simple reason that they can not deliver on such a promise. Neither they nor anyone else knows whether their name will ever come up again for another term of office.

The third major effect is that the mass media would have no role in determining who occupies the governing roles. We have arrived at the point where, in the USA, millions of dollars have to be spent for a would-be congressman to stand a chance of succeeding in an election. Most of that is for TV coverage. Such a candidate is either deeply in debt to the party machine or a millionaire in his/her own right. In neither case could the candidate be regarded as someone who represents his electorate because he similar to them in his concerns. Sortition cuts right through this. There is no point in advertising when it can have absolutely no effect on the drawing of lots.

The fourth major effect is that the only politicians would be those who were politicians despite themselves. Self-made politicians would disappear. It would no longer be possible to plan a career in politics for oneself or one's offspring.

Fifthly, the assurance that sortition gives to minority group representation means that, over time, there is a feedback to them of fellow minority members who are experienced in the ways of the government and the administration.

There is a range of other effects that we would wish to see but about which we can only speculate. Obviously the outstanding issue is whether the populace will feel that the decisions about governance are made by people that truly represent their interests and that the compromises made are ones that they, in the same position, would have agreed to. If the populace do feel this way we should expect it to turn up in clearly measurable levels of commitment to support and observe government decisions and the exercise of personal responsibility for ensuring that others do likewise. In other words we would expect to find that involvement and concern about political issues become a mark of citizenship - apathy and alienation a mark of strangeness.

## Toward Real Democracies

As this book was written one of the leading figures in political science emerged from retirement with his magna opus. Robert Dahl has given us an over-view of "Democracy and Its Critics" that substantially widens and deepens his critique of the political science consensus that "enough is enough, and 'no more-".

Dahl concludes his opus magnus with a surprising and, to me, heartening call for a return to sortition, selection by lot, as an answer to the drift of representative democracy to 'guided democracy'. To complement the elected legislative bodies he suggests that the USA, for example, should create MINIPOPULUS, "consisting of perhaps a thousand citizens randomly selected out of the entire demos. Its tasks would be to deliberate, for a year perhaps, on an issue and then to announce its choices ... One minipopulus could decide on the agenda of issues, while another might concern itself with a major issue. Thus one minipopulus could exist for each major issue on the agenda. A minipopulus could exist at any level of government - national, state or local. It could be attended... by an advisory committee of scholars and specialists and by an administrative staff. It could hold hearings, commission research, and engage in debate and discussion." (Dahl, 1989, p340). I wondered where such a proposal, if adopted, would leave the elected legislative bodies. Dahl has, indirectly, answered my question. He asks "What weight.. would the judgments of a minipopulus have?" (P340). His answer is that, "The judgment of a minipopulus would 'represent' the judgment of the demos. Its verdict would be that of the demos itself ... The judgments of the minipopulus would thus derive their authority from the legitimacy of democracy." (ibid, p340).

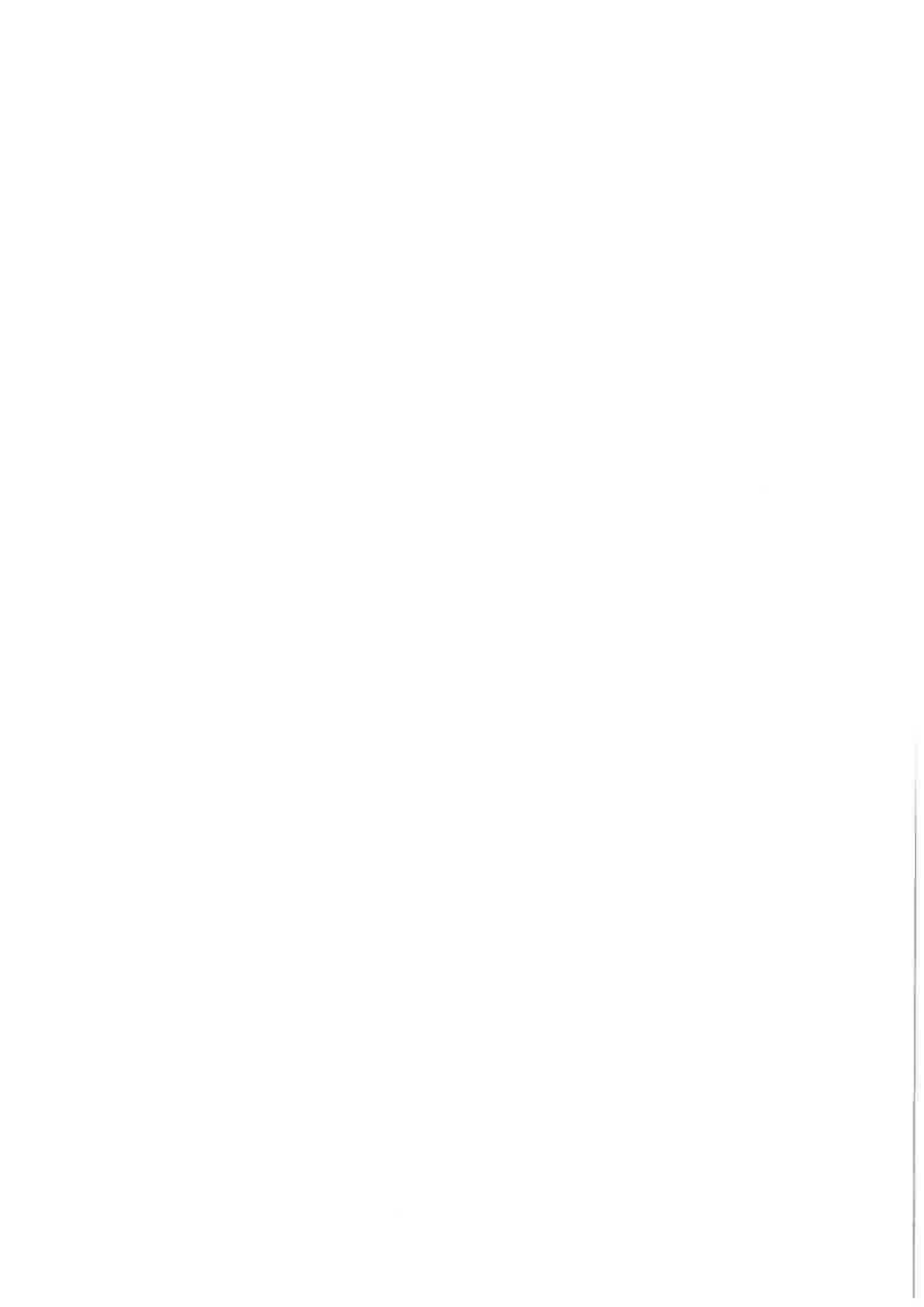
Dahl's proposal effectively reduces elected bodies to the role of a subordinate mechanism that drafts and votes on legislative enactment of the wishes of the minipopulus'. Issues that are defined by a minipopulus as of major importance, at local, state or national level, become the business of another minipopulus whose authority overrides that of the elected bodies.

In what follows my differences with Dahl reflect, I think, only differences in our life experiences. I cannot see the relation between elected legislative bodies and minipopulus' as other than transient; that relation calls to mind the folk saying about 'the slips betwixt cup and lips'. I see minipopulus' relying much more on search conferences and participative design workshops than on traditional forms of public enquiry, commissioned research and committee work. I see greater reliance on tele-auditing than television conferencing (Chapter 7, herein). These differences are essentially non-differences. They are about the sorts of things that any really democratic society will quickly sort out for itself..

About the essentials I am grateful for Dahl's very last sentence as it formulates, better than I could do, the spirit that has moved me in this exercise:-

"Yet the vision of people governing themselves as political equals, and possessing all the resources and institutions necessary to do so, will I believe remain a compelling if always demanding guide in the search for a society in which people may live together in peace, respect each other's intrinsic equality, and jointly seek the best possible life." (Ibid, p341)

## Introduction





**PART ONE**

**DEMOCRACY  
TODAY,  
YESTERDAY &  
TOMORROW**

## Chapter 1. Representative Democracy

### A. Characteristics of Modern Democratic Systems

When we speak of democracy we are inevitably talking about representative democracy: some people offer themselves as candidates to be our representatives in a governing body; we choose from amongst those by voting; the chosen representatives legislate for our community.

For more than 100 years the demands for more of this kind of democracy have been insistent. Those demands have centred on such matters as the following:

- who shall have the right to vote: the franchise;
- payment of representatives, in order to extend the range of people who could afford to be candidates;
- more recently, payment to parties so that they may more equally compete in the support of their candidates;
- secret ballots to prevent coercion;
- electoral commissions to ensure that the rolls of those eligible to vote are accurate;
- redistribution acts to ensure that votes cast in different electorates are of approximately equal weight;
- voting systems, such as proportional representation, that give fuller weight to voter intentions;
- constitutional reforms that more clearly specify what representatives may or may not legislate upon.

This is only a partial listing of the ways in which people have sought to increase the democratic nature of their governing bodies. Always, the overriding concern has appeared to be to give ordinary citizens a greater role in their own governance. (The "ordinary citizen" is taken to be someone without a personal source of influence on government, social or economic.)

The pressure for changes in the forms of representative government can be expected to continue so long as there is any significant "unrepresented" group within a democracy. It has been commonplace to regard these pressures toward more democratic representation as a feature peculiar to Western culture. In the past decade we have, however, seen similar

## Part 1 - Democracy Today, Yesterday and Tomorrow

pressures emerging even in traditional Asian cultures such as the Philippines and South Korea. (The forms of democracy were adopted in post-war Japan, as one changes one's clothes with the coming of summer, but not with any intention of giving ordinary citizens a greater role in their own governance. Nakane, 1973).

Technological change and rising standards of education appear to have had a lot to do with demands for democratization. Yet these pressures from the "have-nots" tell us little of what the "haves" have actually achieved. When the "haves" were "have-nots" they clearly expected that, with the achievement of the right to a secret and equal vote, their interests would be faithfully represented in the legislation passed by the governing body. Granted that there would be some slippage, it was hoped that this would be corrected, at least in part, by regular elections at three-to-five-year intervals, by referenda, or by some right of recall. There was the hope that, despite the smallness of the first steps, the continuous reform of the system of representative democracy would realize its potential.

Yet there is little evidence that the voters have achieved more than indirect influence-on the direction of policy behind the major legislative decisions of government. On the great mass of minor legislative decisions, decrees, and administrative regulations, they have been lucky to have even an indirect influence. Sidney Hook, the political philosopher, proposed that so long as this influence was based even indirectly upon "the freely given consent of a majority of the adults governed" then such a system should be classified as democratic (which would make Japan a democracy). Now this is not to deny that where such democratic influence exists there is more pressure on contending parties to find compromises before the matter is taken to legislation. In fact, much of the improvement in occupational health and safety has arisen in this way (Emery, 1985).

What has stood out is that representatives, once elected, are a profession unto themselves. That they have stood for election and been elected makes them part of "the elect." They are marked out from the average run of persons as being in some way special in the eyes of the public that counts, the enfranchised. This new relationship is not only a source of pride to the elected person but a source of envy for those who have no such mark of distinction. When representatives gather together to conduct their business the differences become even more marked. If the franchise extends beyond the landed class, the representatives will usually organize themselves into contending parties. The future of individual representatives will, in all but a few exceptional cases, depend on their retaining "good standing" in the party of their choice. It is the party which tends to control the means by which a candidate can persuade an electorate to choose him or her; it is the party that holds the key to re-election, to higher office within the governing body, and to the perks available during service and retirement.

The security of "good standing" is bought at a price. The representative must endorse the policies, the candidates, and the alliances that the party endorses. The party policies are the policies that the candidate will represent regardless of what policies the interest of the electorate might require. In acting in this way the individual representative might well endanger his or her electoral chances, but then the survival of the party, and its chances of gaining office, overrule the needs of the individual candidate and the individual electorate. If  
a

## Toward Real Democracies

political career is to have a future after an electoral failure then it is the party that holds the key. It is also for the party to offer the career security of a "blue-ribbon seat," or high position on the list when election is by proportional representation.

The "ideal" citizen in a representative democracy is one who actively contributes to the electoral process, by voting and encouraging others to vote, but does not otherwise constitute a nuisance by trying to interfere in the deliberative processes of the governing body of representatives. By accepting their right to vote they are assumed to have renounced their rights to be involved in the deliberative and legislative processes, unless they have offered themselves for election. Those matters have been given over to the professional politicians and their administrative assistants.

Whenever and wherever representative democracy has been introduced it has displayed the dynamics of this system. The voters have become alienated from the political process, as it has remained beyond their control. They have become apathetic in the sense that they cease to "follow politics" and fail to exercise their right to vote, or, if legally compelled to vote, they cast a so-called donkey vote. They have become cynical in believing that the political system is being used for purposes other than those publicly espoused by the politicians.

There is little argument about the facts. A great many empirical studies have been made over the past 50 years and they are very much in agreement. Alienation, apathy, and cynicism seem to be inherent properties of the system.

Up until the late 1960s, the optimism of the democrats was unquenchable. In the latter 19th century, adult education and workers' education had emerged as major movements. Central to their aims was the belief that their efforts would enable the newly enfranchised to use their influence in a learned and responsible fashion, and thus best further their own interests. Subsequently there was a major drive to provide scholarships for the education of a generation of professionals, including politicians, of working-class background. It was believed (hoped) that this would provide the ordinary citizens with representatives who could understand their conditions of life and fight for them with expert knowledge. Both of those movements had their effect: social democratic types of governments held office for more years, or at least provided more effective oppositions. But nothing changed with respect to apathy, cynicism, and distrust.

When television was introduced there was a widespread belief that here, at last, was a means to reverse these tendencies. Television was introduced as Western societies were moving to near-universal secondary education and unheard-of levels of tertiary education. The combination of these factors was expected to create a highly informed public and yield a new level of public debate about political issues. No such development occurred. Why it did not will be discussed in more detail later. The main point can be noted now, namely that higher education imparts - it is hoped - an ability to conceptualize observations and hence to identify implications that extend beyond the here and now. The medium of television, on the other hand, powerfully enhances precisely that sense of the here and now, to the point where people subsequently have a sense of *déjà vu* when they encounter in real life something they had viewed on television. They have a false reassurance of having confronted this before with

## Part 1 - Democracy Today, Yesterday and Tomorrow

pleasant outcomes. Politically, the effect of television was that public debate about political issues was even further debased to sloganizing, scare tactics, and personalities.

There have been strong arguments from political scientists to the effect that the findings about growing alienation and apathy are evidence that the system is working well. These findings prove, they claim, that people are recognizing that in a complex, high-technology society the important decisions must be left to administrative experts who are monitored by politicians experienced in the ways of those experts. For their part the ordinary citizens are supposedly happy to be divorced from these problems so that they can concentrate on the more immediately rewarding pursuit of working at a job, "earning more money, taking out insurance, joining a club, planning a vacation, moving to another neighbourhood or city, or coping with an uncertain future in manifold other ways" (Dahl, 1961, p. 244). Other reputable political scientists have advanced the argument that the failure of people to vote is evidence that they are so contented with the workings of the system that they are prepared to leave the choices to others. This may be so, but another aspect of the demand for democracy has been emerging.

In the late 1960s the Hobbesian assumptions of the past were reconsidered. First, the assumption of inevitable scarcity was challenged. With the growth in productive capacity that the Western societies had been experiencing since 1944, and had been translating into effective consumer demand since the mid-fifties, it now seemed reasonable to assume that no one needed to go short of the necessities of life. And from this it followed that no Hobbesian overriding authority was needed to select out the deserving poor from the undeserving poor. Second, it was clear that both of the super-powers could wreak unprecedented havoc on each other's population and economy by means of ICBMs, without any engagement of massed armies of conscripts.

This emergence of the prospect of nuclear war made it appear senseless to accept an obligation to die for one's country in any World War III. (This was highly relevant not only to the citizens of the USA and the USSR but also to all other countries tightly tied into alliances with these super-powers.) This basic shift in societal assumptions, the denial of Hobbes' assumptions about what underlay social order and security, most probably underlies the vast, spontaneous counter-cultural movements of youth in the mid-fifties and again in the late sixties. Sometime in the sixties, the cry of "God, King and Country" ceased to reflect verities; it became just another political slogan. What God, King or Country was supposed to emerge victorious from a nuclear war?

Now the SDI program launched by US President Reagan could, if successful, once again enable the state to offer security to its citizens, and thus once again to demand unswerving loyalty. However, the balance of power between the USA and the USSR does not have anywhere near the same fundamental asymmetry that Hobbes could observe in the 17th century between the power of nature and the power of man. SDI and Counter-SDI might lead to democracy having no future, but they can hardly shape what future it has. The rigid hierarchies of Hobbes and Malthus can no longer be justified as necessary to order rights of access to scarce resources; the power of the state to totally subordinate individual interests for the defence of the realm is no longer justified when no nation can hope to defend its

members in a nuclear conflict. The notion of a Social Contract based on self-interest had a vestige of rationality only so long as those conditions of scarcity and war existed. As those conditions became less relevant it was easier to see that, whilst self-interest cannot be ruled out, the primary forces underlying self-selected forms of governance and our willingness to accept political obligations are our intrinsic interest and attachment to others. There is also a task-orientation toward the social environment, which is responsible for the fact that the individual needs to be a member of the group, to work with others, to count in their lives, and to be an object of significance for others. These are necessary conditions for durable human relations. It is these requirements that make the difference between a society of atoms, each arrayed against all, organized on the predatory principle of homo homini lupus, and one organized around the idea of a community (Asch, 1952).

### **B. Some Dynamics of Representative Systems**

After decades of social struggle and two World Wars to defend democracy, the apathy and cynicism about politics and the widespread distrust of politicians is still a central issue for those concerned about the fate of Western civilization.

These phenomena raise a serious question about the depth of the roots of democracy and hence the stability and viability of the democratic institutions that are now taken to characterize Western civilization. The question is, if people have striven so hard to achieve freedom why do they not strive harder to use that freedom to shape the decisions that concern their welfare?

Some answers have focussed on the qualities of the electors, having in mind, of course, the mass of people whose right to vote depends only on their age and citizenship. In order not to question the system itself, it has been suggested that the observed apathy has arisen from the incompetence, ignorance, or indifference of some of the voters. It has been contended that these people are incompetent to grasp the complexities of modern politics: if not incompetent, they are too ill-educated to understand the issues involved in political decision-making; if competent and educated, they are too narrowly concerned with the pursuit of their selfish ends to bother about social issues - they are just not interested in politics.

These suggestions do not take us very far. Some empirical evidence can be found for each of them but raises more questions than such evidence can answer. For example, if political issues are seen as too complex for the ordinary voter, the truth of the matter might be that the politicians do not wish to disclose what is at stake. I am reminded of Mr. Harold Wilson's first budget - four densely packed pages of the Times spelled out the economic and administrative principles that would establish his new economic order. Only in the last columns was it revealed that increases in welfare payments would be balanced by increases in duties on alcohol, tobacco, and petrol. This was, in other words, actually a budget that the ordinary voter could have easily comprehended, except for the smoke-screen of economic and administrative jargon.

Similarly, the voting public may be uninformed because the government and its bureaucratic agents do not wish to disclose some of the information that they have at their disposal, nor

## Part 1 - Democracy Today, Yesterday and Tomorrow

even the identity of the persons from whom they have sought advice. The pressure we see for "freedom of information" legislation suggests that this is a real concern, as is the agitation about government-controlled computer data-bases.

The argument about lack of interest extends further and might explain much of the unwillingness to use information when it is available or the unwillingness to even try to comprehend what political issues are about. Of course, it may be that many people are engaged with other matters that are much more interesting. This is easy enough to imagine of people involved in creative enterprises, such as the arts and sciences, but it is not easy to credit to the average citizen engaged in making a living. This is no longer Jefferson's society of independent farmers, craftsmen, and small businessmen. There are very few nooks left where anyone can make a living without encountering boundaries and conditions laid down by legislation, and hence very few people who do not have a real and significant interest in the decisions made by governments.

A lack of interest can also develop in situations which should concern a person, if the person feels that nothing he or she could do or say would make the slightest difference. Where that sort of conflict develops, between people's desire to exercise some control or influence and their ability to do so, then "...the individual adopts measures the consequences of which are NOT to observe, NOT to understand, NOT to feel"....Individuals are "forced to modify their mode of orientation so as not to respond adequately to objective requirements, including their own needs" (Asch, pp. 603-4). This sort of political apathy is not, despite the arguments of W. H. Morris Jones, "a sign of understanding and tolerance of human variety" (p. 25), nor is it sensible to say that it has a "beneficial effect on the tone of political life" because it is a "more or less effective counter-force to the fanatics who constitute the real danger to liberal democracy" (ibid, p. 37).

Shutting out the wider world dissolves social bonds and denies the rationality of entering into dialogue with others except about matters of clear present concern that need to be bargained about. That wider social world does not go away or cease to impinge on one's life simply because one can see no way to deal with it - it remains a nagging and sometimes distressful source of uncertainty and anxiety. The electorate reacts accordingly; on the one hand, this may take the form of vigorously simplifying prejudices and, on the other, a facile switching with the mood of the moment. In the first case we have "the prisoners of the past," as in many current moralistic movements; in the second we have "the prisoners of the present," as in the current health faddists and, recently, in Reaganomics. In these phenomena we are not, for the most part, dealing with intellectual incapacity or lack of learning; we are dealing with situations where intelligent and knowledgeable intervention is blocked off. We are dealing with a situation which produces the fanatics - the narrow-minded, fickle followers and the charismatic leaders that Jones is referring to above.

Since Mosca (1884, 1896) there has emerged a political science that has sought to go beyond such simplifications as stupidity, ignorance, and the irrationality of the mob. The goals that Mosca set were those of clearly and objectively observing how political systems actually operated, as distinct from the virtues or ills attributed to them by interested parties. To this extent Mosca was proposing a science comparable to the sciences of geology, botany, and

## Toward Real Democracies

zoology, as they then existed. At the time that Mosca wrote, democracy was still a dirty word in most of the cultured and educated circles of Europe. He was as much concerned with cleaning up the record of oligarchical forms of representative government as he was with establishing that representative democracies fell far short of the democratic ideals that had become such a potent force in Europe since the French Revolution, (e.g., the Chartist Movement, 1848, and the Paris Commune of 1870). His central concern was not the apathy of the electorate, quite the contrary. His concern was with two fears which still underlie current debate but are not voiced so openly: a) de Tocqueville's concern, after observing representative democracy at work in the United States in the 1830s, that political liberty for the masses would produce such pressures for conformity that individual liberty would be threatened (it is reasonable to assume that he was thinking of the sort of individual freedom that was enjoyed in those days by the "gentlemen" of English and European society), b) the liberal concern that political liberty for the masses of the poorer classes would threaten the economic freedom of property owners.

Mosca's concern with objective system properties led him to focus upon representation as the defining principle of the system. As he pointed out, in such systems it is whimsical for an individual to offer himself as a candidate:

...the only ones who have a chance of succeeding are those whose candidature is championed by groups, by committees or organized minorities. ...When we say that the voters choose their representatives, we are using a language that is very inexact. The truth is that the representative has himself elected by the voters .... we might qualify it by saying that his friends have him elected (p. 154).

What about the concept of "political mandate". As Mosca observed, this was something of a play on words (and remains so to this day):

The political mandate has been likened to the power of attorney ... But in private relationships, delegations of powers and capacities always presuppose that the principal has the broadest freedom in choosing his representative. Now in practice, in popular elections, that freedom of choice, though complete theoretically, necessarily becomes null. If his choice is to have any efficacy at all each voter is forced to limit his choice to a very narrow field, in other words to a choice among the two or three persons who have some chance of succeeding; and the only ones who have a chance of succeeding are those whose candidatures are championed by groups, by committees, or organized minorities (p. 154).

It is not my purpose here to trace the steps by which political scientists built on Mosca's insights. They have certainly added to those insights and, with the use of modern survey techniques, they have created a mountain of evidence on voter characteristics and behaviours. But they have not in any way refuted Mosca's propositions.

Political science has emerged gradually, against a changing social backdrop. When Mosca, Michels, and Pareto were writing, the backdrop was Europe, the centre of the civilized world,



## Part 1 - Democracy Today, Yesterday and Tomorrow

bedecked with royal families and privileged aristocrats. Democracy was a dangerous concept in those circles (as it had been for Socrates, Plato, and Aristotle). The arguments that the proponents of representative democracy had to contend with primarily concerned the threat to the individual liberties of the gentleman, and the threat to good social order of mob demonstrations and charismatic nobodies. Even when Schumpeter wrote his classic in the early 1940s, the backdrop was 20 years of war and economic depression, and one has to assume that when he put down his pen the battles of El Alamein and Stalingrad had not yet been won. Representative democracy in Europe had barely been out of its cradle when it was beaten down in the 1920s and 1930s in Italy, Austria, Germany, Rumania, Greece, Hungary, Spain, and Portugal. Significant anti-democratic threats, from the right and left of politics, were present in every democracy around the world.

In fact, when Schumpeter was writing, it was not at all certain that the European experiment in representative democracy would survive as anything but a brief reference in the history books to a short-lived and disastrous exercise in utopianism. The major argument he had to face was that representative democracies were losing the support of their natural electorate, the poorer sections of society, because they could not manage the resources of their societies properly, and with justice. The poor sought more democracy than the representative system could provide, under the circumstances of the twenties and thirties. Schumpeter had to show that these expectations were unrealistic, but that even if representative democracy was accepted merely as a mechanism for sorting out competing interests, it was still more democratic than any practical alternatives.

After Schumpeter the field was effectively dominated by Robert Dahl, whose social backdrop was postwar USA, a tremendously large and vibrant economy dominated by competing economic oligarchies. The democracy he observed was, like Schumpeter's, a competition within a plurality of relatively open elites. In what he observed Dahl saw, not the traditional democratic problem of majority rule versus minority interest, but minorities rule - a kaleidoscope of limited interest groups merging, dissolving, and re-grouping to form temporary majorities. Until recently he argued that this restrained the powers of the large corporations and forced the growing bureaucracies to be more flexible - which was the best we could expect of a democratic system.

This sketch does little justice to the debates that have marked the development of political science; the important thing for our purposes is that something of a consensus has emerged. Essentially the consensus is that:

- a) democratization of government in a modern state can go no further than what can be achieved in representative systems;
- b) the best we can achieve in representative systems is a mechanism to ensure fair competition between political elites and to ensure that these elites are relatively open to people from all strata of society. (Note that mechanisms to ensure that at any given time there is fair representation of all strata, e.g., by proportional representation and referenda, are not part of the consensus );

## Toward Real Democracies

- c) representative democracy is simply a form of government for a state and has no necessary implications for what is appropriate in family life, educational institutions, or work places.

An unspoken part of this consensus, to which Dahl has recently drawn attention, is the assumption that there are some fundamental individual rights that are "in some sense anterior to democracy ... rights a citizen is entitled to exercise, if need be, against the democratic process" (Dahl, 1985, pp. 24-5). That assumption is reassuring for those who continue to fear that democratic liberties might infringe upon the freedoms of property owners (not landed property now but corporate property). Dahl points out, however, that it is more consistent with democratic ideals:

... to understand fundamental rights as Comprising all the rights NECESSARY to the democratic process. In this perspective ... any infringement of the right to self-government must necessarily violate a fundamental, inalienable right. But if people are entitled to govern themselves, then citizens are also entitled to all the rights that are necessary in order for them to govern themselves - that is, all the rights that are essential to the democratic process (1985, p. 25).

With that declaration Dahl reaffirmed his concern that political science lift its sights beyond describing the "real-politik" to serving the pursuit of the democratic ideal in the world of the multi-national corporation.

In this concern with how the electoral and legislative games were played out there was a neglect of the significant addition that Lippman had made to Mosca's points: the point that democracy did not begin and end in the electoral process of selecting, supporting, and voting for candidates:

The democratic fallacy has been its preoccupation with the origin of government rather than with the processes and results... His whole attention has been on the source of power, since he is hypnotised by the belief that the great thing is to express the will of the people... But no amount of regulation at the source of a river will completely control its behaviour, and while democrats have been absorbed in trying to find a good mechanism for originating social power, that is to say, a good mechanism of voting and representation, they neglected almost every other interest of man. For no matter how power originates, the crucial interest is how power is exercised. What determines the quality of civilization is the use made of power. And that use cannot be controlled at the source (1925).

Selznick's study of "*TVA and the Grass Roots*" (1949) was a classic development of Lippman's point. The Tennessee Valley Authority was committed by its charter to a policy of citizen participation. It was the figurehead of Roosevelt's New Deal. The TVA co-opted the elected representatives of the local farmer and community organizations. By this means, and a highly developed Agricultural Extension Service, they sought to allow democratic control over the exercise of their power. Working through elected representatives the system

became, in practice, an equivalent of the modern agricultural controlled-drip watering systems. It was the price of co-optation.

When issues like this are raised it is time to ask whether the alternatives are simple as the political scientists have suggested - autocracy, oligarchy, or a sort of open polyarchy.

### **C) Democratic Threats to Freedom**

Western civilization likes to pride itself on the fact that it is the only civilization since the Athenians that inherently fosters democratic self-government, the only civilization that has been based on the recognition and enhancement of rights of the individual.

There is a point here. Let me state that point in quite general terms. No social (or biological) system can hope to be viable unless it has a lot of built-in redundancy. In order to survive in an environment that can and does behave in unpredictable ways, such a system must have reserves (redundant capabilities) to carry it over the patches that it has not yet evolved means for dealing with.

There are, to the best of my knowledge, only two ways to build redundancy into a system.

The first is to build in a multiplicity of identical replaceable parts. In such a system survivability is achieved by feeding in another part when the first one fails or is destroyed. All armies and bureaucracies work on this first principle. They recruit, train, and promote on the principle that no one should ever be indispensable.

The second way to build in redundancy is to create multi-functional parts. In any system with complex capabilities there is never a use for all of the parts at any one time. Thus if the system is functioning in one mode and a part that is currently engaged fails, then any one of the idle parts, if they are multi-functional, can step in to allow the operation to proceed. The human body has evolved with a multiplicity of multi-functional parts.

The first design principle is based on redundant parts; the second design principle is based on redundant functions. In structures designed on the first principle, responsibility for coordination and control is located at least one level above the action. In Structures designed on the second principle, responsibility for coordination and control is located with those making the action.

Western civilization is the only major civilization that has attempted to design its institutions on the second design principle. It has been a schizophrenic civilization in that until recently it has not been able to afford to live by its ideals. (This is why to the Asian civilizations the West has seemed to be simply a civilization of hypocrites.) The Western ideals have had practical effects for only the narrow circles of social elites. Now that the ideals have come more closely within the reach of much broader sections of the society, there are still many - not just the political scientists - who question the wisdom of departing too far from the old principle of redundant parts. They fear that it will never be possible to raise the mass of the

## Toward Real Democracies

people to the levels of self-control and responsible judgment that have been achieved in the social elites.

We will address this fear in a moment but note in passing that another problem is emerging that may surpass this as the major challenge to democratic ideals. The emerging challenge is that of Japan. Quite sound arguments can be made for the superiority of the alternative principle of redundant functions when a wealthy society is adapting to a rapidly changing environment. But in their nature such arguments from theory cannot be conclusive. Twenty years ago when I spelled out the implications of these different basic design principles I observed that:

whatever the advantage to the individual of organizational designs based upon redundancy of functions and despite the sum of the advantages we have mentioned, it is by no means certain that this gives survival advantages to the total international system. Whether it does or not, we will be better able to judge by the end of the next 30 years when, with the industrialization of Asia, there will be a more equal test of the alternatives (1967).

Japanese civilization remains firmly rooted in the principle of redundant parts and is now seriously challenging our conceit that such societies could only copy the achievements of the creative western civilization. Within the next 10 years the competition around the so-called fifth generation of computers and biotechnology should resolve the question. Western commitment to the ideal of democracy will be strained if it does not prove a superior vehicle for scientific and technological advancement.

However, that is only an emerging challenge. As mentioned above, the most serious and long-standing charge against democracy is that it is inherently self-destructive. It unleashes forces that are containable in small groups, well known to each other and sharing a strong set of values, but uncontrollable in anonymous masses with only a few weakly held, shared values. This is a cogent challenge. In designs based on redundant parts there obviously have to be some parts dedicated to the control function, i.e., deciding on replacement of parts. This raises the question of "Who guards the guardians?" and hence in complex systems a hierarchy of dedicated controls naturally emerges. Older societies have evolved such hierarchies and traditions for maintaining them. Systems that meet the democratic ideal of multi-functional components, on the other hand, (and hence allow for a redundancy of functions) must depend on shared goals and values to efficiently determine the transfer of functions to meet changing circumstances. This does not necessitate the sharing of the whole range of religious and social values. As Dahl has pointed out (1985), the critical value that must be shared is the value of self-government itself. From this the rest follows.

Granted that there is a cogent theoretical case for the potentially self-destructive nature of democracy, we must now turn to practical experience as the arbitrator.

The general line of argument is that when democratic rights are extended to the citizens of modern mass society those citizens will, in their ignorance and fear of the unknown, vote into

## Part 1 - Democracy Today, Yesterday and Tomorrow

power demagogues who promise simplistic solutions to the national problems. The demagogues, in turn, systematically deny any right of dissent.

If this is indeed a system characteristic of democracy then it should manifest itself, more and more strongly, over the life of a democracy and be most pronounced in the most mature democracies.

Not so: there is no evidence of such a trend in the 200 - year history of Athenian democracy. The only occasion on which a vote was cast for a reversion to oligarchy was in 411 BC when it seemed that an alliance had to be negotiated with the Persian autocracy in order to fend off a Spartan invasion. When this vote was cast, the Athenian fleet - the mainstay of participative democracy was at the island of Samos. Within a few months the oligarchical Council of 400 was discredited and democracy restored after a brief flurry of street fighting. In 404 B.C. democracy was suspended, but only because the victorious Spartans installed a puppet government, the so-called Tyrants. After a short civil war the Athenians restored their democracy. Nor did they, in the end, lose faith in their system and finally vote for oligarchy. In 317 B.C. their Macedonian conquerors imposed a "regent," and removed the economic basis of Athenian participatory democracy.

Modern history does not provide an equivalent test of the hypothesis of "inherent instability." The modern history of democracy is a history of representative democracies, many of them mass societies and many of recent origin. Not many are mature democracies. Drawing conclusions from such a diverse sample is difficult, but Robert Dahl has pointed to some of the relevant evidence. Between 1900 and 1980 there were 13 cases where a representative democracy was overthrown by internal forces and replaced by an autocratic regime. In only one of these cases had democracy existed for more than 20 years; that was Uruguay. In only one of these cases was the new regime what one might call a "majoritarian autocracy" - an autocracy willed into place by the majority. This is the Peronist regime in Argentina, and it does not prove the case. Peron's power base was in organized, migrant industrial workers who were for the most part disenfranchised. Denied democratic rights, they threw their weight behind Peron against the old oligarchy. Amongst the 26 countries with democracies of more than 20 years' standing there were no regressions to autocracy. These were of course practically all Western economies. As such, they had more room for manoeuvre in the face of economic crisis, but the significant point is that they did manoeuvre so as to preserve representative democracy.

Thus there is no evidence here of an inherently self-destructive tendency, even in representative democracy. When the evidence is closely examined, it is clear that representative democracies have proven liable to failure when a) they are still novel ways of governing and upsetting to old traditions, b) there are marked economic inequalities, and c) the society confronts a major, persistent economic crisis. The last condition appears to be the sufficient condition for regression to autocracy. The case of Uruguay is significant in this regard. Quite unlike all other South American countries, Uruguay has been a "farmer republic" based on temperate zone practices and labour. In its development as a democratic, social welfare state it paralleled New Zealand and Scandinavia until the 1960s. In the 1960s its economic *raison d'être* disappeared. For 60 years it had been known as "the butcher shop

## Toward Real Democracies

of Europe." In the 1960s, EC subsidization had created for Europe its own "meat mountain" of unmarketable supplies. After massive unemployment and inflation Uruguay was, in 1974, a dictatorship, and the per capita income of its people was US\$ 1,150 (in New Zealand it was US\$ 4,500). The lesson would appear to be that even mature representative democracies that do not have marked economic inequalities are liable to self-destruct if they cannot halt a slide into penury and the resulting social disorder - and then we have, under military dictatorship, "the peace and order of an economic graveyard" (Jacobs, p. 62). In its 200 years Athenian participative democracy did not show this weakness.

Clearly, democracy has many well-known enemies but these enemies do not include democracy itself. The "fear of freedom" that Eric Fromm identified as a major force in the rise of Nazism should not have been attributed to some intangible fear that the newly enfranchised had about their ability to govern themselves; it was the fear that the subservient German middle class had about how the newly enfranchised would use their new freedoms. As it so happens, there was little opportunity, in the Weimar Republic, for the newly enfranchised to make any effective use of their freedom before they were disenfranchised.

### **D) Dependence on the Experts**

The representative democracies have been thrust, holus-bolus, into the business of planning. It no longer suffices for them to legislate for social evils as and when they pop up. They can no longer hide behind the doctrine that the business of government is to govern as little as possible, and let the community get on with its own business.

Following the impact of the 1930s Depression and mobilization for the conduct of World War II, the representative democracies (with a few minor exception such as Eire) were transformed into massive centralized bureaucracies. This paralleled the emergence of giant private and statutory corporations. Whereas previously parliaments had been adequately served by relatively small bureaucracies for administering defence, civil order, collection of taxes and excise, and provision of legal services to the government, they now had massive bureaucracies delivering services in the fields of health, insurance, farm support, education, unemployment and welfare benefits, and public works - plus a multitude of statutory bodies producing goods and services to complement private market activities or acting to regulate market activities. With the technological revolution in warfare the administration of defence and related activities had also turned into a massive affair.

A whole new body of experts quickly emerged to manage and plan the new tasks of government. Within a matter of years, not decade, we had the management sciences, the policy sciences, the operations researchers, and the planners. These disciplines were fired not only by their newly won social power but also with the hubris of having found the universal scientific problem solver - general systems theory. No longer would it be necessary for societies to govern themselves in the old-fashioned, tortuous ways of democratic decision-making. No longer need the plans of a democratic community be critically shaped by politically powerful but prejudiced and ignorant players. Instead, the parliament would indicate an area of concern; the systems analysts would dissect the problem and identify the two or three courses of action that would probably achieve parliament's intentions;

## Part 1 - Democracy Today, Yesterday and Tomorrow

parliament would choose between this limited set of alternatives; the systems scientists would design an implementation process with a built-in feedback system to correct for errors and evaluate performance relative to the predetermined goals.

This movement grew powerfully during the 1960s and into the early seventies. US President Johnson was even moved to order that all-departments in his administration institute Program Planning and Budgeting Systems (PPBS). It was a movement toward government by another form of elites - not a movement toward greater democracy. It clashed head-on with the demands for participative democracy that were also emerging in the sixties. These demands were particularly strong in the same "baby boom" generation that was providing the new phalanxes of systems analysts, planners, and computer experts.

By the latter part of the seventies the movement to extend government by systems analysts was effectively dead. Grass-roots opposition by an educated electorate had forcibly shown that the models that were so helpful in the engineering of complex physical systems were quite inadequate for social systems. The models of the systems analysts could not encompass either the uncertainty in social system functioning or the strength of the values held by the people likely to be affected by the implementation of the plans derived from those models.

From that period of conflict there emerged a body of public opinion and a wide range of voluntary associations challenging the decision-making of representative bodies in fields of city-planning, environmental and heritage matters, health, consumer product standards, etc. In particular these grass-roots activities indicated that the extension of access to higher education was having an important effect on the electorate. The electorate could expect to find in its ranks expertise capable of challenging the experts employed by the political parties and the government.

The emergence of so many grass-roots movements concerned with more participative democracy did produce some tangible ideas about how this might be achieved. The clarification of the limits of the general systems approach suggested new forms of "active, adaptive planning" that would be intrinsic to the democratic process (Emery, 1981).

The demonstrated robustness of participative democratic systems (contra to notions of self destructiveness) and the extensive grass-roots movements contradict the consensus view (of political science) that democracy has gone about as far as it can go.

## Chapter 2 On Taking Turns to Govern

One of the striking features of the debate about participatory democracy has been the almost total absorption with the face-to-face meeting. Even the strongest proponents of representative democracy, such as Schumpeter and Sartori, admit that the ideal of democracy is to be found in the small, face-to-face meetings of people who respect each other and are seeking grounds for joint action. And even the strongest proponents of participatory democracy have to admit that the large mass-meeting can be a fickle thing, readily swayed by "mob oratory" and not readily amenable to subtle or complex compromises.

Face-to-face meetings are clearly no solution to the government of widely scattered populations. Suggestions to bridge the gap by relying on referenda and recall, or modern electronic methods of attitude survey are not well thought through.

Let us look elsewhere for a moment. Ancient Athens was the hub of an extensive commercial and political empire. Given the then existing means of transport and communication, it was effectively more widespread than is the USA or the USSR today. With steamship and telegraph the British Empire was more closely knit in 1900 than the Athenian Empire in 500 BC.

Somehow the participative democracy of Athens was able, for 200 years, to rise above "mobocracy" and to overcome the tyranny of distance. At the very roots of Athenian democracy was an explicit rejection of the principle of electing representatives. This they saw could only lead to misrepresentation as the rich and influential would always have a better chance of being elected. The Athenians enshrined the alternative principle of sortition, that is, selection by drawing lots. This is the same principle that is followed in the Anglo-Saxon jury system. This is a system so basic to equality before the law that the right to trial by jury is regarded by some as a basic human right in a democracy. Just as a great many rules have emerged to ensure that juries will not misrepresent the composition of the society, so the Athenians evolved many rules to ensure that those who were governed had chances equal to their fellow citizens of becoming in turn the governors.

The nub of the matter is that a council selected by lot, the so-called Boule, prevented the Assembly from becoming too unruly by preparing beforehand the agenda for each day's meeting of the Assembly and selected by lot a new chairman for each day. Committees of the council, selected by lot, conducted the business laid down by the Assembly; and the offices, military and civil, that were required to conduct the wide-flung business of the empire were, with a couple of exceptions, filled by drawing lots.

In selecting the council, care was taken to ensure that citizens in the outlying districts had as good a chance of selection as those who lived in the city and hence were more conveniently placed to attend the Assembly.



## Part 1 - Democracy Today, Yesterday and Tomorrow

The Athenians were not unaware of representative democracy as an alternative; the evidence is that they knew well enough and explicitly rejected it in favour of selection by lot. The question for us is why was this alternative of sortition so assiduously ignored in the 19th century debates that went along with the emergence of the liberal democratic states? Why so ignored as the debates raged on through the 20th century?

The answer appears so simple as to seem like vulgar Marxism. In the peculiar circumstances of Athens the rich depended for their economic future on the commitment, not just the acquiescence, of the poor to the policies of the society. The empire yielded riches that were not to be found in working the countryside of Athens: it was a maritime empire and the superiority of the Athenian triremes was based on the commitment of its citizen oarsmen. Those free oarsmen consistently out-rowed and out-fought the slave-driven galleys of their opponents. Their superiority was the guarantee of empire and commercial wealth. Participative democracy ensured their commitment and superiority. The navy was overwhelmingly drawn from the poor but, interestingly enough, there is no evidence that the Assembly ever tried to destroy the economic base of the rich. The two brief episodes when the rich re-established an oligarchical tyranny were both at times when the navy (and hence the poor) seemed no longer to offer a guarantee for the future. Athenian democracy died after Athens was conquered by the Macedonian armies, as the commitment of the Athenian navy was of little interest to them.

In European states in the 19th century the pressures toward democracy paralleled the growth in urban mob turmoil and the growth of civil police forces. The problem faced by the political elites was a problem of acquiescence. The commitment of the "poor" to the aims of society was irrelevant; the master-servant relation persisted, without the paternalistic obligations of feudal society. From the "public" debates of the successive electoral reform acts in England in the 19th century it is clear that there was never any thought of participative forms of democracy that would entail a sharing of decision-making. The only sound and acceptable contributions to the debates were those that proceeded from the premise that the debate was about consultation and advice, not joint decision-making. The only serious matters for debate were those about whose acquiescence, if indeed any, was worth buying by an extension of the franchise. These were, however, serious debates for all concerned. Political elites from rural constituencies, like Edmund Burke, had been horrified by the role of the urban poor in the French Revolution, and again across Europe in 1848. Movements like those of Luddites and Chartists intensified their concerns. Political elites from the urban areas shared these concerns but were also aware that there were potentially worthy elements within the "poor." They could be dangerous enemies of the state or they could be recruited as supporters if allowed to share some of the statuses and rewards.

This is a caricature of history but, hopefully, it captures the first point about modern democracy. That is, that its development was in the main about preserving the rights of elites to rule. It had little to do with the progressive development of the ideals of Western civilization and hence had no desire to be reminded of what the Athenians had achieved. The value of what was offered by way of franchise, in return for acquiescence had, of course, to be inflated. The political elites legislated for extended franchise, payment of representatives,, etc., but always with a view to receiving more than they gave. The end goal of this process

## Toward Real Democracies

was clearly identified by Mosca and Michel at the turn of the century, namely, a choice between political elites. To inflate the value of the steps in this process, the political elites, once they realized that naked oligarchy was unsustainable, shifted from publicly despising democracy, as an idea and an ideal, to praising the steps they were legislating to further the ideal of democracy. That shift has been very slow. It has involved us in a profound paradox. As Sartori has put it:

Why did we reinstate - after two thousand years of oblivion and disrepute - a term whose original and literal meaning calls for a blatant impossibility? (1968. p115)

Sartori is right. There is no way that the path taken by the liberal representative democracies of the 19th and 20th century could lead to participative democracy. Along that path lies only a further reduction in popular participation in politics and a greater bureaucratization of the decision-making functions, for both the formulation of policies and the administration of their execution.

The term democracy became a much-favoured word of the political elites when it became necessary to convince those that received the franchise that they had won a major victory.

As Sartori, certainly no proponent of participative democracy, says:

the fact is that all over the world the common man of the twentieth century understands the word democracy very much in the same way as did the citizen of ancient Athens: its utterance elicits similar behavior, similar expectations, and similar demands (p. 155).

The political elites of Western Europe were well versed in the hostile attitudes that Plato and Aristotle had expressed about Athenian democracy (and no doubt had been led to wonder about a form of government that could give Socrates the choice of exile or suicide). For generation after generation these political elites - often enough the sons of the fathers - offered democracy, in return for loyalty, when in fact the "gift" was increased impotency.

The "poor" were offered an ideal which resonated with their feelings. It was not clear to them that the steps they had to take could not approach that ideal and were never intended to do so. For them progress was measured by extension of the franchise, working-class representatives, a party of the working class, scholarships and education for children of the working classes, etc. Always, it seemed, a step nearer to participation in making the decisions that governed their lives. This process has gone on for many decades and now we find that "Westerners have lived under democratic systems long enough to have reached the phase of democratic disillusionment" (Sartori, 1968, p ).

## Chapter 3      The Possibility of Change

The forces toward stronger democracy have manifested themselves in the creation of a multitude of new structures for consultation and advice, and even some participation in decision making, e.g., with consumer and worker representatives on the boards of government agencies and statutory bodies. There has also been a great deal of legislation to ensure more openness in government decision-making, more open and honest reporting of corporate activities, public declaration of the private financial interests and dealings of elected representatives. Furthermore, it has become a much more common practice to subject government behaviour and intentions to public polling and public commissions of enquiry.

Yet representative systems, and their supporting bureaucracies, have shown that they can accommodate to these demands with little real loss to their power. (See Lynn and Jay, 1984 and 1986, for a perceptive analysis of how this is achieved in the Westminster system of representative government). They most commonly accommodate by compromising the so-called representatives of special interests such as consumers, unions and small business. Those representatives, whether co-opted or elected, typically find it in their personal interest to try to preserve their position, or even advance to better positions, and hence are desirous of seeming to be reasonable and sensible in dealing with requests of government. The mavericks who do attempt to play to their electorate or the particular interest they have been selected to represent soon find themselves frozen out of the decision-making processes (Emery and Thorsrud on worker representatives on company boards, 1969).

I suggest that no radical strengthening of democracy can be achieved unless election by popular ballot and co-optation are replaced by selection by lot (sortition).

Two questions immediately arise.

First, how has it become possible to suggest seriously that election be replaced by sortition, particularly as the principle of sortition as represented in our jury system is currently under such strong challenge on the grounds that it cannot cope with the modern complexities of science, technology, and business? (Kerr, 1987)

Second, how is it practical to replace electoral systems? If there is no practical way, then obviously the suggestion cannot be taken seriously. I will later suggest ways that are practical. Even though those ways are piecemeal and time-consuming they could have effects within a time-scale that makes it realistic to consider the possibility now.

We can seriously consider sortition because there has been a radical transformation of modern societies. In the past, sortition would have effectively deprived the "lower orders" of a voice. Illiterate workers or peasants would still be illiterate if selected by lot, and fatally circumscribed in their perceptions by the very narrow world within which they eked out a

## Toward Real Democracies

living. Even the demands of the Jacobins and the Chartists for (near) universal franchise were ahead of their material conditions.

For the hundred years after the Communist Manifesto the conditions that gave rise to the representative system were also conditions that polarized class interests. The left was increasingly identified with the interests of the emerging industrial working class. At first this class was organized, and found its leadership, in the trade union movement. After the setbacks this movement received in the so-called Great Depression of the 1870-80s, the leadership - in Western Europe and Australasia at least - turned to direct participation in the electoral process. In this they were encouraged by the Marxist-inspired view that the growth of capitalism inevitably meant that a relatively homogeneous industrial working class would soon form the great majority of all electors in any democratic system based on universal franchise. Those class divisions dominated most of the peace-time political activities (not all, of course) of representative democratic societies for the next hundred years, until the 1980s. The growth in the industrial workforce and its homogeneity continued until the early 1950s. But from then on we have seen an increased segmentation of the workforce based on educational qualifications, not just the traditional grounds of trade-skills, religion, ethnicity, gender, and geographical location (Gordon *et al.*, 1982). The social democratic parties sought, with some success, to overcome the traditional division within the industrial working classes, but they have been effectively overcome by the new and all-pervasive educational divisions. Prior educational credentials are used by employers, public and private, to allocate work-career chances without regard to work performance and with little regard to task requirement. The main motivation appears to be the pursuit of closer control by multiplying the layers of bureaucracy.

The electoral behaviour of seven West European countries since the 1890s has been analyzed in fine detail by Przeworski and Sprague (1986). They concluded that one long phase of representative democracy, the game of "class conflict," is effectively over:

... the proportion of workers in the labour force, in the population, and thus in the electorate, has begun to decrease at least after 1960 and is now falling at a precipitous rate, so rapidly that we now speak of "deindustrialization" (p. 183).

The heterogeneity of society is now such that they conclude that "no political party can win elections overwhelmingly in a way that can be taken as a clear mandate (for radical change)" (p. 183).

Of more importance is the picture they draw of what this long phase of class-polarized representative democracy did to the pursuit of the democratic ideal of governance of the people by the people:

From the initial claim that the quest for political power was necessary to protect the (trade union) movement from repression, parties proceeded to reduce the movement for socialism to the quest for political power. They demobilized those potential efforts - cooperatives, councils, and communes - that could not be channelled through elections; they deprived grass roots initiatives of a chance to

## Part 1 - Democracy Today, Yesterday and Tomorrow

experiment and grow autonomously; they tamed nascent movements into compliance with electoral tactics ... political parties stifled discussion of issues that have no electoral answer and reduced socialist concerns to problems that could be solved by socialist electoral successes (p. 184).

This tradition of polarization not only produced a kind of tunnel vision in regard to social issues; it also generated a tradition of polarized discourse. Political representatives established their credentials with their one-eyed electorates by uncompromising disputation. Even within the confines of the parliamentary precincts it was thought necessary to treat members of the other parties as class enemies. To meet with the representatives of the opposing party for open discussion was to invite the accusation of class collaboration. With this modern depolarization, it becomes possible to consider sortition.

This leads me to put forward a second condition for achieving a radical increase in stronger democracy. Even if representatives are selected by sortition, I do not think that stronger democracy is secured unless these "selectees" meet under conditions that ensure Effective Dialogue.

These conditions, I suggest, are not met by the forms of dialogue that we have come to identify with governance. It would be readily admitted that parliamentary discourse between members of the governing party and the opposition parties tends to be a travesty of any sense of discourse. It would seem that in such parliamentary debates every rule of discourse can be broken except that of being caught out in the act of lying (some parliaments strive to be a little stricter). Yet granted the general disillusionment with political debate as a genuine form of dialogue, there is still a tendency to assume that a public equivalent to the private dialogue between mutually respecting individuals can be approximated by committee procedures, conferences, and even "impartial" inquiries.

Before going into detail about the conditions for effective dialogue we should note that in considering dialogue after sortition we have reversed the order of importance that Athenian democracy attached to these matters. For Athens, as Finley (1985) has stressed, the public dialogue in the Assembly was the foundation of their form of participative democracy. For us the reversal is unavoidable if we are to confront the realities of modern societies, but it should not be taken as a sign that the significance of effective dialogue is any way reduced.

The basic conditions for effective dialogue have been pointed out by Asch (1952, Emery, 1976). These are that the participants in the dialogue can make the following assumptions:

1. They are both talking about the same world: they are not assuming that each has constructed a private world that the other cannot know or understand.

Consequently disagreements about this world, and about each other's beliefs, attitudes, and intentions, appear to be public disagreements about matters that are capable of communication and resolution. When disagreements occur, the fundamental operation will be to point or to demonstrate, not to create a cloud of words suggesting that there are matters of importance beyond the comprehension of the other. Difficulties in

## Toward Real Democracies

reaching agreement will be understood for what they are, namely, differences in standpoint or interest, or a refusal to share information.

This assumption is essentially that of naive realism, i.e., it sees the world as an objectively ordered field open, in principle, to all of the participants.

2. They share basic psychological similarities that distinguish them all from non-humans. In practically all kinds of behavior - laughing, loving, working, desiring, thinking, perceiving, etc. - there are fundamental similarities between people that are open to the observations of others and underlie our understanding of individual differences. Central to this perception of others is the awareness that others can, potentially at least, set themselves to do unto us what we might think of doing to them.

The critical implication of this condition for effective dialogue is that the participants confront each other, not just in stereotyped likenesses of gender, age, ethnicity, etc., but as potential power fields. Any modification of the power field of one individual restructures the shared power field for all - in the same way as does the failure of one power station in a national electricity grid.

3. If conditions 1 and 2 exist, then the participants perceive the emergence of a shared psychological field; the facts of one person's world become part of the other's: "the context possesses for each the property of being also the context for the other" (Asch, 1952, p.162). It will be noticed that this condition is one that can be realized only in the course of a dialogue; it cannot be set beforehand. In other words, every dialogue must prove itself. As a dialogue proceeds it enables each participant to check the validity of his or her initial assumptions.

If participants perceive an increasing divergence, then they will withdraw or merely simulate participation in the dialogue. If the shared psychological field neither increases nor shrinks, then the participants will suspect that there are no grounds for continuing the dialogue. If convergence, and consequent expansion of the shared psychological field, is experienced, then the final condition for effective dialogue can be expected to emerge.

These first three conditions constitute the necessary conditions for the formation of any enduring social relations - without some such correspondence of mutual perceptions no ordered, intentional interactions can be sustained. This appears to be so whether the relations are those of slavery or democracy. (It might appear strange that slavery should be included in this context. The fact is that, whatever the self-delusions of the slave owners, the slave supervisors have to take the view of naive realism: they have to assume that their slaves think, feel, and act as they would in similar circumstances. To achieve a relatively stable modus vivendum the slave supervisors and the slaves have to start thinking in the same way.)

These three conditions are necessary for dialogue to occur. They do not ensure an effective dialogue. Whether a dialogue will be effective or not depends on whether this

increase in the shared field of mutual understanding is also an increase in the freedom of choice of the participants in the dialogue.

4. Participants become more open to the demands arising, independently of themselves, from their environment. Increasingly the participants find themselves engaged in the pursuit of, or concern with, purposes that relate as much to the requirements they share with the others as to their own particular requirements.

Summing up his experimental studies of this phenomenon Horwitz concludes that:

Desirable or undesirable states of affairs may come about by changes in the social environment independently of the individuals action. ...Even though the person is himself inactive, he may find himself psychologically "carried" toward or away from a goal or toward or away from an avoidance by the action of the group (1953, pp. 362-3).

Under these conditions one can expect that the attitudes, motives, and behaviors of the participants will tend to refer to their mutually shared psychological field, not just to the possibilities open to them as individuals. As Horwitz demonstrated, participants may be motivated in ways that they have not been previously motivated. Participants may be motivated to act on the behalf of the other participants or may accept the achievements of others, as in a team game, as equivalent to having done it themselves.

Essentially, this defines a transactional relation as distinct from an interactional relation where independent egos trade for mutual advantage. In the interactional mode there can be, and usually is, a shared psychological field. Yet too often the concern that the other's interests be not overlooked in the short run arises mainly from the hope that a real "killing" can be made in the longer run. That is in sharp contrast with the transactional mode as spelled out above.

In a transactional relation, language, and hence discourse, has the same compelling power as action. Thus under those conditions a request for information is felt as a demand that must be met, unless one can challenge its legitimacy with respect to the level of the relationship that has developed.

Not all developments under condition 3 lead to transactional relations, and some that do are not stable. The primary condition is that in the phase represented by condition 3 the mutually shared psychological field should emerge in a symmetrical fashion. By this is meant, quite simply, that in the discourse each extension of confidences by A is matched by comparable extensions of confidences by B and the other participants.

It would seem that anyone who can speak his or her native tongue is competent to judge whether these four conditions have been met (Labov, 1977). Indeed, normally there is no difficulty in sensing whether another person has a strange view of the real world, though difficulty can arise if the other insists on using professional jargon. Similarly, there is usually no difficulty in detecting when one is being put down, although again one might be deceived by the use of irony by others who share a different sub-culture. In the main, however, lack of

## Toward Real Democracies

openness and authenticity are usually readily detected signs that the discourse has not achieved the status of a genuine transaction but is still dominated by egocentric concerns. And, sensing this, people simply refuse to accept claims or demands that they would readily accept in a genuine transactional relation.

It will be noted that the successes of persons who betray the conditions for effective dialogue depend on their playing as if they were following the rules. Interestingly enough, these manipulative practices usually play on the greed or pride of the victim by offering more than fair self-disclosure "in order" to achieve the fourth condition of a transactional relation. In effect, the victims allow themselves to be manoeuvred and are consequently less concerned with watching for the signs of an emerging transactional relation. Political demagoguery would appear to follow a similar course: a narrowing of perception through invoking strong egocentric interest which at the same time reduces demands for effective dialogue.

These conditions for effective dialogue are conditions that generally can only be realized in a democratic society that is based on selection by lot. The point we wish to make is that new institutional forms are needed to realize and sustain these conditions: the institutional forms that have traditionally served discourse at the "them-us" level are more likely to be a hindrance to than a help in the establishment of democratic dialogue. (In equating effective dialogue with democratic dialogue we are, I think, going beyond Habermass' concept of democratic dialogue in insisting on conditions 1 and 3. Condition 2 is not, as he appears to suggest, sufficient to define a democratic dialogue. For example, in an academic setting professors might create a democratic climate in their seminars by accepting their students as professors-to-be. Yet in the world where dialogue and action are interwoven, any such relationship is readily disrupted if both sides do not accept that they are living in one and the same world.)

The validity of this charge against the traditional forms of discourse can be tested by examining how far each of the traditional modes meets the four conditions.

Committees. It is common practice to select a small group to consider matters that are likely to be too complicated or too time-consuming to be dealt with in assembly. It is expected that the group will be small enough to meet and work face to face, and that it will be selected so as to represent the main interests in the matter.

The first question to be asked is: does such committee working meet the first condition - the existence of an objectively ordered field open to all participants, a -reassurance that things are as they appear to be? This typically is so far from being the case that astute observers of committee working always stress the need to identify "the hidden agenda." The members of a committee are usually motivated, first of all, to defend, extend, or trade the territorial rights of the interests they represent. The explanations and reasons they offer do not necessarily correspond to what they know. Agreements and even disagreements do not necessarily arise from the unveiling of the objective order of things; they are as likely to reflect shifting and unspoken alliances. The tendency is to verbalize and obfuscate, not to point, demonstrate, and clarify.



## Part 1 - Democracy Today, Yesterday and Tomorrow

The second question is: does committee working confirm the basic psychological similarity of members, that the others are all "basically decent, honest, intelligent people like myself"? Committee working typically aims to divide, not to seek psychological unity. After all, to further the interests one represents it is often expedient to call into question the contributions of those representing conflicting interests and even to suggest to potential allies that they are a little stupid and would do well to follow one's lead.

Third, does committee working lead to the emergence of shared psychological fields? Does each learn to see the other as a potential action centre in this picture of the situation? There can be little doubt that this will indeed occur - otherwise committee working would break down completely or drag on interminably. What is shared, however, is a conflict, a poker game, or a verbal battlefield, with each seeking dominance over the other but expecting a compromise.

Fourth, do the individuals in committee working become more open?, more "motivated to act on behalf of the other members and more willing to accept the work of others as equivalent to making a contribution of their own"? The outcome they settle for under condition 3 excludes that possibility. Far from becoming more open, authentic, and trusting, the committee member is under pressure to become not only more closed, devious, and suspicious, but also to take on a persona that masks the development of these traits. This applies as much to current allies as to current enemies.

The conclusion must be that through its face-to-face character, committee working does permit the emergence of a shared psychological field where members can gain an understanding of what the others are about. They do not have to waste a great deal of time trying to guess at what is going on. But at the same time committee working negates the conditions for the emergence of democratic dialogue. In fact, it is common to denigrate committees for such shortcomings (e.g., blaming some committee for the design of the camel.) But the continued, widespread use of committees despite their shortcomings is not a monument to human foolishness. It can be argued that committee working is essential both to representative democracies and to government composed of multiple bureaucracies. Committees are a very appropriate method of working when separate interests and territories have to negotiate their boundaries and cannot resort to violent means. By means of impartial, or rotating, chairmanship, rules of debate, and a priori agenda, committees are confined to ritualized symbolic displays of threat and conciliation. These performances indicate which boundaries are threatened, which are undefended, and which are dissolving. Fight-flight is the dominant group emotion.

This group emotion is not conducive to learning, to genuine effective dialogue. It narrowly focusses attention on relative strengths and weaknesses in the present, and puts into the background questions about reasons or any search for common ground.

The characteristics of committee working can be summed up as in Table 1.

**Table 1**  
**Committees and Their Workings**

Characteristics	And Their Consequences
Negotiation from positions of different interest.	Striving for individual advantages.
Limited delegated authority, to committee, to the individual members, or to both.	Constant looking over the shoulder to source of delegation.
Rigid detailed structuring to contain conflicts of interest.	The structure itself becomes a major focus of committee work.
Search for simple structure of its business to <u>facilitate</u> negotiation and resolution.	Painstaking attempts to reassert the differences by splitting of hairs and nitpicking.
Competition for allies and committee time to <u>strengthen</u> one's negotiating position.	(a) Concern with gaining psychological dominance.  (b) Concern to "fix the race" beforehand.

(Emery, 1981)

If sectional interests are relatively stable and the issues in contention are relatively well defined, then committee working can effectively manage a multitude of minor and transient "boundary disputes." When interests are in a state of flux and the issues significant but ill-defined, however, then committee working can aggravate the situation. This is precisely because the efficient working of a committee demands, as any experienced committee chairperson can affirm, that the items on the agenda be defined in such a way that members can determine beforehand the stand they should take on the matter and predict, for the most part, the stand that others will take as well. Secondly, a good chairperson will insist that discussion be confined to matters that have the status in fact of being "significantly probable," and will rigorously exclude discussion of things that are "merely possible." Of such committee working it can be said that, "What is of most consequence at the social level is that one does not see the facts in their proper context, or that one does not face them, or that one violently stresses certain events at the expense of others, operations which produce mis-structuring, or distortion in understanding or feeling" (Asch, 1952, p. 604).

## Part 1 - Democracy Today, Yesterday and Tomorrow

It cannot be denied that assemblies, however selected, need smaller face-to-face bodies to handle efficiently some of their business, particularly if the business is overly technical or complex - e.g., engineering or legal matters.

However, the work of an assembly selected by lot would be at risk if it relied on the traditional form of committee. Such a form would only highlight and probably exacerbate sectional interests. An appropriate alternative form would act as a "task force" for furthering the assembly's general interest and not just as a readily corruptible "trial" for special interests.

The Athenians approached this problem by selecting such committees by sortition (apart from the offices of military commander and treasurer) and not permitting them to conduct the final debates or make the decisions. In a further effort to prevent corruption, the Athenians changed committee membership frequently, by sortition, and ruled that a new chairman be chosen by lot for each new meeting of the committee. Thus their committees and committee chairmen could never accumulate the power of the committees of the U.S. Congress. Now to be sure, however, defensive measures such as the Athenians employed could not but decrease the efficiency of committee working. But this difficulty could be offset in part by not changing all of the committee members at the same time.

It is apparent that the effects of sortition on the conditions for dialogue within a committee would be significant. In the Athenian committee the first condition for effective dialogue is met: they are all present in the committee because the Assembly has defined a task that it wishes them to perform, collectively and jointly. They have not been selected to represent different and conflicting interests. Differences there probably will be, but the committee members are charged with finding ways to reconcile those differences within the overall task defined by the Assembly. The second condition is also basically met. All of the members are in the Assembly because their number came up at a previous selection, for no other reason. They are on the committee because their number came up again, for no other reason. Thus no one has wangled his or her way onto the committee, or into the role of committee chairperson, in order to further some special interest. No one can predictably trade on being able to do some favour in the future because no one has any idea whether his or her number will come up again.

These two conditions are the grounds for conditions 3 and 4, the emergence of a mutually shared psychological field, and increasing openness. The presence of the first two conditions ensures that the latter two will emerge quite quickly. This is something that would not be observed in the workings of a traditional committee. On the contrary, in long-standing interdepartmental committees in the Australian government it is not unknown for the departmental representatives to be carefully selected and sedulously coached so as to appear open without giving away anything.

### **Conferences**

The O.E.D. gives the relevant definition as, "A formal meeting for consultation or discussion; e.g., between the representatives of different sovereign states, the two Houses of Parliament

## Toward Real Democracies

or of Congress, the representatives of societies, parties, etc. " It will be noted that the conference is seen as sharing the representative character of the traditional committee. The difference is expressed in the fact that we typically speak of "conference halls" and "committee rooms." This difference stresses the formality of conferences.

The conference is widely used to generate "democratic consensus" or to raise the level of public debate. But a conference is typically designed to allow for one or other of the existing viewpoints to achieve the position of being the dominant viewpoint. If it is designed without prejudice, the conference will permit each viewpoint to be presented by a strong spokesperson and allow for some demands for clarification or expansion to be met. Yet a conference is not typically expected to search for common ground or reconciliation of views; like a joust, it is intended to let the winner take the field. The variations on conference design that involve questioning of speakers, questioning of a panel of speakers, and small groups discussing the presentations do not, and are not intended to, change this basic format.

As a consciousness-raising procedure the conference - like the committee meeting - is designed to induce people to line up with one viewpoint or another. Thus the conference is not aimed at searching for common ground; it is a means for finding a balance between opposing forces. As such, it appropriately complements representative forms of democracy.

As such, it ill serves the purposes of participative democracy.

The characteristics of conferences are summarized in the following table.

**Table 2**

### **Traditional Conferences and Seminars**

<b>Their Basic Characteristics</b>	<b>And their Consequences</b>
1. Confrontation of viewpoints to detect whether the existing paradigms (Kuhn, 1962) are under challenge.	Therefore, competitive striving for display, forms of "peacocksim" built around "knowledge of."
2. Prior and rigid structuring of program of presentations, discussions, and topics, to lessen surprise attacks on ruling paradigms.	Therefore, reading from pre-circulated paper already prepared to publication standard regardless of anticipated discussion.
3. Matching of structure (time and alternative presentation) to existing statuses.	Therefore, competition for slots and concentration on one new idea if in bottom slots; rambling if in the very highest slots.
4. Maximization of apparent diversity of titles within topics (themes) to emphasize the continued fruitfulness of existing paradigms.	One-upmanship in the form of hair-splitting, e.g., "agree whole-heartedly, but..."

(Emery, 1981)

## Part 1 - Democracy Today, Yesterday and Tomorrow

The Athenians did not confront the problem of adapting the conference to their democracy based on selection by lot. Their Assembly was small enough to go into conference, as it were, whenever a major debate was upcoming. It should be noted, however, that they placed a special restraint upon such public debates. If a person was deemed to have won such a debate he was also held responsible for the outcomes of that decision. Public credit if the outcomes were good; exile if the outcomes were disastrous. This punishment does not appear to have been used often but, like the cane in the teacher's cupboard, it does not have to be brought out often, so long as the children know that it is there.

As it happens, steps have been taken to develop a form of conference that makes it possible to achieve the four conditions for effective (or democratic) dialogue.

In 1959 the Tavistock Institute of Human Relations was posed the problem of designing a conference that would enable the senior executives of the Bristol and Siddeley Aero-engine companies to create a single operating entity, Bristol-Siddeley Aero-engines. The merger was forced upon them by their major customers, the RAF. The two companies had shared mutual contempt since World War I. Siddeley was production-centred and aimed at producing the non-innovative but sound, inexpensive, and reliable work-horses for training aircraft and the like. Bristol was dominated by its design engineers, who saw themselves as competing at the front end of the world's aero-engine industry, the blue-ribbon market. It was common knowledge that their products did not always match their advanced designs. Bristol had the upper hand and their MD was the MD-elect for the joint enterprise: Sir Arnold Hall, an FRS for his creative work with Whittle on the jet engine and other such engineering innovations.

On behalf of the Tavistock, Eric Trist and I laid down the criteria for the conference. Firstly, it had to meet the Asch criteria for effective discourse. Second, it had to produce a high level of emotional engagement but be safeguarded from moving into the group emotions of fight-flight or dependency (Bion, 1948-51, 1961: it was theoretically inconceivable at the time that we could have set the positive goal of sustaining the creative working mode). Third, the conference had to produce a mission statement that would be valid into the seventies and a corporate plan for the embodiment of the values appropriate to that mission (Selznick, 1957). Some six months went into designing this six-day conference for 12 participants. Cost was not a constraint because of what was at stake. We were under pressure to conform to traditional conference design and expose these executives to the leading minds of the time. We diverted that pressure by a) slotting the distinguished guests into the after-dinner role, and b) selecting and briefing those guests so that there would be resonance between what they spoke of and the problems that we planned for the participants to be engaged in at that time. We were concerned that the participants not be diverted from the task and were not at all sure that the task, which was very much an intellectual task, would engage them strongly enough. As it turns out we were being too cautious in our assumptions.

The participants, with one exception, became so involved with their problems that they would have distorted anything the guest speakers said into answers for their problems. The level of involvement was such that all but the exception mentioned had grave difficulties in turning off after the six days and returning to normal duties. The conference design achieved its planned objectives: an effective dialogue was achieved and sustained for most of the time;

## Toward Real Democracies

there was but one brief period in which fight-flight dominated, and only one in which dependency threatened to dominate; a mission statement emerged that can be traced through to the present, despite the subsequent merger with Rolls-Royce. As predicted, the contribution of learned addresses was, at least, negligible, and at most a potential disruption to effective dialogue. (This was not an insignificant outcome, as the learned address is the cornerstone of the traditional conference).

The serendipitous finding was the great strength of emotional involvement that the intellectual task created. The unchallenged assumption of the day (Tavistock was very psychoanalytical) had been that only matters of love and hate could sustain the intensity of dialogue that was to be found in the Bion type groups. Yet this experiment suggested that love and hate might in fact be defensive mechanisms to offset the catastrophic impact of intellectual overload. The overload problem was readily resolved at the practical level. After one more experience of that problem we resolved that conferences of this nature should not be extended beyond two days and nights. Perhaps we should have set the limit at three, or four? There is no theoretical guideline because, to my knowledge, there is still no adequate theoretical explanation of the phenomenon. The powerfully motivating force of effective, democratic dialogue was a welcome finding. It made it unnecessary for us to design for a long conference and unnecessary to design in the external stimulus of powerful speakers or audio-visual aids.

This new form of conference was labelled the "Search Conference" as its primary function was to allow "mere possibilities" to surface and to confront the participants with unexpected new directions and new ways of approaching old issues. A very considerable body of experience has accumulated since 1959, thus enabling more precise specification of the design requirements and deeper theoretical understanding of the dynamics of search conferences (Emery & Emery, 1978, Emery, M., 1982). The significance of this development is that search conferences provide a tool that enables a strong democracy based on selection by lot to perform the detailed review and development of policies. There are two provisos that parallel the controls the Athenians had to impose upon their committees: first, the participants must be freed from thinking they are there simply to represent a sectional interest and, second, such a conference is charged with exploring and maybe recommending decisions, not with making the decisions.

On the grounds outlined above it seems that it is both possible and practical to move now toward stronger forms of democracy based on the original Athenian principle of selection by lot. Possible because of the education that has led to a differentiated labour force and depolarization. This same education makes sortition possible. It is practical because we have developed a comprehensive body of knowledge and principles for the search and related participative democratically structured designs (Emery M., 1998).

## **PART TWO**

# **ON KNOWING WHAT TO DO**

## **Chapter 4      Transition to Participative Democracy**

### **A.    Where We Are?**

The position we appear to have arrived at in these considerations is that:

- a)    in educated societies representative forms of democracy have become a hindrance to the further development of democracy;
- b)    without more participative forms of democracy there is no conceivable way forward.

The dilemma of representative forms of democracy has emerged most clearly in its attempts at planned change. The dilemma is not so obvious in the case of reactive, one-off, legislation, e.g., laws about drunk-driving, drought relief, and school lunches, because these are matters on which the electorate usually has experience and has voiced its views - the politicians have only to gauge the vote-catching potential. In planned change, on the other hand, the intent is usually to bring into being some state of affairs that would not come to pass if things were left to develop of their own accord. That is, planning is for something different, something new.

Unfortunately, the history of representative democracy gives us little or no sense of direction or guidelines for the planned introduction of something so new, so different. The means for effecting such planning seem to be beyond the representative democracies (even in wartime and in the heroic efforts of Roosevelt's New Deal).

The movement toward participative democracy would be the single most important contribution toward a community that could plan and regulate its own development.

### **B.    General Guidelines and Directions**

Barber (1984) has suggested five criteria for assessing steps toward participative democracy, or as he terms it, "strong democracy." These criteria are as follows:

1.    They should be realistic and workable. For all practical purposes, this means that they ought to be a product of actual political experience. Ideal and utopian institutions can clarify and embellish a theory, but they cannot be the test of a theory that claims to be of practical relevance.



## Part 2 - On knowing what to do

2. They should complement and be compatible with the primary representative institutions of large-scale modern societies. Although there is necessarily a tension between the theories, strong democratic practice can only come as a modification of liberal democracy.
3. They should directly address liberal anxieties over such unitary propensities of participatory communities as irrationalism, prejudice, uniformity, and intolerance.
4. They should deal concretely with the obstacles that modernity appears to place in the way of participation: namely, scale, technology, complexity, and the paradox of parochialism (whereby participation is exercised in local institutions that sap national identity and power is exercised in centralized institutions that bar meaningful local participation).
5. They should give expression to the special claims of strong democracy as a theory of talk, judgment, and public seeing by offering alternatives to representation, simple voting, and the rule of bureaucrats and experts. In other words, they should make possible a government of citizens in place of the government of professionals (p. 262).

The first and second criteria complement each other. Thus proposals that threaten to discard the advances made with representative forms of democracy will be neither realistic nor workable. This makes a great deal of sense. In most democratic societies the achievement and extension of the franchise, the secret ballot, the payment of elected representatives, and the building of parties that could successfully campaign against the candidates of the traditional social elites are seen as milestones in their historical development. That same history has made them well aware that many of the old elites are always ready to turn the clock back.

The fruits of representative democracy have not been as palatable as hoped for, but the practical solution is not to dig it up at the roots but to graft selected scions on to the stock.

Barber's other three criteria are valuable but obviously do not tell us what kinds of steps are likely to meet these criteria. Burnheim (1985) has, quite independently of Barber, put forward proposals that seem to go a long way to meeting criteria three and four.

With regard to criterion three Burnheim proposes that in setting up participative systems we follow the rule that **NO PERSONS SHOULD HAVE ANY INPUT INTO DECISION-MAKING WHERE THEY HAVE NO LEGITIMATE MATERIAL INTEREST.** (p. 5).

We commonly overlook this implication when we assert the democratic principle that "It is desirable that all persons and groups should have an opportunity for influencing decisions on any matter in direct proportion to their legitimate material interest in the outcome." If the participants have a material interest in the possible outcomes then it is obvious that they will naturally seek to inform themselves about what is actually possible and probable; they will not rest content with prejudgments, even their own, because that could be to their loss. If they are assured that the other participants also have legitimate material interests and

## Toward Real Democracies

recognize theirs, then they will be prepared to seek common ground. If, of course, some participants have an illegitimate but material interest one could expect them to seek to subvert the decision-making process in order to further their ends. Thus if prisoners participated in the design of a prison one could expect them to leave loop-holes to facilitate escape from the prison.

If Burnheim's rule is ignored, then participatory democracy could inherit some of the problems that plague representative democracy. These are the problems associated with having masses of voters who are materially unaffected by a particular decision and hence are indifferent as to which way the decision goes and are, naturally, unconcerned with informing themselves about the pros and cons. Nevertheless, they have the right to cast a vote. The existence of this significant body of indifferent voters, "floating votes," opens the way to potent influences on the decision-making process which are beyond the control of those wishing to negotiate legitimate material interests. First, the indifferent voters are grist to the mill of the moralizer, the ideologue, and the demagogue. The latter may or may not have a legitimate material interest in the matter under consideration. This makes no difference if there is a significant body of people who have the right to vote but are so indifferent about the issue that they are prepared to prejudge it. It is then only necessary for the demagogue to identify, however tenuously, that there is some matter of principle at stake, e.g., "democratic freedoms," "privacy," "right to life," and then the floating vote is polarized in ways which have little or nothing to do with the pros and cons that the materially interested voters are discussing.

Second, where there are significant numbers of floating votes a trade in these can and does develop. The pollster, the numbers-men of the party machines, and the political lobbyists deal in this trade. In effect, voters who are indifferent on a given issue can trade their votes in exchange for votes from those who would otherwise be indifferent to their concerns. People thus become parties to breaking up or preventing negotiated agreements between those with legitimate material interests. This sort of trading is not usually, of course, directed by the indifferent voters themselves.

Third, the existence of a significant number of indifferent voters gives great weight to the role of television. Television is unique amongst the mass media in its power to condition weakly motivated preferences. It is a disappointingly poor medium for the handling of the pros and cons of rational choice, but begins to rival hypnosis in its ability to create a clear preference, not necessarily a strong one, where previously there was only indifference (Emery, M., 1986). As noted earlier, television never lived up to its early promise of cultivating an alert and well-informed electorate. In fact, politicians and political parties soon learned what marketers had found out, namely, that the medium lent itself to personalities, slogans, and jingles, but not to "talking heads" and rational analysis of products or policies. The less-educated increasingly get their political views from television. The better-educated, seeing the increasing reliance of politicians on the medium of television, are further confirmed in their distrust of and cynicism about politics and professional politicians.

In representative democracies, politicians, political parties, interest groups, and demagogues have hastened to harness television to their purposes. Thus, from yet another direction the

## Part 2 - On knowing what to do

search for common ground by those with legitimate material interests has been subjected to arbitrary manipulation. These influences are probably uncontrollable in a representative system. They may be controllable in participative systems, as people will then have more of a sense of what kinds of settings are appropriate for a genuinely clear-headed weighing of the pros and cons of each other's positions and will wake up to the fact that television does not provide such settings.

The strongest answer to Barber's fourth criterion is to replace election by popular ballot with selection by lot (Burnheim, 1980, Emery, 1976) - sortition, the method used for the selection of juries in Anglo-American law. In using this method for the selection of juries our intentions are very clear:

The American tradition of trial by jury ... necessarily contemplates an impartial jury drawn from a cross-section of the community. This does not mean, of course, that every jury must contain representatives of all the economic, social, religious, racial, political, and geographical groups in the community... it does mean that prospective jurors shall be selected by court officials without systematic intentional exclusion of any of these groups (Bloomstein, 1968).

We accept that it is the duty of citizens to serve on a jury if their number comes up, although exemptions are allowed for special categories and in special circumstances. We accept that such bodies are the best ones for making decisions that could mean life or death for others. Any system based on selection by lot has to take the poor with the good. If 20 percent of the population are uneducated or not too bright then about 20 percent of the selected will be similarly afflicted. We accept that they have a right to be heard and join in judgment and expect, in any jury that some will have to make more of a contribution to sorting out the arguments and giving leadership.

As noted earlier, selection by lot is not new to politics, despite the silence about it for the past hundred or more years. Selection by lot was deliberately chosen by the Athenians for all those aspects of government and administration which could not be conveniently handled in the Assembly. Election by popular ballot was seen by them as a sure way of getting a misrepresentative elected body. As our modern experience has amply demonstrated, elections always lead to a misrepresentative elected body: more rich than poor, more men than women, more lawyers and party officials than business people, workers, farmers, etc. Elections were also seen by the Athenians as adding the fuel of envy, jealousy, and pride to public life.

Political scientists have been eager to dismiss the Athenian experience on the grounds that the business of modern government could not be conducted in daily meetings of the citizens in Assembly. In that they are undoubtedly correct, as correct as they would have been if they had made the same point in Athens in Pericles' time. However, the principle of sortition was as much a part of the participatory democracy of Athens as the Assembly. It bridges time and space every bit as effectively as the representative system and it is the only system that guarantees that the decision-making bodies will be truly representative of the diversity of interests and experience in the community. One would have thought sortition warranted at

least academic consideration, particularly in the 1960s when the students of those very political science professors were agitating for participatory democracy and could find no paths open other than mass demonstrations, demands for referenda, return to town meetings, and representation on boards and committees.

The implications for the existing party systems of replacing elections by sortition are horrendous. If selection is by lot, no one knows whose number is coming up and hence it is pointless for people to campaign beforehand or try to curry favour with powerful potential backers. On the same grounds it would be pointless for those who want to manipulate politics to cultivate and back potential candidates. Each selected person would be his or her "own self," beholden to no one for his or her position, owing political favours to no one and to no party. Even if a person's number went back into the box after a term in office (the Athenians were not too keen on that) he or she could not plan on a political career, no party or patron could earn allegiance by threatening to cut off support, and no party whip could force him or her into line on any issue under debate. If the principle of sortition were consistently adhered to, as it was by the Athenians, there would be no perks of office, e.g., cabinet rank or ambassadorship, that could be gained by party loyalty. As pointed out earlier, there would be no markets in political careers. Just as selected persons would be free of party ties, so they would be free of the responsibility of representing a particular electorate. After all, they did not ask for the job on the grounds of promising to represent the interests of any particular electorate. They would be in the position the Edmund Burke claimed for himself when he told the voters that if they elected him he was not going to represent them, he was going to do what he thought was right.

There is a further matter, which the Athenians did not think trivial. In selection by lot selected persons have no grounds for thinking they are special and they can not be charged by others of seeking to put themselves above others. Representatives who win in a popular ballot, on the other hand, have proven to themselves that they are someone special and have demonstrated to others, in seeking election, that they have something special to offer.

There will, of course, be those who will reject out of hand any suggestion of selection by lot (just as there are those who would drastically reduce the role of trial by jury, or at least allow juries to arrive at a decision by some sort of weighted majority vote, e.g., an 8 - 4 vote). They argue that selection by lot could not possibly provide the quality of leadership required by a parliament governing a modern society. In arguing thus they conveniently ignore the lack of qualities of many of the people that representative systems have typically put into the parliaments. The outstanding examples of parliamentary leadership to which they point are, more often than not, persons of outstanding cunning and manipulative skills, people who knew how to work the representative system, or persons who could be relied on by the social elites to push

for their interests. Athenian democracy had no problem with turning up responsible leaders. People offered leadership in the full knowledge that if their advice later turned out to be wrong they could be sent into exile. On the other side of the matter, the Athenians found no embarrassment in co-opting experts to advise on technical matters. There is no reason why any selected body should hesitate to co-opt expert advice when they feel the need for it. Barber's fifth criterion - making possible a government of citizens in place of the government

## Part 2 - On knowing what to do

of professionals - is, when taken seriously, as deep a challenge to our current concepts of democracy as is his fourth. The thought that the ordinary citizen might have something sensible to contribute to a discussion of serious matters is only slightly more acceptable to most than the notion that such a person might sensibly contribute to decisions of state. This might well be true if it were not a fact that, at some point, any discussion of serious matters and any decision of state must confront problems of what is common sense and what is really at stake.

The important point is that any discussion about joint action and coordination of joint action can only follow from effective dialogue. If the conditions for effective dialogue are not present, no group of persons, even if brought together by sortition, could define a common interest; they would inevitably find themselves in a market for horse-trading. The conditions for effective dialogue, as noted earlier, are that the participants in the dialogue take it for granted that:

- a) they are all confronted with an objectively ordered field that is open for all to inspect;
- b) they are all basically human;
- c) dialogue will produce a mutually shared field;
- d) within such shared psychological fields an acceptance of differences and mutual trust will emerge (Asch, 1952).

The last two conditions are essentially tests for the presence of the first two conditions, and hence they are conditions for sustained dialogue. The first two conditions are what concern us here.

The appropriate way of meeting Barber's fifth criterion appears to be in the use of search conferences and participative design workshops. Both of these procedures were explicitly designed to meet Asch's criteria. Both procedures have been widely tested. Both appear to have enabled effective dialogue.

Barber has gone to a great deal of trouble to spell out the criteria for steps that might lead to more participative democracy. On review, it would appear that the means exist that would enable us to meet these criteria. Thus it would appear realistic to set goals for moving toward participative democracy. There are means for avoiding the frustrations experienced by those who sought participative democracy in the 1960s. One of these is to start elsewhere than with the central government. Selection by lot must inevitably become the way in which our interests are represented in the higher councils of government, but there is no way that this will be accepted until it has proven its value in a host of areas of voluntary association where there is no risk of our existing democratic freedoms being put at risk. What is readily achievable right now is to insist that issues be debated under conditions appropriate to an effective dialogue. Habermass' term "democratic dialogue" captures precisely what is meant:

a

## Toward Real Democracies

society that is prepared to expose the critical political issues to a democratic dialogue is not very far away from adopting other stronger measures for a democratic regime.

## Chapter 5      **New Emerging Forms**

This paper has been concerned with trying to define something that is inherently vague, imprecise, and ill defined, i.e., a change in the social climate or weltanschauung.

It has been argued that democracy has a future if people choose to develop the possibilities that now exist for stronger forms of democracy. Beyond that it has been suggested that stronger forms of democracy would enrich and strengthen the social fabric: and not just in the ways usually suggested by the proponents of participative democracy, i.e., greater individual self-respect, self-assurance, and experience of public affairs. The emergence of effective (democratic) dialogue as the norm of social life would have much further-reaching effects on our institutions and cultures.

Burnheim (1985) has put forward what almost amounts to a blueprint for the democratization of our institutions. Without going that far, it is possible to list a range of openings where moves toward stronger democracy have been made, have been seriously considered, or are now ripe for serious consideration. For convenience these openings are grouped under conventional headings but developments in any one area may have relevance in the others.

### **New Forms of Industrial Democracy**

There is no need to spend time on democratization at the work-face. The lessons learned here have already gone beyond the semi-autonomous, face-to-face, work group to the self-managing group with restricted face-to-face contact because it is spread over different shifts or thinly spread over an extensive automated plant (Emery, 1980). The lessons have proven applicable to blue-collar work, skilled or unskilled, white collar, clerical, sales or professional. The belated automation of the office has not changed the basics. The special problem that Pava claims to have discovered in his study of "Managing New Office Technology" (1983) had already been identified and resolved in the early seventies (Emery & Thorsrud, 1976, Appendix).

The real challenges lie with the higher levels of work organization. The next level is the first level of management proper - the level of the department containing two or more work sections. This level of management demands planned coordination and goal-setting on a broader scale and longer time scale than its constituent work sections. If there is no higher level of management than this, no division of managerial work beyond a secretary and book-keeper, then we have what is usually defined as a "small enterprise," and the problems of democratization seem little different, except for the greater complexity of arrangements for sharing in increased productivity.

A great deal of effort was put into trying to democratize this level of management in World War II and the immediate post-war reconstruction period. These efforts were labelled as

## Toward Real Democracies

Productivity Committees or Joint Consultative Committees; they were based on representative forms of democracy, with workers being elected by their peers to membership; they were restricted to consultation and advice. It may well be that these committees did actually contribute to productivity at certain periods of the war when national interest outweighed sectional interests. There is no systematic evidence on this. A very large body of systematic evidence was, however, collected in Britain just as this movement was peaking out. The National Institute of Industrial Psychology surveyed 751 industrial establishments with more than 250 employees, and conducted intensive interviews in another 157 such places to determine the role and effectiveness of their joint consultative processes (NIIP, 1952). The results were unequivocal: the preconditions did not exist for effective dialogue to emerge in these committees. As a result, the committees found all sorts of excuses not to meet and when they did meet they usually confined themselves to polite trivialities or distorted confrontation, in the 'them-us' manner.

The solution appears to be:

- a) selection by lot of the worker members of the departmental committee so that the workers know that it is part of their duties to serve when their number comes up. Standing for election and winning is no longer available as a means of demonstrating to one's fellow workers and to management that one is a bit special.
- b) allowing the committee to make the decisions necessary for departmental planning and coordination.

This is a form of participative democracy that we have observed in three widely different industrial and cultural settings: a Norwegian fertilizer plant, an Indian heavy electrical manufacturer, and a small Australian company with a high-tech product. (Granted that three cases no more make a rule than observation of one swallow proves that summer has come. They do prove what is possible.) In each case it was the employees and management who hit on the idea of selection by lot: after conscious deliberation they decided against the alternatives because they wanted all of the workers to be committed to the outcomes and all of them to have a grasp of the context from which their work group goals emerged. It has not been possible to follow any of these cases for more than a couple of years but no serious problems were reported. (In the Indian case there were some initial difficulties. The workers were highly skilled, some with several years of special training in Europe, but they had difficulty with the scheduling required to reset weekly and daily targets to meet production targets that could, for a large generator set, be months away. However, as the knowledge was assimilated by the workforce through rotation, the Saturday meeting shrank from a shift-long meeting to two or three hours.)

Let us turn to the next higher level of work organization. Essentially this is the level of plant management and the corresponding forms of works councils.

The works council is the epitome of the old European tradition of so-called industrial democracy. As the pressures toward democratization of work life mount up in other countries there has been a revival of interest in such mechanisms. One reason is that these are



## Part 2 - On knowing what to do

something that can be legislated for and have been legislated for in the past. Hence they are seen by politicians as possible vote-getters. There is, of course, more than this involved.

There is a long history in Europe of trying to introduce forms of representative democracy to industry. The contrast between the democratic rights that one had, at least formally, as a citizen and the subjection to arbitrary autocratic rule in the workplace was seen by many as a challenge that should be met. It was accepted that the fundamental rights of owners and shareholders had to be respected, as also the prerogatives of management. Nevertheless, it was held that elected works councils with only advisory functions would still give employees a greater sense of dignity and personal involvement. The expected outcomes were a less alienated workforce and less industrial strife. The concept of the "elected representative" was common to all works councils but they varied greatly with respect to the secrecy of the ballot, whether the franchise was extended to white-collar and non-unionized employees, and how the votes were weighted.

The actual outcomes were as could be expected for a representational democracy:

- a) The employees who chose to stand for election were not typical, were not seen as such, and were viewed with suspicion by their peers.
- b) When elected the representatives tended to distance themselves from their electorate and to go into collusion with management.
- c) The majority of the worker-electorate remained as apathetic and as alienated as before. (Emery Thorsrud, 1964).

In practice, as we have had many occasions to observe, works councils confirm the most negative of the stereotypes management have of their employees and thus lull management into thinking that they have their fingers on the pulse of the workforce - to the point of being surprised when the works council has failed to give them warning of strike action.

Wilfred Brown put his finger on the nub of the matter when he asked why such sporadic contact between top management and worker representatives should be expected to do what daily and hourly contact between management and workers on the shop floor is failing to do (Brown, 1960).

The creation of democratically elected works councils has failed miserably as an attempt to overcome "the split at the bottom of the executive chain" (Brown's words). Worse than that, works councils have served to cloud over the actual state of industrial relations in the plants to which they have been introduced.

However, what-if the introduction of self-managing work groups has bridged the split at the bottom? Is there then any role for a works council?

If the worker representatives are elected, the same dynamics come into play, and the simple answer is no. An elected works council would be extraneous to the executive chain within

## Toward Real Democracies

which the real discussions would be going on, and hence an irrelevant but potentially dangerous toy. Dangerous in that some unscrupulous people would try to pretend that it, the council, actually represented its electorate.

What if a works council is selected by lot for a limited term?

Providing that there is an existing base of democratized work-faces then we might find that:

- a) the representatives would be typical and be seen as such. They would owe their position simply to the luck of the draw, and hence neither arouse the envy of their fellow workers nor attract their hostility;
- b) there would be no grounds for the representatives to distance themselves from their fellow workers, no reason why they, as a group, should go into collusion with management. One would expect that each worker's primary loyalty would be to his or her own self-managing work group;
- c) the multiple lines of existing influence on the worker representatives would increase the possibility of their taking strong stands on work-related issues and of being an effective sounding board, not a self-serving group concerned with perpetuating their own existence.

Without extensive experience of works councils constituted in this fashion, such suggestions as the above are clearly only guesswork. However, the most important question is: what would they deal with that cannot be handled at the level of the self-managing groups or the democratically formed departmental planning committees? They would hardly be needed for the petty grievances, safety violations, and canteen-type problems that plague works council agendas in non-democratized workplaces. Their main concern would appear to be with plant personnel policies and with plant-level work plans. (Industrial relations would probably be seen as matters more appropriately dealt with at corporate level by the unions.) Now plant personnel policies about grievances, holidays, training, and the like should only have to be reviewed at long-spaced irregular intervals. And if participation exists at the departmental level, plant-level consultation about work plans should be needed only when there is a significant change in any of the markets for inputs or outputs, technology, or organization. In both cases, in other words, there is little that calls for a body that meets regularly, say, every fortnight or every month.

The point is that if there is a felt need for a works council on both sides, it would be wise not to select a standing body when only an occasional meeting is required. Such a body, even if selected by lot, would be tempted to fill the waiting hours with business that is not really necessary or desirable. Far better to draw up a new council as the need arises. It would also be more fruitful if, when a new council is drawn up to review an issue, it were planned for the council to meet in the search conference mode, not in committee mode. In the search mode they can accomplish in several days and nights what could not be achieved in months of committee meetings. They could usually be expected to produce a more creative solution than would arise from management and workers meeting separately and negotiating their

## Part 2 - On knowing what to do

separate views. If special-purpose task forces are needed they can be selected by lot and given powers to co-opt non-voting members.

Under the heading of "Industrial Democracy" there remains the question of worker representatives on the Company Board. Thorsrud and I examined the Norwegian experience of this form of industrial democracy in some detail. It is my strong belief that even if the representatives were selected by lot they would confront the same dilemmas. I do not think that "industrial democracy" or "worker democracy" can-be extended to the level of corporate management. At that level the critical decisions about employment of capital must be protected from those who are primarily concerned with their special interests as employees, suppliers, or customers.

Yet no democratic society is likely to tolerate a situation where board decisions are made with total disregard for the interests of the society of which the employees, suppliers, and customers are members. Lindblom has pointed out the dilemma: a) there are many market-based societies that are not democratic but no democratic societies that are not market based, b) market-based societies are being dominated by enormous private corporations but, as noted earlier, "the large private corporation fits oddly into democratic theory and vision. Indeed it does not fit" (1977, p. 356). As these corporations continue to grow in scale and continue to take over functions once performed by public bodies or private households, the dilemma for democracy becomes more profound. If the simple-minded solutions of nationalization and worker representatives on boards are ineffective (self-defeating?) then what meaning can participative democracy have at this level?

There are several steps that would at least help a board to keep the exercise of its power "consonant with a democratized society":

- a) Boards must not lose sight of the fact that the resources they "own" are in the last analysis the resources of the society. Their legal ownership only gives them privileged access to those resources; continuance of those privileges depends on their exercising their trusteeship as the society would want it (Hill, 1971).
- b) Boards should approve an explicit statement of this philosophy as a directive to their management on how resources, including human resources, are to be managed.
- c) Boards must be so constituted that they can, if necessary, overrule the senior executives. This is not only a matter of having outside directors. It is also a question of legal liabilities inducing directors to keep well informed of corporate activities.
- d) Boards should stress the need for participative practices in senior management. In the past it has been the "rule" that boards select the CEO on grounds that include the ability to build a strong management. Maccoby's studies have shown a growing tendency for corporations to throw up "gamesmen" as CEOs, who need to be held under control by their senior colleagues (Maccoby, 1976).

## Toward Real Democracies

- e) Most important of all, the major investment decisions of the board must come under the review of Industry and, where appropriate, Regional Councils.

These suggestions fall far short of direct participative democracy but, as already stated, it is difficult to think of practical measures that go beyond making corporate decisions consonant with democracy.

### **New Forms of Economic Democracy**

An economy dominated by large private corporations is not sorted out and governed by the so-called invisible hand of the market. The investment policies and the related pricing policies of the oligarchies are planned to take advantage of what are seen as emerging market opportunities. Each oligarchy makes its own appreciations, and plans for the lion's share, or at least an expanding share of the new market opportunities. Each knows that the competing oligopolies in their market will see the opportunities that they see and will march in step to seize a bigger share for themselves. There is a positive feedback mechanism here that produces the periodic surges into over-capacity that characterize every branch of industry. In constantly expanding markets, such as widely experienced in the 1950s and 1960s, this positive feedback can be adaptive for the economy. The losers in these forced marches will have to phase out obsolete technologies and practices, and may themselves be wiped out, but the aggregate demand is still there to sustain the next wave of competitive investments (Rothermel, 1982). In this case the investment risks are not high; for most of the losers it is just a slippage in market shares which might be won back in the next round of investments. In static or declining markets the positive feedback may induce a general paralysis as potential losses are seen as irrecoverable.

The collective outcome of these individual decisions is unplanned but it determines the rate and composition of social investment. "Once the rate and composition of investment have been determined, the economy's dynamic growth path has been largely set; ... it is the level and composition of investment, together with the income levels which derive from that investment, which are the principal operative factors, not any change in relative prices" (Eichner, 1978, p. 176, p. 170).

The welfare of too many is dependent on steady economic growth to let a democratic society readily accept such powerful but uncoordinated interventions, made with little regard to any criteria other than return on corporate capital. Unwilling to throw the baby out with the bath water, which is what a centralized command economy would mean, many societies have tried to introduce some form of self-management. This was particularly the case in the Depression years of the thirties when corporate planning proved unable to identify investment opportunities that would sustain aggregate demand. A comparative study was made of the kinds of industry councils that emerged in the UK, USA, France, Germany, Italy, and Japan (Brady, 1943). Despite cultural differences, they were remarkably alike. The interests of consumers and labour were not represented and the representative systems for private enterprises in effect meant the rule of the large corporations. The large corporations could command the expertise needed for staff work, had the contacts with government, and could call on the allegiance of dependent suppliers. As Brady put it, these self-managing industry councils were a "hierarchical implementation of patrimonial class domination by

## Part 2 - On knowing what to do

monopolistically oriented and compactly organized vested groups" (p.58). Such forms of industrial self-management are not even consonant with representative democracy insofar as they give legal support to the exercise of very significant powers beyond the ready control of voters or their elected representatives. They have been identified with the emergence of some form of corporate state.

A somewhat more hopeful picture emerges from the report of the Jackson Committee on future policies for the Australian manufacturing industry (Jackson, 1973). That committee confronted the same problem of finding a mechanism that would help integrate industry policies in a context of social interests, not just the maximization of short-run corporate profits. They were well aware that centralized government planning of the industry was quite unacceptable; they were well aware of the collusion so frequently present in relations between governments and so-called Industry Advisory bodies; they did not want to espouse corporatism. They envisaged three features for such industry councils that might bring them in line with a democratic society:

- a) "We envisage a network being established by stages that ultimately would consist of an Industry Council for each natural industry sector, State Manufacturing Councils, and an Australian Manufacturing Council. The elements of the network would overlap. They would cross organizational boundaries and they would not be ordered in a hierarchy. None would be superior to another" (p. 220). Note that there is no assumption in this that national interests necessarily override regional ones, or that branch interests naturally override the interests of the manufacturer, even a small one.
- b) "Representation on the councils would not just be based on the similarity of business interests but on the principle of common concern with the resources of the society that are drawn into the manufacturing process. Thus workers (and not just union officials), consumers, government officials, and other interests are drawn into the deliberations of the councils, not excluded as in the corporate model" (p. 221).
- c) "The overriding task of all the councils would be to strive for a shared understanding and perspective. Only within the framework of mutually shared understanding would they seek to identify the changes needed in industry policies and regulation" (p.220).

Several of these councils have been established by the Hawke Labor Government since 1983 and have evolved effective plans for the major investment decisions in their branches of industry.

There are three further matters that are critical for the future role of these councils in a stronger democracy:

- 1) For each interest group that needs to be represented on a council, a list of appropriately qualified - persons should be drawn up. Selection should be by lot

## Toward Real Democracies

from these lists and for only a single non-repeatable term of service of two to three years. This should not prevent persons who have served from being co-opted by a subsequent council in an advisory role.

Selection in this fashion makes it difficult for people to be placed on the councils as mere spokespersons for an interested organization. The once-only rule inhibits council membership from becoming a career and councils from becoming remote from the industry. (See Chapter 6, Model A for a more detailed analysis.)

- 2) It seems clear that industry councils would be needed for the major industry sectors and at regional, state, and national levels. If these councils are to act as "a network, not a hierarchy," as the Jackson committee wisely recommended, then it follows that there should be no predetermined order of reporting, or of referral of questions, between the councils and national, state, or other parliamentary bodies. Each council should have the right to present its reports directly to any other council, or to any of the parliaments. Similarly with respect to the referral of questions. How the other bodies would treat the reports and referrals is another matter.
- 3) If the councils are to provide a forum for effective discourse it is necessary that they conduct their important business of review and planning in the search conference mode. As discussed above, and as we have observed often enough in practice, attempts to handle this business will bog down in interminable and repetitious arguments about matters that are irrelevant or, at best, peripheral. If progress is made it will be because two or more of the frustrated parties have done some back-stage dealing. If parliaments suspect that this is going on they will tend to treat the reports of such councils with care, and, surreptitiously, seek supplementary advice. For the same reasons - trust and authenticity - the councils need to practise sortition in the selection of chairpersons and all of their committees, as these are both well-worn channels for influence and corruption.

These matters of selection process and modus operandi are not trivial matters. In fact, without them, one would predict that any such system of industry councils would soon regress to corporatism and undermine weak or strong democracies.

There are two higher levels of concern that also relate to the question of economic democracy: (a) how decisions are arrived at that concern the economy as a whole, especially in its interdependence with the world economy, (b) how national decisions are arrived at when they particularly impinge on the national economy.

Regarding the first question it should be noted that in post-war Scandinavia the employers and the trade union movements had a great deal of success in agreeing on, year by year, the basic parameters of economic growth within which they would fight for their respective ends. (Both took their advice, for the most part, from students of the Scandinavian economist, Max Frisch). Many other nations attempted to achieve a similar joint setting of national economic goals with little success until 1983, when the Australian government used a much watered-

## Part 2 - On knowing what to do

down version of the search conference to establish its highly publicized Accord. Much less publicized was the Austrian government's use of Leontiev's technique of national input-output tables to provide a framework for the negotiated technological revolution in its printing industries.

Of course, whilst these advances in econometrics are invaluable in establishing the first condition for effective discourse, namely, that all parties are in the same boat, they do not in themselves exclude the so-called lifeboat philosophy ("we cannot all survive, so let us eat the passengers"). Other institutional pressures are required to enforce respect for other values. The forms of national public conference organized by the Australian government for its Accord, and subsequently for its Tax Policy, are indicative of how such democratic influences can be increased in areas of national policy that have been thought to be beyond public discourse (other than privileged debates in parliament or vote-catching election speeches). However, in the intellectual climate in the "first world countries," at least before the October 1987 crash of the world stock markets, the overriding value in any public debate of these economy-related matters was that of "rational allocation of economic resources." Implicit in this was the criterion of "rate of capital accumulation." It was assumed, on the further premise that the national and world markets were non-oligopolistic, that if this criterion were observed by decision-makers then the public interest would be best met. These assumptions certainly serve the interests of capital owners, individual and corporate. If these assumptions are not valid, then they give a decidedly undemocratic flavour to economic decision-making.

A radically different criterion has been suggested. This is that all major investments should be judged on whether or not they increase the average life span of the population. Such a criterion reaches beyond strictly economic criteria to draw on the investments in health, education, control of environmental pollution, housing, and matters such as quality of work and quality of life. Comparative studies were made, by means of computer-driven econometric models, to see what differences would be made to economic growth and elimination of poverty if the life-span criterion - instead of the traditional economic one - were used to direct major investments. The results were profound and positive (Herrera, 1976). It is not difficult to see why this should be so. The average life span of a population would be little changed by even the doubling of the life span of the richest five percent. Yet it would obviously be strongly influenced by even small increases in the life span of the poorest half.

The second question that was raised - national decisions that provide the context of decisions about the economy - relates to matters of defence, immigration, currency regulation, foreign relations, etc. These are constitutionally the business of the national parliament but in a democracy it is usually accepted that decisions about these things should be made with closer attention to public opinion than is given by the last election. Public opinion polling has been much touted as the democratic solution to this problem. Polling, like referenda, can give us a good measure of where public opinion is, at a given time. That may be all that concerns a politician who is primarily concerned with holding onto votes, or at least not losing too many. Polling is not, however, a form of discourse and is no substitute for democratic discourse. The findings of a poll reflect what discourse has already taken place in the community about a given issue. More often they reflect casual opinions gleaned from casual contacts with the

media. Now whereas there is no conceivable way that sortition will come to be used to select national parliaments in this century, it is possible that parliaments could use the search conference procedure to ascertain how the citizenry conceived of an issue after a serious and exhaustive democratic dialogue. The Australian Labor Government used a similar procedure to discover that their plans for taxation reform were untenable. And earlier used it to discover that a national Accord between unions and management about prices and income was feasible (and held until 1995 when the Labor Government lost power, although the unions lost little strength and real wages declined about 10 percent). This is a pointer to stronger democracy at this level of decision-making.

### **New Forms of Social Democracy**

In discussing new forms of industrial and economic democracy we have been looking at ways of expanding democratic participation in authoritarian and bureaucratic contexts. In discussing social democracy we are dealing with the heart of the matter. We have forms of governance that are already basically democratic: how do we strengthen democracy within a democratic context?

Many suggestions have been made over the years for the improvement of the representative system, e.g., proportional voting, recall, more use of referenda, elimination of gerrymandering, instant electronic polling. Our concern is with improvement on the representative system, not improvement of. Specifically we are concerned with the introduction of selection by lot, and the use of effective dialogue as the preferred modus operandi of selected governing bodies.

Introducing changes of this order raises different kinds of problems from those raised in the past by efforts just to improve the system. The history of "Just making improvements" is depressing. One has only to consider how long it has been taking to extend the franchise to women, young adults, blacks in the southern USA; how long to equalize city and country votes; how long to abolish the bicameral system; how long to introduce anything that looks like a right of recall. The list could go on but the history is the same. Improvements appear to occur only at a general social watershed - after a war, an extended military occupation, a cultural revolution, and the like. In one interpretation of this history, it would appear that the drive for more democracy has not even moved molehills, so what possible chance there is that it will move mountains?

That is not the only interpretation. If one reflects on the history of industrial democracy one finds similar trends. works councils, joint production committees, profit-sharing, Scanlon schemes, and individual job enrichment schemes were all presented as ways of ameliorating industrial autocracy. Such schemes have literally gone nowhere. Like fashions in women's clothes they have been popular one year and forgotten for many years after. None of these improvements succeeded in producing anything of lasting benefit even though some got cast into law. The basic reason is, I think, that in a democracy people would sooner let sleeping dogs lie if there appear to be other ways of coping with a problem. Why try to change the system for such small gains when it would arouse long-entrenched interests and when there are other ways to get around the problem?



## Part 2 - On knowing what to do

I am suggesting that the choice between a marginal improvement and a significant step forward has quite different dynamics. For example, when semi-autonomous group working was first introduced in industry the results were so good that they were greeted with disbelief or sheer incomprehension. In 1955, A.T.M. Wilson, then chairman of the Tavistock Institute of Human Relations, addressed the Institute of Management on the field experiments that had been done with semi-autonomous work groups. After the meeting a leading industrial consultant said to him, "I must tell you that I'm sure you're saying something important - but I haven't a clue what it is." As the evidence refused to go away but in fact mounted, the dominant attitude, (partly shared by some of the experimenters), was that these results could only occur in freak circumstances and thus could not be generalized to industry at large. Even at the time of the watershed International Conference on Quality of Worklife, 1972, the general view was that group working could still not displace the assembly line or bureaucratization of white collar work. Yet within just three or four years the generality of the solution was accepted. Not just because of the mounting evidence but because this democratization of the workplace was found to fit in well with the many other changes taking place in management styles, the educational level of the workforce, consumer demands for quality products, and cultural changes in attitudes toward authority.

A similar diffusion process is likely to take place with respect to the changeover to sortition and effective dialogue: first, a growing number of demonstrations that are regarded as freakish or peripheral to our main problems of governance; subsequently, an awareness that these innovations could be used in a wide range of circumstances, but not of course for the central problems of state and national governance. Eventually we might expect the penny to drop and some bold spirits to start saying in effect, "Look, these stronger forms of democracy are infusing quite a new spirit of popular participation in our voluntary associations, our unions and local governments - isn't this just the sort of thing we need to cure the persistent malaise of our party-political system?"

This is at least a possible scenario. The key point to this scenario is that it does not envisage any direct confrontation with the interests that have a heavy investment in the party political systems. All efforts would be directed to those areas where the party political systems are absent or at least weakly developed. An exception to this strategy might emerge if it is decided to create a new level of government. Thus there was in 1974-5 a bipartisan agreement to the Australian Assistance Plan. Under this plan new governing bodies were to be established in 72 newly defined regions throughout the country. These regional bodies would occupy a level between existing local and state governments, receiving half of their funding directly from the federal government as a "one-line" grant to attend to such social welfare problems as they identified in their respective regions. The response was amazingly enthusiastic. Some 12 regions were planned for the first 12 months to allow for a build-up of experience and interest. Before the 12 months were up more than 35 regions were clamouring for recognition. Unfortunately, a chorus of protest gradually built up in the existing representative systems (local and state), who felt their influence and powers threatened. As it happens, the new regional bodies were phased out by a new government on grounds of economic stringency. The point we wish to make is that the opportunity was missed for selecting these regional councils by lot and directing them to find ways of conducting their business as a democratic dialogue. If that had been done, the local and state representative

## Toward Real Democracies

systems might have been able to accept the regional councils as valuable complementary bodies that did not directly threaten any balance of powers between political parties. Maybe! In any case it seems highly likely that some form of regional councils will once again surface, if only to make savings in the welfare system and reduce public criticism. This time it is likely that the question of selection by ballot or selection by lot will be raised. It is likely because that very possibility has been publicly aired by Burnheim and others.

This sort of development might drastically speed up the rate of diffusion.

## **Chapter 6. Two Models of Participative Institutions**

The discussions of what participative democracy might look like has been at a general level. This is unavoidable in introducing the subject. It does, however, leave us with an uneasy feeling that some very important problems might have been swept under the carpet : the sort of problem that emerges only when one has to get down the details of implementing the ideas in the real world.

The following 'models' attempt to explore two areas in detail. In neither case was there an attempt to formulate a blue-print by presenting the best solution for each detailed problem. The concern was simply to confront the detailed problems and see if any of them offered insurmountable difficulties.

In both cases I received a great deal of help, including helpful criticism, from many people. They cannot be blamed for these adventures into utopia.

### **Model A: Democratic Industry Councils**

The Jackson Committee Report attached great importance to the formation of industry councils as a means of enhancing participative decision-making. However, the report did not attempt to give a blueprint of how these might be selected, their reporting channels, or their modus operandi.

In failing to do this the report, not unjustifiably, attracted the criticism that it was advocating corporatism. Yet there are ways in which industry councils could strengthen democracy instead of strengthening corporate power.

#### **(A) Manning of the Councils**

Bodies like the councils, e.g., industry advisory committees, have typically been ministerial appointees. Neither the industry, parliament, nor the public has regarded them as other than political tools. At first glance, an elected body would seem more representative of the interests involved in an industry. Yet there are doubts about how long such a body would remain truly representative. International experience (Brady, 1943) suggests that very soon the big corporations would win the commanding heights. No doubt they would welcome the continued participation of smaller businesses and minority interests in order to maintain a facade of "representativeness." But these token representatives would be easily seen as Uncle Toms by the sections they supposedly represented and thus further deepen the apathy and cynicism of those people about the councils. We can expect the behavior of the representatives on the councils to reinforce those tendencies. The representatives will tend to regard themselves as a cut above the people they are supposed to represent by the very fact

## Toward Real Democracies

that they are the selected ones: they will present themselves as the spokespeople for those sections.

The candidates backed by the big corporations would soon occupy the key roles in the councils and probably, because of that patronage, see themselves (privately) as the spokespersons of their employing companies, not as industry representatives. The implied risk is that the business of the council would be seen by the members as just a continuation of the usual wheeling and dealing of business life under the guise of being in the public interest.

It is necessary to find some way in which the council membership can be selected so that:

- a) they could command the respect of the parliaments and the people because of their collective experience, knowledge, and representation of the major interests that are directly involved in the industry;
- b) they could command the trust of parliaments and the people because they were patently incorruptible.

If these conditions cannot be met it is very doubtful that industry councils will act to serve democratic ends. They would increasingly tend to direct social resources to the service of corporate ends.

Selection by lot, as in jury selection, would seem to be a practical way of getting relatively independent industry councils. This would require several steps:

- a) the identification of parties that have a real interest in that industry's decisions. Thus in the oil industry that would include the oil companies, their employees, unions, service station owners, NRMA and other consumer organizations, local governments in the refining areas, industry and government users;
- b) the drawing up, for each interested party, of a roll of persons experienced in the pursuit of those interests and presumably knowledgeable about those interests. For very numerous strata, e.g., consumers, the list need not be more than a few hundred;
- c) filling positions on the council by randomly selecting names from the lists, not by election or nomination.

There are problems of detail here, but let us first see what flows from the application of the principle.

One negative implication is apparent - the outstanding individual cannot be specially selected and the incompetent cannot be deliberately passed over. This is inevitable. If selection from the lists is by a genuine random process, then the dullest person on the list has the same chance of appointment as the most brilliant. In the systems of appointment and election by ballot it is possible that the best would be chosen more often than chance would have it.

## Part 2 - On knowing what to do

Possible, but not usual. In appointments, loyalty and such factors are generally of more importance than proven competence. In elections, popularity and strength of backing are critical and neither of these factors necessarily favours the tall poppies. The fact that those who win appointments or elections generally assume that this proves that they have special gifts is neither here nor there as evidence. We should further note that most systems can devise ways to co-opt the services of talent not on the council and most find ways to carry their dead wood.

On the positive side the jury system has several things going for it:

- a) randomly selected representatives know that they are on the council just because they are on their industry-strata list. A random selection procedure got them on the council so they have no grounds for self-delusion; the individual is still "one of the boys" and can expect to be treated as such. More than that, the individual is beholden to no one for appointment or potential re-appointment. There are no patron and no party debts to pay off. He or she may not be the brightest person in the stratum but at least is able to contribute to the work of the council without having to follow outside instructions;
- b) the council will be seen by parliament and the people as being their own selves. Their advice may be judged to be erratic, ill-formed, etc., but there will be less of the suspicion that hidden hands have drafted the advice.
- c) with the existence of such councils, private lobbying should tend to dry up. Even if a parliament felt that a council's first advice was incompetent, it would probably feel happier about returning the matter to the council with guidelines as to what evidence it needed, rather than turning to lobbying channels with their obvious biases.

With these points in mind, one negative and three potentially positive, let us consider some of the practical problems.

### **Initiatives and Reporting**

If industry councils are to influence policy it seems that they should, like statutory bodies, have the privilege of tabling their reports in parliament. It seems quite undesirable that they report only to a department, to a minister, or to cabinet. Only by open reporting to parliament could councils avoid the suspicion of going into collusion with those parties to exert behind-the-scenes influence on the legislature. The manner in which a council arrived at its advice could be kept fairly private, but its advice should be open to public scrutiny in both parliament and the media. The government of the day would determine how the advice was acted on, but only in the knowledge that it was publicly known what advice they had received. If for some reason the government needs private advice, they have many other channels for getting it. We are simply suggesting that if industry councils are used for this purpose it would undermine their role.

## Toward Real Democracies

It also seems desirable that any approved industry council, be it regional, sectorial, state, or national, should have equal right to table its advisory reports in any Australian parliament, state or federal. The reason is simple. A problem about investment decisions and policy might arise in one sector or region because that is where activity has been centred, but the decision might have serious future consequences flowing over into other sectors or geographical displacement of activity. This is also one way of ensuring that the network does not degenerate into a hierarchy that would filter out and rewrite advice from lower-order councils.

Within this network of councils, we would expect that initiatives could arise at any point. A parliament might refer a request for advice to any council they thought appropriate. Ditto between councils. Councils might also in some way query a parliament as to whether it would appreciate advice on some matter. These arrangements would have the effect of turning councils into creatures of the parliaments, not of departments, ministers, or powerful industry bodies (union or corporate). This seems a good thing. A serious snag is that reports tabled in parliament can easily finish up in limbo. Industry councils would probably soon learn to brief their local members to draw the attention of parliament to their reports. However, the emerging pattern of back-bench parliamentary committees would provide a better guarantee that the government did not walk away from serious, though controversial, advice. The media would be a backstop.

### **Resources**

To gain and hold respect, the industry councils would have to have resources to enable them to give advice that could not readily be put down by government departments or non-government interest groups.

The first question concerns their internal resources: what the council members themselves possess in terms of experience, knowledge, and competence. This brings us back to the objection to random selection we outlined above. The first answer is just this: if the strata lists are built up on the system of the reference-jury list (see Model B) we can reasonably expect, from probability theory, that any dozen will be pretty much as good as any other dozen selected at random. To ensure the operation of this mathematical principle we must be prepared for councils of 20-40 members so that at any one time each of the major strata of interest has four to six members. This is still a workable number for the purposes the industry councils are expected to serve. We will discuss this later. With such numbers it is possible to design in overlapping periods of service, and-thus insure some continuity and accumulation of experience.

The second question concerns owned resources. Each council should have a staff of resource people to service its meeting arrangements, its briefs for its own meetings, and its briefs to other bodies. This staff should:

- a) be minimal so that the cart does not direct the horse. Much of the research could be contracted out;

## Part 2 - On knowing what to do

- b) be composed of people on secondment from the various strata of interests represented on the council for a period of about two years. This should be long enough for them to identify with the purposes of the council but stop them from subtly imposing their career needs on the council. Like a wartime army, the councils should offer a career path to no one, not even the office staff.

Arrangements would have to be made to ensure that satisfactory service on secondment counted for more, in terms of promotion, than a similar length of service in the "home" organization. Hence that "field service" would be eagerly sought, and people with such broadening experience would more quickly emerge in the senior levels of those organizations.

The third question concerns accessible resources. If the industry councils are to be discouraged from building up their own staff empires they must have access to capable and creditable sources of research. In particular they should have the power to make reasonable demands on existing government research bureaus for collection and analysis of data. Beyond this, the councils should be empowered to commission or request research or receive submissions, but not empowered to enforce such requests legally.

### **Modus Operandi**

As noted, to be representative the industry councils would need to be 20 to 40 in number. Only thus could we be assured of a reasonable quality of representation of each important stratum and be reasonably assured that the representation had not been seduced by special interest.

This ceiling number of 40 can work effectively, in my experience, at the primary task of identifying common interests, just so long as they do not try to operate via the traditional mechanisms of permanent chairperson, agendas, formal motions, and voting on motions. To be effective, the industry councils would need to meet in a more open mode that approximates the conditions required for effective (democratic) dialogue. They would not usually meet more than once every six to nine months, but they would need to meet for a couple of days and nights at a time to search out thoroughly the matters of emerging importance in their industry or region and formulate their advice in a framework of long-term common interests.

An industry council would need some sort of executive committee to carry on its work between workshop conferences. Again, to prevent the building in of biases, the executive committee and its chairperson should be selected by lot at each conference.

Any attempt to impose an "independent chairperson" on these councils would be self-defeating. At the very least, such a person would try to assert authority by imposing a degree of formality that would undermine the openness of dialogue within the council.

### **Model B: The Jury System and Participative Democracy**

In the preceding text, the method of sortition - selection by lot - has been discussed largely in terms of the Athenian experience. So as not to over-complicate the presentation, the additional experience from our own jury system and that of other cultures has been relegated

to this chapter. This gives us a chance to tinker with some blueprints, which are of some interest in giving an impression of the magnitude of the problems involved in changing a national system of representative democracy.

There are good reasons for taking seriously the many centuries of experience the Anglo-Saxon world has had with their jury systems, even though they are confined to judicial procedures.

The jury system is expected to yield a valid representation of what the community feels and thinks it wants in terms of justice, fairness, and decency.

Jury decisions can ruin a person's career, inflict long terms of incarceration, or even lead to an abrupt end to life. Therefore these decisions have traditionally been regarded as too serious to leave either to persons who have been appointed or elected to judicial office, or to a majority vote of jury members. If a jury fails to arrive at a consensus it is a "hung jury" and it is dissolved, to be replaced by another set of jurors, also chosen by lot.

The selection procedure for a jury has the following common elements:

1. All eligible adults have a duty to serve
2. They are selected by lot, not by ballot, and are not appointed.
3. It is forbidden for others to lobby them because they serve in their own right, not as representatives.
4. They must seek consensus.

The use of this procedure for determining the membership of our governing bodies would write off elitist assumptions. Such assumptions are implicit in elected representative systems, as is fully documented in the history of the Westminster system. Some people assume that they are better fitted to rule by reason of birth, property, education, etc. Those elected, for whatever reason, tend to assume that they are endowed with properties that put them a cut above their electors.

#### **Notes on adapting the Jury System to Politics**

1. As with legal jury systems some people are ineligible for the lists because of age (immaturity), illiteracy, insanity, or criminal record.
2. Once nominated by the drawing of lots there must be a "posting of the banns" (as for religious weddings). If the suitability of a nominee is challenged, a public hearing must be held. If a majority vote at such a meeting does not settle the issue, either party, the nominee, or the challengers, may call for a secret ballot of the community. that ballot would be taken as the final decision. This may seem to be an expensive procedure; however, it seems improbable that more than a small minority of those nominated by the drawing of lots would be challenged. The total cost would certainly be infinitesimal compared with holding general elections. In any case, the cost



## Part 2 - On knowing what to do

consideration is not critical. The overriding consideration is to prevent stacking of public meetings by special interests seeking to manipulate appointments.

3. It is an important feature of this procedure that it weakens the grip that organized parties, and their patrons, have over the political process. Selection could not be affected by party support nor any amount of campaigning that a party might do for a potential candidate (we would all be equally potential candidates). Selected members would owe no debts to a party machine. Similarly, no party could influence a member by promising future electoral support. Neither parties nor the members could plan for a political career. Also - and no small matter in modern democracies - no party could use the all pervasive spoils system to buy loyalties. Initially, parties might try to manipulate selection by mounting challenges to nominees, but this would bring them little credit.
4. To compensate for service, and as an aid to readjustment of personal careers, members should have the right to as many years of education at state expense as their years of service. We would expect many to wish to readjust their careers after such exposure in public service.
5. The levels of government might be:
  - ward level (urban or rural, 300-500 adult voters);
  - town or district level;
  - regional metropolitan;
  - federal/state

At the lowest level, the ward level, where everyone can easily know everyone else and some of the residents provide a continuity of experience, the sampling ratio probably needs to be no higher than one in a hundred. Duties would require no more than what a person would put into a voluntary office in a sporting or religious body. It would probably be wise to allow individuals to choose whether to leave their names on the selection list after their first period, with the proviso that after some years they could ask for their names to be re-entered.

At each higher level, the sampling list would be composed of those who had satisfactorily served duty at the next lower level and had not asked to be excused from further duty.

### **Two-up, one-down**

This is the principle that on selection for service at one level a person would first spend 12 months as a non-voting member at the higher level and then take up duties at the lower level.

The purpose of this is to bridge the broad gaps in issues and the span of concerns that exist between the levels. By participating in a meaningful way in the policy formulation at the higher and broader level (without the responsibility of making the decisions), a person will get

## Toward Real Democracies

a greater understanding of the context within which he or she will be subsequently contributing at a lower level.

At the lowest level this mechanism may not be necessary. People selected for ward governance will usually have a good deal of exposure to the problems facing the next higher level and not be too willing to accept the additional cost of time, travel, etc. This familiarity is not likely, however, when a person moves to the regional level and has to deal with regional-state and regional-federal relations. At this level we are also speaking of people who have done satisfactory service at the ward level and have opted to leave their names on the selection list.

The procedure of genuine random selection may not always be practicable. In an underdeveloped country the cost of creating and maintaining an up-to-date list of eligible adults may be prohibitive, and even in an advanced economy the cost of creating a statistically adequate sampling frame for a particular issue may be too troublesome. The problem then is to create by human judgement a sample of people that is not misrepresentative. This problem has been tackled in the operation of the jury system:

The American tradition of trial by jury...necessarily contemplates an impartial jury drawn from a cross-section of the community. This does not mean, of course, that every jury must contain representatives of all the economic, social, religious, racial, political and geographical groups of the community...it does mean that prospective jurors shall be selected by court officials without systematic intentional exclusion of any of these groups (Bloomstein, 1968, pp. 54-5).

The methods of the American courts include references provided by citizens known to the court for their proven character. In trying to find unbiased samples for search conferences about community problems we have followed a similar procedure. First, to identify a number of people of differing backgrounds who have voluntarily given their time to resolving the problem. Second, to gain from them lists of others in the community who have made or are making personal efforts to resolve the problem. These people are in turn asked for their lists, and so on until the lists start to come together on 30 or so people. In this social reference process some of the original referees may turn up. They are not included if they do not. Over a large number of experiences, this social reference process has been quite successful in producing samples of a community that could not be faulted for bias.

Precedents: the notion of adapting the jury system to strengthen democratic processes was inspired by George Collier's account of the traditional system widespread amongst the Indians of Meso America:

The positions (of public service) are ranked into levels, service in all but the first level presupposing earlier service at the level below. Every mature male is expected to provide ritual service for the community at some point in his life by occupying a ritual position at the lowest level. During his year of service the man will leave his hamlet to live in the township to perform ritual at great personal

Part 2 - On knowing what to do

expense. The heavy cost of this ritual requires years of careful savings of the meagre excess of farm production above subsistence needs. Yet the spiritual and social rewards of service are such that many seek subsequent service at additional heavy cost in positions at higher levels of the hierarchy later in life. Indeed, those men who succeed in performing at all of the hierarchy's levels have proved themselves worthy of the greatest respect (Collier, 1974).

Examples from other old cultures could be multiplied. The point is that the Westminster path is not the only path that has emerged in people's efforts to govern their own affairs.

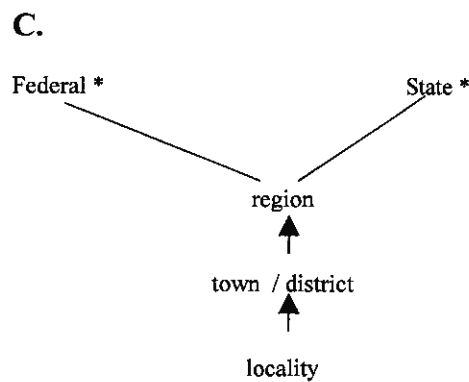
**Estimating the Magnitude of the Problem**

The following Table should not be treated as more than a statistical doodle. It was put together some years ago simply to gain some idea of the kinds of numbers involved and the temporal scales.

**TABLE 3**  
*An Idea of the Sorts of Magnitudes That Would Be Involved in Australia*

Size of Unit	Size of "Electorate"	Number Sub-Units Included		Rate of Sampling at each level	No of Reps per Unit	Approx No of Level Reps in Nation	Time Committed
		States	Regions				
Federal 16,000,000	8m	7	64	1 in 120,000	142	142	Full
State * 3,000,000	1.5m	-	12	1 in 30,000	50	350	Full
Region 250,000	125,000	-	-	1 in 2,500	50	3,200	-
Town / District 10,000	5,000	-	-	1 in 250	20	32,000	-
Locality 1,000	500	-	-	1 in 50	10	160,000	-
						195,000	
* Median Sized						ie 2.4% of electorate	

B.	Initial Rate of Sampling per Electorate (Voters)	(2 up * 1 down!)	Length of Tenure
Federal	142	1 in 2.5	X 4 years
State	350	1 in 11	X 4 years
Region	3,200	1 in 10	X 3 years
Town / District	28	1 in 5	2 years
Locality	140	1 in 50	- 2 years



\*Note: no one gets to this level without 7 years of public service (as distinct from public administration).

## Toward Real Democracies

For the sort of sampling rates that would yield governing bodies of the size proposed in column 7 something like two to three percent of the adult population would at any one time be doing service. About 80% of those, however,, would only be engaged at the neighbourhood level with little to do and the right to opt out at the end of their first two years of service.

It will be noted that with orderly introduction it would be two years before a pool of candidates existed for the selection by lot of town and district governments, seven years before state and federal governments could be selected in this fashion.

Also, if the voting age was 18 no one would be qualified for selection to state and federal governments before the age of 25.

## Chapter 7 Effective dialogue and the new technology

### A. Implications of the Technology

Just as the “tyranny of distance” has been constantly invoked as the reason why only representative forms of democracy were practical, so we are now being told that the new technologies of communication and computerization are shrinking distances until we are all living in a “global-village. There is quite enough truth in this for serious consideration of what these opportunities offer for achieving a stronger democracy. If there were any doubts about technology’s role in shrinking distances, one has only to reflect on the staggering rate at which the world stock exchanger. went down like dominoes after the Wall Street break on October 19, 1987. The only time lag in that world series was imposed by the formal opening hours of the exchanges in different time zones - and that did nothing to delay the international. movements of capital. while it was happening, the rest of the world could follow the widely distant events hour by hour. Investors around the world were tightly linked in an almost instantaneous, interactive network. one has to ask whether a nation, and particularly a nation with such great distances as Australia, would not be able to greatly strengthen its democratic procedures if effective dialogues could be hold via telecommunications instead of each time having to confront the costs and time losses of transporting and housing face-to-face meetings. These costs and time losses are not only obstacles for the centralized state and national governments. They impose severe constraints on the level of democratic dialogue that can be sustained by voluntary organizations, professional and trade associations, corporations, and administrative services.

Three main areas have been identified where the new telecommunications capabilities might serve to strengthen democracy:

- a) interactive distance learning;
- b) video conferencing;
- c) community networking.

In each case it has been implied or explicitly stated that, as a minimum, the participants must be able a) to control the medium being used and not be the playthings of the media,, as in TV conferences, and b) to determine the ends to which the medium is being used.

This is a start, and for distance learning and community networking may be sufficient. They are, after all, concerned primarily with information exchange and are not burdened with the responsibility of trying to resolve differences of viewpoint and arrive at common agreements about things to be done.

It is video conferencing that offers the most potential for stronger democracy. At the moment a thousand and one sources of arbitrary decision-making are defended on the grounds that “we simply cannot afford the expense to have a conference on this matter, 11 “the people who should confer will not give up the time for this,” or, “the decision simply cannot be delayed longer. “ Video conferencing, if it created the conditions for effective, democratic dialogue, would cut through a great many of these defences and, far more important in the long run, would establish a new accepted mode of social decision-making. Instead of Australia having

## Toward Real Democracies

300-plus search conferences in the five years 1972-7, it might be having 3000 per year. The big if is whether video conferencing can create the conditions for effective dialogue. For some 15 years people have striven to “make a success of video conferencing” by which they mean to create a viable market for corporate and administrative video conferencing. The demands for such conferencing are less than what is required for effective dialogue, but no one to our knowledge is even claiming to have found a successful formula. The rest of this chapter is devoted to finding some solution to this problem.

As a first step let us examine theoretically what this task involves.

It is video conferencing that imposes the most critical demands. Conferencing usually aims to achieve a higher quality of decision-making by allowing individual viewpoints to be enlightened by an understanding of the views held by others. For the purposes of distance learning and community networking it is often enough just to instruct or inform.

If the purpose is only to instruct or only to inform, then it can be served by a communication system that is “serial” in nature i.e., an ordered linear sequence of communication events. In human communication systems the dominant features of seriality are i) asymmetry of social control of the communication process; ii) egocentrism, in that the process is guided to serve the ends of the controlling party not mutually agreed ends; and iii) a “them-us” polarization of the communicators. Bureaucratic systems favour seriality in communication, and they have been well served by modern technical systems of communication since seriality can be so readily modelled mathematically.

But the explicit purpose of conferencing is to allow different parties to arrive at mutual understanding of each other's views and purposes. (The “hidden agenda” of a conference may of course, be quite another matter.) If mutual understanding is to emerge, the exchanges between parties A and B about X, the task, must both inform and instruct. That is,, they must arrive at a shared understanding of X and they must appreciate what the alternative course of action, with respect to X, mean for each other.

The conditions necessary to ensure that interactive communication moves toward greater mutual understanding are that the system formed by A, B, and X has as its properties those conditions for effective dialogue mentioned earlier:

- a) ABX presents an objectively ordered field open to the inspection of all of the participants.
- b) The mutual confrontation of A and B attests to their basic psychological similarity.
- c) Continued communication leads to the emergence of a mutually shared field.
- d) The participants become more open and responsive to the objective requirements of the situation, more sensitive to what ought to be done, and less dominated by what they would individually like to do.

## Part 2 - On knowing what to do

These conditions form an ordered sequence; each presupposes that the preceding conditions have been established. Failure at any stage, e.g., that continued communication is not seen to be converging on “a mutually shared field,” would inevitably lead to questioning of whether the preceding conditions had in fact been achieved.

These matters are not just of theoretical interest. Technical systems for teleconferencing have been on the market for at least 12 years and yet, as of early last year, only five percent of the Fortune 500 companies have ‘thought’ the product. Given the wealth and far-flung operations of these companies, we have to assume a great deal of market resistance. The reason is simply that the focus has been on the technology, not on how the technology should be used. The technologists have been guided by simplistic notions about what is required for fruitful interactive communication. When teleconferencing did not achieve what they expected it to, they could only guess at what they should do next.

The four conditions for effective dialogue laid down above can be taken as the minimal critical specifications for video-conferencing technology. Thus if a technical system fails to meet any of these four conditions it would be judged to fall short of what human beings can achieve in face-to-face contact. The cost/benefit ratio of a new technical system would have to be judged in the light of such shortcomings.

With these specifications in mind we can take a closer look at the significant ways in which remote conferencing via electronic media differs from face-to-face conferencing. In that way it might be possible to pinpoint the electronic technologies, or developments of same, which offer the most cost-effective solutions.

Condition (a) of the conditions for effective dialogue is usually expressed as a striving for realism. It is important to note, however, that the aim is not that a remote group should appear as if they were really present, across the room. That degree of ‘realism’ would actually be the height of illusion, giving the impression that one could walk over and touch people hundreds of miles away.

The remoteness of the other group (or, to put it another way, the presence of the other group at that other remote location) is a part of the reality that remote conferencing is not intended to disguise.

The height of reality that can be aimed for in remote conferencing is the conviction of the individual participants that the course of the conversation could not have proceeded any more satisfactorily if they had all been in the same room. That is, that the cues they might have missed because of the remoteness would not in any case have materially helped the constructiveness of the conversation.

In the past, this degree of reality has not usually been achieved. The most striking deficiency has been in the use of voice-actuated switches that keep the auditory channel clear for one-way transmission. This allows for clear and controlled transmission, unless of course there is an attempt at ‘double-talk, in which case babbling confusion reigns. Even when operating normally this system is like the game children play of communicating down a long pipe

## Toward Real Democracies

whose bore is too narrow to permit both mouth and ear to be placed opposite the pipe opening. In that game there is no communication if both parties have their mouths to the openings or both have their ears there. It is only by voluntarily agreeing to take turns that communication can be achieved.

The telephone is not limited as much as our pipeline example,, but even with it people feel constrained to take turns. This constraint can easily lead to the negation of condition (b), ‘basic psychological similarity.’ The person who seizes the initiative on the phone, or who hangs on to the initiative that’ is given by being the one to activate the line, can readily establish a Me-You Position of dominance.

Reports on video conferencing based on this sort of one-way audio transmission have consistently referred to dominance of egocentric posturing or role-playing, channel-grabbing, and lecturing down in a me-you, them-us fashion. These are the very features that we noted above as appropriate to serial communication, as contrasted to interactive communication.

Hence if remote conferencing is to approximate the reality of interactive communication then, there must be open, bi-directional audio transmission at all times.

“Open bi-directional transmission” can obviously lead to confusion and a breakdown in meaningful communication. The safeguard against that in to be found in a human regulators understanding what is going on in the groups, not in a technician, or in automatic switching mechanisms.

To be realistic there should also be no ‘mismatch between the acoustic image of spatial location of voices and the subvocal “buzz” and the location of others in the video representation of the remote group. Thus, if someone at the right hand end of the remote group is seen to be speaking, then that voice should appear to come from the front left of the viewing group. The maximum mismatch will come from monaural, single-loudspeaker reproduction.

Finally, there is the mismatch that can occur between loudspeaker-reproduced voices and buzz and that which is picked up in face-to-face groups. This is quite noticeable with loudspeaker reproduction of telephone quality speech. Existing digitalized high-fidelity sound systems can probably easily achieve a quality that is not noticeably different from what would be experienced if the participants were actually in the presence of one another.

So far we have considered what is needed to achieve an objectively ordered field open to inspection” for persons with their eyes shut. what would be needed to sustain or enhance this sense of reality if they opened their eyes?

In the first instance participants would want “to put a face on the voice” and, sometimes, a name-tag on the face. AS mentioned above, to maintain the correlation of face and voice they should have the same spatial location. They should also have the same temporal location, i.e., if X is angrily denouncing acme proposition his (or her) lips should be moving,, the face



## Part 2 - On knowing what to do

should be seen as angry, sneering, or stony, and the others in the remote group should be seen to be behaving as if he or she were angrily denouncing something.

Here is the crunch for remote conferencing.

Just as we are supersensitive to human speech sounds, so we appear to be supersensitive to the merest flicker of emotion in the human face, or even just the eyes. (For example, as Roosevelt recalled how he broke the ice at the Teheran conference, he “whispered to Stalin that 'Winston is cranky this morning, he got up on the wrong side of the bed.' A vague smile passed over Stalin's eyes, and I decided I was on the right track.”) We are so sensitive to these sorts of cues that Tomkins (1962), arguably the most outstanding authority on human emotional expression, recommended the use of the ultra high speed schlieren camera that is used for ballistic studies, in order to detect the fainter cues that humans respond to.

Apart from this special sensitivity, there is a large and coherent body of research that establishes the important role of visual, non-verbal cues in communication.

Together these findings have appeared to establish an almost impenetrable cost barrier to achieving interactive remote conferencing. The electronic transmission of visuals is so very expensive, relative to audio transmission, that practical applications to date have seemed half-baked. The realistic transmission of every flickering facial expression that the eye can detect is too expensive to contemplate.

There appears to be a technical growth curve. Special landline connections could give a TV quality image of about three people sitting at a table but broadcast connections could only provide a couple of consecutive stills per second. Computer programs for coding into and decoding out of digital signals have emerged (codecs). These enable us to transmit, on even low capacity channels,, a realistic representation of the grosser facial and gestural movements. The details are lost.

To this particular limitation on transmitting visual information must be added a limitation which is inherent in the cathode ray display technology. The visuals in CRDs are radiant light, but the human eye has evolved to extract information from light reflected from surfaces. if the human eye is directed toward a radiant light source it will stare and the stare will quickly become a glazed stare, If the radiant source is unpredictably flickering and colourful, as with a wood fire, the glazed affect may be delayed, but even a wood fire will not evoke looking behaviour. By contrast, the visual information available to a person in the face-to-face situation is presented in radiant, reflected light.

The natural response to varying radiant light is to look, and to look more actively, with, rapidly changing focus if the picture is changing.

The implication of this is that even if visual recording and transmission were improved significantly, the gain in received picture by a human viewer would still leave us with a very marked mismatch between the visual transmission of the remote group's non-verbal communication and what would be available to someone who was physically present.

## Toward Real Democracies

The limitations we have just discussed are well founded in fact, It would seem therefore that aspirations for remote video conferencing are as ill-fated as those we have had for video telephony.

Let us go back over the evidence that has brought us to this point. There is no doubt about the powerful impact of non-verbal communication, and of human sensitivity to the merest flicker of emotional expression. However, it has been assumed, traditionally and without question, that this non-verbal communication serves to amplify and enrich the inadequacies of speech. On this assumption telephonic communication could of course be only an impoverished form of communication compared with face-to-face communication; on this same assumption the videophone should have been one of the most welcomed technical innovations of our age. But the facts are otherwise, as the assumption is false.

Non-verbal communication is basically used to constrain conversation by constantly reminding the other of person and place: who is being spoken to and in what social setting. Even the language of illiterates is too rich and too free-wheeling to be given totally free rein. Non-verbal communication warns the speaker to practise restraint in speaking and to be careful about the construction placed on what is said.

The point is that speech becomes more powerful as it is freed from the context of non-verbal communication: powerful, that is, as an expression of what people are thinking. It does not become more socially powerful unless the social context is defined as allowing mutual interaction. Thus the Roman Catholic confessional has been traditionally designed to minimize the role of nonverbal communication and to maximize free expression, but the dominant role of the confessor remains inviolate. Where mutual interaction is defined as socially acceptable, it has been experimentally established (Short, 1976) that people have more influence over the attitudes and opinions of others when they are restricted to telephone conversation than they have in face-to-face settings.

These findings are of fundamental importance for remote interactive conferencing. The clear implication is that maximum communication is not after all a desirable design goal. What is now unclear is how much video communication, if any, is desirable.

Some of the minimal desiderata for visuals have been mentioned above, e.g., to put a face on a voice and to see spatio-temporal events which match the spatio-temporal characteristics of the audible field.

A more general consideration is to remind participants, by means of the visuals, of the longer-term constraints on the apparent openness of the interactive process. Participants are always going to ask for more visual, non-verbal information than is good for the mutual interaction because of their concern about inadvertently getting off-side with their superiors or treading on the toes of colleagues. However this is a regulatory function that should not be solved mechanically. It should be a tool in the hands of the human regulators. Without such regulation it is likely, as has been experienced with computer conferencing and electronic mail systems, that people will become unduly reticent in subsequent conferences.

**B. A mental experiment with remote, interactive conferencing**

One could go from the theoretical principles to an idealized design of a remote interactive conference. Something could be said for this approach if our concern were with long-term technical development. However, this is not our concern. our concern is with whether existing technical capabilities permit the marketing of a viable concept of remote interactive conferencing. Therefore what will be done is to take a recent interactive conference and see whether, and in what way, it could have been conducted with groups of participants widely separated in space, but linked by telecommunications.

An important point to bear in mind is that the conference being subjected to this mental experiment was a "search conference," i.e., it was deliberately designed to maximize interaction. The designers of traditional conferences will always claim that they are aiming at maximum interaction but in practice they design to give one paradigm superiority over contenders and to allow one set of stasured persons to assert their superiority. in other words, they implicitly deny the first two basic conditions for effective dialogue. Veteran conference-goers reduce the negative impact of this by maximizing their informal face-to-face contacts. The formal conference becomes the excuse for being at the same location. Remote conferencing can easily do what traditional conferencing does because it only involves serial communication. However,, the absence of conditions for informal face-to-face get-togethers reveals such conferences for the charade they really are. By contrast, a search conference strives to meet the first two basic conditions for communication by minimizing the tendencies to protect one's territory or to stand on one's dignity. insofar as they are successful,, search conferences minimize the need to use informal, face-to-face channels, and hence the necessity for all participants to be in the same place.

**The Search Conference**

The search conference we are trying to rerun mentally followed the basic pattern:

- Phase 1) Introduction.  
The purposes are spelled out by someone who is in a position to sanction the exercise socially.  
Participants are introduced to each other so as to identify their interests and allow their subsequent contributions to be identified. The managers spell out the planned program and the resources available to the conference.
  
- Phase 2) Perspectives Session.  
Whilst still in plenary the participants are asked for their views about what is currently happening that could have a meaningful impact on the human future. Bach view is recorded in telegraphic form, on flip charts by the managing staff. As charts are filled they are taped to walls where they are open to the inspection of all.
  
- Phase 3) Major Trends in the Perspectives.  
Three randomly selected groups examine the flip charts they have generated and try to identify the five or six major trends that are shown by the data.  
Each group prepares a flip chart for presentation of their views.

## Toward Real Democracies

- Phase 4) **Comparison of Trend Evaluations.**  
In plenary the groups present and compare their analyses. The purpose of this is to let the participants find out whether they are all in the same “open, objectively ordered world.” If it appears they are not, then they can try to identify what it is that divides them and agree upon whether it is in fact worthwhile to continue further.
- Phase 5) **Probable and Desirable Futures.**  
Within the context that they have created for themselves, the participants are asked to consider what would happen to their common concern (in this case, management education for small business) if things were just left to go along as they are, i.e., Probable Future, and, if all went well in the current situation, what might possibly be achieved, i.e., Desirable Future. One randomly selected group works on the first task and another works on the second.
- Phase 6) **Identifying the Planning Challenge.**  
In plenary the two scenarios are presented and compared. If there is no significant difference, that is if the desirable future is the most probable future, then there is no need for planning. In this unusual case the conference could repeat the previous phase; with differently constituted groups. If they confirm the findings, the conference would be disbanded. Someone would then need to ask about what misunderstandings led to the unnecessary conference. Clearly, the discrepancy between the probable and the desirable scenario is what normally defines the agenda for the rest of the conference.
- Phase 7) **Inherited Constraints.**  
At this point it is usual for a search conference to suspend its future orientation and take stock of where the organization has come from and where it currently is at. The strengths and weaknesses they have inherited are the starting point for future change. This is done in plenary with one or two individuals making the major input.
- Phase 8) **Most Desirable Designs for the Future.**  
Working in parallel, several randomly selected groups try to come up with an organizational design that would be able to realize the desirable future scenario. They are “idealized” designs only insofar as participants are asked to design in the required capabilities without consideration of where those capabilities are going to come from. Following on phase 7, totally unreal expectations may enter these designs.
- Phase 9) **Reconciliation of the Most Desirable Designs.**  
This is done in plenary with the expectation that the process will continue till one design emerges. Whilst still in plenary, the participants divide up the task of preparing operational plans, and select the groups that will work on each task. It is expected that by this stage the conference has sufficient unity and identity that

## Part 2 - On knowing what to do

the groups will accept the duty of acting as task forces of the conference, whatever their other organizational loyalties.

### Phase 10) Working in Task Forces.

The task forces set their own plans for working, within the time and space constraints of the conference, and are expected to present their proposals on flip charts to a plenary.

### Phase 11) Plenary on Task Force Proposals.

The plenary allows for presentation, critique, and co-ordination of the task force proposals. The plenary should finally agree on plans and allocate responsibilities for the final report/presentation.

### **Re-doing the Search Conference under Conditions of Remoteness**

We will now try to work out how this conference might have been conducted with the participants located at several remote places. A great deal of the work of the conference was done in small groups but we will accept the further constraint that the randomly selected groups and the task forces should be selected without reference to their geographical location. Most organizations would in any case be trying to arrive at conference outcomes that were not just the product of horse-trading and power-dealing between the special interests that are held by the different locations of their organization.

There is one further constraint. A conference management sub-system is needed for a search conference and is certainly much more necessary with remote conferencing, where the technical media are open to filibustering and confusing overload. A member of the management group would need to be present at each location and this team would need its own teleconferencing facility.

These constraints automatically raise the cost of remote interactive conferencing. In what follows we will try to identify the most cost-effective ways of carrying out each of the tasks of the conference.

Phase 1) This would be best done by video. The requirements are:

- a) "talking head" for the sanctioning speech,
- b) roving camera for the interactions so that people can put face to name,
- c) video of white-board as manager outlines program and organizational details.

All participants should get hard copy of at least the last two matters.

Phase 2). This would best be done by electronic bulletin board and would probably be quite a bit more effective than what is achieved in face-to-face conferences. There is no reason, for example, why it could not be spread over at least 24 hours before moving to phase 3 allowing much more time for reflection.

## Toward Real Democracies

- Phase 3) There -seems to be no need for those groups to meet face to face. They could probably do this task by means of phone-conferencing and fax to consolidate their presentation.
- Phase 4) Video of white-board and talking head of manager could well manage this phase provided there was a phone-conferencing facility operating at the same time. If the faces of discussants could be put up as stills it might help participants keep track of who is pushing for what.
- Phase 5) The groups working on probable and desirable futures could probably do this quite effectively using phone-conferencing with fax facilities.
- Phase 6) Video is desirable for this plenary but it might be enough to provide talking head with white-board. (Slow scan is assumed throughout to be adequate for the talking head where that is simply the manager presenting the views of others, not arguing his own.) Phone-conference and fax are assumed.
- Phase 7) Video of talking head and maybe white-board. Phone link for questions and other inputs.
- Phase 8) Groups with phone-conferencing and fax facilities.
- Phase 9) Plenary with facilities as for phase 6.
- Phase 10) Task forces with phone-confqraning and fax facilities.
- Phase 11) Plenary with facilities as in phase 6. Several observations may be made about this conception of remote interactive conferencing:
- a) To cope with the spatial tension of the conferencing there has to be some expansion of its temporal scope. This may in fact be easier to fit with organizational time-tables and thus achieve some improvements in quality of product.
  - b) This method of working raises the possibility that the electronic bulletin board may be used for a final review process. It may be that, as a stringent test of the conference process, the geographical groups should do their own reviews and debate unresolved issues, as groups, through the electronic bulletin board.

This has been a mental experiment. We have had experience of video conferencing and phone conferencing and there is a reasonable body of knowledge building up about electronic bulletin boarding. We do not have experience of the combination suggested here. In particular we do not have a feel for the tirae demands nor a proper sense of the demands that would be placed on the prime regulatory mechanism - the conference management sub-group.

The foregoing has not been an attempt to find an alternative to the paths toward stronger democracy that have been discussed in earlier chapters. It is an attempt to find a powerful multiplier effect: a multiplier effect that would cancel the all-pervasive privatizing effects of television and the equally iniquitous deprivatization effects of the mainframe computers and their centralized data-bases - the early stages of the telecommunications revolution.

## Overview of Parts I and II

It seems as if each major election in a Western democracy brings forth another spate of serious public discussions of the weaknesses of the democratic forms of government. If it is not the quality of the candidates that is being deplored it is the quality of the electoral campaigns or the cynicism of the electorate. Between elections the media appear to be constantly preoccupied with the recurrent scandals of political corruption and deception.

Some of this can be dismissed as "media hype." A great deal of this cannot be so dismissed.

What is absent is any sense of our learning from the seemingly endlessly repetitious analysis of the faults in the system. It is not quite fair to say that. There has been, over the past couple of decades, a number of promising ideas, e.g., for Ombudsmen, Freedom of Information, and more effective electoral registration and redistribution. However, even when these ideas have been adopted, the expected improvements in our self-governance have failed to appear or, if they did appear, were quickly and seriously attenuated. The only real learning appears to be that nothing can be done.

In the preceding pages I have suggested that this debate is bogged down because we cannot think in terms of anything but representative democratic systems. Furthermore, I have suggested that those systems have a powerful and compelling logic of their own. Locked into that logic we finish up with Churchill in deploring "democracy" but deploring the known alternatives even more. It has been my contention that, behind the backs of political scientists and others concerned with political democracy, practical democratic alternatives to the representative systems have already emerged. These are alternatives that enable us to move closer to the ideal of democracy, i.e. toward participative democracy, in the conditions of the modern industrial society.

I have not been discussing participative democracy just as a theoretical possibility - there was quite enough of such empty speculation in the late sixties. I have been discussing the implications of enduring practical experiments in the harshly practical world of work. In the world of work those ideas of participation have gone from being interesting possibilities to being serious probabilities that have to be considered in the design of any work organization. All that I have done in the world of politics is to claim that this experience has transformed the idea of participation from a mere theoretical possibility into a real, practical possibility. Not much of an advance - but then people will only take seriously those things that are real possibilities in the world in which they are living. If we fail to recognize that real democratic alternatives to representative systems are possible, then we remain condemned to continue on the flightpath of the fabled ooloo bird, who flew in ever-decreasing circles.

## Toward Real Democracies

### **Introduction to Part III**

In Part III, I have gone on to consider three social areas that present special problems for a stronger democracy. Many such areas remain to be explored e.g. the judiciary and the armed forces.



## **PART THREE**

# **SOME CRITICAL PROBLEM AREAS.**

## Chapter 8 Property and Democracy

The pressure of modern corporate practice on the legal concept of property is at the heart of what Kamenka and Tay have called "the contemporary crisis in law and legal ideology" (1975). It is a crisis that is already receiving a good deal of attention but would have to be actually resolved in order to allow for a strong democracy.

Representative democracy grew out of a world of independent farmers, traders, artisans, and mill and mine owners who were practically all engaged in small-scale, localized activities. Jefferson believed that the continuation of such a world was essential for an effective representative democracy, a democracy that could fend off the economically powerful remnants of monarchical, feudal societies. That world of Jefferson's gained protection from a concept of property that was formulated in the late 17th century. The ancient notion that property rights were rights of privileged access was preserved. What was emerging was the view that the law should sustain these-privileges against all comers regardless of the purposes for which they sought access. A simple example of this would be persons buying property rights to a piece of land for purposes of farming. Under the emerging concept of property, they could then proceed to ask the law to deny to others any rights to use pathways across the land, to hunt over

the land, to prospect for minerals, or to picnic, or whatever, even if those parties could prove that their activities would not hinder farming or even if they agreed to enter bonds to pay adequate compensation for hindrances.

That a person who acquired rights to farm a piece of land should be protected by law to farm that land was not in question. What was at issue was a quite fundamental transformation of the concept of legal property. The 17th century concept of property was a transformation that undermined many feudal customs and, in particular, gravely diminished what Macpherson has called "common property" - the right of an individual not to be excluded from the use or benefit of something which society has proclaimed to be for common use, e.g., beaches and public highways (Macpherson, 1973). Much more than that, by this tendency toward an absolute denial of access by any other person, for any purpose, the law was defining property as simply a relation between a person and an object. If the differences between others and their various purposes made no difference to the legitimacy of legal property claims, then in the work of the courts these others were of no relevance. The only matter of significance was the validity of the owner's claims to have legal rights of ownership (through inheritance, purchase, gift, etc.). This concept of law had a history in the rights exercised by absolute sovereigns over their subjects and domains, heads of household over spouses and children, and masters over slaves. It had no history of any significance in property dealings between people who were free and confronted each other as equals in the market place. (I qualify this only because I am sure someone can find an exception somewhere in the anthropological literature). In a community where the property rights to some goods can be freely traded between equals, it is possible to lay down laws of property that contribute to stable social order: stable because it will be seen as good and fair. However, these can only be property rights vis-a-vis some other persons, with respect to some object. The property is in the social rights, not in the object. One owns rights vis-a-vis others with respect to some of the purposes which the object might serve. These rights do not

necessarily carry any weight beyond the community that recognizes the social jurisdiction of the courts that pronounce them.

It would seem that nothing could be clearer than that the law can only be about ABX relations, the way two human parties, A and B, are related to each other with respect to what they can or cannot do with some object, X. In the 17th century, science was emerging and it was tempting to think that the fundamental laws of society, such as property laws, had the same character as natural laws. Natural laws about human beings deal as a matter of course with AX relations - e.g., how the heart or stomach is helping A to stay alive - but not the social laws. We expect the natural laws to be indifferent to community boundaries. Social laws are never indifferent to community boundaries because they are "lawful" only insofar as they command the respect of the human parties whose relations are ordered by the law.

This shift in the concept of property was duly noted. Bentham wrote in 1789, as the French Revolution for "liberty, equality, fraternity" was boiling up:

It is to be observed, that in common speech, in the phrase "the object of a man's property," the words "the object of" are commonly left out; and by an ellipsis, which, violent as it is, is now become more familiar than the phrase at length, they have made that part of it which consists of the-words "a man's property" perform the office of the whole (Macpherson, 1978).

The ideological justification for this absolutist concept of property was plainly put by John Stuart Mill in 1848, the year of the Communist Manifesto:

The institution of property, when limited to its essential elements, consists in the recognition, in each person, of a right to the exclusive disposal of what he or she have produced by their own exertions, or received either by gift or fair agreement, without force or fraud, from those who produced it. The foundation of the whole is the right of producers to what they have themselves produced (in Macpherson, 1978).

From being a definition of the relative distances between A, B, and X, the law of property was to be interpreted as if it defined a relation of producer-product. The social historian of the early 20th century, R. H. Tawney, was to pour scorn on this notion as it applied to those families that inherited great wealth from the 19th century entrepreneurs (1920).

By then, another significant change in the nature of property law had already taken place. It was a change that made Tawney's concern seem trivial and more relevant to the remnants of feudal privilege in British society than to the realities of all modern Western societies. The modern corporation had emerged as the dominant form of economic organization and it had gained in law the same rights to property as those of the individual citizen. Note that it was the corporation, not its shareholders, their directors, or their managers, that was given this fictive status. Till then a corporation was seen by the law as simply a legal mass of assets, a mere creature of the law possessing only those powers conferred by its legal charter.

## Toward Real Democracies

The transformation was quickly accomplished in the USA and the necessity for such a change gradually spread through advanced modern societies. To help the Pennsylvania Railroad Company to create the first inter-territorial railway system, a system valued at \$400 million when very few industrial organizations were valued at more than \$1 million, the Pennsylvania legislature passed, in 1870, laws permitting the first holding company. Other companies followed suit and that legal innovation came under a great deal of fire. Some of the companies taking this path prevailed on the legislature of the state of New Jersey to pass legislation that made that state a safe haven for trusts operating within or without its borders. A year later the US Congress passed the Sherman Act to deny legal rights of property to trusts. Immediately the "New Jersey holding company" was introduced to replace the legal form of the trust. The Sherman Act remained on the books but was more difficult to enforce.

The near-final blow to the efforts to contain corporate power came when in 1886 the US Supreme Court ruled unanimously and without argument that for the purposes of the law a corporation was "a person" as laid down in Section 1 of the Fourteenth Amendment to the US Constitution. That amendment was introduced for the specific purpose of giving legal protection to individuals who were down-trodden, particularly by the legislation in the southern states, because of their low standing as ex-slaves. The fear behind the Supreme Court action was that the new kind of "poor little peculiar persons," like the Pennsylvania Railroad and Standard Oil, might become down-trodden by the actions of legislatures and their executives. The fear of the "robber barons" and of the corporate exploitation of their monopoly powers mobilized public sentiment behind the Sherman Act. This sentiment was genuine, but the law of property was sorely strained when it was interpreted to offer such powerful corporations the same protection from legislative interference as that offered to the corner shopkeeper. The effect was to hamstring democratic governments. Those governments have found other more devious ways to constrain corporations and, in frustration, have in some countries resorted to the extreme of nationalizing them. This has not stopped some corporations from exploiting this legal fiction of being persons: even to demanding, as persons, that they be given the rights of free speech, assembly, etc., that are granted individuals under the First Amendment. Laws about truth in advertising would then be illegal restrictions of individual freedom. Much more than that would be implied if corporations sought the freedoms granted to individuals to consort for political purposes. In some recent Supreme Court actions the decisions have wavered on this extension of corporate rights and in practically all Western societies the dominant trend has been to restrict corporate property rights by the passage of laws to protect consumer rights, employee rights, and community rights (common rights, as Macpherson would put it) as expressed in antipollution laws and the demand for environmental impact statements.

The most important development has been the recognition by some corporations that the steps toward gaining for themselves the same rights as are extended to individuals put them on a path to self-destruction: self-destruction through nationalization or, less dramatically, by eroding the level of human commitment that is essential to their productivity and therefore to their growth. Only somewhat less concerning to these corporations is the prospect of being nibbled to death by the piranhas of consumer rights, pollution control, environmentalism, "affirmative action," and the like.

Only 11 years ago Lindblom could conclude his classic study of Politics and Markets on the following depressing note:

It has been a curious feature of democratic thought that it has not faced up to the private corporation as a peculiar organization in an ostensible democracy ... they do not disqualify themselves from playing the partisan role of a citizen - for the corporation is legally a person. And they exercise unusual veto powers. They are ... disproportionately powerful. The large private corporation fits oddly into democratic theory and vision. Indeed it does not fit (1977, p. 356).

Since the middle sixties there has been growing corporate awareness that they cannot, individually or collectively, control the economic, social, cultural, and political changes taking place in their environments. They have been under pressure to find a fitting place for themselves in a democracy.

The directions in which this accommodation might evolve were sketched out in a joint project by Shell Refineries (UK) and the Tavistock Institute of Human Relations, in the mid-sixties (Hill, 1972). Shell Refineries were a totally owned subsidiary of Shell International. That truly multi-national corporation had experience of nationalization of their property in Baku (1919), Mexico (1938), Rumania (1946), and later in Indonesia. They were well aware that corporate property rights were not God-given rights. However, the problem they faced in the sixties was, on the face of it, much narrower. It was a falling return on investment that could be directly traced to a lack of concern and commitment of their workforce. In most industries this problem would be met with a tightening of management and/or investment in labour-saving technology. Shell had already tried those measures, including a major redundancy program in the UK and taking a very prolonged strike in its USA refineries. These measures did not change the profit forecasts because oil refining was no longer like the run-of-the-mill manufacturing industry. It was a science-based industry requiring increasingly massive investments per worker. Given the technology and normal market conditions, the return on investment critically depended on the knowledge that the operators had of their plant and their readiness to use that knowledge. Under these conditions, increasing investment only increased the multiplier effect of operator interventions that were mistaken, careless, or simply failed to happen. A mistake by a man digging a sewerage trench with a shovel might break the handle or cause a cave-in that takes an hour or two to clear. A person operating a power-shovel, in contrast, could by a simple mistake cause tens of thousands of dollars of damage to the equipment and lengthy downtime for an investment of several hundreds of thousands of dollars. A simple mistake by an operator of a catalytic cracker or a distillation unit could write off an investment of millions of dollars and downgrade the performance of an entire oil refinery for months.

The first thing to emerge in the Shell study was that the requisite levels of worker commitment and responsibility could not be achieved without the corporation's formally recognizing that the jobs carried property rights. That is, the corporation had to recognize that when an individual had gained a position, he or she had the right to deny access to that position to others, that challenges to that right be subject to due process of a formal legal procedure, and that in the event of losing those rights just compensation was mandatory.

## Toward Real Democracies

The second thing to emerge was that this was a hopelessly narrow conception of what would lead an employee, operator, or manager to regard the corporate employer as worthy of respect and justifying whole-hearted commitment to the furtherance of corporate objectives. A basis for this could be found only in a fundamental restatement of the relation of the corporation to the society. It was found that a corporation could expect such commitment on an enduring basis only if its managerial decision-making proceeded consistently from the premise that:

the resources to which it has legal rights of privileged access are nonetheless part of the total resources of society as a whole and are, in this sense, social resources; the company believes that they must be protected, developed, and managed as such. It furthermore believes that its use of these resources must be such as to contribute to meeting society's requirements for products and services (Hill, p. 59).

In this premise the concept of property reverts to the pre-Lockean concept of "privileged access." The privileges are those that the owner has with respect to others who might wish to make use of the property; they are ABX relations, not inherent rights of an AX type. Privileges granted are privileges that can be taken away. The privileges are granted by society and hence the retention of those privileges can be taken to imply-some responsibilities for the privileged party, in this case the company or corporation. The latter part of the Shell statement is an explicit recognition of those responsibilities.

Before exploring these responsibilities, it should be noted that acceptance of this interpretation of property rights does not absolve corporate management from their responsibility to maximize profits for their shareholders; it is not an excuse for "satisficing levels of profit." That is, for simply aiming at a level of profit that will be judged as satisfactory by such external criteria as average industry profit or stock market expectations. The concept of "satisficing" simply gives a blessing to the divorce of ownership rights and the fiduciary responsibility of management. The "new" concept of property implies that "the company commits itself to seeking improved profitability and the creation of new wealth in ways which will also benefit society through meeting community needs efficiently and through protecting and developing the social resources it uses" (Hill, p. 58, my emphasis).

It constitutes a constraint on the directions that management can legitimately go, not on the vigour with which they can pursue the legitimate end of wealth creation. It prohibits them from seeking to create new corporate wealth by overusing and degrading the resources to which they have privileges of access. It rules out use of market power, price fixing, and the like as substitutes for achieving greater efficiency in their operations.

On the positive side is the implication that the resources the corporation is using should, during the period of their employment, develop and grow in the ways the society would expect if they were employed directly by the society.

These are directions of corporate development which, if extended to joint consideration of major investment programs (as in the industry councils discussed earlier), might enable strong democracies to avoid the Pyrrhic victory of nationalization.

Essentially a democratic society is going to have to demand a "social impact statement" for all major investment programs in the same way that we now expect such programs to be accompanied by environmental impact statements. This will be necessary, as it is the rate and composition of investment which largely sets an economy's dynamic growth path. It is in periods like the 1930s, and now in the eighties, that we are reminded of the price a society pays if it leaves the rate and composition to be determined by the blind jostling of competing mega-corporations. Nor can we expect government regulation to manage this alone in the way Keynesian-influenced governments did in the post-war growth period.

.... while the rate and especially the composition of investment are not easily regulated at the aggregate level through government policy, still, unless the representatives of key interest groups - trade unions, corporations, farmers, consumers, etc. - have some voice in these questions, they will be unable to serve their constituencies' interests in what matters to them most (Eichner, 1978, p. 177).

Finding new ways to have an effective voice in these matters must be a top priority for democratic society. This may not be as difficult to achieve as it would have been even a decade or so ago. Increasingly the funds for investment are in the hands of institutions, not individual shareholders. Employee pension funds are about the fastest growing section of these institutional funds (Drucker, 1976).

### **Resume**

Life, Liberty, and Property could well have served as a title for this document. The title was, however, pre-empted by Alfred Winslow Jones in 1941 to cover in his own way much the same social dilemmas of modern democracies. These dilemmas are the provision of social support to the needy without creating dependency; maintaining civil peace and good order without creating servility in the face of "the majesty of the law"; allowing for the property rights that are a condition for people entering the market as free people whilst guarding against those extremes of power that make a joke of the economic freedom of the majority.

These dilemmas have confronted all democratic societies. There is nothing surprising in this. Whilst some market-oriented societies have not been democracies, all known democratic societies have been market-oriented. One can expect that when people experience the freedom that comes with participation in markets (as propertied persons, not slaves) there will emerge social pressures to exercise similar choice of preferences in their governance. If it is accepted that they are competent to do the one, they will not readily accept arguments that they are incompetent to do the other. However, reliance on the market instead of administered exchange fairly inevitably means that many will be "needy," that many will emerge with great wealth, and that those with great wealth will unduly influence the law-makers and the enforcement of the laws.

## Toward Real Democracies

The dilemmas have been greatly intensified by the emergence, on the one side, of the massive bureaucracies of corporations and public administration, and on the other of a highly educated electorate freed, for the most part, from the mind-dulling drudgery of labouring and menial service. It is the new level of these dilemmas that has been addressed by people like Dahl and Lindblom. But in 1977, Lindblom could still conclude that; "boldly conceived major new democratic alternatives have not yet been designed. They may never be..." (p. 344).

After analysing the interlocking roles of modern markets and modern politics, Lindblom observed that we have still failed to appreciate adequately the probability that "more than class, the major specific institutional barrier to fuller democracy may therefore be the autonomy of the private corporation" (p. 356). It is this failure that appears to lead to his conclusion that without boldly conceived major new democratic alternatives "it may follow, then, that it is impossible for democracy to develop significantly beyond what is found in crippled form in existing polyarchy" (p. 353). Without apparently knowing what had been emerging in the world of work since 1951, Lindblom felt that "the most fertile field for a more participatory democracy appears to be in industry ... an arena in which authoritarianism has been for so long universally practised and little questioned" (p. 334).

In this book, I have argued for "a bold major new book democratic alternative." I have argued for this on the basis of lessons learned from the emergence of participatory democracy in industry. Whatever the shortcomings, I hope that I have established that Lindblom's expectations about the most fruitful starting point for finding a bold new alternative have been justified.



## Chapter 9 Democratic Laws

"When custom does not serve us we pass laws."

That comment throws some light upon the uneasiness that is caused by the title of this chapter. We would like to believe that in a democratic community it would become customary to respect the obligations and rights that each has with respect to others and to the community. In that light, the resort to law seems evidence that the democratic ideals have not taken root. The basic problem seems to have been a scale of technological and social change and mass migration of peoples that has outstripped any possible evolution of customs and mores. More than that. We have in the past decades confronted a cultural revolution with regard to age, sex, and ethnic statuses that runs directly against the traditional customs of all of the major civilizations, European, Asian, or African (a revolution that has precipitated a major backlash in some of the predominantly Islamic countries).

As a result, with past customs not serving us, we pass to the use of legislation. Law, however, has its own traditions and customs. The critical tradition is that law is handed down from a sovereign power that owes responsibility to no law. This doctrine of "divine right" was brought up to date by Hobbes in the 17th century but he still argued that it was in the nature of things that any state, monarchy, or republic had to reserve to itself the right to pass whatever laws it thought necessary or desirable. "Defence of the realm" was and still is the prime justification for this state of affairs. These laws follow the form of commandments, that is, "thou shalt..." or "thou shalt not..." For citizens in a representative democracy this creates a certain tension between ideals and practice. They usually have little or no say in the passage of a particular piece of legislation nor any reassurance that the legislation was only passed after thorough discussion by people who share their interests and think like them (the latter reassurance might be expected from councils selected by lot). They must, however, adjust their behaviors to conform with these laws - whether it be agreeing to military conscription, paying extra taxes, desisting from smoking in public transport - or pay the legally determined consequences. Such legislative intervention in public life can be expected to make many citizens feel that dependence on the rule of law, as the equivalent to a "regal command," is a restriction of their democratic rights.

This is not a matter that is simply a constant irritant, like mosquitos in summertime, to which one can become inured. Laws, and the mass of regulations that bureaucrats derive from these laws, are multiplying and extending into more and more areas of private and public life. To take an example: the laws passed by the British parliament in the thirties took up a volume or two. In 1979 they took up three volumes and in 1985 five. In 1979 four volumes could contain the derivative rules and regulations, but in 1985 seven were needed. (And this was with a conservative government dedicated to non-intervention and de-regulation!)

The multiplication of commanding laws in a changing environment creates a destabilizing vicious cycle of action-reaction (unless, of course, these laws are in fact handed down from an

## Toward Real Democracies

omniscient law-maker). More and more people have less respect for a system of governance that increasingly acts without regard to their wishes. Having less respect, they are less likely to help enforce any-of its laws. Most states could cope with a situation where 10 percent of its citizens totally refused cooperation, but I very seriously doubt that any state could cope with a 10 percent reduction in the cooperation of all of its citizens. That is what the modern representative democracies are confronted with.

Movement to councils for governance based on selection by lot would not by itself solve this problem. It would be necessary for such bodies to realize that, in our now turbulent times, they cannot know enough of what is happening to fill with laws the role that once was played by custom: change has become too fast because of our economic growth rates and too unpredictable as that growth is increasingly based on scientific and technical knowledge.

Quite unlike the tradition of law, it is necessary that those who make laws for a democracy should proceed from the assumption that they are not omniscient - like the law-makers in Athens, they should in fact have reason to believe that if a law that they have introduced turns out to be a bad law, then they have to suffer. (In the American Congress laws of significance typically carry the name of their sponsor and hence in fact the sponsor does collect opprobrium if the law is perceived as bad.) That would be felt by some to be "fair and just retribution," but the real significance of the notion is that it views law-makers as not above the law.

The need for centralized law-making and judicial processes in modern democracies cannot be denied:

The scope, functions, entitlement, and limits of specific authorities need constantly to be redefined in the light of changed circumstances. The scope and limits of entitlement, rights, and duties must be spelled out so that people can know what they can and cannot do. The law must not only articulate what is valid or invalid, it must punish wrongs and protect those who are not able to protect themselves. Above all it must express a common conception of justice and seek to promote it (Burnheim, 1985, p. 31).

However, if law is to serve the building of a more, democratic society then it must be shorn of a) its illusory claims to omniscience and b) its arbitrariness. Both these features are part of the legal heritage. Despite what can happen in actual practice, the building (or rebuilding) of a legal system is an ideal-seeking process: a process where the goals can be brought nearer and nearer even though they may never be entirely attainable. Approaching the matter in that manner, Philip Selznick has formulated two ideals that should govern the pursuit of a democratic legal system:

- a) Progressively to reduce the degree of arbitrariness in positive law (1973, p. 31). (Positive law refers to those public obligations that have been defined by duly constituted authorities, p. 31.)

- b) The duties that traditional law has sought to impose upon people, as parents, citizens, etc. do not properly reside there. ...the duty lies in the legal order. If there is to be a legal order, it must serve the proper ends of man. It must not debase him or corrupt him. It must not deprive him of what is essential to the dignity and status of a human being (p. 33).

The premises for such a pursuit of legal ideals cannot be any source of overriding authority, whether it be the Old Testament, the Koran, or a constitutional document. The premises would have to be drawn from some of the basic facts of social life, for example:

- a) People are active agents in their environments who are to some degree able to pursue and interested in pursuing their own purposes.
- b) "The presence of men [sic] in the same surroundings sets definite requirements for ordered relations between them. The first function of social rules is to establish paths of action and clear expectations. They provide the necessary assurance that the house in which one lives today one may occupy tomorrow and that the promise one has received yesterday will hold today. In accomplishing this end, rules limit the area of the unknown and the unpredictable; they become the ground of stable orientations" (Asch, 1952, pp. 350-1).

These two premises are not quite adequate. They do not address the difficult problem of revenge which is so central to the traditions of retributive justice (as distinct from distributive justice). It is a fact of life, and appears always to have been so, that most people react to criminal assault, particularly on their person or on that of people near to them, with a strong desire for revenge. Nevertheless, a democratic society must accept a commitment to sustaining the dignity of all its citizens, including those who have robbed, raped, and murdered. A democratic society can no more afford to deny the minimal conditions of dignity and standing to its criminals than to its infants, aged, maimed, or deficient. Clear evidence for this is to be found in the dramatic reduction in democratic societies of the use of the death sentence.

A clue as to how even representative democracies have made such progress in maintaining the rule of law whilst controlling the desire for revenge is given by Heider's review of explanations of the desire for retribution (1958, pp. 265-76). Heider noted that the feature that marked off the desire for revenge was the event itself which caused such damage to the person's sense of self-determination and the respect and consideration thought to be deserved from others. The need to teach the assaulter a lesson is dominant for the victim or relative. In itself, a hanging does not contribute to the learning of the criminal concerned, and whether it provides a lesson for others is of little concern to the state of feelings of the victim. A democratic society cannot afford such detachment. The punishments that its legal system dictates must demonstrate that the society recognizes that the harm done to the victim's sense of self-respect and self-determination is matched by a considerable reduction in the respect extended to the criminal and the degree of self-determination the criminal has over his or her life. In accepting that the redress should not go beyond certain minimal respect for the life and person of the criminal, a democratic society would seem to accept some obligations to aid the

## Toward Real Democracies

victim to regain a sense of self-respect and self-determination. Again we find that representative democracies have begun to recognize the problem and to introduce some compensatory measures that accept the minimal rights of the victims of crime.

Some idea of the minimal level of respect that needs to be shown to the criminal, for crimes deserving maximum punishment by the state, is shown by the objectives adopted for the new maximum security prison of West Australia:

A long-term maximum security sentence may be up to 10 years. An inmate should at the end of the 10 years be able to return outside and resume an adequate civil life. Briefly this can be defined as:

- a) physically fit
- b) unbroken in spirit
- c) able and willing to enter into normal social relations
- d) able and willing to enter into work in at least a semi-skilled capacity (Emery, Emery and Jago, 1973, p. 1).

Criterion (b) is the critical one. It accepts that the prisons, as an executive arm of the law, must desist from the destruction of the dignity of the convicted criminal, no matter what the character of the crime. (There is no reason to assume that these objectives are now being actively pursued in that prison, although they were formulated with the men charged with running the prison. I refer to them as an indication of what is possible in a stronger democracy that is prepared to accept that dignity needs to be extended to prisoner and warder alike.)

The basic problem of revenge remains, however. It seems, to this author at least, that even in a strong democracy there is little way of eliminating a legacy of bitterness from personal sufferings that social justice has failed to redress.

We have suggested the ideals that should guide the formulation of democratic laws and we have suggested the premises from which this activity should proceed. In all of this we have been preparing a case for a rule of law that is based more on laws that say, "you ought" rather than the traditional form of laws that say, "thou shalt."

What is involved in this difference?

Discussion of an example might help to show what is involved. A suitable example is the Norwegian law for work-environment, 1976. Traditionally such work-environment laws rule that certain measurable minimum or maximum levels must be observed: e.g., particles/millions for pollutants, or kilograms that can be lifted by female workers. Inspectorial systems are put in place and penalties specified for breaches of the rules. But section 12 of the Norwegian law seeks to establish norms for the quality of work itself, not just the physio-chemical environment of the job. It specifies six conditions by which the quality of a job can be measured (Emery & Thorsrud, 1969, Appendix) and lays down, as a law, the responsibility of employers to redesign the jobs they offer so that they meet these

conditions. It makes no attempt to set measurable limits for the simple reason that generally applicable limits cannot be measured and hence cannot be specified. How then did the Norwegian law differ from the "apple-pie" exhortations of the French law on occupational health, 1946, that required company doctors to look after the "complete physical, mental and social well-being" of employees, and the 1972 German Works Constitution Act requiring the "tailoring of jobs to meet human needs"? The difference is that the Norwegian law specifies conditions that can be measured at the local level and it gives social sanctioning to the exercise of local initiative. In this respect the Norwegian law follows the Wagner Act of the USA, 1935. The Wagner Act established that collective bargaining was to be regarded as in the national interest but recognized that conditions varied so widely between geographical regions, industries, and employers that only chaos would result from commanding that all employers accept collective bargaining. Hence the law allowed for local option: if enough workers in a place of employment were interested in asserting their rights to bargain collectively, the appropriate courts would conduct a secret ballot of all the employees in that place of employment. If a majority favoured formation of a union in order to conduct such bargains, then the courts would exercise their powers to protect union organizers from victimization and in other ways to enable a union to be formed and be given legal recognition.

The Norwegian law allowed that if a number of workers lodged a complaint about the quality of their jobs with the appropriate labour court:

- a) then that body would initiate discussions with the employers and unions to see whether they are willing to proceed directly to joint implementation of new job designs;
- b) if no such agreement is arrived at and the complaint is still not withdrawn, then the authority can order a "quality of work" survey. If this survey reveals that the initial complaint is not substantiated, then the matter is dropped by the court. If the survey reveals adequate grounds for the complaint, then the employers and the unions can be publicly ordered to reconsider their positions, on the understanding that the decisions they arrive at will also be made public knowledge. In the Scandinavian setting, public image is a matter of considerable importance and few companies or unions would wish to appear grasping or unreasonable. In most democratic countries the penalties for unreasonableness could be extended to i) being struck off the list of those eligible for government contracts, and/or ii) being put onto penalty rates for contribution to an industry or regional training levy.

Intentionally, this is a loosely defined procedure - one unlikely to appeal to the enthusiast for "law and order" who would maintain that if a higher good has been identified, then that is that: the law spells out the higher good and lays down penalties that will enforce all to enjoy the higher good. It is precisely the sort of difference that we have seen between the Alcohol Prohibition Act of the USA, 1919, and local option laws that permit localities to call a referendum to prohibit taverns in their area but not private consumption. The former created massive unintended consequences (bootlegging, for one) with which law enforcement bodies are still trying to cope, whilst the latter have never been found (to this author's knowledge) to create other than a localized pain in the neck.

## Toward Real Democracies

The Norwegian "normative" law has sought the sort of advantages that have been looked for in hiving off the Family Law Courts from the central legal processes; that is, seeking solutions that flow on from common interests without unduly hurting third-party interests, rather than seeking the equity required for satisfaction of demands for retributive justice. Moving in this way to a distributive concept of justice must allow for a step-by-step local option. Any other approach would grossly antagonize those sections of the population affected by the law whose primary concept of justice is "an eye for an eye." At each step the parties who are directly concerned can cite, to third parties, the contingencies justifying that stage of settlement of the dispute. If any significant sections of the population are committed to the concept of retributive justice, i.e., "an eye for an eye," then they would be outraged if normative judgments were, in one fell swoop, handed down from above. Something like this is to be seen in the violent sectional reactions to the judgments of the U.S. Supreme Court on matters like busing for school desegregation, abortion, and school prayers. In Australia there are many new migrants from the Balkans and Islamic communities. In their cultures the primary concept of justice is retributive. Therefore they have had difficulty with accepting the normative processes of the Family Courts and some of the judges of those courts have even had to be extended police protection. It would have been unthinkable for the judges of the Australian High Court, on the other hand, to need police protection for the kind of justice they mete out.

There are some important features that mark this normative law off from traditional occupational health laws. In the first place there is a threshold that is set by people whom the law is intended to help, not by some objective criteria handed down from above. No legal process is set in motion unless some group of employees decides that they want a change, or their unions push them into requesting a change.

Even when there is an employee initiative and the employer rejects it, a second hurdle has to be overcome. Some third party has to survey the situation and decide whether the state has any further interest. (The survey and the interpretation could be made by a scientifically qualified organization. I suggest that a strong democracy would be better served if the interpretation were made by some sort of jury.)

Only after this auditing stage is the law called upon for the imposition of legal sanctions. There is no reason for these sanctions to be laid down in law. They can be matched to the local conditions. In some, possibly most, cases the public-relations effect is enough encouragement for an employer to start negotiating job redesign.

The employer retains an option. The sanctions are selected so that they punish, but they are not intended to be economically crippling. If an employer decides to live with the costs of not improving the quality of the jobs he or she is providing, then the law takes the matter no further. As far as the law is concerned, it has proven that something is wrong, and it has brought it to public attention. It stops short of pretending that it embodies an omniscient wisdom that knows what is best for everyone in every situation, and what is an appropriate punishment. In doing this it has helped the persons suffering from the wrong. In going no further it avoids the charge of arbitrariness and only minimally challenges the dignity and self-respect of the involved parties. It does not, like a Pontius Pilate, wash its hands of the

problem but has brought it to public knowledge with the demand that some accommodation be reached which is beyond the power of the law. What is clearly implied is that legal systems not only cannot be omniscient but also they cannot be omnipresent - they cannot be expected to cover everything that people might decide to do.

Thus, for instance, in designing the regulations for the West Australian maximum security prison mentioned above, it was not possible to design any local laws that would protect the inmate who broke all of the laws. This possibility has always been recognized in prison systems and always the solution has been to pass such an "incurable" to a section of the prison that is the "private property" of the prison officers and, for most of those matters that concern a prisoner, is beyond the reach of any law. To secure justice for the inmates it was necessary to specify the point at which matters went beyond local law. There had to be a point in the conflict between an inmate and the prison authorities where the inmate would be withdrawn from the prison system because the system could not both do its job and observe the dignity of the prisoner. In a strong democracy it will always be necessary to think about this problem. It will always be necessary to decide when the rule of law can be used no further without undermining the rule of law. By exercising this sort of constraint the Norwegian labour law has ensured that the legal system does not bring itself into the disrespect that American law earned from being required to enforce the Alcohol Prohibition Act of 1919, and yet has used the law to make employers aware of responsibilities that they can expect, in the not too distant future, to be held accountable for.

A normative law, such as section 12 of the Norwegian work environment law, is, I think, indicative of the role of law in creating a stronger democracy. We cease to place reliance upon laws that would ban this and command that. We look instead to laws that would indicate the directions the society should take, would guarantee appropriate support to those who move in those directions, and would make it unrewarding for people to oppose such movements.

There has been no attempt here to address the problems of policing the law or the problems of ensuring due process. It was only because we wished to use, where possible, examples of which we had personal knowledge that we have referred to prisons and the dispensation of justice. Policing, processing, and dispensation are practical problems that are readily dealt with in a society committed to strengthening democracy. We have instead addressed the most serious problem that could confront a government selected by lot. They could believe that because they are a government of the people, not just a government representing the people, their decisions had the status of a sovereign command.

The question that arises at this point is whether the strong democracy of which we are talking would, like Athens, offer hemlock to a Socrates that emerged in their midst (Stone, 1988).

Can a democracy pass a law that asks one of its enemies to go to sleep for good, or to go away?

I think that any strong democracy would be inclined to offer a powerful enemy of democracy, one who, like Socrates, had twice in under 20 years seen his students unleash a bloody revolution, the choice of exile or hemlock. Socrates chose the hemlock to prove that a tolerant

## Toward Real Democracies

society was incapable of tolerating intolerance. He could have chosen exile, he could easily, as Stone (1988) has shown, have argued that his disputatiousness was only in accord with the principles of Athenian democracy. He did choose instead to take the draught of hemlock and die. Knowing the very high esteem in which he was held by his fellow Athenians, including those who disagreed with his views, Socrates chose the only course of action that could unmistakably convey his contempt and hatred for democracy. To plead innocence or go into exile would prove only that he could live with the notion of democracy. Only by taking the hemlock could Socrates show, without doubt, that participative democracy was totally irreconcilable with the Socratean/Platonic ideal of the philosopher-king.



## Chapter 10 Democracy without Bureaucracy?

Sociologists have a long tradition of studying the bureaucratic forms of government. For the past 20 years they have also been developing a tradition of radical criticism. Despite that, they today generally see bureaucracy as "by no means a sufficient condition of democracy [if so, then the U.S.S.R. would be the world's strongest democracy!] but it is certainly a necessary one" (Etzioni-Halevy, 1983; p. 277). This is a strong conclusion. To say that bureaucracy is a necessary condition for democracy is to assert that democracy could not exist without bureaucracy, although bureaucracy could exist without there being democracy. In saying there is general agreement amongst the-sociologists (and I include in that the new breed "organizational theorists," and so-called administrative scientists), I mean just that. The supporters of the status quo, "the realists," and the radicals alike all see no alternative to bureaucratic administration. Their agreement in this matter goes back to the identity of Max Weber's and Freidrich Engels' views on the subject in 1896.

This unanimity is quite amazing considering that the many parties involved can find no agreement about what they mean by "bureaucracy." Finding no agreement about this, it is not surprising that they also find no agreement about "bureaucratization" or, importantly in our present quest, "de-bureaucratization." As recently as 1986, Pollitt could review the sociological literature and conclude that:

Evidently, then, "bureaucracy" and "bureaucratization" are complex, multi-concepts, with multiple referents. Any attempt to fix an "immortal," final, and authoritative definition is at best "Quixotic" (Pollitt, 1986, p. 160).

Actually there is no need to find an "immortal, final and authoritative definition." All that is needed to make some scientific progress is to find one concept that can then be worked on, and discarded for another, if need be. What science cannot do anything with is a jellyfish of a "multi-concept." As the studies on which the political scientists have based their theories are only descriptive and classificatory (from Max Weber on), it is not surprising that all that they can come up with is a vague, cloudy cluster of frequently observed features. Pollitt's own "fairly conventional" list is, as far as I can establish, an accurate sampling of the features most frequently associated with the concept (multi-concept!) of bureaucracy. His list is as follows:

1. A hierarchy of authority; i.e., the authority wielded by officials is graded by horizontal strata, with maximum power and discretion being located "at the top."
2. Functional specification, i.e., a complex subdivision of labour by task.
3. Rule-orientation. Explicit (usually written) rules describe (potentially all) the rights and duties of each official.
4. "Impersonal" relationships, in the sense that no personal likings or dislikings (favoritism/victimization) are supposed to influence the service provided to clients, the hiring of new officials, or the career advancement of those already employed.

## Toward Real Democracies

5. A tendency to develop standardized operating procedures (SOPS) using uniform criteria for classifying and processing a wide variety of situations.
6. A tendency to secrecy (because this is a way of preserving one of the bureaucracy's major power resources - its command of specialized information, including information about its own, often very complex, rules) (p. 159) .

Each of these features will be readily recognized as an aspect of bureaucratic organizations. There is no clue here, however, about anything that relates these as being aspects of some one kind of thing. We have a strong feeling that they cluster together, but no reason why, apart from sheer association in time and space. From this vague cloud of meanings each would-be theorist selects and organizes those features that suit his or her purposes and understandings. Little wonder that with the vast accumulation of empirical studies of bureaucracy nothing has emerged that begins to look like a scientific theory. As animal and plant breeders have very successfully demonstrated, experimentation is the only way to determine what are phenotypical (accidental) features and what are genotypical (hereditary). We have been experimenting with the reorganization of government bureaucracies, federal, state, and statutory bodies for almost two decades. It is clear that the key genotypical feature, the system principle which establishes the "unitas multiplex" of bureaucracies, is that responsibility for the coordination of individual work is located above the level of those who do the work (Emery & Emery, 1974).

The most commonly quoted feature from the descriptive cluster for "bureaucracy" is its hierarchical nature - which Pollitt recognizes by making this the first of his six characteristic features. Hierarchical structure follows from the principle we have formulated: limits to the span of control that an individual can exercise forces a pyramiding of controlling strata. The principle does not, however, follow from the need for hierarchies. Hierarchies can arise from the need to organize a hierarchy of functions without removing responsibility for coordination from the lower strata.

Pollitt's second feature is the detailed division of labour, which he associates with a rational drive to greater functionalism. But in bureaucracies the drive to ever more detailed division of labour is not primarily to achieve greater rational functionalism, any more than it is the driving force behind the introduction of assembly-line methods. In reality, the driving force is the enhancement of the power of the next higher supervisory level by concentrating more of the

the

co-ordination in their hands. This has a powerful multiplier effect, as every step that increases the coordinating powers of the supervisor reduces the powers of the subordinates to control their work activities. From the point of view of pre-industrial government bureaucracies, such as Weber was concerned with, the major payoff has been in suppression of corruption. From the viewpoint of private corporations and the modern, vastly expanded government bureaucracies, the major payoff has been in opportunities it offers for having work done by cheap, unskilled labour - a philosophy of readily replaceable redundant parts.

The third feature, explicit formulation of detailed job specifications, is not primarily a dedication to rules as Pollitt's heading suggests. Such dedication certainly becomes a feature of the bureaucratic mentality. However, the need for explicit and detailed job specifications is largely a carry-over from his fifth feature, the need for standard operating procedures. Taken together, the third and fifth features specify the "who, how, and when"; feature two having defined the "what," "what" is taken to be a proper task.

The fourth feature, the impersonality of bureaucracies, is so grossly misleading about the nature of bureaucracy that one feels that it could have arisen only from scientific observers who were on the outside.

It is misleading, but not mistaken. Bureaucracies are impersonal in their dealings with all outsiders, even other bureaucracies. This face of bureaucracy is very different from its internal life. However, let us first consider the face that bureaucracies present to the outside world.

If individuals in the bureaucracy were permitted to determine how they coordinated their activities with outsiders, the centralized coordinating power of that bureaucracy would be threatened. Therefore formal rules are established to strictly delimit what an individual can do in response to the public, other departments, and politicians (including the minister and his advisers). For their own protection, bureaucrats are unwilling to bend the rules even when these rules obviously do not fit the circumstances. Rules are multiplied to cover new eventualities as they are identified; frequently they are so numerous that the individual bureaucrat is reluctant to do something in case there is a rule that already covers the situation.

Second, the duties of the individual bureaucrat are usually so circumscribed that he or she cannot deal on a person-to-person basis. If an outsider comes with a problem that does not neatly fit in with the bureaucrat's duty statement then there is little to be done but give the outsider the classic run-around. This divorce of action from the decisions of coordination does not anywhere come out more clearly than when bureaucracies have to respond to a letter from the outside. An example is in order:

For efficient coordination, official communications must travel by the chain of command. In one large air unit, even the most trivial correspondence was routed up to the Chief of Staff and often to the Admiral, then down to the appropriate department for action. Here the reply was drafted, typed, routed back to the top for approval and signature (often refused, pending minor changes), and finally routed down to the dispatching office. Mail which a clerk should have handled in

## Toward Real Democracies

and out in 24 hours was thus sent to the top and back two or three times, drawing attention from eight to twelve people over a 10-day period (Davis, 1948, p. 149).

Our own work on redesigning letter-writing sections in civil bureaucracies confirms Davis' observations.

Bureaucracies are driven by their own systems principle to go to in-ordinate lengths to protect the integrity of their centralized power of coordination from external as well as internal threats.

This, however, is the face of bureaucracy, not its internal life. The internal life of a bureaucracy is intensely personal. The proliferation of objective selection criteria and appeal and review procedures is indicative of the strength of the unions and other external controls, not of the natural mode of operation of bureaucracy. Bureaucracy prohibits the individuals who are doing a job, even the job of supervising or managing others, from themselves deciding how best to coordinate their efforts or from offering each other help, advice, or information. Those matters have to be referred to the supervisor or manager, who gets the credit for any successes that arise from such coordination. Individuals can gain credit only for what they are seen by the supervisor to have done whilst staying inside the limits of their own individual job specifications. If individuals want promotion, and all the rewards are hung on to the promotional system, then they have to make themselves look good in the eyes of the supervisor. Objective criteria of job performance are rarely available, and in any case performance in a bureaucracy is not as important for the system as loyalty (we will come to this shortly). In the pursuit of promotion, the task is not just to look good, it is to look better than your fellow workers. This task is best pursued by a process of invidious comparison; quite simply, putting down your fellow workers in the eyes of the supervisor at every opportunity. The strength of this process, and the importance of loyalty, cannot be appreciated without taking into account the reaction that bureaucracies set up amongst their employees.

The bureaucratic principle of stripping any right to determine coordination from those actually doing the work creates quite undesirable conditions for them.

If people are to be motivated to get on with a job and stick at it in the face of difficulties, then six requirements need to be met (Emery and Thorsrud, 1969, Appendix 5). The bureaucratic organization of work systematically denies the conditions for meeting most of these requirements, for most of its middle and lower level employees (i.e., for 85 to 90 percent of its employees). Thus individuals are left with little or no elbow room within which to decide how they will organize and get on with their work; the jobs are so narrowly specified that after a brief period in which to master a new job, there is little or no possibility of continued learning on the job that is not rote-learning. (Two essential conditions for continued learning are consistently denied, i.e., feedback of results and the possibility of setting higher and more challenging learning goals.)

The job specifications demand the endless repetition of tasks, which, once mastered, are mindless; mutual support cannot be extended to, or expected from others as a mark of

friendship or respect, but one can expect to be envied or put down in the competition for the superordinates favours. The jobs are stripped of social meaning because only the supervisor has a legitimate need to be concerned with the section's goals: the individual is charged merely with following orders and paying attention to nothing else. The only requirement that bureaucracies appear to fulfil uncommonly well is that of providing "a desirable future": they offer security of tenure in a job that is neither arduous nor dangerous, career prospects, and superannuation. (A desirable future only if one does not think too much about a working life of unchallenging work, unremitting monotony, spent with people who wish to advance themselves at your expense.) One writer titled his report of his experiences in the 1970s in the middle management of the Australian public service as, "Living death in a bureaucracy." That is one side of the picture. It is the other side which we now wish to discuss.

People seek jobs in bureaucracies for the usual reasons, allowing that they offer a security of employment that biases this part of the labour market. However, the new entrants to the bureaucracies do not readily accept the formal definition of their jobs. In any bureaucratic organization (and I do mean any) people quickly grasp its basic systems principle and set themselves to subvert it. The subordinates establish informal patterns of coordination in order to undermine the personal controls exercised by their superordinate. By helping each other in their work they can cover each other's lapses in performances, exactly as children learn to cheat, lie, and cover up for each other in the competitive atmosphere of the school. The arrangements are informal for the obvious reason that they strike at the very roots of the power of the superordinate, and hence at the system. Because these networks are subversive, they form around common grounds for trust such as religion, ethnic background, local loyalties. It is only coincidental if the networks correspond to the formal divisions imposed by the bureaucracy and it is certainly rare, in peacetime or war, for the goals of such networks to correspond with the organizational goals. The goals of the informal networks are primarily to establish for their members those requirements that make working life tolerable; they are not in the business of motivating members to achieve the organizational goals; they are not in the business of improving organizational effectiveness; and they are not concerned with promoting the best person to the job. Little wonder that in the tight economic conditions of the 1980s there has emerged a new branch of applied social science - network analysis. Using computerized personnel files and telephone calls recorded on digital PABXs, social scientists can search for the informal networks within any large bureaucracy. But these new managerial attempts at control are not likely to make any significant difference so long as organizations are designed on the bureaucratic principle. Intelligent, well educated employees with PCs will always find a way around such controls.

The conclusion is fairly obvious. Any bureaucratically organized system will absorb a great deal of its energies in its internal struggles. Service to the public will tend to take second place to the constant fight for human conditions of work. If delivery of services to the public involves a government and a unionized work force, e.g., transport services and hospitals, then the two bodies will be more concerned with their fights than either will be with the customers.

The consideration of the fourth feature of bureaucracy, impersonality, has taken us a long way into the exploration of the nature of bureaucracy. It remains to consider the remaining two features.

## Toward Real Democracies

The fifth feature is the tendency of bureaucracies to rely on "standard operating procedures." The gist of this has already been dealt with. Decision-making is the prerogative of those who control coordination, and those persons in a bureaucracy are not at the work-face. As they see it, however, they are the ones who have a multitude of cases come across their desk and are best able to identify what is generalizable from the particulars. These generalities are not easily challenged because they fail to fit any particular case. In their nature they are only true in general, on average.

The sixth, and last, feature is what Pollitt labels as "a tendency to-secrecy." This feature also follows from the systems principle. Subordinates need to know enough to do their job, no more. Superordinates, on the other hand, need to know how every one of their subordinates is doing his or her job, and they need to know the goals for their section so that they can see whether they are doing what their superior expects. To share this knowledge with the subordinates is only to encourage them in the belief that they could do the job better. Holding onto power means holding onto this kind of knowledge.

This is undoubtedly a significant characteristic of bureaucracies, but it slides past a more fundamental feature. Bureaucratization of an organization creates a special kind of communications medium. It is commonplace today to treat communication as a separate and independent dimension of organization: e.g., the dedication of American scholars and the US Defence Forces to the C3 concept: Command, Control, and Communication. If communication were a separate and independent dimension of organization, then with appropriate strategies and expenditures (e.g., for training, conferences, and bulletins) a bureaucracy could be turned into any one of many different kinds of communications media. Communications within an organization do not constitute an independent dimension. The pattern of coordination and control determines the nature of communication. Thus in a bureaucracy, communication has three marked features:

- a) asymmetry. The communications up and down the organization do not even begin to approximate the give and take of discussion between equals. Orders passed down are expected to be obeyed by whoever is occupying the subordinate posts. It is not necessary that those orders be explained so that the recipient can see that they are reasonable and hence what he or she would personally wish to carry out. Information is passed up on request but there is no duty to put that information into context. This is the kind of communication that takes place between a person and a computer.
- b) egocentrism. Lateral communication is something that bureaucracies actively seek to suppress. As explained earlier, the bureaucratic principle is that each individual has a tightly specified job for which he or she is answerable to the supervisor: if individuals get into difficulties or find themselves with too much spare time, they may take it up with their supervisor, but not work out an arrangement with their fellow workers. Further, as pointed out above, promotion and career prospects pressure the individual to communicate to the superior that he or she is better than the others and that they are less worthy, less loyal. Thus

communication is dominated by concerns for self-advancement; communications about group goals are twisted to advance oneself or protect oneself from criticism.

- c) "them and us." In discussing asymmetry, we pointed to the lack of co-operation in bureaucratic dialogue. As informal networks develop, as they inevitably do, communications become structured by a definite "them and us" orientation. It is not just a lack of cooperation but an active process of suppression of information, feeding in misinformation, and lying. Both sides see advantages in keeping the other in the dark with respect to what they are doing or what they intend to do.

We have gone to considerable length to spell out the nature of bureaucracy, its systems principle, and its operating characteristics. We have gone to this trouble because the very strong claim is still being made by respected sociologists that a) a bureaucratic administration is a necessary condition for democratic government, and b) "the rate of bureaucratization appears to have accelerated, at least until very recently, in most modern societies" (Meyer, 1987, p. 230). These modern societies are practically all democracies. In response to democratic pressures they have vastly expanded the delivery of health and educational services and have vastly increased the range of state-administrated income support and income maintenance provisions. Technological advances have meant that defence has required an expanded industry-military complex.

If both of these propositions are true then representative democracy as a form of governance is on the skids. The stability of any form of government depends, in the last analysis, on keeping non-productive expenditures within the bounds set by the revenue it can extract from the productive sector of the economy. The productive sector is that which produces goods and services for the market (Eltis, 1979). The fate of the Allende government in Chile, 1973, would appear to be a classic example of what happens when these bounds are overstepped.

If bureaucracies are necessary for the governance of the modern state and if representative democracies are driven by electoral demands to an accelerating growth in bureaucratization of health, education, and welfare, etc., then the outcomes are as inevitable and obvious as Eltis has spelled out. The representative democratic state will not be able to deliver the services because of the decline in the proportion of the work-force in "self-financing" employment (as distinct from "tax-dependent" employment) and the increasing proportion of tax resources that are consumed by the administrative system.

The first problem can be coped with by increasing productivity. Thus in the great economic growth period from the early fifties to 1970 the proportion of the work force in agriculture and industry was lower than it had ever been. The critical problem is public administration. So long as this is assumed as necessarily bureaucratic, then the decline of living standards in democracies appears inevitable. As we have shown, a bureaucratized organization cannot give primary consideration to questions of efficiency or even effectiveness: that would require remorseless external pressure from an external body that would have to be another bureaucratic body, or a dictatorship! A bureaucratic organization must always have as its primary goal the maintenance of its power as the sole coordinating authority within its jurisdiction: and, quite regardless of the conniving outsiders, that power will be under

## Toward Real Democracies

challenge from its own employees from the day the organization (department, agency) opens its doors for business. As they say, educational departments could be model organizations if they did not have students; prisons if they did not have prisoners, and hospitals if they did not have patients. Cynical, but true.

Within this sort of "realistic" thinking, demands for stronger democracy are unreal. If those two propositions were true, then pressure toward a stronger democracy would threaten representative democracies with the fate that befell Allende's government in Chile. (Eltis, 1979). The first proposition does not, however, represent a fact of life.

This sort of "hard-nosed realism," when put forward in the seventies or eighties, is based on a profound ignorance of what has already been demonstrated in the areas of wealth-producing work. In those areas where productivity still bears some kind of relation to survival, it has been firmly established that a hierarchy of functions does not require a hierarchy of statuses, and, more importantly, that decisions about coordination should be kept as close to the level of action as possible. How close depends on the multiplicity of skills and means available to those doing the work and the knowledge resources they can call upon.

There is nothing that I have been able to discover, working with a very wide range of government departments, agencies, and statutory bodies, that necessarily requires the bureaucratization of the work of government.

### **Street-Level Bureaucrats**

Bureaucratization in the social services merits special attention in this regard. The erosion of the family economy and of kinship responsibilities has been accompanied by a vast expansion of social services. Right from the emergence of the urban mass workforce there has been a steady growth in the law and order services - police, prisons, probationary services, and legal services. Health and welfare services have not only increased vastly in scope and quality but are provided by paid professionals, not voluntary workers. Educational services grew almost as a direct function of the reduction of agricultural and unskilled labouring jobs. A large part of the growth in tertiary education has itself been to cope with the growing demand for professionals in the social services.

In the interest of stronger democracy, it is obvious that this greatly expanded section of the workforce be employed under conditions that enhance their self-respect and their demand for participation in their governance. It is of at least equal importance that the increase in their powers of self-determination be exercised in the service of the community, and not just for their self-advancement.

The problem of creating an administration appropriate to a participative democracy is not just a problem of de-bureaucratizing the administration itself. If that were the case then the problems would not be that much different than those confronted and solved in the democratization of work. There are some special problems such as are confronted by the introduction of ombudspersons and freedom of information legislation, but for the most part the work done inside the government bureaucracies - clerical, staff, research and policy-making - lends itself to democratization as readily as the same work being done in the large



corporate bureaucracies. What appears to be the special problem of government bureaucracies is the broad stratum of salaried professionals and semi-professionals who are supposedly delivering services to the public on a non-profit basis: the teachers, nurses, social workers, police, etc.

These people have been described by Lipsky (1980) as "the street-level bureaucrats." This is an apt description. They are members of government bureaucracies and have careers in those bureaucracies. They have the rights of bureaucrats to make decisions for the persons in their charge, but, unlike their fellow bureaucrats, their work is such that they cannot be closely-supervised and the people in their charge are dependent "clients," not unionized subordinates.

What does this difference imply in terms of the quality of the jobs that the street-level bureaucrats have and, as a consequence, the likely outcome of their work?

At first glance this would appear to be a critical and very positive feature of this kind of work. Of the six criteria that have been found to be determinative of the quality of a job (as distinct from its pay-offs), scope for discretion has been usually found the most important. Given adequate discretionary scope, people can usually organize their work so as to provide opportunities for continued learning and vary their schedules so as to minimize boredom. Given proper use of this scope for discretion, an individual can hope to earn the respect of fellow workers. It is just this that marks the skilled blue-collar worker off from the other blue-collar workers. However, the skilled blue-collar worker is working with inanimate materials and machines. Such a worker can set goals and measure achievement in a relatively lawful and predictable fashion. Whether or not this worker achieves those goals can be readily established by any knowledgeable outsider who is able to inspect the final product. It is because of that fact that close supervision is not exercised. A skilled blue-collar worker is selected for a job because he or she has some certification of having completed an approved apprenticeship, but can be judged, usually in a matter of days or weeks, by the quality or quantity of the product. Skilled blue-collar workers are not usually salaried, so if their products are not up to professional standards their services can be readily dispensed with.

This is not the situation of street-level bureaucrats. In their case, discretion is allowed because it is not possible to justify close supervision economically - not because there are cheaper and perfectly sound ways of judging their performance.

The assumption nowadays is that increased professional training at college or university level is an assurance that even when not supervised the street-level bureaucrats will use their discretion in a professional manner. It is not clear who is supposed to feel assured by this assumption, other than those making the appointments. In the first place, the managers of the social services cannot expect to get anything like an adequate feedback on the-performance of these professionals. There is little hard data of the sort that can be expected on product and machine performance. If a gross lapse or abuse occurs in the delivery of service that is legally provided for, then the first reaction will be to lodge the blame outside that particular delivery service. In the last analysis, particularly if the issue is taken up by the media, then the individual may be scapegoated so as to divert attention from the shortcomings of the service itself. Blame, in the ordinary run of complaints, is more likely to be lodged with the

## Toward Real Democracies

perversity of the client than with lapses in the professionalism of the officer concerned. It is just so much easier for the organization; clients are continually changing and the organization is geared for that, but replacing professionals is a time-consuming process and it damages the image of the organization with the "higher-ups." Thus the experience of managers could not justify much faith in the value of professional training. It is also the case that the manager could not be long in office before realizing that the few "objective" indicators there are of staff performance can often be "massaged" by field-officers and, more seriously, may mask serious distortions in professional practice.

It is not just that managers cannot at any one time know whether discretion is being used in a professional manner. The second concern arises from researches that have had the resources to probe the performance of street-level bureaucrats to a depth that no group of practising managers could possibly hope to attain. In his monumental study of the U.S. school systems, Coleman (1966) found that the existence of higher professional qualifications amongst teachers had minimal effect on the educational outcomes as measured in a wide range of tests of student competence. A spurious correlation arises because good schools, schools with pupils whose parents want them educated, can be more selective of their staffs and those schools use professional credentials as a selection criterion. In other words, professionalization serves the career ends of teachers even though there is no evidence that it translates into more effective teaching. Coleman's basic finding has been replicated around the Western world (Emery, 1986).

Fischer (1976) reviewed the major studies, to that date, of the effectiveness of social work. The conclusion was that not only was social work ineffective but, in several disturbing studies, clients receiving services from professional social workers were shown to have deteriorated, to have become less able to help themselves.

The British carried out a major study of probation services which extended over a number of years (IMPACT, reported in Folkard, 1975 and 1976). This study provided devastating evidence that the level of case loads of probation officers had no significant impact on the outcomes for clients. Outcomes were measured over a wide range of indicators for several years. This was a devastating finding because in the continuing struggle for professionalization, whether it be for probation officers, teachers, social workers, nurses, or prison officers, a lighter case-load is presented as the essential condition for professionals to demonstrate their worth in terms of better outcomes.

Studies of the same depth and thoroughness have not, to my knowledge, been done of the other street-level bureaucrats, but one could hardly expect different results if they were. None of the others have a knowledge basis that is any more coherent; none appear to have been any more effective over the years; and none could claim that their professional training is any more realistic.

One thing these studies did have in common - an almost total failure to make a dent in the professional aspirations and claims of these street-level bureaucrats. This was despite the fact that their professionalization was purportedly based on the ingestion of modern social scientific knowledge.

Halmos had predicted this kind of response in his famous work The Faith of the Counsellors (1965). Therein he had pointed out that the dressing-up, the professionalization, of the social services was in large measure a cover-up for the inability of representative democracies to arrive at credible political solutions. The critical findings of Coleman *et al.* were like so much water off a duck's back; they show that the professionalized social services are not very effective, but they come up with no better solution and the professionals AND the politicians agree that what we are doing now looks much, much better than doing nothing. The faith that the counsellors had in what they were doing was a faith well grounded in political realities, the matters that determine budget allocations.

Nevertheless, the harsher economic situation since the mid-seventies has forced a great deal of critical rethinking of how social services are delivered.

The critical rethinking has not, typically, gone back to the Coleman-Folkart findings. It has typically accepted the assumptions of professionalization but sought to limit social service expenditure by re-drawing the line between the "deserving needy" and the "undeserving needy." In the modern context "neediness" takes on the connotation of needing truly professional help, where the latter is defined by the aspiring professional unions and associations. The clients, as voters, are indirectly involved in this rethinking process but the direct contestants are the administrative bureaucrats and their street-level counterparts.

This rethinking has been going on for more than a decade and there is still no indication that an alternative system for delivery of support to the needy has been found. In the meantime, the evidence accumulates that the money voted for support is increasingly absorbed by the costs of professionalizing delivery or, hardly less expensive, the mounting tiers of computerized bureaucracy designed to limit the costs of using professionals - the delivery of that support continues to increase both dependency and asocial practices, and increases in delivery of support appear to do little or nothing to change the conditions creating the need for support.

With aging populations and "normal rates of unemployment" running at six to nine percent, no democracy can expect to live with this "welfare state" solution. Any stronger form of democracy would have to deliver more support, not less. Before we confront this seeming impossibility let us look in a little more detail at the "solutions" that have been attempted since the early seventies.

The bureaucratic response to demands for increased "cost-effectiveness" was appropriately directed at reduction in the discretionary powers of the street-level bureaucrats so that they could be forced to spend their time on those things that really produced results. The obvious starting point was in the defining and ordering of objectives. Self-evident, non-contradictory objectives have not been forthcoming. The only near-practical results have been lists of pragmatic objectives that would impose heavy loads of paperwork on the professionals and have been seen by them as attacking the very core of their professionalism, i.e., their right to judge the individual case on its own merits. Given the haziness of so many social and behavioral categories, it is usually not too difficult for the street-level bureaucrat to subtly redefine them so that he or she goes on doing as before but changing recording and reporting practices.

## Toward Real Democracies

Another common bureaucratic response is "redeployment of resources and rationalization of services," which are euphemisms for reductions in service. There is little that street-level bureaucrats can do to prevent such changes, but they can and do change their personal practices to offset apparent increase in their workload or undesired changes in their clientele.

The third common bureaucratic response is the tightening of budgetary controls as a covert way of making cuts. Typically the field workers pass these cuts on as a reduction in service; they do not absorb them.

From a detailed analysis of the major fields of street-level bureaucracy Lipsky has drawn the fundamental conclusion:

But breaking down the isolation of individual street-level bureaucrats will be mostly destructive if it is done simply in the name of higher degrees of scrutiny. The hardest reform of all will be to develop in street-level bureaucracies supportive environments in which peer review is joined to peer support and assistance in the working out of problems of practice. ...Small group units for street-level decision making (for example, grade levels or departments in schools, subprecinct units in police departments, neighborhood service offices in legal assistance and health maintenance) ... would be far more likely to develop routines consistent with responsive and efficient client treatment than authorities removed from the scene, particularly if outside audits are continually able to draw attention to issues of service quality (Lipsky, 1980, pp. 206 -7).

In our work to introduce new prison regimes we have been forced to the same conclusion. In the Bristol Prison Experiment, 1958-9, we were able to much reduce the scope for private dealing between individual prison officers and the inmates in their section of cells but we had no viable alternative to this basic bureaucratic building block. As a result we arrived at the rather pessimistic conclusion that

given the requirement of security, a level of internal freedom cannot be found that will automatically secure good order. Supervision and coercion will be necessary (Emery, 1970, p. 96).

Returning to the problem in 1973, in designing with prison officials a new maximum security prison for West Australia, we were able, because of our experience with democratization of work, to cut the Gordian knot. In the new prison no prison officer was to have "his" convicts. The interface was designed to be, for both work and living arrangements, a semi-autonomous group of officers sharing responsibility for a group of inmates. Because it was a new prison, it was possible to design it so that each such inmate group had its own living and leisure area and each such area had its own security arrangements. This made it possible for the officer groups to be managed by objectives. No foreman or formal leadership role existed in the teams, as we had found in industry that this induces a reversion to bureaucratic procedures with individuals ducking responsibility for group performance. With groups of four or more we have consistently found that group norms will be enforced over personal

deals unless the objectives set by management are felt to be grossly unfair or unless someone manages the very difficult task of corrupting the whole group at much the same time.

The objectives of management are unlikely ever to seem grossly unfair if management is careful to negotiate the formulation of new objectives or the modification of existing objectives.

The more or less simultaneous corruption of a group of field workers is a far more remote possibility than the corruption of the individual officer and the gradual flocking together of birds of one feather. More likely is that a group might gradually come to be tolerant of slackness where that does not impose differential loads on each other. The objectives selected by management can partly guard against these contingencies, but we have already noted the difficulty in formulating objectives of a social and behavioral nature.

Those difficulties do not go away with de-bureaucratization. As Lipsky has noted (Lipsky, *ibid*), some sort of client audit is highly desirable. In the heyday of participative philosophies, the sixties, many experiments were made with involving elected clients in bodies with an auditing function (even a few in prisons). These were not reassuring but, as Lipsky has pointed out, the conditions were not auspicious. Clients were often invited to participate only when a service was run down and broken. More often the elected representatives of the clients found themselves in the thralls of power plays in long-established committees that they found difficult to grasp and powerless to control (for example, student representatives on university councils).

When the principle of semi-autonomous, self-managing groups is accepted it becomes possible to select client groups that have more of a community of interest. If there is some shared interest in the client group then they might accept the duties that go with selection by lot and thus create a trustworthy and respected interface with the group of street-level bureaucrats. Given the flexibility in task allocation of self-managing work groups and the status of such client representation, it becomes feasible to multiply the effects of the field workers through organization of local resources, including the resources latent in the client group.

As we have learned in industry, there are two further advantages to be gained from the democratization of street-level bureaucracies. First, the work groups become the major source of learning. New people develop by apprenticeship the multiple skills demanded by their work. Instead of the constant pressure to increase the years of full-time, formal, college training for teachers, nurses, social workers, police, etc., we would expect a reversion to short-term, part-time, and continuing education on the job. Second, because most decisions are being made at the work-face, there is a collapse of the multi-tiered bureaucracies. The senior staff positions are limited to a few concerned with policy negotiations with other bodies, a few concerned with administering the support functions of pay, holidays, etc., and a small body of middle managers who are routinely concerned with appraising, as a group, progress with respect to objectives and coordination of the groups. This group of middle managers is also a reserve "fire brigade." When a group gets into unexpected trouble they are reinforced by appropriately experienced persons from this middle management group. The

## Toward Real Democracies

selection of persons for promotion to this group is relatively easy and reliable; as in the method of group working, individuals can be judged by the others for their ability to contribute to the overall group objectives. This is the precise quality required for this new middle management group and a quality that cannot be tested when field workers are operating in the traditional bureaucratic structures. In the traditional structures, the best candidate for promotion tends to be the field worker who is able and willing to dress up reports to look good to the administrators and has accumulated professional academic qualifications.

We started this chapter by challenging the established wisdom that bureaucratic administration is a necessary condition for the functioning of a democratic society. It has already been established in the democratization of work that many of the problems of the civil services can be resolved. Attention was therefore focussed upon the most distinctive feature of work in the modern democratic welfare state - the burgeoning mass of professional and semi-professional workers. The growth in this body of "street-level bureaucrats" has been posing apparently insuperable problems for democracies. We suggest that this is not an insuperable problem. Services can be more efficiently delivered by democratized forms of work. These services can be more closely related to the needs of particular clientele and there can, at the same time, be a major reduction in the computerized bureaucratic superstructure and in the large resources devoted to formalized college education. It is no purpose of a stronger democracy to maintain - let alone expand - the last two sources of employment. The overriding concern of a stronger democracy is to ensure that provisions for the needy are actually delivered to them, in the form they need.

Before closing this discussion it should be suggested that what has been proposed is a general solution to the dilemma of decentralization. The decentralization of government service and controls has always been advanced as a way in which democratic governments can get closer to the people. Always the assumption has been that the decentralized power would have to be in the hands of an individual and always the dilemma has been that the power will be wielded in arbitrary fashion unless the individual is a member of a highly indoctrinated elite which maintains a core set of values. The very processes by which such an administrative elite is selected and formed creates a major gap between them and the people they are supposed to administer on behalf of a "government of the people." The only practical solution for a democracy is the one we have discussed. Decentralized authority must only be given to a group of administrators who have to accept collective responsibility for the areas or populace under their administration.

A more radical approach to decentralization has surfaced in Canada (the Canadian Assistance Program), and, temporarily, in the Australian Assistance Program. The solution was to provide federal funds to local regions on a non-accountable basis. The local regions decide the services to which they allocate those funds and appoint such professional community workers as they see fit. In the Australian setting, the move was premature. It fell foul of the vested interests in existing local forms of representative democracy and an inability to create democratized local delivery systems. Now that answers have been found to the last two problems, something of a coherent national strategy can be formulated for a welfare state that strengthens democracy, not increases dependency on self-serving bureaucracies.

## Introduction

### References

- Asch, S. E. *"Social Psychology"*. 1952. New York, Prentice-Hall.
- Barber, B. R. *"Strong Democracy"*. 1984. Berkeley, University of California Press.
- Bentham, J. *"Security and Equality of Property"*. In C. B. Macpherson (ed), 1978, *ibid.*
- Bion, W. *"Experiences in Groups"*. 1961. London, Tavistock Publications.
- Brady, R. A. *"Business as a System of Power"*. 1943. New York, Columbia University Press.
- Brown, W. *"Explorations in Management"*. 1960. London, Heinemann.
- Burnheim, J. *"Is Democracy Possible?"* 1985. Oxford, Polity.
- Coleman, J. S. *"Equality of Educational Opportunity"*. 1956. Washington D. C., US Government Printing Office.
- Collier, G. *"Fields of the Tzotzil"*. 1974. University of Texas Press.
- Dahl, R. A. *"Who Governs?"* 1961. New Haven, Yale University Press.
- Dahl, R. A. *"Polyarchy: Participation and Opposition"*. 1967. New Haven, Yale University Press.
- Dahl, R. A. "Further reflections on the 'Elitist theory of democracy'." *"The American Political Science Review."* 1966. LX, 296-305.
- Dahl, R. A. *"A Preface to Economic Democracy"*. 1985. Berkeley, University of California Press.
- Dahl, R. A. *"Democracy and Its Critics"*. 1989. Yale University Press.
- Davis, A. "Bureaucratic patterns in the Navy officer corps." *"Social forces"*. 1948. 27, 145-53.
- Drucker, P. F. *"The Unseen Revolution"*. 1976. New York, Harper.
- Eichner, A. S. (ed). *"Post-Keynesian Economics"*. 1978. New York, M. E. Sharpe.
- Eltis, W. "The economic effect of increased public spending." *"The Ecologist Quarterly"*. 4. Winter 1978, 280-304.
- Emery, F. E. *"Freedom and Justice Within Walls"*. 1970. London, Tavistock Publications.

## Toward Real Democracies

- Emery, F. E. "The next thirty years." *"Human Relations"*. 1967. 20, 199-237.
- Emery, F. E., M. Emery & C. de Jago. *"Hope Within Walls"*. 1973. Canberra, A. N. U., C. C. E.
- Emery, F. E. "Designing socio-technical systems for greenfield sites." *"Journal of Occupational Psychology"*. 1980. 1, 19-27.
- Emery, F. E. "Planning for real but different worlds." Chapter 3 in Emery, F. E. (ed). *"Systems Thinking"*, Vol. 2. 1981. London, Penguin.
- Emery, F. E. "Adaptive systems for our future governance." Chapter 24. *Ibid.*
- Emery, F. E. "Public policies for healthy workplaces." *"Human Relations"*. 1985. 38: 1013-22.
- Emery, F. E. & M. Emery. *"Participative design"*. 1974. Canberra, A. N. U., C. C. E.
- Emery, F. E. & M. Emery. *"A Choice of Futures"* 1976. Leiden, Martinus Nijhoff.
- Emery, F. E. & E. Thorsrud. *"Form and Content in Industrial Democracy"*. 1969. London, Tavistock Publications.
- Emery, F. E. & E. Thorsrud. *"Democracy at Work"*. 1976. Leiden, Martinus Nijhoff.
- Emery, M. *"Searching"*. 1982. Canberra, Centre for Continuing Education.
- Emery, M. *"Searching : The Theory and Practice of Making Eventual Change"* 1998. John Benjamins Publishing.
- Etzioni-Halevy, E. *"Bureaucracy and Democracy"*. 1983. London, Routledge & Kegan Paul.
- Finley, M. I. *"Democracy Ancient and Modern"*. 1985. London, Hogarth Press.
- Fischer, J. *"The Effectiveness of Social Casework"*. 1976. Springfield, Ill., Charles C. Thomas.
- Folkard, M. S. *"Impact"*. Vol. 1, 1975. Vol. 2, 1976. London, HMSO.
- Friedman, M. *"Martin Buber's Life and Works"*. 1982. London, Search Books.
- Gordon, D. M., R. Edwards & M. Reich. *"Segmented Work, Divided Workers"*. 1982. Cambridge University Press.
- Gustavsen, B. "A legislative approach to job reform in Norway." *"International Labour Review."* 1977. 3, 116.



## References

---

- Gustavsen, B. "Improving the work environment; a choice of strategy." *International Labour Review*. 1980. 3, 119.
- Halmos, P. *The Faith of the Counsellors*. 1965. London, Constable.
- Heider, F. *The Psychology of Interpersonal Relations*. 1958. New York, Wiley.
- Herrera, A. O. *Catastrophe or New Society*. 1976. Toronto, Institute for International Development.
- Hill, P. *Toward a New Philosophy of Management*. 1971. London, Gower.
- Hook, S. "Democracy." 1964. *Encyclopedia Americana*.
- Horwitz, M. "The recall of interrupted tasks." *Human Relations*. 1954. 7, 3-38.
- Jacobs, J. *Cities and the Wealth of Nations*. 1984. New York, Random House.
- Jaques, E. *The Changing Culture of a Factory*. 1952. London, Tavistock Publications.
- Jones, A.H.M. *Athenian Democracy*. 1984. Oxford, Basil Blackwell.
- Jones, W. H. Morris. "In defense of apathy." *Political Studies*. 1954. 2, 25-37.
- Kamenka, E. & A. Tay. "Beyond bourgeois individualism: the contemporary crisis in law and legal ideology." Chapter 6 in E. Kamanka & R. S. Neale, *Feudalism, Capitalism and Beyond*. 1975. Canberra, ANU Press.
- Kerr, J. F. *A Presumption of Wisdom*. 1987. Sydney, Angus and Robertson.
- Kuhn, T. *The Structure of Scientific Revolutions*. 1962. Chicago, University of Chicago Press.
- Labov, W. & D. Fanshol. *Therapeutic Discourse*. 1977. New York, Academic Press.
- Leontieff, W. W. "The distribution of work and income." *Scientific American*. 1982. 247, 152-164.
- Lewin, K., R. Lippitt & R. White. "Patterns of aggressive behavior in experimentally created social climates." *Journal of Social Psychology*. 1939. 10, 271-299.
- Lindblom, C. E. *Politics and Markets*. 1977. New York, Basic Books.
- Lippman, W. *The Phantom Public*. 1925. Now York, Macmillan.

## Toward Real Democracies

- Lipsky, M. "Street-level Bureaucracies. 1980. London, Sage. Lynn, J. & A. Jay. "Yes Minister". 1984. London, BBC Books.
- Lynn, J. & A. Jay. "Yes Prime Minister". Vol. 1, 1986. London, BBC Books.
- Maccoby, M. "The Gamesman: The New Corporate Leader". 1976. New York, Simon and Schuster.
- Macpherson, C. B. "Democratic Theory: Essays in Retrieval". 1973. Oxford, Clarendon Press.
- Macpherson, C. B. (ed) "Property". 1978. Toronto, Toronto University Press.
- Marsden, D. "What is community participation?" 1990. "Proceedings Conference on Government & Participation", Michelesen Institute Bergen, Norway.
- Meyer, M. R. "The growth of public and private bureaucracies." "Theory & Society", 1987. 16, 215-236.
- Mill, J. S. "Of Property." Chapter 6 in C. B. Macpherson, 1978. ibid.
- Michels, R. "Political Parties". 1949 (1925). Glencoe, Free Press.
- Mosca, C. "The Ruling Class". 1939 (1923, 1898, 1884). New York, McGraw-Hill.
- N.I.I.P. "Joint Consultation in British Industry". 1952. London,, Staples.
- Nakane, C. "Japanese Society". 1973. London, Penguin.
- Pareto, V. "Mind and Society", Vol. 3. 1935 (1919). London, Jonathan Cape.
- Pateman, C. "Participation and Democratic Theory" 1970. Cambridge University Press.
- Pateman, C. "The Problem of Political Obligation". 1979. New York, Wiley.
- Pava, C. "Managing New Office Technology". 1983. New York, Free Press.
- Pollitt, C. "Democracy and bureaucracy". Chapter 7 in D. Heald and C. Pollitt (eds). "New Forms of Democracy". 1986. London, Sage.
- Przeworski, A. & J. Sprague. "Paper Stones: A History Electoral Socialism". 1986. University of Chicago Press.
- Rotharmel, J. "Forecasting re-visited." "Harvard Business Review". 1982. March-April, 139-147.

## References

---

- Sartori, C. "Democracy". " *Encyclopedia of the Social Sciences*". Vol. 4 (2nd Ed.). 1968.
- Sartori, G. " *The Theory of Democracy Revisited*". 1987. Chatham House, Chatham, N.J.
- Schumpeter, J. A. " *Capitalism, Socialism and Democracy*". 1943. London, Allen and Unwin.
- Selznick, P. " *TVA and the Grass Roots*". 1949. University of California Press.
- Selznick, P. " *Leadership in Administration*". 1957. New York, Harper.
- Selznick, P. "Sociology and natural law." Chapter 2 in D. Black & M. Mileski. " *The Social Organization of Law*". 1973. New York, Seminar Press.
- Short, J. et al. " *The Social Psychology of Telecommunications*". 1976. London, Wiley.
- Stone, I. F. " *The Trial of Socrates*". 1988. New York, Little, Brown.
- Tawney, R. H. " *The Acquisitive Society*". 1920. London, Allen & Unwin.
- Tomkins, S. S. " *Affect, Imagery and Consciousness*", Vol. I & II. 1963. New York, Springer.
- Walker, J. L. "A critique of the elitist theory of democracy." " *The American Political Science Review*". 1988. LX, 285-95.

