

# What Are We Doing When We Are Doing Democratic Theory?

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► **Abstract:** The article analyzes the (often implicit) understanding of democratic theory that is presupposed by scholars who engage in this practice and provides an answer to the question: “What are we doing when we are doing democratic theory?” We flesh out the core features of this scholarly activity by relating it to and differentiating it from assessments made from the perspective of political philosophy and political science. We argue that democratic theory aims at proposing institutional devices that are (a) problem-solving approaches and (b) embodiments of normative principles. This two-faced structure requires democratic theorists to engage in feedback loops with political philosophy on the one hand and empirical political science on the other. This implies that democratic theorists must adopt a dynamic approach: democratic theories must “fit” societal circumstances. In consequence, they must be adapted in case of fundamental societal transformations. We exemplify this dynamic character by referring to digitalization-induced changes in democratic societies and their implications for democratic theorists’ practice.

► **Keywords:** dynamic democratic theory, institutional devices, political philosophy, problem-oriented democratic theory, proceduralism

## Introduction: Democratic Theory as a Scholarly Practice

Scholars frequently augment their definition of “democracy” by highlighting its status as an “essentially contested concept” (Gallie 1956). Against this background it is all but surprising that there is no consensus about the meaning of “democratic theory”: Neither its scope (“democracy”), nor the characteristic features of *theories about democracy* – especially in contrast to political philosophy and political theory but also in relationship to empirical studies of democracy – are well defined or the object of a canonical agreement. Nevertheless, scholars around the globe – mostly affiliated with political science or public policy departments – describe the subject of their everyday practice as “democratic theory” and label themselves “democratic theorists” (e.g., Dahl 1989; Dryzek and Berejikan



1993; Pateman 1970; Shapiro 2003). These self-descriptions presuppose an often implicit, unspoken understanding of this everyday practice. Following suit, this article takes the understanding of democratic theory that we presuppose in our own practice as a point of departure, fleshes out what we consider the core features of this activity, and differentiates it from related scientific enterprises. To put it briefly: we are raising and providing an answer to the question, “What are we doing when we are doing democratic theory?”

In the course of answering this question we argue that it is essential for democratic theorists to be informed by empirical research and to develop normative guidelines for democratic societies in close interaction and collaboration with empirical research. Although this starting point is adopted by a broad range of democratic theorists (Dahl 1989; Saward 2003; Shapiro 2003), these approaches display two gaps: (1) for the most part these theories keep silent about the exact nature of the relationship between normative principles and empirical “facts” (e.g., concerning societal circumstances), and (2) even scholars applying integrated empirical and theoretical analyses – for example, in researching and evaluating democratic innovations or deliberative systems – rarely provide systematic reflections about the methodological requirements of combining both types of inquiry (Sabl 2015; Shapiro 2003). This article suggests a procedural model that fills both gaps.

We pursue this goal in three subsequent steps. Firstly, we characterize democratic theorizing as a *problem-solving-activity* that suggests institutional devices for democratic societies that, at the same time, embody normative principles *and* are located in a specific historical and societal context. Accordingly, the normative principles and the institutional devices proposed by democratic theorists must be “in sync” with this social reality. In consequence, in *doing democratic theory* we must react to changing societal circumstances by establishing feedback loops with empirical social sciences devoted to analyzing such transformations.

This, secondly, challenges us to specify the implications of our focus on the process of *theorizing* about democracy and to elaborate on the “problems” democratic theorists aspire to solve and the normative principles they presuppose in so doing. Thirdly, as the work of political and democratic theorists essentially involves getting engaged with findings from empirical (social) science to adapt to changing societal circumstances, we provide an illustration for a procedure that integrates normative and empirical scholarship on democracy in two “feedback loops” for the case of digitalization-induced transformations in democratic societies for democratic theorists’ practice (section 3).

## Democratic Theory in Feedback loops: Norms, Institutional Devices, Real World-Implementations

### *Democratic Theory and the Process of Inquiry, Coordination Problems and Normative Principles*

This article focusses on the *process* of doing democratic theory instead of a specific result – that is, a “democratic theory.” Thereby, we avoid restricting our approach to a specific (type of) output of such theorizing that may be committed to a specific model of democracy or specific normative premises. We characterize this activity as a *problem-solving activity*.<sup>1</sup> Conceptualizing inquiry as a problem-solving activity is a classical topos of philosophical pragmatism, as famously defended by John Dewey’s *Theory of Inquiry* (2018 [1938]). “Pragmatist epistemology [and philosophy of science] centers around the concept of *inquiry*, considered as the process of knowledge seeking” (Legg and Hookway 2019, sec. 4.2). The validity of an inquiry’s result is evaluated by referring to its practical consequences – that is, its problem-solving potential (Legg and Hookway 2019).

Although we therefore share some pragmatist core convictions about the main concerns of theoretical enterprises, a conceptualization of democratic theorizing in line with our understanding must not share pragmatism’s metatheoretical, ontological, or ethical commitments. Firstly, the “problems” democratic theory must solve are coordination problems in democratic societies, which arguably constitute only a subset of the “problems” Dewey’s scientific inquiries are addressing. Secondly, our approach does not require us to define a theory’s truth value (or its normative “rightness”) by referring to its problem-solving potential. Thirdly, our reflections on the practice of doing democratic theory do not presuppose that researchers’ activities are seen on a “continuum” with nonsystematized everyday inquiries (see Dewey 2018 [1938]; Legg and Hookway 2019; Strübing 2007).

In our understanding, the main goal of theorizing about democracy consists of developing institutions or institutional devices as a *means for solving coordination problems* (Schmidtz 2011, 2017). Institutions display a two-fold structure (overview Rhodes, Binder, and Rockman 2006). On the one hand, they aim at solving coordination problems for collective-action issues (March and Olsen 1989). All *political* theorists may be concerned with developing such conventions and structures. Institutions do, however, also embody norms (see Göhler 1996; Offe 1994; Saward 2003). In doing *democratic* theory, a normative aspect comes into play: democratic theorists do not only want to propose devices for solving coordination problems but also aim at solving such problems for democratic societies *in accordance with democratic norms*.

Democratic theorists are therefore political theorists who are engaged with “democracy” in two respects. On the one hand, democratic orders constitute the subject matter – or *scope* – of their theorization. On the other, a democratic theorist is committed to a set of core values that she considers to be “democratic.” As the understandings of “democratic” and “democracy” presupposed in democratic theories would certainly constitute a topic of discussion in themselves, this article will provide no explicit analysis of such normative conceptualizations. Our approach is, however, compatible with Warren’s (2017) perspective that convincingly identifies three major “democratic problems” (empowered inclusion, collective agenda, and will-formation collective decision making) that all *democratic* theories must solve.

### ***Political Philosophy, Political Theory, Political Science: The Range of Approaches to Democracy***

Doing democratic theory within the disciplinary framework of contemporary approaches to democracy implies that democratic theorists engage with approaches from different (sub-)disciplinary backgrounds. To flesh out the characteristic features of democratic theorists’ practice, we will provide a brief overview of the *range* of scientific and theoretical approaches to democracy. We claim that three categories are useful for distinguishing these scientific endeavors: (1) their level of abstraction, (2) the major goals of their theorizing, and (3) the nature of the premises that must be taken for granted when doing this work. For the sake of simplicity, the following discussion presents *ideal types* (Weber) of these activities.

(1) *Levels of abstraction in theorizing.* Scholars deal with “democracy” on very different levels of abstraction. We take political philosophy to constitute one and empirical political science to constitute the other end of the spectrum. Rawls’s theorizing – which he explicitly characterizes as an “ideal theory” of justice – is an illustrative case for the political philosopher’s approach. In spelling out a conception of justice that largely abstracts from empirical circumstances and boundary conditions – even from compliance problems that characterize real-world interactions (Rawls 2009: para. 9; Schmidtz 2011) – he claims that the ideal of justice developed on this basis “shows . . . how the nonideal scheme is to be set up; and this confirms the conjecture that it is ideal theory which is fundamental” (2009: para. 38).

At the other end of the spectrum scholars studying empirical implementations of democratic institutions focus particularly on the very aspect that political philosophers such as Rawls (deliberately) leave aside. Lijphart, for example, provides an empirical examination of different

democratic institutions' outcomes when he asks – and answers – the following question: “Does the type of democracy [i.e., consensus and majoritarian democracy] make a difference for public policy and the effectiveness of government?” (1999: xii). We locate *democratic theory* at a medium level of abstraction. Accordingly, democratic theorists hold an intermediary position between philosophers' ideal theorizing and empirical studies that are explicitly engaged with analyzing contextual variables and the outcomes of concrete institutional settings.

(2) *Goals of theorizing.* Studies of democracy differ, secondly, with regards to the goal or motivating factors of their theorizations: Predominant goals of political philosophers consist in providing conceptual analyses and argumentations for normative claims about political institutions (Goodin and Pettit 2007: 1; Schmidtz 2011: 778).<sup>2</sup> *Empirical studies of democratic institutions, by contrast, largely refrain from formulating – let alone arguing for – such normative claims* (Sabl 2015). Their major goal consists in providing descriptive analyses, for example, of institutions' performance, persistence, or preconditions. We argue that political theorists primarily aim at *solving a problem* – more accurately, a coordination problem. Being *democratic* political theorists, they aim at solving coordination problems in a democratic manner – that is, in accordance with democratic norms (Schmidtz 2017: 134–136; Warren 2017). In order to provide solutions for such coordination problems, they propose institutional devices for democratic societies (Saward 2003). This two-fold goal of pursuing democratic theory implies that institutional devices are, however, not only a means for solving coordination problems; they are also “embodiments of norms”: they “enact democratic principles” (Offe 1994; Saward 2003, 2011).

(3) *Empirical and normative premises made use of in theorizing.* A careful consideration of the characteristics outlined in (1) and (2) indicates that political philosophy, empirical political science, and political theory must engage with empirical and normative premises to different degrees.<sup>3</sup> *While political philosophy – if defined as being occupied mainly with developing abstract norms – only scarcely needs to take into account empirical boundary conditions; empirical political science can largely refrain from discussing normative claims.* Undoubtedly, concrete researchers may engage in any of these activities. If we are engaging in the activity defined as “doing democratic theory” in this article, we are, *as democratic* (political) *theorists*, indebted to empirical scientists' analyses: we can only suggest a “problem-solving approach” that fits the empirical context and the concrete coordination problems virulent in respective societies if we refer to careful empirical analyses. To propose institutional devices that actually embody well-founded (“democratic”) normative principles, we must at the same time rely on political philosophers' normative argumentations.

## ***The Democratic Theorists' Practice at the Intersection of Philosophy and Empirical Social Science***

In doing democratic theory, we accordingly draw from two strands of research engaged with democracy: democratic theorists combine a “realistic” empirical assessment of the problem they are attempting to solve with normative principles (Schmidtz 2011, 2016, 2017: 136). This implies that although we may – and, in many cases, should – suggest institutional devices that transcend contemporary democratic realities, we must aim at a *realistic problem description*.

This focus on problem solving presupposes a certain general understanding of theorizing that conceptualizes theories as “functional artifact[s], as . . . ] *tool[s]* created for a specific purpose (Schmidtz 2011: 779; emphasis by the authors): “Serious [normative] aspiration leads to theorizing about how to get from there to here”; it leads to providing a strategy or “map” for how normative principles may be realized under ever-changing actual societies’ circumstances. We argue that providing such maps (Schmidtz 2011) requires democratic theorists to engage in recursive *feedback loops* – that is, continuous mutual exchanges with both political philosophy and empirical political science (see figure 1).

The feedback loops democratic theorists must engage in run *both ways*. As institutional devices are not merely context-sensitive specifications of priorly *given* abstract norms, democratic institutional devices

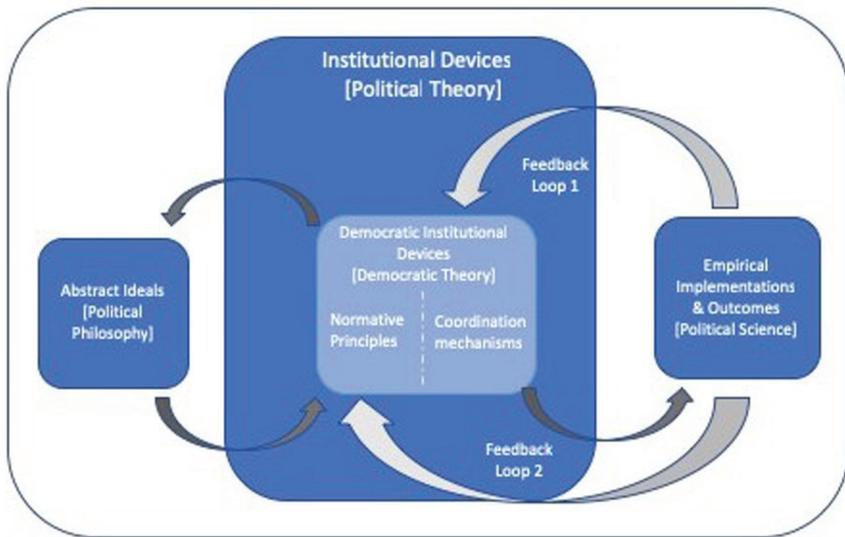


Figure 1: Feedback loops.

are not just developed by applying abstract formulations of (sets or systems of) norms to concrete empirical contexts. In conceptualizing institutions as *enactments of democratic principles* that “bring . . . principles to life,” they are also playing their part in constituting their meaning and content (Saward 2003: 163). This understanding of democratic theorizing is linked with conceptualizing democratic theories as dynamic and open to change. Transformations of democratic societies’ circumstances are likely to require at least one of two adjustments on behalf of democratic theorists: we need to adjust our theories either with regard to the way normative principles are specified and implemented or, disputably the more radical move, to the basic normative principles we presuppose and aim at implementing. We will illustrate both cases of dynamic transformations in democratic theory in the subsequent section.

In consequence, our understanding of democratic theory emphasizes the boundary between political philosophy and political theory more clearly than hitherto. It is the task of political philosophy to pursue ideal theory and attain goals that Schmidtz (2016) describes as “utopian idealism,” while political theory pursues nonideal theory and attains goals that Schmidtz (2016) characterizes as “realistic idealism.” The distinction between ideal theory (utopian idealism) and nonideal theory (realistic idealism) requires democratic (political) theorists to refer to empirical data *and* normative principles to develop institutional devices that not only reflect normative aspirations but also solve coordination problems prevalent in democratic societies.

## **Dynamic Democratic Theory and Exemplary Challenges Posed by Digitalization**

Democratic theorists’ practice aims at solving problems in a given historical and societal context. To achieve this end, normative principles, institutional devices, and social reality need to be “in sync.” But societal contexts are ever changing, and some of these changes are more severe and fundamental than others. Because digitalization is widely understood as a key driver of fundamental societal change in recent years (Helbing 2015; Pasquale 2016), we use this process to exemplify the challenges and means to keep normative principles, institutional devices, and societal reality “in sync.” We propose that *doing democratic theory* should integrate two feedback loops to archive this end.

The following section reflects a broad overview of the societal changes resulting from processes of digitalization in the political and economic domain. Digitalization has produced technological innovations that have

already changed the practice of democracy in most of today's countries and policy fields (Stalder 2017: 1): The spread of voting machines has increased worldwide, as has the fear of their digital manipulation (Norden and Famighetti 2015). New forms of institutionalized participation emerged, such as online petitions. Social media have facilitated access to the public but, at the same time, contributed to their fragmentation (Sunstein 2017). Worse still, online democratic deliberation has been prone to fraud, for example, by Twitterbots (Veale and Cook 2018). Distributed ledger technology ("blockchain") led to the rise and widespread use of cryptocurrencies such as Bitcoin. Some libertarian thinkers are convinced this technology ("blockchain") will render today's states mostly superfluous (Herian 2018; Manski and Manski 2018; Yeung 2019). Today some legal services formerly provided by the state are already functionally substituted by blockchain services (overview Paulin, Anthopoulos, and Reddick 2017). Democratic participation may also take the form of on-chain governance (Reijers et al. 2018).

In sum, digitalization has led to fundamental changes of societal reality in the last two decades. Since democratic theorists' practice is essentially a problem-solving activity, these fundamental changes of societal reality need to be taken into account in practicing democratic theory and are likely to require new institutional devices for effective democratic problem solving that keeps democratic institutional devices and societal reality in sync.

In this section we take a closer look at algorithmic decision-making systems (ADMs) to get a more detailed and empirically grounded understanding of the implications of these societal changes of democratic theorizing. The decision to focus on ADMs is motivated by Veale, Van Kleek, and Binns (2018), as the authors claim that the practical development of ADMs is not (yet) guided or reflected by normative democratic theory.

ADMs usually do not make autonomous decisions but rather support human actors in their decision making and, therefore, can be defined as a complex arrangement of technical and human decision making. Technically, ADMs consist of three parts: data (usually *Big Data*), an operationalization of the problem to be solved, and models for the application of decision-making algorithms (optimal solution of the problem to be solved). Frequently, self-learning algorithms (weak A.I.) are applied that are trained with the help of training data. They then apply this "knowledge" to other data sets.

In all US states judges are encouraged to use ADMs as a decision-support tool when convicting offenders. These systems provide algorithmic predictions of recidivism (delinquency predictions). In particular, the decision as to whether a sentence should be suspended on probation ought

to be based on the recommendation of an ADM system (Desmarais and Singh 2013). The use of ADMs in court stands in the larger context of predictive policing: “Predictive policing has been increasingly used to inform decisions such as arresting people or determining the length of their sentence, based on the calculated probability of them committing future crimes” (Marjanovic, Cecez-Kecmanovic, and Vidgen 2018: 36). In New York ADMs are used to detect welfare scammers (Singer 2015). In Germany ADMs are used in asylum procedures to identify the applicant’s home country by means of accent recognition (Bundesamt für Migration und Flüchtlinge 2017). ADMs are frequently used in intelligence service investigations. The SKYNET system, for example, was brought to the public’s attention in the course of the publication of the Snowden files. The Intercept (2015) reports that SKYNET was supposed to identify terrorists by using smartphone data (Zweig, Wenzelburger, and Krafft 2018: 187–188).

In the following paragraphs we will exemplify the use of the two feedback loops referring to ADMs as an empirical example of the changing societal context. In outlining the impact of such empirical transformations on *democratic theorists’ practice*, we refer to the two-faced nature of the institutional devices that *doing democratic theory* is aiming at. On the one hand, institutions are solving coordination problems; on the other, they are “embodiments” of normative principles. *Feedback loop 1* accordingly refers to adaptations with regard to the way normative principles are put into practice by concrete institutional devices; *feedback loop 2* refers to adaptations that concern the normative ideals themselves (see figure 1).

### ***Feedback Loop 1: Empirical Findings to Institutional Devices as Coordination Mechanisms***

We argued in the previous section that conceptualizing democratic theory as a problem-solving approach requires democratic theorists to presuppose a *realistic assessment* of these coordination problems (Schmidtz 2011). In times of fundamental societal changes, this implicates that democratic theorists must engage in a feedback loop with empirical research that examines these societal transformations. The application of ADMs arguably constitutes such a change of the societal and political context that requires democratic theorists to react. Changing societal contexts may affect different democratic principles and, subsequently, different institutional devices. At this point we can only provide a sketch of the research implications of this empirical development. One crucial implication of applying ADMs in politics concerns the control of political power – that is, a core function of democratic institutional devices.

To a large extent the control of political power relies on the publicity of politician's actions and on the requirement of defending one's own policies with good reasons in public debate. The latter is, among others, institutionalized via parliamentary debate. Due to the use of ADMs in political decision making, these practices increasingly lose their meaning for a *substantial* control of political power. Because ADMs are commonly characterized as "black boxes," the only argument defending a policy (solely) founded in ADM's advice could be "because that's the result of the algorithm." The give and take of arguments in the process of debating a policy would come to an immediate stop. The more ADMs are used, the less control of political power can be exercised via the established forms of control described above.

How can (democratic) control of political power be exercised under these conditions – that is, how could democratic institutions be adapted to changed societal circumstances? Zweig and colleagues (2018) propose to transfer the principle of constitutional review into the realm of ADMs: "From the perspective of democratic theory, it seems reasonable to create independent bodies of ADM oversight that carefully assess the functioning of such systems in the decision-making process." In a similar spirit, Krüger and Lischka (2018) call for institutionalizing a fundamental "right of appeal" against decisions supported by ADMs. This article cannot provide a detailed discussion of these suggestions' validity and feasibility. The debates about the implications of ADMs for democratic control substantiate, however, that democratic theorists must engage in a functional equivalent of our "feedback loop 1" to face radically changed societal circumstances that result from digitalization processes.

### ***Feedback Loop 2: Empirical Findings to Institutional Devices as Embodiments of Normative Principles***

The use of ADMs may not only lead to a fundamental change of the societal reality democratic theorists have to take into account; they may also require democratic theorists to adapt the normative principles that institutions are supposed to put into practice. We will briefly highlight some exemplary normative principles that, considering the implications of implementing ADMs, may require a revised interpretation:

(1) According to major accounts of democratic legitimacy and accountability, political decisions need to be justified with (good) reasons. If a political decision is based on an ADM system, "an accountable decision-maker must provide its decision-subjects with reasons and explanations for the design and operation of its automated decision-making system" (Binns 2018: 544). If political decisions are successively made by applying

ADMs, what exactly counts as a “good reason” for a political decision is likely to change (Binns 2018). In consequence, democratic theorists would need to redefine their conceptions of accountability and legitimacy to provide a normative approach of control over political power that is appropriate for digitalized societies.

(2) The ideal of political equality is violated if equal participation in the political process requires technical knowledge that is distributed unequally. Understanding core features of ADMs requires highly specialized knowledge and may accordingly not be accessible to a large share of the population after all. Because ADMs are not fully comprehensible even for computer scientists, the use of ADMs tends to violate the traditional ideal of political equality. As a result, political inequality increases in these societies. If ADMs are employed as central tools for democratic decision making, the meaning of political equality must be reconsidered: How can “political equality” be conceptualized if the complexity of decision-making tools effectively blocks an equal distribution of knowledge across democratic populations?

These illustrations suggest that taking the implications of ADMs’ implementations in political decision making may seriously require democratic theorists not only to adapt their understanding of potential *institutional devices* as embodiments of normative principles; in some cases these principles themselves must be reconsidered or redefined.

## **Closing Remarks: Democratic Theorists’ Mutual Exchanges with Empirical Political Science and Political Philosophy**

Democratic theorists’ practice is essentially a *problem-solving activity*, covering middle ground between ideal theory and empirical analysis. They must employ both political philosophy and empirical social sciences for suggesting institutional devices that embody well-considered normative principles and are effectively solving contemporary societies’ coordination problems. Only a thorough analysis of empirical data can enable democratic theorists to see if and how far normative principles and social reality are still “in sync” – a precondition of functionally adequate, efficient, effective, and democratically legitimate problem solving.

Democratic theorists are, however, not only “employing” political philosophy and empirical political science; rather, these feedback loops run both ways: democratic theorists need to engage in recursive *feedback loops* in both directions. The institutional devices proposed by democratic theorists must provide empirical political science with conceptual frameworks that enable empirical inquiries. They also should be “feedback” to

political philosophers, as the *enactments of democratic principles* discussed in democratic theory are “bringing principles to life” (Saward 2003: 163) and, therefore, play their part in constituting normative principles’ meaning and content.

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## ► NOTES

1. In this regard, our approach conforms with Warren’s (2017) overarching goal to suggest “a problem-based approach to democracy.” The crucial difference between our approaches lies in the *nature of the problem* that we choose as a point of departure: Warren starts out from “democratic problems” (i.e., how to guarantee empowered inclusion, collective agenda, will formation, and collective decision making), not from solving coordination problems.
2. It should be noted that Goodin and Pettit (2007: 1) consider the boundaries between “political philosophy” and “political theory” to be fluid.
3. We are referring to a differentiation proposed by Estlund (2012: 4): “Political theorists tend more often to take the actual and probable facts as constraints on their normative theorizing, while political philosophers may be less sure their project is a practical rather than an intellectual one. These are matters of degree, and there is no clean division, with each approach (or family of approaches) having much to learn from the other.”

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