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Sørensen, Eva

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# **CENTRE FOR DEMOCRATIC NETWORK GOVERNANCE**

**WORKING PAPER SERIES**

**GOVERNANCE AND DEMOCRACY**

**EVA SØRENSEN**

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DK-4000 ROSKILDE, DENMARK  
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## 1. Introduction

Governance theory view public policy making as a process that involves intensive interaction and collaboration between a wide range of relevant and affected stakeholders in a complex and dynamic plurality of more or less institutionalized arenas placed at the interface between state and society. The emergence of this interactive understanding of governance goes hand in hand with the development of an interactive perspective on democracy that highlights the democratic value of interactive arenas in which public authorities and affected stakeholders make joint decisions. These arenas bring together representative and participatory forms of democracy for the benefit of both. The proponents of this new approach to democracy advocate for the establishment of a broad variety of interactive arenas such as Deliberative Forums, User Boards, Governance Networks, Consensus Conferences and Citizen Juries that bring public authorities, affected stakeholders and the broader citizenry into dialogue with each other and engage them in a collaborative, problem driven effort to deal with specific wicket governance problems (Fishkin and Luskin, 2004; Gastil and Levine, 2005; Smith, 2005; Fung, 2006; Yang and Bergrud, 2008). What we witness here is a new turn in democratic thought that disregards what represents a cornerstone in traditional theories of liberal democracy: the existence of a sharp institutional separation of state and society (Macpherson 1977, 2; Held, 1989, 41; Holden, 1993, 16; Sørensen, 2002). This spherical separation was viewed as crucial for ensuring political equality and liberty: political equality in relation to the state and liberty in civil society (Habermas, 1989; Sartori, 1989). The current call for collaboration between public authorities and stakeholders in interactive arenas marks a radical break with this line of thinking.

But to what extent is it possible to democratically regulate interactive governance processes that take place in these new governance arenas located at the borderline between state and society? Governance theorists have in general been relatively optimistic regarding the democratic implications of interactive forms of governance (Klijn and Skelcher, 2006), but concerns have been voiced concerning the extent to which it is possible to ensure democratic core values such as *equality* (Dreyer, 2007: 255; Benz and Papadopoulos, 2006: 8), *deliberation* (Bang, 2003: 241; Etzioni-Halevy, 2003) and *accountability* (Risse, 2006: 179; Rhodes, 1997: 58; Pierre and Peters, 2005: 138) in this kind of governance processes. The concerns are well founded as interactive governance arenas do indeed dismantle traditional institutionalized ways of ensuring democratic equality, deliberation and accountability.

It is, however, neither a realistic nor a desirable reaction to these concerns to pursue a reinstatement of the traditional model of representative government. It is *unrealistic* because interactive forms of governance, whether we like it or not, play an important role in the governing of contemporary societies, and they must be expected to continue to do so for a foreseeable future due to their important contribution to the governing of society. The widespread and effective use of interactive forms of governance is documented in several empirical studies (Van Heffen, Kickert, Thomassen, 2000; Stoker, 2000; Rhodes, 2000; Grote and Gbikpi, 2002; Bache and Flinders, 2004; Benz and Papadopoulos, 2006; Marcussen and Torfing, 2007; Meuleman, 2008). A reinstatement of representative democracy in its traditional form, however, is also *undesirable*. In recent years harsh criticisms have been made of the actual ability of the institutions of representative democracy to deliver what it promises. Have these institutions really been all that successful in ensuring citizens' ability to influence decisions that concern them (Young, 2000; Hirst, 2000; Dryzek, 2000; Fung and Wright, 2003; Pitkin, 2004)? And, does the ongoing celebration of this particular model of democracy not shadow the fact that the strength of democracy lies in its ability to reinterpret and reorganize

itself in the light of the social, political, material and cultural changes that take place in the society it aims to regulate (Barber, 1996; Connolly, 1996; Saward, 2006)?

Strategic considerations regarding how to safeguard democracy should therefore seek to develop new understandings and forms of democracy that are compatible with contemporary societies. What is called for at this point in time is the development of an interactive perspective on democracy that establishes normative criteria and draws the contours of an institutional framework capable of promoting democracy in interactive governance processes as those described elsewhere in this book. The aim of the paper is to contribute to the development of this new interactive perspective on democracy. First, the article provides a review of the hopes and worries for democracy issued by agents of the new governance perspective. Then follow an attempt to develop a set of normative criteria for the evaluation of the democratic quality of interactive forms of governance. Finally, I consider how neo-institutionalist theory can inform the search for ways to institutionalize democracy in a way that live up to these criteria.

## **2. Hopes and worries for democracy seen through the lenses of the governance perspective**

Governance theorists increasingly emphasise the need to know more about the democratic impact of interactive forms of governance, and the amount of publications that addresses this issue is growing (Pierre, 2000; Cain, Dalton and Scarrow, 2003; Bogason, Kensen and Miller, 2004; Pierre and Peters, 2005; Klijn and Skelcher, 2006; Sørensen and Torfing, 2007). The literature expresses a mixture of hopes and worries concerning the future of democracy. There is a general hope that interactive forms of governance will add to the development of a more vibrant democracy by providing arenas in which those who are engaged in top-down and bottom-up processes of governance can meet and communicate, debate and negotiate, coordinate and collaborate (Jessop, 2000; Fung and Wright, 2003; Hirst, 2000; Creighton, 2005; Gastil and Levine, 2005; Dryzek, 2007: 272). Interactive arenas are expected to be beneficial for democracy because they:

- add to the development of capable and empowered citizens and sub-elites by providing arenas for situated political participation and deliberation
- promote the capacity of decision makers to make informed decisions through exchange of knowledge and view points between the involved and affected actors
- enhance the legitimacy of the political system by augmenting its level of responsiveness
- reduce implementation resistance by creating a feeling of ownership among those on which the implementation relies

These high hopes, however, are mixed with worries. Will the low level of institutionalization of interactive forms of governance jeopardize their democratic quality? Interactive forms of governance tend to rely on either informal rules of the game or formal rules that are easily changed in the course of the governance process. Accordingly, many argue, it becomes difficult to democratically regulate the distribution of political power and influence within them. Maarten Hajer pin points this worry when he argues that contemporary societies are suffering from an institutional void that reduces our capacity to regulate governance processes and

thereby ensure a democratic distribution of political power and influence in society (Hajer, 2003: 189). In his phrasing, politics takes over at the cost of the polity. While the traditional institutions of representative government provided a highly formalized and stable institutional framework for regulating political processes, the regulatory framework characterizing many of the new interactive forms of governance is an outcome of the political process. Seen from a democratic perspective, the obvious danger of the latter situation is that the rules of the game are determined not by generally accepted democratic norms but by the voices of those who are most powerful in a given policy process.

Governance theorists are particularly concerned about the extent to which a low level of institutionalization reduces the possibility of ensuring a high degree of democratic equality, deliberation and accountability in interactive governance processes. The traditional institutional model of representative democracy aimed to ensure these important democratic norms by means of formalized procedures that place democratic decision making power first in the hands of an electorate and then in the hands of a body of politicians. Although these procedures are still intact they do not manage to regulate the mounting number of decisions that are made in interactive governance arenas within and beyond the state.

Governance theorists have raised pertinent questions regarding how to ensure *political equality* in interactive governance processes. While the institutions of representative democracy guarantee the citizens an equal right to vote and run for office, interactive forms of governance provide much more complex, dynamic, and overlapping patterns of political participation and representation (Fung and Wright, 2003; Dreyer, 2007; Dryzek, 2007; Saward, 2006). An interactive approach to democracy must therefore be able to answer the question: *How can democratic equality be ensured in a governance context consisting of a plurality of channels of political influence among which participation in general elections is only (an important) one such channel out of many?*

Questions have also been raised concerning the conditions for *democratic deliberation* in interactive forms of governance. Governance theorists argue that these forms of governance tend to be hegemonized by a technocratic and pragmatic 'getting things done' rhetoric which disregards that what is at stake in these processes are political matters (Sørensen and Torfing, 2007: 313; Bang, 2003: 13-4). This de-politicization of interactive governance processes means that disputes are treated as matters that can be settled with reference to scientific and technical knowledge and managerial performance criteria. Consequently, the space for governing society with reference to what we like or do not like, what we want or do not want, and what we view as good or bad is being overtaken by governance based on a technocratic, rationalist managerialism that is perceived to be in little need of democratic deliberation. In order to avoid a situation in which the surge of interactive forms of governance results in a reduction of the realm of democratic deliberation, an interactive approach to democracy must be able to answer the following question: *How is it possible to ensure that interactive governance arenas come to function as platforms for democratic deliberation?*

Finally, it has been pointed out that *democratic accountability* becomes illusory if the decisions for which we hold politicians to account are taken in interactive arenas where the politicians are either not been present or are making the decisions in complex negotiation games with various public and/or private stakeholders (Pierre and Peters, 2005: 127; Esmark, 2007: 224). An interactive approach to democracy must therefore be able to answer the following question: *How can decision makers be held to account when decisions are taken in complex processes of interactive governance that involve elected as well as non-elected actors?*

We can now conclude that a look through the lens of the governance perspective produces a mixed image of the democratic implications of interactive forms of governance. Interactive governance arenas can potentially contribute to the development of a more vibrant, responsive, legitimate and effective democracy by bringing public authorities and involved and affected stakeholders together in a joint effort to govern society. At the same time, however, the low and/or fragile level of formal institutionalization of these forms of governance limit the relevance and impact of the traditional institutional model of representative democracy and thus reduces its ability to guarantee important democratic norms. This mixed message highlights the need to develop a new approach to democracy that points out ways to harvest the democratic potentials and avoid the dangers for democracy that go hand in hand with the surge of interactive forms of governance.

### **3. Towards an interactive perspective on democracy**

Two considerations seem of immediate relevance in developing an interactive approach to democracy. First, I consider how to interpret and apply the democratic norms of equality, deliberation and accountability to interactive forms of governance. Inspiration is to be found in recent attempts among democratic theorists to reformulate some of the basic concepts of democratic thought (Behn, 2003; Dryzek, 2007; Saward, 2006; Young, 2000; Warren, 2008). Second, I think about the possible implications for democratic theory of the recent neo-institutionalist re-conceptualization of what is meant by an institution. What does this new conceptualization have to offer in the search for ways to democratically regulate interactive forms of governance characterized by a relatively low or dynamic level of formal institutionalization?

The first step consists in considering how the recent efforts to reformulate and reinterpret the concepts of democratic equality, deliberation and accountability inform our understanding of how these important democratic norms can be promoted in and through interactive forms of governance.

#### **3.1. Reconsidering democratic equality**

One of the most vital democratic objectives is to ensure that those who are affected by a decision have an equal access to influencing that decision. In representative democracies this ambition has been interpreted as the act of ensuring all citizens in a given nation state an equal right to vote and to run for office. Democratic inclusion – to count as one of those who are eligible to equal rights – is granted with reference to citizenship. In decentralized political systems the national citizenship and the patterns of democratic inclusion and exclusion they offer have been supplemented by what could be called a local citizenship that grants those who live in a specific locality an equal access to influence decisions of particular relevance to them.

In recent years, the traditional way of exclusively drawing democratic lines of inclusion and exclusion with reference to territory has become problematized (Dryzek, 2007; Sørensen and Torfing, 2005; Young, 2000). This problematization is not least triggered by the emergence of the governance perspective which illuminates that the democratic ambition of ensuring an equal inclusion of the affected is not necessarily most effectively achieved by exclusively referring to affectedness in terms of territory. Affectedness is in many cases more closely related to function or problem area than to territory (Rhodes, 1997; Jessop, 2000). Not all citizens in a given territory are equally affected by decisions concerning care for the elderly.

They may all be indirectly affected in the sense that most will get old at some point or have relatives who are old. Nevertheless, those who use these kinds of services at a given point in time are indisputably more intensely affected than those who are not. It is exactly this line of thinking that lies behind the surge of user-boards and other arrangements that grant users of particular public services an opportunity to influence the character of these services (Sørensen, 2000).

By focussing on levels of affectedness as depending partly on territory and partly on function opens the door for the construction of more fine tuned and tailor made patterns of democratic inclusion than those offered by the traditional approach to ensuring equal inclusion. Actors are no longer either included or excluded from democratic participation and influence depending on whether or not they have citizen status. They might be included to a varying degree reflecting levels of affectedness in relation to specific policy issues and situations. In this complex democratic scenario all individuals have their particular tailor made inclusion profile.

But what happens to the notion of democratic equality in a governance context with diverse inclusion profiles? The call for equality among the affected is no longer simply a matter of granting equal access to influence to all within a pre-defined territory but demands for an active situated identification of levels of affectedness and an institutional set up that guarantees that those who are equally affected are equally included. Therefore, it is insufficient to pursue political equality by granting the citizens of a given territory an equal right to participate in general elections. General elections are simply too insensitive to actual levels of affectedness and should therefore be supplemented by other channels of political inclusion organized around functionally defined demarcations of affectedness.

A democratic perspective that aims to promote equality in a way that takes levels of affectedness into account must give up the idea that it is possible to find one unitary and neat mechanism for ensuring democratic equality. Political equality calls for the establishment of a complex overlapping plurality of territorially and functionally demarcated channels of influence that each aim to distribute political influence equally among those who are equally affected by a particular governance process.

Interactive governance arenas that bring relevant political authorities and affected stakeholders together in a shared effort to govern particular policy areas can be seen as a positive contribution to developing this kind of tailor made patterns of democratic inclusion and exclusion. The participants in these interactive governance arenas, however, are often elites and sub-elites that do not necessarily speak on behalf of the larger group of affected. In order for these interactive arenas to contribute to an equal inclusion of those who are particularly affected, the question representativeness becomes relevant: To what extent do those who participate in the interactive governance arenas represent a constituency of affected?

One of the major problems in this respect is that the participants are rarely elected. Recent theories on democratic representation suggest, however, that representativeness does not necessarily depend on whether or not decision makers are elected. Michael Saward argues that democratic representation is basically about making claims to represent, and that the strength of this kind of claims depends on the degree to which the claims are accepted by the stipulated constituency. In other words, representation is taking place when a group of people accept to be constructed as the constituency of a given decision maker (Saward, 2006: 210). According to this line of thinking, democratic representation does not depend on the degree to which a decision-maker seeks to promote pre-given interests or view points of a defined constituency.

The act of representation is basically a productive endeavour in which elites and sub-elites are capable of constructing a constituency with specific interests and view points. As such, representation is basically a rhetorical task in which collective political identities come into being.

This new approach to representation is helpful in relation to considering how to promote the representativeness of interactive forms of governance, but it overlooks two things. First, it does not take into account that one of the purposes of this kind of claim making is to gain legitimacy in the eyes of other elites and sub-elites. Representation is not only a vertical relationship between elites and constituencies. It is also a matter of being accepted as a legitimate player in political power games between decision makers. While this legitimacy is traditionally gained by being elected, it is a much more difficult endeavour to be accepted as a legitimate representative if you are not. The status as a representative must be actively earned. You must be able to convince other elites and sub-elites that you speak on behalf of a given constituency and can vouch for their support/non-resistance. In other words, making claims to represent is both a vertical and horizontal matter. Second, the new approach to representation tends to overlook the fact that not only individual representatives that participate in interactive governance arenas must legitimize their participation by making claims to represent affected constituencies in a particular governance arena. The governance arena as a whole must also seek to obtain democratic legitimacy by convincing the larger society that it represents not only some but all the affected stakeholders.

To sum up the argument, the representativeness of those participating in interactive governance processes depends on three things: 1) The ability of the individual participants to construct a particular constituency that accepts to be represented, 2) their ability to get the other participants to accept their position as representatives, and 3) to get the wider citizenry and other decision making bodies to recognize the interactive governance arena as a democratically legitimate actor.

But how is it possible to ensure that participants in interactive governance arenas as well as the arenas themselves need to make claims to represent and get acceptance of these claims? As not all interactive governance arenas are in immediate need of democratic legitimacy and public support they might not need to make claims to represent and get these claims accepted. In fact they might enjoy and prosper from their hidden position. This is particular the case with governance arenas that govern tasks that do not rely on public resources. Accordingly, the promotion of political equality through the establishment of a plurality of supplementary and overlapping arenas in which public authorities and private actors co-govern calls for *the construction of an institutional set up that makes it necessary for the participants to make claims to represent that legitimize the role that they themselves, as well as the governance arena as such, play in the governance process.*

### **3.2 Reconsidering democratic deliberation**

A second cornerstone in democratic thought is that political decisions must be made on the grounds of democratic deliberation e.g. verbal interaction between citizens in a free public sphere. Although traditional theories of democracy have different reasons for praising democratic deliberation, they all tend to establish a close link between democratic deliberation and the capacity for rational reasoning. Aggregative theories of democracy claim that democratic deliberation enhances the citizens' ability to identify and pursue their individual views and interests by making sound and well-informed choices between political elites at



Election Day (Mill, 1820; Dahl, 1987), while integrative theories of democracy view deliberation as a means to enhance the citizens' capacity to take part in processes of consensus based decision making aiming to promote the common good (Stuart Mill, 1861; Barber, 1984).

In the 1980s and 1990s, the perception of democratic deliberation as a process that enhances the citizens' capacity for rational reasoning was brought to the very centre of democratic thought by the surge of the deliberative theories of democracy. From being seen as an important precondition for democratic decision-making, democratic deliberation and the capacity for rational reasoning that it was supposed to produce was increasingly perceived as the very essence of democratic decision-making. Accordingly, the core objective of deliberative theories became that of identifying institutional conditions in which deliberation in terms of rational reasoning is not distorted by other rationales such as the instrumental, systemic rationales of state and market (Habermas, 1996; Cohen, 1989).

Theorists of deliberative democracy have devoted special efforts to designing interactive institutional arenas that bring relevant experts and citizens together in a joined effort to formulate public policies through knowledge based rational reasoning. Citizen Panels, Citizen Hearings and Consensus Conferences are just three out of a plurality of institutional designs that aim to qualify democratic deliberation (Fishkin, 1995; Fixdal, 1997; Smith, 2003).

These new interactive arenas fit well into the governance perspective, but the perception of them as platforms for reasoned deliberation between experts and citizens has contributed to constructing an image of these governance arenas as relatively a-political processes that aim to identify the 'good' or the 'right' solution on the basis of rational reasoning and exchange of information and viewpoints between actors with relevant knowledge and insights. As we shall see, this de-politicization of interactive governance processes, which was already inflicted by the dominance of managerial and expertise oriented approaches to governance, is highly problematic because it overlooks the political aspects of democratic deliberation.

Recent strands of democratic theory have raised criticisms of deliberative theories of democracy on exactly this point (Mouffe, 2005; Norval, 2007). Democratic deliberation, it is argued, should not be viewed as a means either to qualify the citizens' ability to make reasoned rational choices in the pursuit of individual views and interests, or to define the common good through reasoned consensus making. Democratic deliberation should rather be perceived as a political battleground in which different political forces struggle to convince others of their particular versions of what is to be perceived as reasonable and rational. In other words, what is seen as rational and reasonable should be viewed as contingent outcomes of political battles rather than as pre-given facts.

Seen in this light, the price that is paid when deliberative theory conceptually as well as normatively links democratic deliberation to rational reasoning is the exclusion of constitutive forces of politics such as emotion and passion (Young, 2000). If the understanding of democratic deliberation is more directly linked to the notion of the political becomes apparent that democratic deliberation should be seen as a battleground in which particularistic political projects that have no higher justification than the fact that there are people who pursue them, aspire to obtain a universal, hegemonic position as the common good. Furthermore, it becomes clear that the democratic qualifications needed to take part in this kind of deliberative battle is not so much the ability to reason, but the possession of the rhetorical skills that make it possible for the actors to sell their political projects as logical outcomes of rational reasoning (Norval, 2007: 87). What makes political deliberation democratic is not the participants' capacity for rational reasoning but their willingness to abide to a specific agonist democratic ethos that calls

upon them to respect the opponents' right to disagree, and to find ways to cope with this disagreement in the pursuit of collective decision-making (Connolly, 1991; Mouffe, 2005). In this way, democratic deliberation is basically understood as a process of political contestation in which the participants recognize that their own as well as the other participants' positions have no higher justification than its ability to gain support, and that this support is and should be a product of their respective abilities to convince each other.

The conceptual and normative de-coupling of democratic deliberation and rational reasoning is noteworthy as it paves the way for a re-politicization of democratic deliberation in general and of interactive forms of governance in particular. I do, however, disagree with the presumption that the burden of ensuring the democratic quality of political deliberation can be left entirely on the shoulders of an agonist ethos. This kind of ethos must be supported by an institutional set up that supports the development and sedimentation of agonist sentiments among the involved parties. As pointed out by Mark Warren (2008), democratic deliberation in which conflicts are dealt with through talk aiming to persuade, calls for institutional designs that nurture this kind of talk-based, negotiated interaction. If such institutional conditions are in place, deliberation can become an important factor in the pursuit of collective action and governance.

Interactive forms of governance invite this kind of deliberation because they provide arenas for negotiated decision making that bring together a broad variety of public authorities and affected actors with different interests, views and backgrounds. The interactive character of these arenas promotes political contestation because there are no other ways of producing a shared outcome than through negotiated agreements. The medium is deliberation. The outspoken fragility of such arenas *calls for the institutionalization of stabilizing conditions that nurtures the willingness of the involved actors to deliberate that is to take the trouble to persuade others and to allow oneself to be persuaded.*

### **3.3. Reconsidering democratic accountability**

Ensuring democratic accountability is vital for all forms of democracy where some make decisions on behalf of others. Democratic accountability means that it is possible for those who are affected by a decision to hold the decision makers responsible (March and Olsen, 1995; 141; Bovens, 2006: 9), and keeping decision makers responsible calls for two resources: information about who made what decisions and means to sanction decision makers who misbehave.

One of the strongholds of the model of representative government is said to be its ability to provide a high level of democratic accountability partly by means a free and independent press that keeps the citizens informed about the acts of the government, and partly by means of universal franchise that provides the citizens with an opportunity to sanction that government. As illuminated by innumerable studies of the actual functioning of representative democracy, there is a considerable degree of 'make believe' in the high level of accountability that is said to come out of this polyarctic arrangement (Schumpeter, 1946; March and Simon, 1958; Pressman and Wildavsky, 1973; Lindblom, 1959). The voters' actual knowledge about the nature of the decisions made by the government tends to be limited, the causal link between decisions and outcomes is often unclear or hypothetical, and the ability to punish specific politicians for particular actions is limited due to the long intervals between elections. In other words, the actual effectiveness of the traditional model representative democracy when it comes to keeping decision makers to account tends to be lower than assumed. The cause is among other

things to be found in the fact that very few accountability mechanisms have to carry a very huge load. The information load that a free press must process and the public must consume is enormous, and the opportunities to sanction decision makers are few and far between. Effective democratic accountability calls for supplementary channels of accountability

As pointed out by several theorists, interactive governance arenas can potentially improve the accountability of governance processes by augmenting the information level and qualify the sanctioning of decision makers (Weber, 1999; Behn, 2005; Fung, 2006; Bovens, 2008). When relevant and affected public and private actors are brought together and negotiate in interactive arenas, those who are affected by the decisions get the opportunity to ask questions and raise critiques while the decision makers can produce narrative accounts or stories that aim to justify these decisions (Marsh and Olsen, 1995: 149). The outcome is a more knowledgeable and targeted level of accountability.

What complicates matters, however, is that interactive governance arrangements that bring together public authorities and affected stakeholders in a shared effort to improve the level of accountability of public authorities, themselves become arenas for decision making in need of democratic accountability (Esmark: 2007: 282; Bovens, 2006: 6). If interactive arenas are to become a positive contribution to ensuring democratic accountability, it is important that there is a high degree of public awareness and knowledge about their role in the governance process, and a constant pressure on the arenas to produce narrative accounts that justify their actions in the eyes of relevant politicians and mini-publics.

If interactive governance arenas are made subject to this kind of soft accountability they hold the potential to increase the general level of democratic accountability in society. First, interactive arenas can make the accountability of representative democracy more effective by increasing the level of interaction between public authorities and affected citizens (Bovens, 2008: 232). Second, interactive arenas can be seen as an opportunity to establish a variety of supplementary accountability mechanisms that are more flexible, frequent, targeted and situated than those provided by representative democracy. These potential accountability benefits are similar to those pursued through well known reform strategies such as delegation, decentralization and devolution (Fung, 2004).

The presence of interactive governance arenas, however, does not automatically guarantee a high level of accountability. The level of accountability *depends on the extent to which the institutional framing of interactive governance arenas put pressure on the participants to give narrative accounts about their activities to relevant politicians and publics.*

The above considerations about what democratic equality, deliberation and accountability means and entails conclude that the democratic quality of interactive governance arenas rely on the presence of institutional conditions that promote: 1) democracy on the input side by ensuring that inclusion in interactive governance processes depend on whether the participating actors legitimize their individual participation as well as the role of the interactive governance arena by making claims to represent the affected; 2) the democratic throughput by enhancing the willingness of the participants in interactive governance arenas to persuade and be persuaded in deliberative contestations; and 3) democracy on the output side by putting pressure on those who are involved in interactive decision making to justify their actions in the eyes of relevant politicians and publics through the formulation of narrative accounts.

But how is it possible to establish the required institutional conditions if a constitutive feature of interactive governance processes is said to be an institutional void? Neo-institutional

theory, however, highlights that what might appear to be an institutional void is not necessarily so. As we shall see, a low level of formal institutionalization does not automatically mean that the general level of institutionalization is likewise.

#### **4. Institutionalizing interactive democracy**

The inclination of the new governance paradigm to view governance in terms of process should not lead the focus of attention away from the fact that interactive governance arenas are indeed structured by numerous institutional features. These institutional features are constantly shaped and reshaped in the course of the governance process, and should not only be viewed as a conditioning factor but also as an emerging phenomenon. Governance processes are processes of institutionalization. Following this line of thinking, the democratic quality of interactive governance processes is to be evaluated not only in the light of their present democratic performance but also with reference to their impact on the shaping of the initial conditioning of future governance processes.

The focus on governance as an institutionalization process rather than as a process that is delimited by fixed and clear cut institutional features go well in hand with a shift from an old-institutionalist to a neo-institutionalist perspective on what institutions are and how they structure social action. By stressing the multi-layered, complex, ambiguous and heterogeneous character of institutions, neo-institutionalists point out how concrete governance processes are conditioned by strategic efforts to cope with this messy mix of institutional features, and how these strategies become the driving force in an ongoing institutionalization process (Hall, 1989; Moe, 1990; March and Olsen, 1989; Peters, 2005).

The multi-layered, ambiguous and heterogeneous character of institutions is, among other things, caused by the fact that formal institutional features merely represent the tip of the iceberg in the institutional regulation of human action. Just under the waterline we find a variety of more informal institutional features such as *incentives*, *normative codes and logics*, *routines* and *rituals* that each in their own way structures and stabilizes the interplay between actors. Formalized rules of conduct do indeed play a role in framing governance processes but their impact depends of the degree to which they are supported by incentive structures, normative codes and logics of appropriateness, routines and rituals that condition day to day action. As such, an effort to identify the level of institutionalization of governance processes calls for an analysis of the formal as well as all these more subtle institutional mechanisms in order to uncover how they add to the establishment of stable or recurrent patterns of interaction. Three strands of neo-institutionalist theory emphasize the regulatory powers of one of these institutional mechanisms.

*Rational choice* (RC) inspired branches of neo-institutionalism (Scharpf, 1994; Ostrom, 1990) point out how actors rather than following formal rules tend to act in accordance with their particular interest. What this particular interest is depends very much on the incentive structure within which actions take place. As such, RC theory views an institution as an incentive structure that divides resources and capacities between a set of self-interested actors in a way that motivates them to act in certain ways, and institutionalization processes. *Historical neo-institutionalism* stresses how actors involved in collective decision making cope with emerging conflicts through the construction of normative codes that legitimize certain rules and procedures (Hall, 1989). Such normative codes represent a strong stabilizing factor when formal rules change. Finally, *sociological neo-institutionalists* argue that institutions are

formed around particular institutionalized logics of appropriateness that serve as a point of reference when actors consider how to behave in particular situations (March and Olsen, 1989; Powell and DiMaggio, 1991). Over time such logics of appropriateness result in the sedimentation of particular forms of knowledge, role perceptions, routinized patterns of action and rituals that reconfirm and stabilize a particular pattern of interaction between a set of actors to the extent that these practices begin to live their own life.

The multi-layered, complex, ambiguous and heterogeneous character of the institutional structures that condition governance processes is partly a result of inconsistencies in formal rules, overlapping incentive structures, situated interpretations and reinterpretations of normative codes, mixes of old and new logics of appropriateness, and re-contextualization of routines and rituals and partly a result of the fact that formal rules, incentive structures, normative codes, logics of appropriateness and routinized and ritualized practices are not necessarily compatible. Consequently, the idea that if we have a high level of institutionalization we have order is flawed. Efforts to create some level of order depend on the degree to which formal and informal institutional features promote the same patterns of behaviour. Neo-institutionalists have done a remarkable job in enhancing our knowledge about the impact of informal institutional features on social interaction, and governance theorists have used this knowledge to answer questions concerning how societies are governed and how the capacity to regulate interactive governance processes can be enhanced (Sørensen and Torfing, 2007; Peters, 2007). With few exceptions (March and Olsen, 1995; Pierre, Peters and Stoker, 2009) little attention has been directed towards the potential role of incentive structures, normative codes, logics of appropriateness and routines and rituals might play in institutionalizing a strong democracy. Traditional theories of representative democracy put their faith in formal institutional features while they tended to overlook the potential benefit of other institutional features.

An elaborate theory of interactive democracy must consider the possible contributions of the full scale of institutional features in the search for ways to enhance the democratic equality, deliberation and accountability of interactive governance arenas. It should be noted, however, that an interactive approach to democracy should not exclusively celebrate institutional features that stabilise specific patterns of action as much as possible. Rather, this new approach to democracy should seek to institutionalize governance processes in a way that at one and the same time sediment particular patterns of action and provide space for an ongoing dynamic restructuring of democracy. Just as governance processes should be viewed as institutionalization processes, they should be viewed as ongoing democratization processes (Bovens, 2005; Dryzek, 2007).

The simultaneous need for institutional stability and change in interactive democracy highlights the potential value of mixing institutional mechanisms that are easily altered with some that are not. While formal institutional features and incentive structures can be changed overnight it takes a long time to change normative codes, logics of appropriateness, routines and rituals. On the positive side counts that changes in incentive structures and formal institutional setup do not necessarily place interactive governance arenas characterized by a low level of formal institutionalization in an institutional void. More persistent institutional features prevail. On the negative side counts that sedimented normative codes, logics of appropriateness and routines and rituals might hamper the development of new democratic understandings and practises. The aim of an interactive approach to democracy must be to propose a set of normative codes, logics of appropriateness and routinized practises and rituals that form the

spinal core of interactive democracy and point out how formal rules and incentives can be used strategically to ensure an ongoing adjustment of these stabilizing institutional features to an ever changing reality.

This kind of strategic mix of different sources of institutionalization highlighted by neo-institutionalism has the potential to promote *democratic equality* in interactive governance processes if they encourage those who participate in these processes to make claims to represent. This encouragement can take the form of normative codes that call upon those who participate to legitimize their individual and collective inclusion in the governance process by making claims to represent the affected. The resources and competences that are granted to different interactive governance arenas can be made directly dependent on whether such claims are made and accepted. Moreover, normative pressures to legitimize participation can be supported by the institutionalization of a particular democratic logic of appropriateness for interactive governance arenas that construct the individual participants as well as the governance arena as political actors in need of input legitimacy, and by a set of routines and rituals that stabilize recurring patterns of action and events that spell out precisely how, where and when such claims are to be made.

A series of studies explore how a plurality of institutional factors affects the patterns of inclusion and representativeness in interactive governance processes. A recent study of two governance networks in a Danish municipality show how the informal institutional conditions influence the extent to which the participants seek to justify their participation by making claims to represent affected stakeholders. Both networks were characterized by a low level of formal institutionalization, but differences in incentive structure, normative codes, logics of appropriateness and routines and rituals meant that the participants in one network put considerable energy into making claims to represent and gain recognition as the voice of the affected while the other network did not (Sørensen, 2007). Moreover, the study shows that the governance network that chose to pursue its goal by becoming a legitimate player on the political scene through this kind of claims making was more successful in obtaining its objective than the network which chose a more private strategy. Another study of interactive governance in relation to a Dutch energy reform points out how formal and informal institutional meanings of representation become decoupled and how this decoupling becomes a barrier for the democratic quality of the interactive governance process (Hendriks, forthcoming).

Informal institutional features can also help to ensure that interactive governance arenas come to function as platforms for *democratic deliberation*? Incentive structures that construct interdependencies among the participating actors enhance their willingness to take the trouble to persuade and be persuaded, and normative codes that legitimize and valorise political contestation and offer procedures through which such talk-based contestations can take place can spur this kind of deliberation. Deliberation can also be encouraged by logics of appropriateness that construct the governance arena as a political arena that does not give priority to technocratic forms of knowledge and rational reasoning at the cost of practical and situated knowledge and political positions motivated by emotion and passion. Routines and rituals that guide concrete deliberation processes in accordance with this logic of appropriateness is of central importance for the degree to which such logics of appropriateness gain impact and stabilise concrete deliberation processes.

A study of collaborative processes in Dutch water management illustrates how an institutional construction of interactive deliberative arenas in which contestation can take place

promote the ability to reach negotiated agreements among a broad variety of public authorities and stakeholders (Buuren, Edelbos and Klijn, 2007). Another Dutch study of two local planning processes points out how the vitality of interactive deliberation processes depends on the interplay between the organisational structures and prevailing cultural logics and situated practises. The study concludes that the vitality of interactive deliberation processes depends on the ability to balance these different institutional factors against each other (Tops and Hendrik 2007). Finally, a study of deliberation in a Canadian Citizen Assembly illuminates how role perceptions are formed in and through the policy process and how these role perceptions condition the deliberation process (Pearse, 2008).

With regard to the level of *democratic accountability*, this is highly dependent on the degree to which the informal institutional set up encourages decision makers to justify their actions in the eyes of democratic constituencies such as elected politicians and affected groups of stakeholders through the production of narrative accounts. The incentive to give such accounts can take the form of mechanisms that establish a correlation between the capacity to give such accounts and the chances of gaining access to future governance processes. The impact of this kind of incentives can be enhanced by normative codes that valorise account giving, logic of appropriateness that emphasize the importance of giving narrative accounts to politicians and relevant publics, and routines and rituals that outline precisely how, where and when these accounts should be given.

Several studies have analysed how this understanding of accountability as an interactive process in which decision makers give narrative accounts in an ongoing dialogue with a critical audience is gaining ground and manifests itself in a plurality of events and procedures that aim to evaluate the performance of various governance interactive arenas. Among such arrangements count naming-and-shaming events, self-evaluation schemes, and bench marking procedures. Mark Bovens and his fellow researchers have analysed how such interactive accountability procedures function in ensuring accountability between executive public authorities and decentred service providers (Bovens, Schillemans and Hart, 2008: 232). They underline how this narrative account giving promotes learning between the involved parties. They stress, however, that this new learning approach to accountability has predominantly been taken into use in efforts to enhance the administrative accountability of interactive governance processes. A recent study by Archon Fung (2004) shows that these new ways of ensuring narrative accountability can also be taken into use in the pursuit of democratic accountability. This is envisaged in his study of the primary school system in Chicago (Fung, 2004: 7), and is also illuminated in an analysis of the use of the OMC in EU's employment policy reveal how narrative account giving plays a central role in ensuring a reasonable level of democratic accountability in interactive multi-level governance processes in Europe (Melchior and Sørensen, 2009).

## **5. Conclusion**

Interactive forms of governance call for the development of an interactive perspective on democracy that proposes normative criteria for measuring the democratic quality of interactive governance arenas and propose how these norms can be promoted in governance arenas characterized by a low or unstable level of formal institutionalization. Governance theorists have not least been concerned about the possibility of ensuring a high level of democratic equality, deliberation and accountability in interactive governance processes. Inspired by the

current theoretical debate on democracy, I have argued that the democratic quality on interactive governance processes must be measured in terms of the degree to which the participating actors 1) legitimize their individual and collective participation by making claims to represent the affected, 2) are willing to persuade and be persuaded in and through deliberative contestations, and 3) are forced to justify their actions in the eyes of relevant politicians and publics through the formulation of narrative accounts.

Moreover, I have pointed out how neo-institutionalist theory can inform the search for ways to ensure that interactive governance processes score high on these normative criteria. Interactive governance arenas might be difficult to formally institutionalize but that does not necessarily mean that they cannot be institutionalized. Informal institutional features such as incentives, normative codes, logics of appropriateness, routines and rituals can play a crucial role in establishing the right balance between sedimentation and stability on the one hand and transformability and change on the other in our ongoing efforts to develop a both strong and dynamic democracy. A series of case studies from all over the world inform our knowledge about how a mix of formal and informal institutional features can contribute to pursue a strong interactive democracy.



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