



# A Pluralist Democracy

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The democracies of today can remain democracies only if they are able to negotiate pluralism and communality, conflict and justice, rationality and identity. What must we do to meet this challenge, asks Göran Rosenberg and presents a possible answer: federation. But where are the political thinkers and leaders who could formulate and win popular support for a power-sharing treaty in Europe?

## 1. Two traditions of thought

Along the European movements of Reformation and Enlightenment, sometimes invisibly entangled in them, evolves the idea of the “naturally” governed society. As the notion of divine rule weakens, and it weakens early on, a vacuum in the social order is created. Who rules society, and how, and by right of what? It is in this vacuum that Thomas Hobbes (1588-1679) elaborates the Laws of Nature on which to base a peaceful commonwealth, John Locke (1632-1704) proposes a State of Nature from which a social contract may be derived, David Hume (1711-1776) ponders that common sense and morality are natural properties of man, Jean-Jacques Rousseau (1724-1804) formulates his credo of natural society, Adam Smith (1723-1790) develops a theory for a natural economy (“the invisible hand”) and Immanuel Kant (1724-1804) a treatise on the nature of rational man. These men were all looking for new principles on which to found human society and they all believed that these principles must be derived from Nature in general and the Nature of Man in particular.

Not surprisingly, they all have their definite opinions of what the Nature of Man is. Hobbes devotes the first sixteen chapters of his *Leviathan* to that topic, and the remaining ones to the all-powerful State that must follow from his findings. By nature, every man is incessantly at war with every man, and by nature he must therefore subject himself to a powerful peace-keeper. While creatures like bees and ants can live in peace without a self-imposed superior power, man cannot. That power which men need to be ruled by, is named *Leviathan* after the awesome sea monster in the *Book of Job*, [1] and is in his turn bound by those Laws of Nature, which Hobbes painstakingly lists and describes.

John Locke has greater faith in the capacity of man to rule himself, but only if and when certain faculties of human nature have developed: “To turn [man] loose to an



unrestrained liberty, before he has reason to guide him, is not the allowing him the privilege of his nature to be free; but to thrust him out amongst brutes." [2]

Adam Smith, for similar reasons, assumes the existence of a "natural sense" of justice in the human heart: without it social structure would simply "crumble into atoms" and man encounter his neighbour "as if entering a lion's den'." [3] Today's advocates of Smith's theory of the invisible hand have largely overlooked his assumption about the moral nature of man, as well as his implicit belief that man is continuously developing from lower to higher reason, and consequently from a lower to a higher moral sensibility. The invisible hand can operate only if and when man has reached a certain level of reason and morality.

Not even John Stuart Mill, the most well-argued champion of individual freedom, could envisage full freedom for the not-yet developed man. In *On Liberty* (1859) he insists that despotism is a legitimate form of government "over barbarians", given that "the goal is their development, and that the means can be justified by the attainment of that goal". The principle of liberty is meaningful only when man has reached the stage where he is "capable of being improved by free and equal discussion".

The laws of Nature will guide man to Liberty, and Liberty to Truth, Mill believes. Liberty serves to establish a more truthful relationship between man and God, facilitates the search for the true laws of nature, gives room to the true Nature of man, and strengthens the capacity of human reason to distinguish between truth and untruth. Thus, liberty is the fundamental means for attaining not just any order but a more truthful order, an order that best corresponds to the Laws of Nature and to the Nature of Man.

Early liberalism, let alone socialism, cannot be understood without taking into consideration the expressed conviction that humanity was developing towards a universal order based on truth. Logically, as truth is gradually revealed, conflicts about what order to achieve will be resolved. The advance of freedom might thus make the use of that freedom ever less necessary. Or as John Stuart Mill himself puts it in *On Liberty*: "As mankind improves, the number of doctrines that are no longer disputed or doubted will be constantly on the increase: the well-being of mankind may almost be measured by the number and gravity of truths, which have reached the point of being uncontested". He was actually a bit worried that the free discussion that he deemed necessary for the pursuit of truth might fade and die when everybody would agree, which he thought everybody eventually might have to: "The loss of so important an aid to intelligent and living apprehension of a truth, as is afforded by the necessity of explaining it to, or defending it against, opponents, though not sufficient to outweigh, is no trifling drawback from the benefit of its universal recognition." How to keep the questions alive, when the arguments have been settled once and for all? This is the challenge for which Mill finds no response.

In the writings of Mill is clearly visible the split that from the very start marks both liberalism and socialism, and by consequence the democracies which to a large degree are formed in their images. Is democracy an order for achieving harmony or an order for accommodating diversity? The inner conflict is more visible in liberalism than in socialism. Socialism (not to mention communism and nationalism) never equivocated about its ideal of social harmonisation, while liberalism from time to time agonised over the inherent conflicts in its ideal of liberty.



In his book *The Two Faces of Liberalism*, John Gray distinguishes between two traditions of liberal thought. [4] One tradition, with its roots in Locke, Smith, Kant and half of Mill, is a project of fulfilment aiming at developing an ever-more perfect social order. The other tradition, with its roots in Hobbes, is a project of coexistence aiming at maintaining a social order with the ability to accommodate ever-present human conflicts.

Gray argues that the “tradition of truth”, dominant for so long, has come to road’s end. The concept of a social order in which universally true goals and values can be made to converge and harmonise is both logically and empirically unsustainable. It is a shared characteristic of the “truest” of goals and values, as well as the most precious of rights, that when driven beyond a certain point they become incompatible and must be weighed against each other. There is, it seems, no value that “Nature” itself has singled out as capable of overriding the rest, nor is there any “natural” way of weighing one value against the other. Instead there are many equally “true” ways of weighing many equally “true” values, and therefore as many “true” social orders. Conflicts between clashing notions of right and justice, as well as between incompatible views of what makes a good life and a good society, are inherent in human societies. Such conflicts originate in human nature and cannot be deconstructed and eliminated, however strenuously common sense is applied within however rational a social order.

From a similar perspective, Stuart Hampshire argues that “justice is conflict”. [5] At the core of justice lie culturally and historically deep-rooted procedures for dealing with unavoidable conflicts between diverse ideas of good and right. No justice can exist above and beyond such conflicts. Sooner or later, every concept of the “naturally” good and right will be questioned and challenged. “It is not only possible but, on present evidence, probable that most conceptions of the good and most ways of life which are typical of commercial, liberal, industrialised societies, will often seem altogether hateful to substantial minorities within these societies.” [6]

Both Hampshire and Gray contend that we are presently in an era when “irresolvable” conflicts between distinct values and lifestyles can no longer be subordinated to illusory concepts of historical fate, natural law or rational order. “Fairness and justice in procedures are the only virtues that can reasonably be considered as setting norms to be universally respected,” writes Hampshire. [7] Permanent conflicts of values are the rule, not the exception, says Gray. The task of the social order is not to still these conflicts. “It is to reconcile individuals and ways of life honouring conflicting values to a life in common. We do not need common values to live in peace. We need common institutions in which many forms of life can coexist.” [8]

## **2. The logic of “the warm circle”**

Obviously, achieving peaceful co-existence is more easily said than done. Uniformity and community seem to be more natural fundamentals for democracy than do pluralism and conflict. It is easier to arrive at democratically agreed decisions when the is small and the degree of consensus high. Democracy became possible as a contemporary system of governance, when the could be delineated in territorial and cultural terms, and when existing conflicts of values could be reigned in by the overriding community of a common national destiny. A “warm circle” of historical loyalties and bonds could thus be extended to include millions of people. [9] A community was created where none had existed



before.

This underlying sense of belonging, this enlarged circle of loyalty and justice, has not only made possible democracy and the rule of law, but also the public institutions of social welfare, which we have come to regard as a part of democratic rule. The sense of belonging has in fact been the prerequisite for the will to justice. Hence, the will to justice has incessantly been put at the test on the border between those who belong and those who don't. The methods for strengthening the sense of belonging have also been methods for exclusion and suppression.

Nation-state democracy is thereby inherently split, between the warm circle of belonging, identity and emotional loyalties on one hand, and the cold sphere of citizenship, political institutions and constitutional loyalties (justice) on the other. For a long time, Swedish democracy was based on a far-reaching fusion between the two spheres, to the extent that in everyday talk state and society became synonymous, and the civil structures of democracy became intimately linked to the institutions of the state. This worked well for as long as the divide between the two concepts of democracy remained invisible. It works less well when the two spheres of democracy no longer overlap – when the loyalties of the warm circle no longer extend to the sphere of the State.

Some argue that the warm circle should be regarded as an obsolete stage in the history of democracy, that modern man is enlightened and broadminded enough to connect his sense of belonging to purely civil principles of justice, without the presumption of emotional loyalties based on origin, culture or language. As Jürgen Habermas writes: “Hidden behind any façade of cultural homogeneity lurks, at best, the oppressive maintenance of a hegemonic majority culture.” [10] When many different cultural, ethnic and religious subcultures have to coexist and collaborate within the same social framework, the politically defined community must be uncoupled from the warm circle of the majority culture, and made to function without recourse to its codes and networks. “The majority culture must give up its historical prerogative to define the official terms of the *generalized* political culture that is to be shared by all citizens regardless of whence they come and how they live.” [11]

How to accomplish this? What kind of statecraft is able to unite pluralism with communality, diversity with equality, conflict with peaceful co-existence? Indeed, the Swedish government has recently declared that Sweden is a “social community based on social diversity” and that “general policy in a wholly new way must originate in and reflect the ethnic and cultural diversity of the Swedish society.” [12]

The question that remains to be answered is: how can a *general* policy based on uniformity and communality, i.e. a policy based on preferences that can be largely *generalized*, be changed towards a *general* policy based on diversity and value conflicts, i.e. based on preferences which cannot as easily be generalised?

We must become loyal to constitutions rather than to emotions, says Habermas. But what human values can be uncoupled from emotion, experience, passion and tradition? And what kind of constitutions will be able to accommodate emotionally charged conflicts between value-systems and, at the same time, encourage value-transcending loyalties? How to link the loyalties of a warm circle to the justice of a constitutional democracy?



Both Gray and Hampshire seek the answer in the constitutionally regulated conflict between ever-shifting views of the good life and the good society, in historically and culturally distinctive institutions for the fair handling conflicts, in functioning political arenas for debate and compromise. What is required, they argue, is a radical break – a “moral conversion,” says Hampshire – with the deeply rooted notion that politics should and must aim at consensus and social harmony.

### **3. Politics made unnecessary**

The apparent inability or unwillingness to make precisely this break is one possible explanation for the steady decline of confidence in political institutions seen right across the Western world. The options and solutions of politics seem to converge, leaving little political room for moral or value-based conflicts. “The Only Way” (Carl Bildt) or “The Golden Straightjacket” (Thomas Friedman) seem both ever more inescapable. [13] The resolutions of genuine conflicts of value seem increasingly to be moving into the hands of “value-neutral” courts, civil servants, scientists, central banks, EU-bureaucrats and market operators. Professional elites are increasingly expected to make the “truly” sensible decisions (thus paving the way for a “truly” sensible social order). Meanwhile, increasingly marginalised politicians are reduced to the task of managing those growing segments of their electorates that stubbornly hold on to their diverging, insensible and openly value-based opinions. Politicians will thus be seen as either lacking legitimacy or efficiency. Citizens, whose value-based opinions are constantly ignored or frustrated, will regard political action as without legitimacy, while the value-neutral elite, intent on getting on with sensible decision-making, will regard political action as inefficient. The frustrated minorities will increasingly take the view that democracy is impossible. The “value-neutral” elite will increasingly take the view that democracy (and politics in general) is unnecessary. If democracy cannot deliver rational decisions, then these will be delivered by other means. The march towards a universal, rational social order will continue – outside of democracy.

Democratic procedures will thus be perceived as increasingly superfluous, their functions taken over mainly by the market and the judiciary. The market, freed from its historical constraints, will “naturally” regulate conflicts about resources and power. The judiciary, similarly untrammelled by obsolete emotions, will provide “value-neutral” resolutions of conflicts about rights and justice. Laws and institutions that will remain essential – for no one is proposing that either the marketplace or the courts should exist in a legal or institutional vacuum – are described by the “rational” elite as “natural” (earlier “divine”) constituents of society, ever more distanced from the historical and cultural value-conflicts that once shaped and distinguished them. The only task left for democracy will be to legitimize a social order that in every notable respect is being formed outside of democratic institutions. It will have to keep disseminating “information” until the necessary popular support is at hand, and to keep running referendums until the necessary decisions are made. Society’s conflicts will thus be framed as conflicts between knowledge and ignorance, between the enlightened and those who are not yet informed.

One symptom of this dilution of democratic values is the transformation of political disputes into legal cases and of value-based opinions into rights-based demands (a shift of emphasis from “this is my opinion” to “this is my right”). Disputes between opposing views of good and right (best resolved by a time – and context-bound compromise) are



transformed into conflicts between opposing claims of “rights” (best resolved by a precedent-setting court order). This “judicialization” of politics is not likely to dampen genuine conflicts of value, let alone resolve them. When opinions based on values turn into right-based claims, the outcomes are more likely to lead to heightened feelings of frustration among individuals and groups whose values are not politically correct and whose rights are not upheld by the courts. Gray writes: “When society contains sharply divergent ethical beliefs, an appeal to basic rights will not produce a settlement that is accepted as legitimate. If we seek a settlement of divisive issues that is legitimate and stable, we have no alternative to the long haul of politics.” [14]

This statement by Gray is not intended as an argument against universal theories of justice or universally accepted human rights, but as a refutation of those who believe it possible to replace political compromises with legal rights. No rights are stronger than the will to respect them. The will to respect rights is created by politics, not by courts.

“If it is to be democratic, a political system must recognise the existence of insurmountable conflicts over values,” writes the French sociologist Alain Touraine. A society that in the today’s world wishes to remain culturally homogenous is “by definition anti-democratic.” [15] Democracy is presently the only political system with the potential to both acknowledge the conflicts and to handle them. Only in a democratic system, Touraine argues, can the necessary links be forged between our contradictory values and our common world. Why democracy only? Because only democracy allocates to the individual the role of political subject or actor, and “only the actor – individual or collective – can reconcile the universal with the particular, and instrumentality with conviction.” [16]

#### **4. From object to subject**

Only as political subjects, says Touraine, will we be able to adjust our values to the values of others, our ideas of what is good to our judgment of what is possible and reasonable. Only as political subjects can we forge the necessary links between our separate ideas of the rightful and our common institutions for justice. “Democracy can be defined primarily as an institutional space that protects the effort of the individual or group to emerge and be recognised as a subject,” writes Touraine. [17]

The notion that rights can be formulated and guaranteed outside of politics or that rights can exist without corresponding duties is at any rate an illusion. As is the assumption that our “true” needs can be gauged on a scale of utilitarian value. Genuine conflicts of value may in fact be discovered behind most rational schemes for the satisfaction of allegedly “true” needs. What is a rational transport system? A rational healthcare system? A rational school? Rational childcare? In every area of society we will find that different views of the good lead to different views of the needs to be met. The enhanced role of privatisation and competition as means to resolve these kinds of conflicts (increasing the freedom of choice on an expanding market for public goods and services) presupposes that we all accept the market as the dominant rationale (if you’re unhappy with life, choose another). It is a rationality that diminishes the importance of political debate and compromise, and hence weakens our capacity for maintaining, renewing and adapting those public institutions and common rules that are at the core of any democratic society. Touraine writes: “Wherever conflicts exist over interests and values, a space must be



organised for political debates and deliberations.” [18] Where the rationality of the market place becomes dominant, the political space is evacuated and the conflicts of value become homeless.

Tourraine fears that such homelessness will rip the social fabric to pieces and lead to even deeper divisions than in the old class society. The conflict between the instrumental rationality of the market and the value-based identity of man is irreducible. It cannot be undone by rational reasoning or increased information, but must be either suppressed or negotiated. In a democracy, negotiation remains the only option. A democracy that is unable to negotiate conflicts of value cannot remain a democracy. The democracies of today can remain democracies only if they are able to negotiate pluralism and communality, conflict and justice, rationality and identity.

What must democracies do to meet this challenge?

## **5. A pluralist democracy**

A still untested answer in most European countries is a constitution that links different political spaces at different levels in society within the framework of an over-arching political community. This way of organising democracy is called a federation. In a federation the spaces may vary, as well as the levels, as well as the links between them, as well as the nature of the over-arching community. Depending on the degree of independence between higher levels and lower we may distinguish between a federation and a confederation, but in both cases we are dealing with systems for the accommodation of diverse interests and values. In both systems lower levels cede power to higher levels by means of a treaty (L. , derived from L. “to trust”, means “treaty” or “union”). In a federation, self-rule at lower levels is combined with increasing degrees of common rule at higher ones. The constitutional core of any federal system is the separation of power between levels, i.e. a treaty defining who has the power to decide what on which level. The levels are linked but also clearly separated. The higher level cannot invade the lower level at will, nor can the lower level capriciously ignore decisions at the higher level.

Without elaborating on the origins and structures of different federations, it is obvious that each federation has its own unique history and its own unique structure. A European federation of the 21 century will be shaped by other forces and other circumstances than the North American federation at its inception in the late 18. The central task of a federation in Europe of today must be to accommodate democracy with pluralism, not only with the historically established plurality of nation states, but also with the growing plurality of cultures, values and identities within each nation state. Federalism is thus not only a potential solution to the democratic problems of the European Union, but to those of its member states as well. The unitary models of democracy, suited to more or less homogeneous nation states, will not do much longer.

The central feature of a federation is its ability within a shared political system, to combine levels of power where individuals and groups can act as value-driven subjects and decide for themselves, and levels of power where they will accept being the objects of ever-more distant decisions and conditions. There will be levels where it will matter who you are, what you think and what you do, and levels where it will matter less. Given



that the levels are linked and their respective power explicitly sanctioned by treaty, the conditions will be in place, at least on paper, for a pre-existing diversity of values at lower levels to co-exist and interact with a narrowing range of values at higher levels.

In order for a federation to be democratic, all its levels must have constitutionally defined spaces for political debate and compromise. At all levels must be established procedures and institutions for the accommodation of conflicting views of right and wrong in ways that are compatible with the common political order.

It goes without saying that federations are neither easy to construct nor easy to govern, more so if they are to be created by democratic procedure. Apart from persuading established elites to rescind their inherited powers, there is the task of gaining popular acceptance for an order based on diversity and conflict. The logic of the warm circle is hard to break. Homogeneity is a more instinctive basis for community than diversity. To the success of the nation state contributed visions of uniformity and harmony, not visions of pluralism and discord.

Our choice however, is not between pluralism and homogeneity, but between pluralism with democracy and pluralism without. Pluralism is henceforth the point of departure for any society that aspires to be democratic. Uniformity can be achieved by non-democratic means only. The extended warm circle once invoked by national myths of blood and fate is no longer feasible - other as nostalgic fantasy or armed monster. The conditions for creating democracies based on uniformity and consensus were unique and contingent, and do no longer exist. Dreams of a new homogeneity have lead to Balkan wars - and to political leaders like J rg Haider in Austria, Carl Hagen in Norway, Umberto Bossi in Italy and Pia Kjaersgaard in Denmark. Extend their political programs to political action and the result will be regimes based on oppression and exclusion. A kind of pluralism, indeed, but with discrimination, ethnic cleansing and violence as methods for conflict handling. The only societies that so far have been able to accommodate pluralism with a certain level of tolerance have been colonial empires encompassing many nations, where the condition for pluralism has been the uniform veneration of one central authority. What finally ended the era of colonial empires was the ascendance of nation state democracy, i.e. the democracy of uniformity. The task of shifting the basis for democracy from uniformity to diversity is thus new and politically untested.

What in the end will prompt us to base democracy on diversity rather than uniformity is our need for peace and order. Uniformity cannot peacefully coexist with democracy and a peaceful pluralistic order cannot be established and maintained without democracy. This does not imply that democracy is a given, no more so than is peace. Social orders do not emerge "naturally" (neither do markets). Social orders are more or less sophisticated human constructs formed and reformed in culturally specific interactions between right and might, force and freedom, order and conflict, reality and vision, utility and value. Basing such an order on heterogeneity is undoubtedly a more difficult task than basing it on homogeneity. The tribe or the clan is a more simple order than is the nation state, and the nation state a more simple order than is the federation. The route to the North American federation of states, from the constitutional convention in Philadelphia (1787) to the enforcement of the new constitution (1791), was lined with disputes, drafts, pamphlets, debates, meetings and ballots. There were federalists and anti-federalists, those who insisted on a federal level of power and those who feared this would pave the





way to a “super-state” (autocratic monarchy). The outcome of this process was unpredictable to the last, but in the end led to the creation of the United States of America, because there existed a carefully designed, comprehensible proposal backed by a skilful “marketing” campaign. During the autumn of 1787 alone, there were eighty-five (!) articles presenting the key arguments in favour of a federal constitution, published in four main New York newspapers (New York state was potentially a weak link in the ratification process). This output represented the effort of three “Fathers of the Constitution”, James Madison, Alexander Hamilton and John Jay, all writing under the shared pseudonym Publius. Madison and Hamilton would soon profoundly disagree about the policies of the newly-formed federation, but when it came to defending the federation as a political construction, it is difficult see who wrote what. [19]

“Where are our Madisons?” the English social critic Larry Siedentop rightly asks in his lucid book on the future of democracy in Europe. [20] Why has Europe failed to generate a constitutional debate of a depth and breadth even remotely comparable to America’s? Where are the political thinkers and leaders who could formulate and win popular support for a power-sharing treaty in Europe? Who could make it clear to the citizens of the present nation states that they must choose, not between continued national self-rule and a new European Superstate, but between a democracy that is untenable and a democracy that is still possible? Who could convince European voters that federalism is a potential construction for democratic pluralism, not a given recipe for bureaucratic rule from Brussels? Who could inject political passion into a debate on a constitution for Europe?

So far, the constitutional debate in Europe has been soaked in an opaque, technical jargon, used by political scientists who, as Siedentop writes, “by and large [have] ceased to operate with any conception of human well-being or flourishing [...] The sources and goals of political activity are neglected in favour of analysing observable trends. It is a bit like studying the sexual act without any reference to sex or desire!” [21]

As a consequence, it has become a debate almost forcibly dominated by result at the expense of form, by the language of economics at the expense of the language of politics, by short-term manifestations and poorly thought-out agreements reached at stressed summit conferences attended by irresolute European heads of state and government.

Nevertheless, our focus must now shift from result to form. The democracies of Europe need to be constructed anew if they are not to wither away and the peaceful handling of conflicts turn into “a war of every man against every man.”

In that sense, Hobbes formulated the proper problem, how to make people with conflicting values and interests coexist in a peaceful commonwealth, but proposed a solution that since long has lost its relevance. For a peaceful order to be maintained in the modern world of today, pluralism and democracy must combine. The point of departure for any such order must be that genuine value conflicts are unavoidable and a part of human existence, and that it is upon man himself to construct the all but “natural” political institutions that are required to accommodate them.

## Footnotes



1. *Book of Job*, 41:25
2. *Concerning Civil Government*, second essay, # 63
3. Adam Smith, *Theory of Moral Sentiments*, Prometheus Books, New York 2000, 125-126
4. Currently, John Gray is professor of European Thought at the London School of Economic & Political Science.
5. Stuart Hampshire is an ex-Fellow of All Souls, Oxford, who previously held chairs in Philosophy at Princeton and Stanford. In 1999 he published *Justice is Conflict*, Duckworth, London 1999.
6. Stuart Hampshire, *Justice is Conflict*, Duckworth, London 1999, p. 33.
7. Ibid. p.56
8. John Gray, *Two Faces of Liberalism*, Polity Press, London 2000, 5-6
9. For a further discussion of my notion of "the warm circle" (defined by relations of "tacit understanding" and "subliminal identity") see *Moderna Tider* (Modern Times, Swedish language magazine), no. 104, June 1999, in German as "Wärmekreise der Politik. Recht, Loyalität und Emotion in der postetnischen Gesellschaft" *Lettre International*, no 49, June 2000 .
10. "The European Nation State - Its Achievements and Limitations", English original manuscript in the hands of the author.
11. Ibid.
12. *Sweden, the Future and Social Diversity: From the Policies of Immigration to Those of Integration*, Government White Paper 16, 1997/98.
13. Carl Bildt, a Conservative politician, was Prime Minister in Sweden (1991-94) when he coined the term "The Only Way" to describe the policies of privatisation and deregulation pursued by his non-socialist coalition government. Thomas Friedman is a leading American journalist, who in his book about the new global economy *The Lexus and the Olive Tree* writes on the subject of monetary control "Once your country puts on the Golden Straightjacket, its political choices get reduced to Pepsi or Coke [...]. Governments [...] which deviate too far from the core rules will see their investors stampede away, interest rates rise and stock market valuations fall."
14. John Gray, Ibid, p. 117
15. Alain Touraine, *Qu'est-ce que la démocratie*, Fayard 1994. Quote from the English translation *What is Democracy?*, Westview Press, 1997, p. 119.
16. Ibid., pp. 121-122



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17. Ibid., p. 125

18. Ibid., p. 120

19. Cf. Göran Rosenberg, *Friare kan ingen vara* ("No Greater Freedom"), Norstedts, Stockholm 1991, Ch. 5 for a more extensive account of the American constitutional process.

20. Larry Siedentop, *Democracy in Europe*, Penguin Books, London 2001

21. Ibid. p. 37

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