DEMOCRATIC DESIGN

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Democratic Design

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MICHAEL SAWARD

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UNIVERSITY PRESS

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Great Clarendon Street, Oxford, OX2 6DP,
United Kingdom

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First Edition published in 2021

Impression: 1

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Published in the United States of America by Oxford University Press
198 Madison Avenue, New York, NY 10016, United States of America

British Library Cataloguing in Publication Data
Data available

Library of Congress Control Number: 2020943912

ISBN 978–0–19–886722–7

DOI: 10.1093/oso/9780198867227.001.0001

Printed and bound by
CPI Group (UK) Ltd, Croydon, CR0 4YY

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This book is dedicated to the memory of my mother,
Rhyllis Ivy Saward (née Wilson), 1934–2019

Acknowledgements

I carried out the work on this book while I held a Leverhulme Trust Major Research Fellowship. I am grateful to the Trust for its generous support.

My intellectual debts (direct and indirect) are many—they are evident in discussions and citations throughout the book. For specific comments, suggestions, opportunities, and guidance, I would like to thank: Hans Asenbaum, Özlem Atikcan, Jocelyn Bailey, Paul Bou-Habib, Ian Budge, Simon Caney, Fernando Castaños, Karen Celis, Emanuela Ceva, Sarah Childs, Lisa Disch, Renske Doorenspleet, Brigitte Geissel, Frank Hendriks, Tereza Jermanová, Arjumand Bano Kazmi, Peter Lloyd, Vivien Lowndes, Jane Mansbridge, Cristina Puga, Shirin Rai, Vanessa Schweizer, Graham Smith, Nenad Stojanović, Darren Umney, Alice el-Wakil and Richard Youngs. A special thank you to Graham Smith for extensive comments on early versions of several chapters. My thanks also to two anonymous reviewers for Oxford University Press. Dominic Byatt at OUP has been characteristically encouraging and supportive, and my thanks also to his colleagues Matthew Williams and Olivia Wells for their efficiency and patience. In addition to colleagues named above, I am grateful to those who offered feedback when I presented my work at University of Essex, Université de Genève, Universidad Nacional Autónoma de México (UNAM), University of Westminster, the International Sociological Association (Toronto) and American Political Science Association (Philadelphia).

I have used some adapted passages from my article 'Enacting Democracy', in *Political Studies* vol. 51, no. 1, 2003.

On a more personal note, my love and gratitude to Sarah Saward, who has lived with this book for a long time. I dedicate the book to the loving memory of my mother, Rhyllis Saward, a kind and generous soul who lived a good Australian life.

Michael Saward

Stony Stratford,
August 2020

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Introduction

I have learned over the years that when people talk about democracy—in parliament committee rooms, at a university seminar, in cafes or pubs, or around the dinner table—there is often only one thing they will agree on: that they cannot or will not agree. Democracy's place, value, and meaning are disputed, and the arguments can be emotive. Do we really have it (whoever the 'we' is—the local school committee, the town, the country, the world)? Did we ever? Which politicians or others are on the side of democracy, and which are not? And what really *is* democracy, anyway?

In different times and places, the arguments are framed differently. It is easy to underestimate how much the big issues and events of a particular time condition how democracy is interpreted and debated. For example, in the United States and Britain in the late 2010s and early 2020s—in Trump's first term and deep in Brexit divisions—a common frame is 'populism', a sort of (elite-led) revolt by 'the people' against 'the establishment'. Many pro-Trump and pro-Brexit people see him or it as a force for democracy, winning votes for policies and political styles that upset the status quo and channel the frustrations of a fed-up, hitherto 'silent' majority. Opponents counter with worries about populist challenges to press freedom, the rule of law, and the place of truth and fact in public life. In the past the frames were different—'democracy' versus 'communism' in the Cold War, for instance. In the future, they will be different again. Long-term forecasting can be a mug's game, but would it be a huge surprise if, within the twenty-first century, advanced effects of pandemic planning, climate change, political rights for sentient beings, constant citizen click-voting (or voice-voting) on plans and policies, and/or political rights at the cyborg-robot boundary come to frame arguments about democracy? Maybe democracy will come to be seen as quaintly old-fashioned as the end of privacy undermines the idea of personal interests, and highly advanced technological fixes unite left, right, and green on education, healthcare, and the environment. Whatever one makes of such thoughts, we must expect democracy's frames of reference and relevance to transform in major ways—and in new ways that we can only dimly anticipate at best (cf. Runciman 2018).

We might look to professional observers of democracy—democratic theorists and empirical and comparative scholars of democracy—for ideas on

Democratic Design. Michael Saward, Oxford University Press (2021). © Michael Saward.
DOI: 10.1093/oso/9780198867227.001.0001

how the arguments *should* resolve, and what frames are the *better* ones to view democracy. Here, we find a sophisticated plurality of approaches. The more theoretically or philosophically inclined regard democracy as an ideal, and analyse it in abstract terms. The more empirically inclined regard it as a concrete form of political system based on elections which takes varied shapes in different places and cultures. Democracy may be something we have only glimpsed (Wolin 1996). Or something we have never fully had (in the eyes of participative and direct democracy advocates, for example). Or something we could have if only we focus on the right things (such as deliberation rather than voting). Or something we do in fact have (as fully as we are likely to get) in the existing systems we call democracies (in the eyes of 'realists'). There is something of value in all these perspectives, a fact I acknowledge throughout this book. However, we can, I think, do more than note existing positions, picking one or two and trying to extend them.

This book begins with the insight that if we step back from existing approaches and models to interrogate how the present models are built, and how new and hybrid ones might be built, we can create a new framework for thinking about democracy. This new framework can bring together different approaches while retaining a strong sense of plural possibilities for democracy in different contexts and circumstances. It can, for example, incorporate how different groups or eras view or frame democracy, and different approaches to scholarly work on democracy. We can, I will claim, forge a single framework for designing democratic practices for diverse spaces, communities, and challenges.

In short—for all its strengths, there is something fundamental missing in our thinking about democracy. The politics of democracy—its theory and its practice—is as fraught and contested today as ever before. However, the contestation often takes place within too narrow a frame—or so I will argue. We need to develop a systematic second-order framework that enables development of a range of first-order democratic designs or models. Such a framework will help us to gather and hone our analytical tools in order to render our thinking about (and planning for) democracy more relevant and useful in a complex and challenging political world. Providing this framework is the book's ambition.

A New Approach to Democracy for New Challenges

There are three key factors driving the thinking behind the framework I seek to develop. First, democracy is not one-size-fits-all, and nor should it be.

What it looks like and how it is done change from one place to another and one culture to another. Think for example of nation-states that we commonly describe as democratic. Some involve religious bodies at the centre of political practice, such as Iran, while others are determinedly secular, such as France. Some concentrate power at the centre, such as a unitary state like France; others distribute it to regions, cities, or communities, such as Germany's federal system. Some work more by majority rule, such as the United Kingdom, others more by consensus like the Netherlands or Switzerland.

Second, democracy is unfinished business. We—citizens, politicians, researchers, and activists all over the world—are still working on and disputing its meaning and how much it matters. French philosopher Jacques Derrida wrote that democracy is always 'democracy-to-come'. There are always new ways to think about, shape, and practice it. Perhaps, towards the end of the twenty-first century, many communities (they may or may not be 'countries') will practice something *they* will call democracy, but it might not look like 'democracy' to us were we able to glimpse it from the 2020s. (Just as a citizen of ancient Greece, glimpsing today's world, might marvel at the fact that we call oligarchic politics 'democratic'.) If so, I would confidently predict that dissenters would criticize that practice, and some of them will do so *in the name of* democracy.

Third, democracy may not only apply where we normally apply it today: to the governing of nation-states. What about local, regional, or global communities? The European Union is the most advanced case of regional democracy, with twenty-six members (post Brexit). Political theorists discuss 'global democracy' a good deal. Novel mechanisms for local participative democracy have received attention, not least participatory budgeting (developed in Brazil). What about further, radically different, and perhaps emergent or transient sorts of communities, or disparate groups with common challenges, like cross-border ones, or ones that are located in different countries or regions? Consider for example how the extraordinary high incidence of HIV/AIDS infection in a number of countries in sub-Saharan Africa may force us to reconfigure our ideas of democratic practice.[1] The HIV/AIDS crisis challenges democrats to rethink democracy in unusual ways, for example: (a) empowering women by entrenching and enforcing women's rights to address care roles and discrimination; (b) decentralizing authority to local communities, placing local solutions in local hands; (c) deploying cross-national citizens' deliberative bodies for empowerment and sharing information; (d) instituting reciprocal

[1] I claim no special expertise on this issue. For a relevant discussion, see Manning (2002).

representation among parliaments and local authorities of affected countries to promote common purposes; and (e) enabling better policy and delivery through stakeholder forums (bringing government, corporate (e.g. drug companies) and non-governmental organizations together). That might amount to a radical, flexible and responsive new vision of democracy—multi-polity, functional, and challenge-focused.

Democracy as an idea and a practice is diverse, open-ended and—potentially—open to radical rethinking for new circumstances. This set of features creates challenges and opportunities for those who want to bring democracy to contexts that do not have it, or reform it in contexts that do. Opportunities, because the very flexibility of democratic ideas and practices encourages novel thinking and experimenting. Challenges, because novel ideas and practices still need to be *democratic*—we need to define the concept's scope clearly and carefully.

A Focus on Design

This book is about the opportunities and the challenges. The framework that it offers—the 'democratic design framework'—focuses democratic thinking on which principles, institutions, and devices may fit different contexts. It introduces a constructive new way to think about democracy—its values, forms, character, and goals. *Design*—the intentional creation of plans to solve a problem[2]—is the key to understanding today's and creating tomorrow's democratic governance. Building on recent influential ideas of democracy, it focuses on democracy as something designed, and open to redesign, using methods that a wide range of people interested in democracy can embrace. The framework is *both* tightly drawn *and* open to a wide range of creative visions for different contexts, fostering a clear-minded approach to focusing on our potential political futures. *Democratic Design* is dedicated to describing, defending, and illustrating that framework.

The framework arises from debates in political theory especially, but embraces specific institutions, practices, and places more often discussed in the disciplines of comparative politics, governance studies, and public policy. The book pulls in ideas and examples as its subject demands. I offer it with hope that a range of democratic reformers, promoters, funders, activists,

[2] This short definition is adapted from Parsons (2016, 11). Chapter 2 discusses his work on design.

auditors, measurers, and theorists will find it useful—and perhaps a useful prompt on the advantages of working together.

First- and Second-order Analysis

Political scientists and political theorists, reflecting on 2,500 plus years of history of the idea and the practice of democracy, have worked to make sense of the subject by elaborating and recommending specific models, theories, and conceptions. The account in Chapter 1 covers a number of predominant and influential such models. However, I argue that they are too often treated as strictly and unduly *separate* from each other, and that they are too *inflexible*. In the face of the myriad political claims and contests around democracy across the world, and the highly diverse range of contexts in which there are democratic aspirations and problems, this separation and inflexibility limits our toolkit for rethinking and redesigning our theories or models.

What we need is a shift in emphasis from such *first-order* models to more active *second-order* modelling. The scholarly work on democracy offers us a range of largely first-order theories and models, such as consensus democracy, deliberative democracy, and participative democracy. They convey judgements as to how the world is, or ought to be. The bulk of work in contemporary democratic thinking seeks innovation or clarification of democracy from *within* such first-order models. Analysis rarely steps outside the set of assumptions established by a favoured model—even when it needs to.

Second-order analysis, to use Mackie's (1977, 9) words, tells us 'what is going on when someone makes a first-order statement'—what are the assumptions, methods, options, and instruments being put to work, and what were those rejected? Where first-order work will begin with (say) the participative model of democracy, second-order work will begin with a wider, perhaps messier, set of assumptions, principles, potential institutions, and so on, with which to think about democracy in context. Some of those assumptions may encompass the importance of participation, and some of the institutions considered may have a participative character. However, a great many will not, and the need to examine and to pose searching questions about how and why different designs of democracy can be created leads us to a new focus on second-order work.

Putting the point slightly differently, first-order models or theories prescribe particular visions and structures of democracy (e.g. representative or deliberative democracy). They show *what was made*. Second-order work

centres on methodological questions—what methods and processes produce, or should produce, first-order models? Out of what materials or components? Second-order work shows or reveals *how it was made, including what it was made with*. To use an architectural analogy, a first-order model is the completed design for a new building, while second-order work revels in the potential materials, practices, goals, and partial insights of the architect and his or her team (and possibly more actors, as we shall see). Second-order work is about the active process of making or modelling the product, a scheme for designing rather than a description of final designs themselves. Its value lies in part in the fact that democracy can be many more things—more context-sensitive hybrids—than the current set of conventional models represents.[3] Where predominantly first-order work focuses on existing models or variations, the second-order framework enables stepping back from such models to engage in prior experimentation and modelling of designs. The advocate whose primary focus is a first-order model says 'this is what democracy is, or should be'. The advocate of primarily second-order analysis asks 'what can democracy be, in this context, driven by these concerns?' and builds first-order designs out of open-minded and detailed responses to that question.

I do not suggest that the line between first- and second-order work is always sharp and clear. We are dealing with a spectrum of approaches rather than a wholly black-and-white contrast. Further, the two are linked in that second-order work certainly enables the production of distinctive first-order models. Nevertheless, the distinction holds up, as I hope to show, and a turn to second-order work promises a reinvigorated sense of democratic possibility.

Let me illustrate further, focusing on the model of deliberative democracy (discussed in detail in Chapter 1). If we adopt the deliberative model's framing of democracy, we embrace without further question its particular presuppositions—that reasoned talk is democracy's most important attribute, and that we need to establish or extend institutions or systems that enable and

[3] My account of first and second order is not unconventional, but it is stipulative. The idea of second-order analysis can mean different things in philosophy. However, one strong thread features *methods*—how things are made, or as the Mackie quote suggests, what is going on in the process of their making. In Ethics, second order is sometimes taken to mean meta-ethics. If 'meta' means, to borrow Goodin's (1996) terms, to address how to design ways to design, then that is fine. But beware misleading positional metaphors here. Meta does not mean 'above', 'superior', 'more abstract', or 'higher'. The kind of positional connection I would endorse for present purposes is *about*—about design tools, frames, and methods for creating designs. Second order, in this context, denotes *a focus of attention*.

encourage such deliberation. Building on such presuppositions, crucial 'design' solutions have often centred upon specific, innovative institutions or forums intended to achieve these goals (see for example Fishkin and Luskin 2000, Smith 2009), such as deliberative polls or citizens' assemblies. A key point here is the foothold that such a model—and its assumptions—gains in the scholarly literature. A model perceived as dominant will often be taken as the appropriate point of departure for democratic theorists and others. Moreover, this tendency takes attention away from 'what is going on' in the building of such models—the distinctive second-order concern. Arguably, one thing 'going on' among deliberativists has been a sidelining of voting, because it is about mere 'aggregation' (bad) not deliberation (good). Recently, the deliberative model has been stretched—perhaps to breaking point—to encompass institutions that are not deliberative (Parkinson and Mansbridge 2012). I am not suggesting that deliberation is unimportant, but rather that other values and devices may also be important and ought not to be set aside simply because a given model makes it difficult to deal with them.

A second-order approach forestalls such sidelining moves. Shifting to second-order analysis can help us to think beyond 'off the shelf' framing of options (Robertson and Simonsen 2012, 6). By deconstructing such first-order frames, we grant ourselves licence to interrogate anew our received presuppositions (the phenomenological aspiration to 'presuppositionless' analysis (Moran 2000) is an attractive guideline here). It provides grounds for pressing those who begin with existing first-order models to answer searching questions about theoretical and methodological choices, modes of reasoning, and meanings. We take ourselves back to fundamental second-order questions, such as what are the minimum requirements of any acceptable model or vision of democracy? How might one favoured value (e.g. deliberation, individual liberty, equal opportunity) sit or interact with other democratic values and their corresponding institutions? How do we take due account of context in our thinking?

Beginning with first-order 'deliberative democracy', for example, will produce one among a narrow range of deliberative designs. Going back to second-order questions will—as I will argue—create the conditions to produce a fuller, more rounded design that can more readily be compared to, and potentially combined with, designs highlighting *other* important values (such as decentralization or ecological sustainability). It helps us to embrace the fact that democracy can mean more things, be practiced and valued in many more ways, and be more context-sensitive than the limited set of current or received models suggests. Among other things, the second-order framework provides

tools to mix and match features of existing first-order models, or to achieve what Hendriks calls 'productive blending of democratic models'. He is also surely right that strength may lie in greater diversity than the field currently displays: 'variation is a basic precondition of democracy; uniformity makes it vulnerable, and multiformity makes it versatile' (F. Hendriks 2010, 17).

The Democratic Design Framework

The 'why' of democratic design concerns the limitations of existing theories and models. The 'what' is the democratic design framework, bringing a range of resources together at the heart of a new approach which can foster rigour because of (and not in spite of) the wider, more flexible, and systematic design work it will encourage.

As things stand, students of democracy—theorists, empiricists, and advocates—lack an integrated set of tools needed to pursue effective second-order work. We need a second-order design framework fostering creative, flexible, and contextual modelling across, and away from, the confines of received models. The overarching goal of this project is to forge these tools, draw them together in the democratic design framework, and provide a guide to their positive use: how for example can democracy in this place, at this time, be more engaging, effective and inclusive? The framework presents to democracy's potential designers: (a) the critical standards for democracy's structure and functions which they must meet, e.g. at least minimum democratic requirements; (b) how best to draw together different design options from a wide repertoire of institutions and practices into a democratic procedure, and (c) how to enlist and balance different principles in designs. At the heart of the specification of the framework is an open approach the flexible sequencing of familiar and innovative institutions to realize a range of both essential and optional democratic principles.

In short, there are times in ongoing and complex debates such as those about the forms and values of democratic governance when it is necessary to step back from received models, take stock of key assumptions and make new connections. 'Democracy' is not exhausted by describing or advocating this or that model or set of institutions; rather, it is a *design challenge*. Promising a systematic account of democracy's constraints and opportunities, the book stresses the importance of joined-up, fresh, systematic design thinking across a range of current debates. The framework is needed if democracy is to continue its 'unfinished journey' (Dunn 1992) with renewed momentum.

Democratic Design's ecumenical approach also reflects the project's commitment to democracy—and thereby a democratic 'bottom line' as defended by authors such as Dahl (1989) and Beetham (1999) and in my own previous work (Saward 1998)—without overstating the singularity of arguments behind that commitment. Important consequences of this open approach are that: (a) a variety of institutions and practices, familiar (e.g. voting) or innovative (e.g. online deliberative forums), may embody or enact core democratic values of equality and freedom; (b) the values may be enacted in a range of spheres or arenas (local, national, global, virtual), and by a variety of actors; (c) there is wide scope for reasonable disagreement on the best interpretation of democratic values and how they ought to be enacted; and (d) many approaches to democracy, from the conventional and liberal (e.g. parliamentary democracy) to the radical and speculative (e.g. direct decision-making in Occupy forums) are 'in play' empirically and analytically. The approach places an onus on those invoking democracy—researchers and political actors alike—to locate and defend clearly the particular directions in which they wish to take it.

The democratic design framework developed in the book can thus apply to a wide variety of objects. In principle, it is a tool for use in the design of governance, rather than govern*ment* more narrowly (I pick up this distinction in the course of the argument). For example, it may be put to work to consider governance of a nation-state, a federation of trade unions, or a social movement. To be clear on the types of contexts to which it *may* apply, consider three different potential foci:

- Governing institutionalized practices for compulsory associations, including the most familiar territorial entities discussed in the context of 'democracy', such as nation-states, local government, or supranational governance (such as that of the European Union), or indeed entities such as US school districts (the focus of Tracy's (2010) account of 'ordinary democracy').
- Governing institutionalized practices for non-compulsory associations, including largely functional associations such as trade unions, corporations, social movements, civic associations, local business associations, and so on.
- Non-governing practices, institutionalized or non-institutionalized. These include the free association of people in their daily and private lives, including the family.

My *primary* focus in this book is on compulsory associations or forms of governance. The choice is a practical one—democratic design is a capacious

topic, and one book cannot cover everything important. However, arguably it is the most important type to examine *because* the associations in question are compulsory. That focus does not obviate the potentially broader range of application of the framework to non-compulsory social, civic, economic, religious, or political forms of association. Nor does it prevent us from considering innovative practices with potential applications across the types—for example, the potential uses in state policymaking processes of participative and deliberative practices developed within social movements.[4]

Theory *for* Practice

Motor mechanics refer to a 'full strip and rebuild' of a car. This book is not quite a full strip and rebuild of democratic theory—it builds on a great deal of excellent existing analysis, as the discussions and references throughout the book attest. But it is some way along the spectrum in that direction. The initial focus on second-order analysis, in the form of setting out the democratic design framework, does challenge the use of a set of regular dichotomies in the work of observers and writers on democracy. Perhaps the main example is the dichotomy between democratic theory and the comparative and empirical analysis of democracy. Theorists have always drawn upon empirical examples and assumptions; empirical analyses generate and draw on theories and conceptual assumptions. I reject the conventional theory–empirical distinction in the study of democracy, seeking to challenge 'the gap between theories of democracy and theories of democratization' that Lincoln Allison (1994) discussed decades ago and still resembles something of a dialogue of the deaf. Insofar as I refer to the democratic design framework as a creature of 'democratic theory', the latter phrase is intended as a regenerated notion of theory which includes institutions, practices, devices, and contexts. That is a large claim, redeemable only in the course of describing and applying the democratic design framework across the book as a whole.

Other distinctions are also set aside. Sometimes, especially in the context of Anglo-American political philosophy, 'theory' means 'normative theory':

[4] See the essays in della Porta (2013) for discussions of democracy 'internal' to social movements. My distinctions are porous in certain ways. For example, states may not be compulsory associations for those with the means to exit them, and some formally non-compulsory associations may be *experienced* as non-voluntary. Further, I acknowledge that the personal can be political—practices such as those around the family and friendship groups may reasonably be understood to involve questions of democracy.

the task is to establish sound moral principles and guidance as a foundation for institutional design or empirical and comparative analysis, or indeed (and not least) for policy formulation. It is, broadly speaking, a sophisticated 'ethics first' approach. This is not an approach I adopt. In the democratic design framework, the 'normative' resides within the folds of institutions and practices; its character and meaning derives from enactment in context. It is neither ethics-first nor politics-first; it is ethics-in-politics from first to last. Further, distinctions between conventional, reformist, and radical conceptions of democracy are broken down or set aside. For example, novel and strongly bottom-up institutions to encourage or enable popular participation in democratic politics may sit alongside more conventional or top-down institutions in the context of a particular democratic design.

The Content of the Book

At the broadest level, *Democratic Design* moves from a discussion of existing approaches to democracy and design (Chapters 1 and 2), to setting out the elements of the democratic design framework (Chapters 3 and 4), and finally to the work of democratic design with regard to the content and tailoring of specific designs (Chapters 5 and 6). In other words—drawing on key terms discussed in this Introduction—Chapters 3 and 4 build the crucial second-order analysis, and Chapters 5 and 6 set out the consequent and revised form of first-order analysis.

Chapter 1 offers a critique of the current state of play in the study of democracy. It aims to pinpoint both strengths and limitations of current theories and approaches. A broad range of approaches is covered: the discourse of 'models of democracy'; the conception of 'liberal democracy' that prevails in the comparative study of democratic states and democratization; the deliberative model; normative political philosophy approaches; the world of 'democratic innovations', including direct and participative innovations; and recent 'pragmatic' and problem-driven approaches, notably in the work of Fung (2012) and Warren (2017). The chapter identifies through these critiques a set of lessons to carry forward, including key points about embracing plurality and the role of experimentation. Chapter 2 turns to the specifics of the idea of design. The expansion of 'design thinking' and 'design studies' in recent years is examined in some detail to draw out promising insights for work on democracy. After looking at the limitations of current democratic theory invocations of 'design', the chapter focuses on the meaning of design. From

discussion of central features of design—including its character and scope, functions and purposes, and modes of reasoning—the chapter concludes with a summary of the main implications for democratic thinking arising out of design thinking.

The democratic design framework is built around the sequencing of practices and devices in a political procedure to enact certain political principles. Think, for example, of parliamentary debate followed by policy referendum as a simple procedure consisting of two institutionalized governing practices. Chapter 3 specifies the features at the heart of the framework. Focusing first on what motivates the framework, it details the notion of 'democratic sensibility' and other features of democracy's normativity, and democracy's minimum requirements (the 'democratic minimum'). This is followed by specification of the critical idea of the 'dual core', which consists of (a) practices and (b) political principles. These two interacting elements together form the core of the democratic design framework as a whole. Central to the dynamics of the dual core is the enactment of principles through single or multiple institutionalized practices; the discussion treats this feature in some detail, along with the scope and justification of principles. Chapter 4 continues the building and explication of the framework, extending the examination of the relations and interactions between principles and practices. In that context, the chapter explores procedure and proceduralism to ground subsequent accounts of sequencing, ordering, phasing, and incentive effects. The chapter then offers a set of guiding design precepts—factors crucial to the deployment and character of the democratic design framework. The key precepts discussed are systemic design and reflexive design, the latter including the nature and importance of context to design. The complexities—the messiness—of both system and context in reality are also discussed.

Chapter 5 explores the nature of *a* democratic design, a specific first-order conception emerging from systematic application of the framework to a given set of democratic concerns or challenges. It discusses who designs, types of design (e.g. hybrids and transfers), and poses the question *who* designs: who initiates, adapts, and lives designs (can one have both democratic *design* and *democratic* design?). The chapter also examines the repertoire of specific political principles, institutions, and devices that make up the raw material of democratic designs, thus underscoring the wide range of design options that are in principle available.

Chapter 6 follows up with a ten-point summary of the steps of democratic design, from definition of the specific challenge at hand to consideration of the life of the design in practice. It concludes by applying the framework, offering an extended illustration that I call the Connected Democracy UK model.

1
Approaches to Democracy

In many different ways, and different places, there is a good deal of experimenting with new democratic devices and instruments. Politicians and parties (not least at city and local levels), government advisors, political activists, think-tank researchers, policy advocates, and academic political scientists are doing the work. Citizens' assemblies are becoming more prominent, having played a key role for example in the Irish referendum on abortion and other issues including fixed-term parliaments. The European Union has instituted a novel form of citizens' initiative (the European Citizens' Initiative). New modes of neighbourhood activism and engagement are subject to experimentation in Barcelona in recent years, and in the earlier form of participatory budgeting have been adapted from Brazilian invention to much wider use. There are also reformed modes of parliamentary procedure, including new avenues for legislatures to hold executives to account.[1]

Several experimental forms have added new dimensions to the practice of democracy. A critical question arises from myriad, specific examples of innovation and reform: what do, or can, a wide range of democratic developments and experiments mean for our more general *ideas* of democracy, now and for the future? Is innovation and experimentation changing our very ideas of what democracy is, and what it can be? Is there a way to take on board specific ideas or novel practices in the larger context of democratic systems and democratic governance? The answer in this book is 'yes'. We can, and it is crucial that we do.

The core aim of the book is to forge the tools with which we can rethink what we make of democracy—indeed how we can make and remake it, taking a range of contexts and complexities into account. That work requires examining a wide range of democratic instruments and proposals, from the familiar to the highly innovative. However, a critical first move is to step back and explore contemporary (and to some degree historical) thinking *about* democracy. What do the main schools of thought on democracy tell us about what it

[1] A sense of the number and variety of such devices and instruments can be gained from the excellent website Participedia (participedia.net).

Democratic Design. Michael Saward, Oxford University Press (2021). © Michael Saward.
DOI: 10.1093/oso/9780198867227.003.0001

is? How can we describe the received wisdom about democracy: the theories and ideas about what it looks like, how it works, and how to define and value it? This chapter takes that step back. It sketches the state of play in the study of democracy today, seeking to capture important strengths and limitations, and persisting questions and dilemmas.

In the major part of the chapter, I discuss a selection of prominent approaches to democracy's character and significance, for citizens and governance alike:

- 'models of democracy', offered by political theorists and historians
- mainstream ideas of liberal democracy—a range of approaches by comparative political scientists in particular, often based on widely-used indices of democracy such as the Freedom House and Polity IV
- normative political philosophy's accounts of democracy, where philosophers concerned with the requirements of fundamental principles like equality, justice, freedom, and sustainability look to clarify and justify democracy
- discussions of 'democratic innovations', a field bringing theorists, empirical analysts, and practitioners together to explore new organizations, forums, and practices
- 'deliberative democracy', an approach that centres democracy on the idea of reasoned discussion and features work by political theorists, empirical scholars, democracy advocates and practitioners, and
- pragmatic and problem-based approaches, featuring recent efforts to build a practical approach to facing democratic challenges in context in a systematic way.

This way of dividing or characterizing the broad democracy literature is contestable. Some of the approaches in the list above overlap—perhaps especially the final three. Nonetheless, my hope in this chapter is to point out key strengths and limitations of each approach. This will enable me to demonstrate that moving towards a democratic design framework can build on and extend the different approaches in positive new directions. For example, I hope to show that empirically inclined observers who use Freedom House data that additional practices or institutions, not normally considered, matter to thinking about democracy's present and future—innovative forms of direct and participatory democracy, for instance. Likewise, I hope to show that pragmatic and problem-based approaches (Fung 2012; Warren 2017), can rightly be extended to deal with more nuanced and complex ways to design democratic governance for different contexts.

In the second part of the chapter, I look ahead rather than back and around, highlighting the ways in which resources and cautions arising from the critique of the different approaches to democracy can contribute to the positive task of building the democratic design framework. These resources and cautions will later be matched to conclusions arising from detailed consideration of 'design thinking' in Chapter 2; together, they will form crucial pointers to the core work of constructing the democratic design framework in Chapters 3 and 4.

Thinking about Democracy: Current Major Approaches

A major concern arising from consideration of the state of the art in the study of democracy is a tendency to 'silo thinking'. It would take a volume devoted to democratic thinking to substantiate fully this claim; in this chapter, my aim is to provide a snapshot and summary in order to clarify the motivations for building the democratic design framework at the heart of the book. The models and approaches to democracy discussed in this chapter, for all their variety, are built around different sets of assumptions about democracy's goals, core mechanisms or institutions, and/or its ideal forms (the emphasis differs from one approach to another). To a considerable degree, these models and approaches do not address *each other's* sets of assumptions—though mutual engagement between democratic innovations, deliberative and pragmatic approaches forms a partial exception. They are *first-order* models and approaches to framing and understanding democracy, leaving insufficient room for cross-pollination from one model to another. My aim in this book, by contrast, is to build a *second-order* framework that (among other goals) will foster more aspirational and institutional 'mixing and matching' of hitherto separate perspectives.

Harnessing the best insights from current major models and approaches lies at the heart of this aim. There is no—and there can be no—magic bullet to address democracy's many contemporary challenges; no obvious, singular, or simple blueprints. But it is remarkable that both democratic theory and the empirical and comparative study of democracy, for all their sophistication, persist with more-or-less artificially sealed-off first-order models at a time when joined-up thinking about democratic innovation, resilience, and adaptability is at a premium (though the call to do this work is not new—see for example Allison 1994; Dufek and Holzer 2013). Work that pinpoints gains from mutual engagement across models and approaches is rare (van Biezen and Saward 2008). A key challenge is to identify the elements that existing

models and approaches can bring to a second-order framework that enables flexible and context-sensitive democratic design. It is also to understand what would be lost if the ambitions of democratic design were to be pursued solely *within* the purview of one or other existing first-order model.

Models of Democracy

Let us start the specific appraisals with the 'models of democracy' approach initiated by C. B. MacPherson in *The Life and Times of Liberal Democracy* (1977) and elaborated by David Held (2006). One virtue of these works is that they offer multiple models—Held (2006) discusses eleven, from Athenian direct democracy through classical and premodern republican, liberal, and Marxist models to more contemporary 'competitive elite', participatory, deliberative, and cosmopolitan models. To pinpoint my key criticism from the outset, the problem with the models approach resides in the interesting mix of (a) the *fact* of their firm separation from each other, (b) the *artificiality* of that separation, and (c) the implication of their *ordering*.

First, the models tend to be presented as sealed-off alternatives, offering the key goals and institutional features of each one as thoroughly separate. The explicit numbering of the models reinforces their separation. The implication of this separation—if not the explicit intent of the authors concerned—is that each of the individual models has a certain completeness in itself; that each is sufficient unto itself as a vision of what matters (or should matter) to democracy and to democrats. Emphasizing the critical importance of one institutional feature, such as competitive elections, is one way to achieve this sense of completeness or sufficiency. Second, despite their apparent separability and self-containment, Held (and MacPherson) build their models of democracy in a way that cannot sustain the claim of separation. Why would a competitive electoral model of democracy at a national level not be compatible with decentralized modes of citizen participation at local or regional levels? Why could specialist deliberative forums not play a key part in such a political structure? There is no good reason—theoretically or empirically, why (in this brief example) we could not combine core institutions and goals of Held's 'competitive elite', participatory, and deliberative models of democracy respectively.

Third, there is a particular rationale for MacPherson and Held ordering their respective models in the way that they do. Held (in Gieben 2006) states that each model is 'essentially an analytical device' that captures 'a body of ideas' at the heart of (e.g.) the 'classical', the 'liberal', or the 'deliberative'

approach to democracy. Crucially, these models are located in historical order; they are paradigmatic 'ways of thinking about democracy at distinctive times'. Moments or periods in history—one may ask *whose* histories, but I set that issue aside for the moment—produce a 'shared vision' constituting 'the parameters of common thinking at a given time and a given place'; a model will or can 'capture . . . the spirit of the time'. Thus the basis for identifying and ordering models of democracy is temporal and sequential; the models come one after another historically from ancient Athens to the present day. This strategy accentuates the sense of justified separation and the presumption of self-containment; if models come, more or less, one at a time, and therefore it is not important to consider the potential coexistence of elements of different models in time and space, then they can legitimately be presented as pristinely separate. They are separated by era as well as by which factors each model takes as most important to democracy (e.g. direct decision-making, elections, or deliberative forums). Further, this approach fosters a sense of a progressive trajectory—a sense that later models are better or more complete accounts of democracy than earlier ones (MacPherson and Held both do this—the former with his celebration of the participatory model he concludes with, and the latter with his concluding cosmopolitan model).

Therefore, the major issue with the 'models of democracy' approach is the undue sealing-off of the models from each other. This feature strongly, if implicitly, discourages thinking about mixing and matching, or combining rationales or institutional features, of different models into novel or hybrid conceptions of democracy. To offer a further example, the approach discourages detailed thinking about combining features of enhanced popular participation in governance (the participatory democracy model) and representative governance (the competitive elite model).

If the separation of models is clear, there is less evidence in the work of MacPherson and Held of a setting up of *opposition* between the models. The framing of the models as (broadly speaking) historically successive, and therefore temporally dislocated, dilutes *to a degree* the notion that they compete, or that competition between them is a central factor in their character, composition, and support. In this context, it is notable that recent uses of the idea of 'models' to organize different conceptions of democracy *heighten* the role of opposition in sharpening the character of a given or favoured model. Della Porta (2013, 8–10) for example, describes four main 'models' or 'conceptions' (she uses the terms interchangeably), with 'challenges' or 'criticisms' of one model motivating and shaping competing models. Similarly, Cohen and Sabel offer a stark binary choice: a 'representative-aggregative' model

'versus' their 'directly-deliberative' model (1997, 317). Della Porta hints towards addressing challenges to democracy in different contexts by combining features of different models—she observes that help in addressing limitations of existing liberal conceptions of democracy can come from 'conceptions and practices of democracy as participation and deliberation' (della Porta 2013, 189). Moreover, Cohen and Sabel move quickly to reintegrate institutional features from the model they reject in their construction of their preferred model, 'directly- deliberative polyarchy'—'Directly-deliberative problem-solving arrangements must operate within a frame of legislative, judicial and administrative institutions' (1997, 327). Thus, one asks for new design work that might combine in some way features from different models, and the other engages in it to some extent. The lingering question is whether *starting* with apparently separate and indeed opposed first-order 'models'—elaborated or 'straw man' as they may be—*unnecessarily limits* the openness and creativity of a democratic design process. My argument is that it does.

A more recent contribution that avoids a good deal of such separation and opposition is that of Frank Hendriks. His preferred 'vital democracy' is in effect a *frame within which to consider and construct different designs of democracy*. That frame enables 'a productive mixture of substantially different democratic models, a hybrid of interlocking and interpenetrating modalities' (2010, xiv). In Hendriks' schema, contextually appropriate hybrids are to be built out of four 'models' (which he also calls 'fundamental forms' and 'elementary forms'—2010, 29), a process motivated by the insight that 'practice abounds not with uniform, pure models, but with multiform, mixed models of democracy' (2010, 135). Aspects of Hendriks' work will be discussed at varied points in this book—his approach to democracy has strong affinities with the thinking behind the democratic design framework. For the moment, I highlight one critical issue from his account—that by *basing* or *starting* his hybrid-building work with four integrated models (called 'pendulum', 'consensus', 'voter', and 'participatory', reflecting the roots of his thinking in the influential work of Arend Lijphart with its contrast between 'consensus' and 'majoritarian' models), Hendriks forecloses unnecessarily the potential novelty and variety of democratic designs. A more radical approach, which I will advocate, is to start in a more experimental and open-ended place, with the more numerous potential *components* of models. Albeit in a quite different manner to (e.g.) Held or Cohen and Sabel, Hendriks does first-order analysis rather than stepping back to a more radically open and multiple idea of democracy's varied elements—its institutions, devices, and principles—as the raw stuff of designs. As I shall argue in the following chapters, setting aside

extant models (including even 'tried and tested models of democracy'—Hendriks 2010, 45) means making few initial assumptions about what democracy can or should look like (as few as possible, at any rate). Hendriks does, up to a point, avoid 'closed blueprints' in favour of 'open design' (2010, 183). He points the way towards a greater openness as to the possibilities and potential for hybrid designs; my argument is that what is needed now is for us to travel further down that road.

The extensive work on models of democracy, in all its variety, has been enormously productive. The very notion that there may be a *range* of such models helps to challenge fixed or singular notions of what democracy can or must be, or what ethos can or must inform its practices and sustain support. However, to different degrees in the hands of different commentators, framing the analysis of democracy with such first-order models remains unduly restrictive. Starting with the possibility of assembling many more elements or parts—institutions, devices, principles—into a greater range of democratic designs is both highly desirable and a logical next step from the models literature. Let us not start with models—whatever the number, however derived, however linked—but with *modelling* from an explicitly second-order perspective, drawing on a more diffuse set of tools and instruments to enable a radically open and receptive approach to democracy's possibilities.

Liberal Democracy

People use the word democracy to describe or to claim different things. But the most *common* or everyday use of the term, for example among politicians and in the media as well as by ordinary people, is to describe a type of government in modern nation-states. This type is representative democracy, also referred to as liberal democracy. Representative or liberal democracy takes different forms. For example, it may be 'presidential' where there is a powerful directly elected head of state (such as in France), or 'parliamentary', where the head of government is drawn from and responsible to the legislature (such as in Australia). It may be 'unitary', where the country is not divided into significant sub-national political jurisdictions (New Zealand for example) or 'federal', where it is (in the form of Canada's 'provinces' or Germany's 'Länder' for instance). This form of government elects its heads of state and legislators at regular intervals, and is broadly characterized as granting adults' right to vote, freedom of expression and association. Viewed through this frame, 'democracy' is widely used to characterize a significant number of national political

systems around the world. The number of such systems in the first quarter of the twenty-first century is larger than ever before. Depending on one's precise criteria, the number is generally accepted to be approaching half of the world's nation-states.[2]

This common, widespread use of 'democracy' to describe a set of national political systems resonates closely with its use in the large empirical and comparative literature on democracy and democratization. This literature, despite its internal arguments, characterizes democracy as centred on free and fair elections in nation-states and the protection of citizen freedoms and rights. Indeed, making a direct link between the common understanding and this body of academic research, a prominent contributor has described the object of study as 'real existing democracy' (Schmitter 2011). Key themes from decades of this literature have included (a) how to measure or audit democracy; (b) specifying democracy's preconditions (e.g. regarding levels of economic development); (c) the challenges faced by democracy in deeply divided societies such as South Africa, Lebanon, or Northern Ireland (e.g. Horowitz 2002; Lijphart 2004); (d) mapping historical 'waves' of democratization in different regions and globally, the most recent being the democratic revolutions and transitions across Eastern Europe after the fall of the Berlin Wall; and (e) debating the merits of empirically derived models such as the 'consensus' (e.g. Austria) and 'majoritarian' (e.g. United Kingdom) types (Lijphart 1999). In the new millennium, debates have centred on undemocratic regimes' *transitions* to democracy and when they can be said to have *consolidated*, not least across Eastern Europe and Latin America (e.g. Carothers 2002; Walker 2015). These debates have included extensive discussion of backsliding, or stalled transitions—focused for instance on trends toward populist and nationalist authoritarianism in Poland and Hungary—along with evidence that in many parts of the world democracy is losing its attraction (Plattner 2017).

Its internal debates notwithstanding, in this field of work democracy is understood to mean 'a system of sovereign, territorialized, institutionalized rule in which key decision-makers are chosen in elections marked by freedom of contestation and participation' (Chandra 2008, 92). It is 'real existing democracy'—national, liberal, and representative democracy, with elections as the key mechanism or institution. The debates about how one establishes that democracy is present (is this a democracy or not?) and the extent to

[2] The Economist Intelligence Unit's Democracy Index of 2018 lists 20 countries as 'full democracies', and a further 54 countries as 'flawed democracies', from a total list of 167 countries. See https://www.abc.net.au/news/2019-01-10/democracy-index-economist-intelligence-unit-2018/10703184, accessed on 11 January 2019.

which it is present (how democratic is it?) (Sartori 1987) are longstanding and sophisticated (see for example Beetham 1999; Coppedge et al. 2011).

Thus, the field of comparative and empirical studies of democracy is built on a restricted definition of liberal democracy and a concomitant focus on mainstream democratic institutions and practices. The shared and largely unspoken assumption across this prominent field of research is that real existing democracy *is* democracy. This is a large but sustainable claim about a diverse body of work. For example, it is borne out by the way the empirical literature seeks to measure democracy. As Doorenspleet (2019, 37) notes 'the existing measures are limited, using a narrow set of indicators that focus mainly on political institutions and electoral procedures, political parties and elites. These measurements have taken a narrow view that democracy is mainly about the elections of political leaders and—once in power—the checks and balances of the system.' The fact that quantitative measures predominate across this literature reinforces the point—if the meaning and range of democracy is settled, then technical measures of its institutionalization (e.g. how free and fair are national elections?) are the most appropriate methods. This outlook and approach to measurement also tends to cut out considering the views of ordinary people on what democracy is (Doorenspleet 2015) and on how responsive to the people electoral and related institutions are.[3] Even if it is often implicit, the strong assumption is that liberal, representative, national democracy is sufficient to the ideal of democracy. Whatever controversies attend it, this form of democracy is taken to fulfil the root definition of democracy as 'rule by the people' under modern and contemporary conditions (despite for example Lively's (1975, 30) influential account of the much wider range of ways we might understand 'rule by the people').

In other words, for all its technical sophistication this literature works within what Holden has called 'the definitional fallacy': the view that 'democracies can simply be identified as those political systems commonly called democracies' (1974, 6). If real existing democracy carries a limited idea of where and how democracy can function and of the institutions and procedures that define a democratic system, then maintaining that real existing democracy equals democracy *tout court* curtails greatly exploring and valuing different potential ways we might rethink, relocate, reform, or redesign democracy. In this light, it has been suggested, 'whether certain institutions within states regarded as democracies may be in need of

[3] For example, the high-profile Freedom House index does not include responsiveness. I am grateful to Brigitte Geissel for pressing this point.

democratizing' is not sufficiently addressed in democratization studies (Denk and Silander 2012, 26).

There is little interest in this literature in alternative models that depart significantly from these parameters, such as the direct, participatory, or deliberative models that feature in Held (2006). Indeed, there remains a lack of engagement between democratic theory—which tends to query more democracy's meaning and values and canvasses (sometimes-radical) innovation—and empirical and comparative work on democracy (Allison 1994; van Biezen and Saward 2008).

This brief critical assessment suggests that a wider range of potential forms and practices of democracy should be taken into account in building the democratic design framework. However, there are distinctive strengths of the empirical and comparative field that demand appreciation and exploration. The first is a detailed focus on *institutions*. This includes a focus on *institutional design* in prominent collections (e.g. Levi et al. 2008a, Reynolds 2002, Bastian and Luckham 2003), though just what 'design' means remains unexplored. Institutions are often defined in a capacious way—for example, as sets of rules fostering and constraining interaction (Levi et al. 2008b, 2). However, this capaciousness too often quickly narrows into a focus on a limited set of familiar, macro institutions—elections and electoral systems and rules, above all, along with choices among presidential and parliamentary systems and unitary and federal systems (Reynolds 2002, 3ff). These institutions are, indeed, crucial to almost any conception of democracy. However, they are far from being the only ones, extant or conceivable. When considering the notion of governing practices in Chapter 3, and the range of such practices as raw materials for democratic designs in Chapter 5, the need to address critically and to remedy this limitation will come into sharper focus.

The second strength to note is an emergent one in this field. We may well be on the cusp of a moment when this 'realist' (Schumpeter 1976) and perhaps 'minimalist' (Przeworski 1999) literature looks to wider and more innovative horizons—and with that, a recognition of wider and more creative views of democracy's potential. Prominent research programmes and writers *in* this tradition are beginning to push at its established conceptual and institutional boundaries. The Varieties of Democracy (V-Dem) project based at Gothenburg University is built around expert measures of electoral democracy and civic freedoms but moves some way to incorporate deliberative, direct, and other modes of democratic thinking (Coppedge et al. 2011). Schmitter (2011) and Farrell (2014) point to trends that push democracy

towards more fundamental redesign and greater institutional innovation. The latter notes the rising prominence of direct democracy and the use of deliberative mini-publics in Western democracies, to the extent that a 'new model' is emerging (Farrell 2014, 443), while Schmitter (2011, 191) comments on a new appreciation of democracy's 'ability to redesign itself'. The key message here may be that we must keep sight of real existing democracy while not limiting the scope and imagination of democratic design. There is no scholarly or political reason to assume that what *may be* is tightly constrained by what *is*; equally, there is no good reason to overlook the importance of existing institutions and their configuration even as we seek to expand our horizons to what may yet be.

Normative Political Philosophy and Democracy

As with the other approaches discussed in this chapter, normative political philosophy work on democracy is highly diverse. Nonetheless, some brief general points about the framing of analysis of democracy within the field can help us to illuminate and refine the tasks of democratic design.

First, in normative political philosophy, the concept of democracy tends to be of secondary importance to that of justice or other substantive ideals such as liberty and equality. Where democracy is front and centre in political philosophy debates, the focus is quite firmly on whether it is 'justifiable' (is it a good thing, or the best political thing, and if so, why?). Democracy's justifiability (and the specific form in which it may be justifiable) tends to derive from its conformity with, or deducibility, from a prior theory of justice, liberty or equality. For example, democracy may be offered as the best political or constitutional response to the demands that the foundational principle of social equality places on human communities. Second, where the concept is a focus of analysis, the discussion is normative-first and indeed normative-last. The priority—pursued through highly abstract and philosophically precise accounts (e.g. Kolodny 2014a, 2014b)—is to establish by force of principled argument a preferred account of democracy's value. This focus often downgrades the importance of detailed or critical discussion of democratic *institutions* or *contexts*. Third, it is assumed that those normative conclusions have the profound value of normative *truths*, or to be especially compelling as single-best normative positions, by virtue of the metaphysical foundations of the arguments for them (such as hypothetical agreement in certain contractarian approaches, e.g. Beitz 1989). In the context of democratic design, these points

indicate strengths and weaknesses which can inform how the analysis of democracy may best progress.

Let me come at these potential strengths and weaknesses from an oblique angle. One of the most influential and widely debated books of contemporary political philosophy is Robert Nozick's *Anarchy, State and Utopia* (1974). A broadly speaking libertarian text, it offers (among other things) a riposte to central aspects of the liberal or social democratic approach characteristic of the single most influential work of its type in recent decades, John Rawls' *A Theory of Justice* (1972). More specifically, the book offers a theory of justice that should govern actions by individuals and by the state, centred on free-market exchange: more or less unconstrained 'acquisition' and 'transfer' of goods.[4] Nozick's argument gives us a philosophical defence of the existence of the state, but in a constrained or 'minimal' form.

One might reasonably expect that the idea of democracy would figure in *some* way in such a major work, published in the late twentieth century—arguably, the century of democracy. However, the word itself is not mentioned *once* across 350 closely argued pages. Further, the extensive critiques of his book are concerned with many things but *not* his neglect of the concept of democracy. How could this be?

We can understand Nozick's omission by attending to how political philosophers characteristically conceive of their work. Their job, as they see it, is to set out strong moral reasons supporting a view of what states can and cannot rightly or justly do. It is to produce substantive conclusions—for example, arguments on the justifiability of states redistributing wealth or income in the name of social or collective goals. The means to that end is a preferred theoretical method (such as Nozick's 'historical' method, Rawls' or Beitz's versions of contractarianism, or utilitarianism) which, when put to work, yields the appropriate conclusion about (e.g.) what is *just*. Democracy in such accounts is not regarded as an end; rather, it is a political procedure whose outcomes may or may not accord with the favoured form and standard of justice to be applied to states (or if not justice then freedom, equality, or in more recent years non-domination—see for example Pettit 2012). For political philosophers, democracy may well have value. But that value is normally subordinate to that of a preferred conception of justice or fairness. From a slightly different angle, the focus is on the priority of policy (primarily *what* states

[4] This is to set aside Nozick's brief and enigmatic comments on a principle of rectification for past injustice—an idea that, if taken seriously, may well undermine his entire argument about the strict limits on state action.

should do, or how much they should do) rather than politics (primarily *how* states do what they do). The realization of a conception of justice (or fairness or liberty or equality) is the goal; democracy may, to some degree and in some form, be part of the means by which to achieve the goal, but it remains structurally secondary.

Nozick may not mention democracy, but the moralized and substantive logic at the heart of his writing is also at work where democracy *is* analysed in normative political philosophy—in Rawls (1972), Dahl (1989), Barry (1989), Beitz (1989), and Weale (2013) to cite prominent examples. For all their differences, such discussions are normative first (Estlund 2002, 2). Often, what really *matters* is whether democracy is a good thing, or the best thing, or is 'justified', and if so what argument about (or interpretation of) principles or practices of democracy will demonstrate this claim. Justification is often addressed in terms of its instrumental or its intrinsic value—is democracy valuable in itself, or because it produces results that are of value according to an independent normative standard? 'Epistemic' arguments have become more prominent in this context: do democratic procedures produce outcomes that 'track the truth', or meet an independently justified normative standard (I return to some of these arguments in Chapter 4) (Estlund 2002; Landemore 2013; Knight et al. 2016). In short, even where democracy is an explicit focus, a larger, moralized concern with its 'justification' tends to trump other considerations, such as democracy's variability, robustness, contextuality, procedural features, and institutional character.[5]

For the task of building the democratic design framework, there is an overarching point of importance arising from this body of work: *values and principles matter*. Systems and institutions embody or enact or produce value, and whether openly acknowledged or not they sustain, introduce, or filter principles (for instance, democratic legislatures enact principles of voting equality and constituency accountability). Crucially, a democratic design framework will need to take on board how and why selected principles are invoked and highlighted in practices and institutions.

Yet, following this brief discussion, there are distinct ways in which this approach to analysing democracy does not offer promising ways forward.

[5] On an orthodox view, the fact that different philosophers reach different conclusions about, for example, the nature or extent of the value of the democratic ideal simply means that the interrogation of the different views is incomplete (though political philosophers who, like Galston (1999), are 'value pluralists' would not take this step). Broadly speaking, normative political philosophy works with 'a path of discovery', in which 'the search is internal, mental, a matter of detachment and reflection' (Walzer 1987, 5). The logic of discovery is that the thing sought is already there, we simply need to be smart enough to uncover it in its entirety.

In normative-first approaches, it is all too easy for the (often implicit) definition of democracy that is *being* justified being (either or both) too abstract or too conventional. It may be too *abstract*, for example, in that a bare-bones idea of 'rule by the people' is 'justified' (see Dahl 1989), or that a purely hypothetical account of the normative position against which democracy's value may be judged (e.g. Rawls' theory of justice as fairness) is granted priority over the operative features of democratic politics. It may be too *conventional* in that ready placeholders for 'democracy' turn out to be the familiar forms of liberal representative democracy (this occurs, for example, in Weale (2013) and Pettit (2012) and the essays in Estlund 2002)—majority-rule national elections to representative legislatures with judicial oversight. There is little space for thinking about radical variation or innovation in what democracy *is*, or *may be*, or may come to demand. Or about which of many different ways of conceiving of democracy may be the object of this (would-be decisive) normative value. In this respect, liberal political philosophy takes a conservative approach to democracy. Ironically, this fact risks reproducing (from a quite different starting point) the restrictive view that the defining institutional forms of democracy are limited to its most standard and familiar contemporary forms. In turn, it lends weight to a suspicion that characteristic *Western* democratic institutions are—without justification or even awareness—taken to be of *universal* applicability or value. That is to commit implicitly the definitional fallacy—taking an existing form of X to be the only or the defining form of X.

Further, though democratic values and principles certainly matter—motivationally, to make distinctions between democracy and non-democracy, to tell stories of its value, and so on—the more detailed important questions concern *which* values or principles exactly are involved, and in what combinations? Democratic norms, arguably, do not come in a fixed or pre-packaged set, number or pattern of mutual interaction, nor with a fixed foundational status. They are multiple, institutionalized in varied ways, and interact in complex ways when enacted in specific institutional and cultural contexts. If we do contextual political theory (Carens 2004)—and democracy is always democracy *somewhere* and at some time—the force of acontextual normative thinking, focused on an abstracted, simplified, and limited set of norms or principles, is of questionable value.

This line of thought prompts additional issues about institutions. Normative political philosophers tend not to specify institutions unless they are privileged as the carriers or bearers of the norm or principle that (according to the particular philosophical argument) *should* matter most. In this light, selected

institutions may be familiar liberal democratic practices (such as legislative politics), or more exotic such as the Chamber of Discourses (Dryzek and Niemeyer 2008) or Dennis Thompson's Tribunate for future generations (1999). There is, in other words, an unfortunate symbiosis between the limited range of *principles* and the limited range of *institutions* canvassed in political philosophical work on democracy.

For a more open and context-sensitive account of democracy's potential institutional configurations, we need to learn lessons from political philosophers but then search beyond their domain.

The importance of pursuing second-order analysis is underlined by key drawbacks evident in this approach to democracy. A good deal of the content of second-order analysis, as discussed in the Introduction, is focused on *method*—in Mackie's (1977, 9) terms, again, it is about 'what is going on when someone makes a first-order statement'. Normative political philosophers characteristically perform a mix of first and second-order theory: particular normative positions (first order) are derived from reflection around certain methodological assumptions such as the importance of utility calculations (second order). However, the second-order method—a 'design of a design procedure' (Walzer 1987, 10)—needed for the democratic design framework must take a wide range of principles and institutions into account (just *how* wide I discuss in Chapter 3 and illustrate in Chapter 5). It is crucial to take on board institutional variation and innovation beyond highly selective analysis of favoured mechanisms. Different principles may reasonably attach to democracy in different times and places and in the face of different challenges—an overly abstract, acontextual approach is too blunt. And how those principles are interpreted and enacted through institutional practices matters.

In sum, political philosophy analyses of democracy offer metaphysical depth, on the one hand, and narrowness in terms of the range of principles and institutions taken to matter to democracy, on the other hand. I will argue that the democratic design framework needs to deal with uneven political *surfaces*, eschewing the idea of a metaphysical independent ground. Those surfaces contain a complex plurality of spaces, challenges, institutional forms, and political principles. Democratic design aims for a different sort of depth—'design depth', if you like. It aims to do justice to practical variation and complexity, and to the multiple meanings of principles that characterize and animate any conception of democracy. There is an intellectual market for metaphysical work that constrains and enables certain conceptions of democracy by staking out positions on key institutions and principles. I do not offer an extended argument that there can be no independent metaphysical ground

for democracy's value and character, though I regard the case to be strong (see for example Barber 1984). But whatever position one takes on *that* question, the dangers of such abstract and normative-first analysis can be: undue institutional simplicity, attraction to definitional and exemplar fallacies, sidelining of complexities and multiplicity in considering democracy's principles, and an overemphasis on the one-best-answer and the one-size-fits-all answer. My conviction is that aiming for design depth embraces and provides resources for charting a path through democracy's contingency, variation, and complexity. As we shall see in Chapter 3, this should not prevent further useful comment on democracy's value.

Democratic Innovations

A trend in book titles can reveal only so much, but something was clearly going on in the early years of the twenty-first century when it came to thinking about democracy. We had volumes called *Democratic Innovation* (Saward 2000), *Innovating Democracy* (Goodin 2008), *Democratic Innovations* (Smith 2009), and *Evaluating Democratic Innovations* (Geissel and Newton 2012). This and related literature[6] offers sympathetic but also critical engagement with a range of novel modes and institutions of democracy—a good deal of which I return to in later chapters. Each of these volumes featured prominently *deliberative* innovations, along with discussions of the deliberative ideal and 'deliberative democracy'. I deal with deliberative innovations specifically in a separate section below.

What *are* 'democratic innovations'? For Smith (2009, 1), they are 'institutions that have been specifically designed to increase and deepen citizen participation in the political decision-making process'. While noting that it is a necessarily 'vague and empty formulation', Newton defines a democratic innovation as 'the successful implementation of a new idea that is intended to change the structures or processes of democratic government and politics in order to improve them' (Newton 2012, 4). For the most part these authors take a wide view of democratic innovations, encompassing for example innovations in citizen participation, direct democracy, representation, and associations. The range of examples or types of democratic innovation is potentially very large; indeed, Papadopoulos (2012, 125) cautions that 'even

[6] More specific treatments of democratic innovations include for example those in green or environmental political theory, for example in Dobson (1996) and Eckersley (2000), and in associative approaches (notably Hirst 1994).

making an encompassing typology of them would be a Herculean exercise'. As we shall see in Chapter 5, I do heed this caution—though only in part.

Many innovative democratic institutions have proven influential in a range of countries and contexts, introducing new ideas and practices that have enriched and deepened democracy while at times provoking controversy. Prominent specific innovations, such as deliberative mini-publics (citizens' juries, for example, or citizens' assemblies such as those prominent in Irish politics in recent years) and participatory budgeting, and the novel forms of democratic practice and value they carry, will be critical to take on board in any systematic account of democratic design. However, the notion of democratic innovations in itself prompts as many questions as it answers. What is 'new', and what by implication is 'old' (or perhaps 'established') in terms of our ideas of democracy? Are innovations restricted to developments or changes that 'deepen participation' or bring improvements? Authors tend to argue that innovations supplement rather than replace the familiar institutions of liberal representative democracy. This in turn raises questions about the timing, location, and varied aspects of the size or scope of a given innovation—varied *degrees* of disruption, supplementation, and indeed innovation may be involved.

These questions press us to think about how innovations may fit into a wider picture of democratic governance and its design. A full and rounded view of the significance of democratic innovations– the values, motives, and practices that they may carry or foster, and what it may mean more generally to 'innovate' with democracy—can only come into sharp focus when innovations are located *within a larger democratic design framework*. In other words, to harness the richness and insights of the work on democratic innovations requires taking a step back and embracing the need for a second-order framework. Such a framework should enable us to achieve advances where working with 'innovation' as the frame, with its limitations and ambiguities, does not. To make this point is to work *with* the grain of the insights offered by writers framing their work in terms of 'innovations'. Newton (2012, 154) writes that the literature on innovations remains unsystematic, 'fragmented and piecemeal'. Geissel (2012b, 178) notes that an important next step is to examine innovations in combination: 'Many hopes concerning democratic innovations can only be fulfilled if participatory innovations are combined in such a way that their weaknesses and strengths can be balanced'. Smith (2009, 188–9) likewise sees the analysis and observation of combinations of institutions as a crucial next step in work around innovations, including (along with Goodin 2008) work on sequencing of devices.

These authors explicitly pick up earlier arguments regarding how different democratic devices or institutions might work in combination and when sequenced in a certain way (Saward 2003)—though that work did not yet place such moves in the broader context of democratic design. These authors also point to the need for further work on different principles or goods and different contexts of, and for, democratic innovation (e.g. Geissel 2012b, 178–9). In short, we need to *connect* innovations, rather than examine them in isolation. Moreover, we need a second-order framework that features *democracy* as a larger, more systematic, category than innovations, and *design* as a more encompassing and more flexible category than institutions or ideas-in-implementation. Smith (2009), among others, does use the notion of design, but in a manner characteristic of the literature he deploys—referring to individual, specific institutions whether 'design' is deployed as a verb or a noun. But design is about larger networks or systems of institutional combinations as well as specific institutions or practices—or so I argue. Which institutions and devices, in what order(s), sequences, or combinations, may achieve intended effects? To answer that sort of question requires a more ambitious and holistic framework. This book is one response to that pressing requirement. We need to study democratic innovations as part of the second-order design perspective to exploit fully their character and promise.

Deliberative Democracy

'Broadly defined', in Bohman's (1998, 401) terms, deliberative democracy is 'any one of a family of views according to which the public deliberation of free and equal citizens is the core of legitimate political decision-making and self-government'. To its advocates, the most important thing about democracy is the quality of talk, debate, and discussion that takes place on politics and policy—and how that deliberation informs governmental decision-making. The deliberation may be among citizens or citizen groups, among representatives, between representatives and citizens or constituents, between experts and citizens, and so on. It may be formally organized, such as in parliamentary debates or a special citizens' assembly (such as the recent notable examples in Canada and Ireland). It may be more informal, such as a focus on diffuse public debate before an election. It might be understood as located in a specific place or time, such as a citizens' assembly designed to inform choices around the time of elections or referendum votes, or more diffusely, such as the

uneven process of ongoing debate and discussion that takes place across a whole political system.

However conceived, the idea of deliberative democracy 'invites scholars to shift the study of democratic regimes from a voting-centric research agenda to deliberative- or talk-centric research agenda' (Chambers 2012, 53). Advocates of one or other form of deliberative democracy have often contrasted their ideal with 'aggregative democracy'.[7] The latter, according to the argument, is about adding things up (such as counting votes, or 'counting heads') rather than talking things through—or, more to the point, adding things up *without* properly talking them through first. However, summoning the idea of an 'aggregative model' has been an unfortunate move—it is a rather shameless straw man (see for example Young 2000, who inaccurately cites Robert Dahl's work as exemplary of an 'aggregative model'). Whether it is empirical, comparative, experimental, or theoretical, research on deliberative democracy remains rich and diverse in its focus, reach, and ambitions. It ranges from deliberation's contributions to democratic legitimacy, and the nature of and conditions for democratic deliberation in multiple spaces (from the local to the global), to multiple connections between formal and informal deliberative fora and their policy-making functions (for recent general appraisals see Mansbridge et al. 2010).

The idea of 'deliberative democracy' has found traction beyond academic and other professional commentators. Barack Obama when US president used the phrase, citizens' assemblies have grown in prominence in a number of countries, and one variant, the 'deliberative poll' (the brainchild of James Fishkin with his colleague Robert Luskin) has been deployed in a range of countries for over two decades, sometimes with direct political impact. In academic and professional domains, this model features a distinctive combination of empirical and theoretical work. A number of empirical political science researchers have examined one or another version or claim of deliberative democracy in practice (e.g. C. M. Hendriks 2006; Caluwaerts and Deschouwer 2014), while theorists have developed and advocated deliberative democracy as the dominant and most desirable model or conception of democracy since approximately the late 1980s.

We can identify three phases of the development of the idea of deliberative democracy over recent decades. First was the seam of work inspired by the political philosophies of John Rawls (1972, 1993) and Jürgen Habermas

[7] Including the editors of the *Oxford Handbook of Deliberative Democracy*—see Bächtiger et al. 2018).

(1976), which placed a hypothetical ideal of deliberation as the baseline and the motivation for their larger political theories. In Rawls, it was the 'original position', a mental space we can all enter when we consider what are fair social rules from a collective point of view; for Habermas, it was deeper moral norms to which an 'ideal speech situation' may give us access. The extent to which *actual* deliberation between people featured in the work of Rawls and Habermas is questionable—I have argued elsewhere that in Rawls's (1993) later work, and in an early influential account of deliberation and democracy by Rawls student Joshua Cohen (1989), very little space is allowed in their theoretical constructs for actual deliberations (Saward 2000, 2002).

The second phase is more empirical and comparative, involving a range of studies and assessments of particular deliberative forums, including citizens' juries, deliberative polls, and participatory budgets (see Smith 2009 for summaries and a critical discussion). The third and most recent phase is a 'systemic turn'. According to this seam of work, assessments of the deliberatively democratic character of a system should take account of virtually *all* major institutions and practices in that system, including the (non-obvious or counter-intuitive) deliberative contributions of evidently non-deliberative institutions—elections, bureaucratic agencies, and so on (Parkinson and Mansbridge 2012, though with forebears such as Gutmann and Thompson 1996).

In the context of the goal of this book—to develop a democratic design framework—the central factor characterizing deliberative democracy is a theme that has arisen in debates in each of these three phases. This is the tension between (a) the *dominance and generality* of deliberation as *the* principle and goal that should suffuse our ideas of democracy, and (b) the *boundedness and specificity* of the institutions that may embody or enact the deliberative ideal. In terms of dominance and generality, some eye-catchingly large claims have been made for deliberative democracy's capacity to enhance democracy's practices and the quality and legitimacy of its outcomes. Fishkin (2012, 74) for example refers to a deliberative poll being arranged such that 'We could truly say we had gathered all of Britain into one room'—a claim to a very strong as well as a distinctive form of democratic representation. Dryzek (2000, 54) makes an even larger-scale claim for the completeness or sufficiency of deliberative democracy: 'A deliberative democracy can be specified that has communicative parallels to all of the mechanisms that theorists of aggregative democracy . . . regard as necessary components for a full democracy.'

Such claims have rendered deliberative democracy vulnerable to the critique that its assumed or asserted generality and encompassing nature

ignores or downplays *non-deliberative* components of a democratic system. Przeworski (1998, 141) for example has commented that 'deliberation theorists . . . wish away the vulgar fact that under democracy deliberation ends in voting' (see also Miller 1993; Elster 1998, 14; Gaus 1997, 234; Budge 2000, 195–6). The content of Shapiro's (1999) critique of one major strand of deliberative thinking may be more nuanced, but the title captures his intent and focus: 'Enough of deliberation: politics is about interests and power.' Walzer (1999) extends this line of critique, noting that a range of values central to democracy are far from reducible (or even amenable) to deliberation, including organization, mobilization, demonstration, bargaining, and campaigning (along with voting). The critics' key point, arguably, is that 'even when deliberation is considered to be crucial in a democratic system, one needs to specify its role relative to non-deliberative forms of interaction' (Rucht 2012, 115)—a point also made clearly by Warren (2017). In sum, deliberation is desirable, but democratic systems also require much more. They require constitutional structures, formal (and to some degree hierarchical) organizations, voting and other decision mechanisms that can be decisive in the last instance, and (as Offe 1997, 98 makes clear) institutionalized equal respect for all citizens regardless of their willingness (or even their capacity) to engage in deliberation or other forms of political participation.

Expansive claims such as Dryzek's are now idealistic outliers in the deliberative debates. Those working within the 'systemic turn' or third phase accept—and work from that fact that—there are institutions in a political system that are not (necessarily or obviously) deliberative in themselves. Nevertheless—and this is the key point embraced in the systemic turn—*the system as a whole* can (still) be characterized primarily as deliberative. Non-deliberative institutions and practices can (and framed normatively, should) contribute to the overall deliberative character of the system. Taken together, the institutions and practices of a democratic system are 'interdependent' sites characterized by a 'division of labour' (Mansbridge et al. 2012). This 'overarching approach' to deliberative democracy (no longer a 'freestanding theory'—Mansbridge et al. 2012, 4) acknowledges the force of the critics' objections. It accepts that necessarily there is a lot more going on in democracy in addition to deliberation, whether we are being realists or idealists, and moves to bring the focus of those objections into the fold of the deliberative model itself. The democratic contribution of an array of non-deliberative institutions and practices is to be judged primarily according to their contribution to the overall deliberative system. Critics of the new systems approach may propose reforms to its trajectory (including only practices stemming

from a 'deliberative stance', for Owen and Smith (2015); ultimately focusing on deliberative integration of the *polity* rather than the system, for Dryzek (2017)), but the trajectory's core remains the dominant thread in deliberative democracy today.

Thus, through the deliberative systems approach, advocates of deliberative democracy have found a way to continue to privilege deliberation over other democratic values. This development appears to have maintained deliberation's dominant hold on the imagination of democratic theorists—a hold established in the previous era of its status as a 'freestanding theory'. It is important to face this issue squarely—why is *deliberation* the proper or default normative and institutional frame within which varied strands of equality, liberty, accountability, transparency, rights, and other principles ought to be located? And stemming from that question: if a systemic view is what matters to our thinking about democracy, why is it not the *democratic* system, rather than the deliberative system, that is the focus? Consider: deliberation can take many forms, as the extensive research and commentary on the topic has shown—the wide spectrum of 'everyday talk in the deliberative system', for example (Mansbridge 1999), or the wide variety of types of deliberative forums that I have summarized previously (Saward 2000, 70–2). Place this thought alongside the great variety of forms that democracy can take. The key point is this: democracy comes in a significantly greater number of forms than deliberation, and deliberation comes in a similarly greater number of forms than democratic ones. There are democratic *values* that are not deliberative, and vice versa (Mansbridge et al. 2012, 10–12). Where their forms and values *coincide*, we may speak for example of democratic deliberation. However, to speak of 'deliberative democracy' collapses the two categories in an unreasonably blunt manner. Better, I shall argue, to *start* with democracy,[8] including the need to accept that collective decisions can be wrong, ill informed, misguided, and reflective of non-deliberative preferences—and *still* be defensibly democratic. As Dahl (1989) has written, democracy is a 'gamble that a people, in acting autonomously, will learn to act rightly'.

There is one further important issue to note with regard to democratic design (though it is not one confined to deliberative democrats). Whether a

[8] Mansbridge et al. (2012, 8) do note: 'It is of course possible to think about a deliberative system independently of democracy . . . But because we focus here on deliberative *democratic* systems, we begin with systems that are broadly defined by the norms, practices, and institutions of democracy.' This acknowledgement of the non-coincidence of deliberation and democracy sits uneasily with the folding of democracy within deliberation, closing off what would appear to be the most important prior task: theorizing the 'norms, practices and institutions of democracy'.

'deliberative system' or some other spatial or functional entity is the focus, we should ask: where is this 'system'? Is it certain *countries*? Could it be networks or international regimes at regional or even global levels, rather than countries? If we are referring to the potential for deliberative democracy in countries, then which sort of countries or sub-national entities? South Africa as well as the United States? Columbia as well as Canada? Nunavut as well as Norway?

To generalize (reasonably), political theorists tend to refer to specific locations or contexts for examples of their wider argument, and deliberative democrats are no exception. However, as Schaffer (1998) has convincingly demonstrated, the meaning and force of 'democracy' changes, and sometimes transforms, as it emerges from or takes root in different countries, cultures, and languages. Cultural, linguistic, and historical context are not taken seriously into account by much of democratic theory, at least. This is a shortcoming—notwithstanding, for example, Fishkin and his colleagues conducting deliberative polls in China as well as Western countries. Where explicit acknowledgement of context is made, it is done in passing and not problematized, as for example in Gutmann and Thompson: 'Although we believe that the principles are relevant for societies other than our own, we develop them in the context of American society' (1996, 6–7). As I noted in the Introduction, democratic theorists sometimes refer to the importance of avoiding the 'definitional fallacy'––taking one instance of a phenomenon to be defining for all other and potential instances (Holden 1974). We might likewise wish to avoid a related exemplar fallacy: taking one example (such as the United States) to be sufficiently typical of others to make higher-level acontextual theorizing unproblematic.

In sum, and with the goal of building a democratic design framework firmly in mind, there are key issues to carry forward from the debates on deliberation and democracy. The crucial ones concern identifying systems, the role of context, choice and plurality of democratic values, and combining or mixing diverse sorts of governing institutions.

Pragmatic and Problem-based Approaches

The approaches to democracy sketched so far in this chapter describe and advocate a diverse range of devices and institutions, from the conventional to the more exotic. I have argued for a renewed effort to make connections between institutions and innovations arising from different approaches to

democracy—and (in particular) doing so within a wider integrative framework focused on the tools and methods of design. Two recent contributions by Archon Fung and Mark Warren make productive gestures in that direction. Though arguably the work of both grew out of the deliberative approach, they adopt an integrative and flexible stance, encouraging us to focus on the process of *working out* first-order models for real-world contexts with few restrictive initial assumptions.

Fung discusses 'continuous institutional innovation', in the context of what he calls 'the pragmatic conception of democracy' (Fung 2012). Noting that the 'concept' of democracy as a regulative ideal gives rise to a number of 'conceptions', Fung seeks a conception which does not 'operate in the realm of ideal theory' (2012, 610). Hence the 'pragmatic' conception which 'begins in *media res*—with the social circumstances and especially the governance problems of particular societies as they are' (2012, 610). He proceeds to identify four key 'democratic deficits' (e.g. weak accountability, lack of state capacity) and focuses on participation, decision-making, and power in efforts to address them. *Specific* governance problems and challenges *in context* are central to the pragmatist conception—Fung is careful not to make overgeneralized claims for this framework.

Although Fung locates his pragmatic conception alongside other, apparently first-order conceptions of democracy, it is qualitatively different from clearly first-order models such as (say) a 'participatory model of democracy'. A participatory model highlights and prioritizes the place of participation in democracy; pragmatism, on the other hand, attaches to no *specific* first-order goal or set of such goals (the latter will depend on problems or deficits to address in a given time and place). It stresses method, not content—the 'how' more than the 'what' (or: the how before the what). This move locates democratic innovation within a wider *second-order* conception. In turn, by positing 'a menu of alternative procedures and methods' for democracy (Fung 2012, 614), Fung's approach looks to break down familiar models and conceptions, opening up the range of institutional possibilities that may characterize democratic practice in specific contexts. If democracy is, so to speak, broken down into smaller parts, we have more parts available for context-sensitive combinations or designs.

Despite these promising moves, the pragmatic conception hints at rather than provides a robust second-order account of democracy's possibilities. The name carries unhelpful ambiguities and perhaps confusions—the 'pragmatic' conception may in fact prompt reforms at any point on a scale stretching from the pragmatic, at one end, to the radically transformative, at the other.

In addressing specific perceived deficits in a located political practice, Fung's account stands in danger of losing a more systemic element, for example in the ways in which different layers of democratic institutions and practices (e.g. national, regional, and local) may interact. Further, the 'pragmatic' versus 'ideal' frame may unhelpfully discourage *idealistic* thinking which, like Fung's pragmatism, also takes seriously specific institutions in definite contexts. Fung does recognize the importance of values, but keeping them more clearly *at the heart* of the work of democracy—*not least* if we are aiming to be pragmatic and problem-driven—is critical if we are rightly to answer the question 'what works?' with another question: 'what works with respect to what values?' In short, Fung's account has much to offer to the quest for a full, second-order democratic design framework, while underlining the need for more work.

In a similar vein, Warren (2017) offers a 'problem-based approach to democratic theory'. Working at a more general level than Fung, he suggests that there are three core problems that 'a political system needs to solve if it is to function democratically' (2017, 39): it needs to 'empower inclusion', form 'collective agendas', and organize 'collective decision capacity'. Taking aim at deliberative, vote-centred, and other existing models, he suggests that selective and targeted deployment of seven 'generic political practices' is needed to address the problems effectively. In this way, Warren outlines a framework for constructing ideas or types of democracy in response to key challenges in different contexts.

Warren's is clearly a version of second-order analysis. He characterizes his theoretical move as taking 'a step back' from (what I would call) narrower first-order models which resolutely privilege one principle or practice as definitive of democracy's nature or value. He argues that we can deploy different generic practices to address different problems of democracy. In seeking to build a second-order democratic design framework, I recognize in Warren's approach a kindred spirit. However, the problem-based approach as it stands is too broad-brush with respect to democratic problems, ideals, and practices. The range and variability of (potential and actual) contexts for democracy push us to consider a more extensive menu of principles and practices. It will also press us for further, fine-grained ways to distinguish different types of principle and practice.

For example, aiming to work with different 'generic' practices is fine—but only up to a point. There is no doubt that varied political and democratic practices can be relevant to quite different contexts (countries, cultures, and so on). However, how an apparently generic practice is viewed—and the

purposes for which it may be deployed—from one context to another will soon begin to chip away at claims that it is generic. To speak of generic qualities implies an ease of *transfer* of a practice from one context to another, as if problems of democracy manifest themselves according to sufficiently common and predictable patterns. Rather, we need (or so I shall argue) to address the nuances and complexities of what I will call *translation* of practices across contexts—where translation is more complex and problematic than transfer.

Further, the use of 'generic' locates Warren's approach firmly within democratic *theory*. I hope to show that democratic theory's continuing relevance and usefulness depends on its puncturing the boundary between it and comparative and institutional perspectives; democratic theory needs to become something it has rarely been in order to do the work expected of it. Above all, embracing design thinking can introduce critical elements of creativity, flexibility, and contingency, beyond a restrictively small and select set of democratic principles and practices, while still gathering the tools for democratic design work into a single framework. In sum, the effort to build a democratic design framework can take encouragement from pragmatic and problem-based approaches, building productively on their insights.

To reiterate, these wider discussions of how democracy might be rethought and restructured point in highly productive directions. They help us to: examine values or principles in their practice or enactment; openly and pragmatically consider a wide range of sites, institutions, and devices for democracy; and to be open to the novel and the unusual when confronting challenges to effective democratic practice. The next steps require much more systematic interrogation of a wider range of principles and devices, in a wide range of potential combinations. The democratic design framework will only succeed if it can meet this requirement, bringing the old and the new together within an integrated *democracy* rather than a more partial liberal, participative, deliberative, or innovations framework. We need to bring the benefits of various approaches to democracy into the fold of democratic design.

The Lessons to Be Learned and Carried Forward

This book looks more to political futures than to political past and present. However, there are significant insights, resources, and cautions from existing approaches to democracy to take on board. The aim of this chapter has been to capture them, both to clarify the need for and to inform the democratic design framework set out and illustrated in the following chapters. I now

complete the chapter with a brief summary of the five key insights, resources and cautions concerned:

1. *We need an expansive and robust second-order framework for the analysis of democracy and its possibilities.*

   A second-order framework begins with method—what are we doing, and what should we be doing, when we construct first-order models or conceptions?—prior to the move to offering or advocating discrete models, such as a participative model. We need such an approach because democracy can take not just many different forms (as for example the 'models' literature suggests), but in principle an unlimited number of overlapping forms, driven in complex ways by different combinations of principles and institutions. Unlimited, because combinations of (for example) specific representative, participative, deliberative, and other devices or institutions can take a many different hybrid forms. Overlapping, because some of those forms will be quite similar. A rush to prefixes (participatory democracy, deliberative democracy . . .) too often places our sense of democracy's possibilities in a specific context into a straightjacket. Such a move too often excludes and ossifies—what does this vision of democracy leave out, to what extent, and with what justification? It sidesteps or downplays democracy's potential for versatility and multiplicity. It is important not to let prefix thinking unreasonably narrow one's gaze regarding democracy's shape and values, or to be led too soon to artificial separations between discrete or self-contained models of democracy.

   We have seen positive, partial steps towards second-order thinking in the existing debates, such as the move from 'freestanding theory' (i.e. a first-order conception) to an 'overarching approach' to deliberative systems, and Fung's and Warren's steps back from first-order models to 'pragmatic' context- and problem-driven institutional innovation. However, none of these suggestions goes so far as to provide a fully specified second-order framework. Pragmatism for example can be one component of such a framework, but a larger set of principled and institutional concerns needs to be a part of it as well. And repositioning a dominant norm—e.g. the unimpeachable centrality of deliberation to democracy—from a first-order to a second-order approach does not eliminate, and indeed may reinforce, the critical question I have posed: why elevate deliberation above all other potentially democratic values?

Or at least: why elevate it before exploring intensively the particularities of time and place concerned?

2. ***Both** institutions and principles or values matter—and we need to bring them into closer conversations with each other.*

   Normative approaches that downplay institutions, and empirical approaches that downplay values, can be brought into a blended and productive engagement in this respect. Further, we need to embrace a wide array of actual and reformable and potential institutions for democracy, avoiding settling on familiar or received institutions (cf. Weale 2013, 189), or specific ones that appear to enact favoured values such as deliberative forums. Smith's (2009) work on democratic innovations underscores the importance of linking values ('goods' in his terms) and institutions, while deliberative systems scholars raise such an approach to systematic levels while narrowing the scope of the work by privileging the values of deliberation.

3. *We need to make new connections.*

   The need for connection has different dimensions. First, connecting different (elements of) different models or conceptions of democracy, rather than holding them separate. Second, examining in detail the connections between institutions—the received, the innovative, and the imaginable—exploring orders or sequences of institutions rather than, for example, singular institutional innovations taken in isolation. The call for such work in contemporary democratic theory was made some time ago (Saward 2003), and has been reinforced (Smith 2009; F. Hendriks 2010), but only within a limited frame acted upon (note for example Goodin's (2005) work on sequencing regarding deliberative democracy).

4. *There is a need to open up more to what democracy can be, and where.*

   It may be understandable for observers in the 1950s to assume that 'democracy' was equivalent to political structures and practices in, say, the United States or the United Kingdom. That was an era, in the West, dominated by electoral democracy versus communism or other forms of authoritarianism. Nonetheless, to do so was to subscribe to the definitional fallacy—the United States is a democracy, therefore democracy is how government is done in the United States. Something akin to this fallacy still has traction in contemporary thinking. We have seen that a type of exemplar fallacy may be at work, subtly, in normative political

philosophy, empirical studies, and other approaches to democracy—especially implicit or unacknowledged reference to the United States as democratic exemplar. There are approaching two hundred independent states in the world in the early twenty-first century. In principle, to a democrat, they all matter. The ones that are, or have the potential to be, democratic need not be, or become, democratic in the same ways. No particular systems should be taken to be implicit universals, or what we might call 'implicitly approved designs' (that does not mean that democracy lacks boundaries—there are minimum requirements, as we shall see in Chapter 3 especially).

Closely allied to this point is another crucial one: context really does matter. There is no single best answer to what democracy is or can be—even in one specific context. There are plural and varied possibilities. Nor is there one tack or trajectory to adopt—for example 'deepening', 'perfecting', 'consolidating', or 'extending' democracy. In short, a number of presuppositions—some explicit, some not—appear to constrain unduly the development of new approaches to designing democracy that are genuinely open-minded and curious, and sensitive to culture and place. We should specify carefully and minimize where possible the range of presuppositions we bring to this work.

Each of these points prompts a further issue arising from our brief review.

5. *The task is not so much one of theory as* ***theorizing****; not so much about describing or positing models as about active* ***modelling****, and the creation of the tools to enable it.*

   The need for a full second-order framework, focused on developing the conceptual and institutional tools for the job of democratic design, is allied closely to the need to make connections, break down undue separations, and to approach democratic thinking in a spirit of openness to plurality. A similar openness is needed philosophically and methodologically. A democratic design framework, as I hope to show, is not simply 'theory', or 'empirical', but rather theory-for-practice.

Much of the work discussed in this chapter is of real practical use to the democratic design project. However, for all its breadth and depth, research on democracy lacks a flexible yet unifying framework that can draw on its strengths while addressing its silences and limitations. A realignment of the

field around a design paradigm promises to bridge the theory–empirical divide, extend a genuinely systemic perspective, and draw flexibly on different models by actively modelling. It promises to create new avenues for rethinking democracy in a pluralistic and fast-changing political world. To succeed, such a move must draw on a range of work across the sub-fields of political theory and political science. It must also draw on key threads in cognate fields, as we shall see—for example, social and cultural theory for insights into the performance or enactment of political principles. Indeed, confronted with the complex tasks of democratic design, a lack of concern for the boundaries of academic disciplines and sub-disciplines will likely be a benefit.

Conclusion

'It is difficult to begin without borrowing', Thoreau wrote in *Walden*. To construct, describe, and illustrate the democratic design framework is to incur a considerable debt to a wide range of academic and other observers of democracy. That debt is not reduced by the fact that I seek to build away from, as well as build on, much existing and past work on democracy's shape and potential. To appraise critically the limitations of existing approaches, as I see it, is to pay due critical respect to works of great depth and richness. Several important insights from current and past authors and observers, important to existing traditions of analysing democracy, will be carried forward into the work of building the democratic design framework in Chapters 3 and 4: the potential for a plurality of models, attention to specific institutions and their effects on democracy, the role of norms and values of democracy and their enactment in shifting patterns, and an openness to the perpetual possibility and perhaps desirability of democratic innovation.

2
Design Thinking for Democracy

The term 'design' has been used widely in recent discussions about democracy—especially in the light of democracy's perceived failure to engage ordinary people in the political process. A prominent example from the United Kingdom is *Designing Democracy*, a work from the Design Commission and associated with the Digital Democracy Commission established by the Speaker of the House of Commons, John Bercow MP ('In a sense, our vitally important democratic institutions have unwittingly designed out the voices of those who do not feel comfortable in the places traditionally inhabited by the political class'—Bercow 2015, 27). This work captures a sense of confidence that design has a role in addressing democracy's shortcomings and potential, and a range of ways in which to put it to work to those ends. *Designing Democracy* mostly features specific areas of creative response—on clarity of presentation and jargon-free political language, political buildings and spaces, and online engagement and innovative institutions. But it also contains some big-picture claims about the scale of the democratic malaise and the importance of ambitious new design work—'many of our systems of government are not just creaking a little, or even malfunctioning badly, but actually belong to another age . . . government itself should be redesigned: in fact, completely reimagined' (Hill 2015, 48).

Highlighting a need for depth, flexibility, and openness, along with an emphasis on a systematic second-order approach, the analysis in Chapter 1 set initial constraints and demands on the ambition to build a democratic design framework. Those constraints and demands arose from a review of the political theory and political science research on democracy. The task in this chapter is to extend this work by stretching beyond these disciplines, and specifically to work located in the discipline of design studies and around the key phrase 'design thinking'. The chapter explores design thinking, showing what it is and what it is not, and what it can and should mean for the practice of democratic thinking. A range of fruitful insights from this work will inform the core framework building in Chapters 3 and 4.

Democratic Design. Michael Saward, Oxford University Press (2021). © Michael Saward.
DOI: 10.1093/oso/9780198867227.003.0002

Design, Political Theory, and Political Science

The UK Design Commission's *Designing Democracy* uses design insights to address a set of discrete problems of democracy. However, it does not explore in detail deeper issues of what it may mean to design, or offer a systematic appraisal of design's potential contribution as an approach or a method. Even with those limitations, it goes further than work in the political science subfield of comparative politics that prominently invokes 'design' when discussing democracy and democratic institutions. It is remarkable, for example, that books called *Designing Democracy* (Sunstein 2001), *Can Democracy be Designed?* (Bastian and Luckham 2003), and *Designing Democratic Government* (Levi et al. 2008a) offer no discussion of the *meaning* of 'design'; the word itself does not appear in the indexes and is rarely used in chapter titles. Although these works offer useful insights that are pertinent to building and deploying a democratic design framework (and I refer to them in later chapters for that reason), the idea of design *itself* is not regarded as problematic, or even as a practice with a particular character and its own differing choices and pathways. Where the term is used, it tends to be treated as a straightforward placeholder for more standard political science terms such as 'change', 'choice', or 'institution'.

Other prominent examples of political science and political theory work have explored more closely the practice of design for aspects of governance or policy. This work has tended to focus on (a) institutional design and (b) policy design. Goodin (1996) draws resources from a set of cognate social science literatures to interrogate central questions of intention, norms, and potential guidelines for institutional design. He stresses the importance of context, works with a suitably wide conception of 'institution', and generates specific 'desirable principles of institutional design'. He also recommends stepping back from 'the design of institutions directly'. 'Rather', he says, 'we should be aiming at designing schemes for designing institutions' (Goodin 1996, 28). Stoker (2013) advocates a 'design approach to political science', one which leans more towards policy design (though at times he moves between policy design and institutional design). His work links to a large body of research and practice on policy 'nudges' designed to encourage or steer desired citizen behaviours (see Thaler and Sunstein 2009). Such an approach would bring values and normative thinking into close alliance with explanatory research in order to explore 'what might be' as well as 'what is' (Stoker 2013, 175). There is, Stoker argues, strong potential for a branch of political science based

on design thinking, embracing goals for positive change, and developing tools to pursue it (2013, 176). Lowndes and Roberts (2013) offer a sophisticated assessment of varied 'institutionalisms' and bring a rounded version of that tradition into close dialogue with design issues, including building on Goodin's design principles. Smith examines a diverse—and geographically dispersed—set of innovative democratic institutions, such as participatory budgeting, citizens' assemblies and direct democracy, 'specifically designed to increase and deepen citizen participation' (2009, 1), assessing against explicit democratic criteria the potential of such institutions to meet their creators' goals.

Against the background of this book's ambition to build a democratic design framework, and the pointers towards that goal identified in Chapter 1, it is clear that these authors make considerable advances. Goodin breaks new ground in exploring and to an extent linking key factors such as *intentions*, *normative principles*, and *contexts* in political design. His task of 'designing schemes for designing institutions', feeding through into a set of five 'middle range' principles to guide institutional designs (revisability, robustness, sensitivity to motivational complexity, publicity, and variability) (Goodin 1996, 39–42), *points toward* what I have termed a second-order analysis. Smith (2009) adds richness to institutional design as an interface of normative values and specific empirical practices. Lowndes and Roberts capture in the idea of design as 'bricolage' a sense of the contingency, diversity, and pragmatism of political design: 'Typically, grand blueprints for change will be interpreted and implemented via dispersed yet strategic acts of bricolage, which together feed processes of institutional emergence' (Lowndes and Roberts 2013, 198). And Stoker's call for political science to develop a design capacity represents a clear and ambitious direction in which this work might productively continue—using interdisciplinary resources to forge tools for creating designs for governance. Perhaps the most important of these advances is the convincing insistence on a genuine blend of normative and empirical analysis—it will be critical to take on board the values motivating (or enacted within) specific institutions or practices.

Each of these linked advances is productive, and will inform the building of the larger democratic design framework. That said, these authors do not offer an equivalent of, or a potential substitute for, that framework. Building a democratic design framework can most clearly *begin* with a tendency in these publications—uneven, but evident—to tie the idea of design in politics closely to important developments (e.g. a renewed interest in institutions), questions

(e.g. how do we innovate in democracy?) and needs (e.g. how might politics researchers contribute to better policy?) in recent political research. It is crucial, however, not to *limit* our attention to these prominent developments, questions, and needs. To do so would place undue restrictions on how we think about designs of, and in, governance. Such design work may well involve, but is *not reducible to*:

- innovation
- single institutions or 'institutional design'
- goal-directed policy development, or
- institutional change.

For example, we need to keep an open mind about how entities *other than institutions* can be legitimate objects of design. Further, as my comments so far have suggested, the design of systems (or 'systemic design')—possibly involving several discrete institutions—also matters (and is not reducible to 'goodness of fit' of varied elements in a system, as Goodin (1996, 33–4) suggests). There may also be *non-institutionalized* (and perhaps semi-institutionalized) contexts in which design matters. There should be no implicit or explicit restriction of design to *single institutions*—connections and processes establishing relationships *between and among* institutions matter, a point more acknowledged than pursued in the work of the authors discussed here. And there should be no reduction of design to innovation, intervention, change, or choice, however important these elements may at times be in design thinking. With respect to innovation, for instance, specific design options may in principle be old or new, familiar or unfamiliar, or hybrids. Existing and familiar political institutions, such as elected parliaments, are as firmly objects of democratic design interest as newer innovations, such as citizens' assemblies—notwithstanding Hill's injunction (cited above) for us to 'completely reimagine' government.

Finally, and central to the theme of this chapter, design itself should be subject to a more searching or thoroughgoing *interdisciplinary* interrogation, going beyond the range of reference of the works noted above (though they at least point us in this direction). Such a wider interdisciplinary step will be crucial to a close interrogation of what it means to design—what mindsets, guidelines, pitfalls, and so on are characteristic of the activity of designing? It is true that, despite the ease with which university mission statements and the like invoke it, interdisciplinary work can be highly challenging, not least due

to the hazards of (often unnoticed) mutual miscomprehension. Discussing the definition of 'design', Goodin (1996, 31) notes that:

> Literatures on public policy and political institutions often refer us very far afield indeed—to texts in aesthetics or engineering or architecture or product design or land-use planning. There may well be something to be learned for the study of institutional design from these distant disciplines. But, to say the least, the points of analogy and disanalogy will have to be traced fully and carefully: the objects of design are so very different that there can be no serious thought of wholesale borrowing of the tricks of those very different trades and applying them unreflectively to the design of social institutions. To date, however, those glib analogies to design notions in distant disciplines have remained just that.

The warning is fair. Unexamined analogies will not do, nor will skating too blithely over thin ice between different disciplinary assumptions, cultures, and starting points. Scholars in, for example, political theory, social anthropology, architecture, and design studies just are trained to think differently, and to approach topics from differing directions. Nevertheless, asserting a disabling distance between disciplines begs the question about the potential for genuine mutual enrichment. The next steps in this chapter will take us further into the nature and challenges of 'design', largely outside political theory and political science (though as we have seen, Stoker and Goodin have begun such moves). The proof of the pudding will be in the eating: I hope to show that further, close interdisciplinary work will enable us to (re)turn to the field of politics and democracy with a deeper and more nuanced grasp of what the ambition to do democratic design may demand.

Locating Design Thinking: What and When Is Design?

To design is to do something—it is to engage in a certain activity or practice. What sort of activity is it? After canvassing a range of possible definitions—and thinking through objections to them—philosopher Glenn Parsons (2016, 11) produced this useful definition: 'Design is the intentional solution of a problem, by the creating of plans for a new sort of thing, where the plans would not be immediately seen, by a reasonable person, as an inadequate solution.' To offer one further notable perspective—the definition from

Bobrow and Dryzek (1987, 201) used by Goodin in his account of institutional design—'design is the creation of an actionable form to promote valued outcomes in a particular context' (Goodin 1996, 31).

I would highlight selected aspects of this work on definitions. First, in Parsons' definition, design produces 'plans', not 'things'—to use an analogy, it produces the architectural drawings, not the new building itself. Bobrow and Dryzek's 'actionable form' hovers ambiguously between plans and things, but the 'actionable' suggests that they refer to a plan that must *subsequently* be put into practice or acted upon in order to produce some*thing*. Second, design aims to produce plans intended to solve problems or 'promote valued outcomes'––plans which, when acted upon, may bring about a specific positive change. The problems, further, are ones that arise in a specific context—design is always somewhere, at some time. Third, 'design' is not the same as 'a design'. 'Design' is an activity that produces a plan. 'A design' (or 'the design' in a particular case) *is* a plan produced by the activity.

These definitions capture key features of the democratic design framework that I seek to assemble. That framework is a guide to action, a guide as to how to design selected elements of democratic practice in a particular context, faced by particular problems or challenges. The 'problem' is to find ways in which to achieve or improve democratic governance or democratic practice. The problem is to be addressed by creating 'plans for a new sort of thing', where the new sort of thing is a conception of a democratic process consisting of governance practices and devices in a certain sequence or order (e.g. parliamentary debate followed by a popular referendum on an issue). Crucially, in the context of comments in favour of a second-order approach to democracy in the book's Introduction, design is a second-order activity—it is a process or practice where the designer explores a problem using appropriate tools and methods. This process or practice produces *a* design, a first-order conception. We could say that design-as-verb points to second-order work, focused on method and creativity, while design-as-noun points to a first-order plan or model (for democracy, in our case).

Taking Parsons' definition of design, then, we need to delve into what this activity involves. Examining design *thinking* and 'designerly ways of thinking' (Johansson-Sköldberg, Woodilla, and Cetinkaya 2013) has become central to exploring the nature of design practice. The phrases refer generally to patterns, considerations, guidelines, and strategies characteristic of working through the design process—'how designers think and work', in Cross's terms (2011, 1). The following sections draw on that exploration, picking up useful cues that can shape ideas of democratic design. In the remainder of this section, I offer brief comments to contextualize the notion of design thinking.

A move to extend design thinking to the design of democratic political processes is very much in alignment with recent developments in the deployment of design thinking. From its roots in design studies, and in particular studies of what designers of artefacts (cars, bicycles, lemon squeezers) actually do when they design (Cross 2011), explicit reference to, and investigation of, design and design thinking has been taken up across a range of disciplines and fields of study, including cultural anthropology, policy-making, and management and business.[1] In a parallel development, the study of design has greatly expanded its scope, in terms of *what* can be designed. In part motivated by the perceived potential of design thinking as an 'agent of change' (Stewart 2011, 516) or of 'social innovation' (Manzini 2014) in the face of difficult or seemingly intractable problems, design and design thinking have been mined increasingly to examine a wider variety of entities beyond *physical* artefacts. Fisher (2016, xiii) notes for example the emergence of 'public-interest design' and 'social-impact design', radical extensions of ideas of the objects of design which apply design thinking's 'empathetic and iterative methods' to 'systems and services that have been badly designed by non-designers'. The broadening scope of design is summarized by Stewart: 'if the focus of the design disciplines established in the nineteenth and twentieth centuries was the design of material things and the shaping of material environments, emerging design disciplines of the twenty-first century are more concerned with the immaterial; with systems, processes, organisations, interfaces, experiences, and relationships' (Stewart 2011, 517; see also Bayazit 2004, 16; Rodgers 2013, 434).

Indeed, outside the work of authors aligned directly with design studies and design thinking, the objects of design have been conceived ever more expansively. Describing design's 'extraordinary career', Latour (2008, 2) notes its 'extension from the details of daily objects to cities, landscapes, nations, cultures, bodies, genes, and . . . to nature itself' (see also Appadurai 2013). In Latourian terms, Bjögvinsson and colleagues trace this movement as one from 'things' to 'Things', an old Nordic term denoting social and political assemblies (Bjögvinsson, Ehn, and Hillgren 2012, 102). In seeking to build a democratic design framework, one *may* refer to material things (buildings,

[1] The extension into management and business, where the phrase 'design thinking' is used as a substitute for product planning within business organizations (influentially in Brown with Katz 2009), lacks intellectual depth compared to work in the other fields. The relevant literature makes no reference to the prior work on design by researchers into design processes, and from the perspective of the latter is seen, reasonably, as an 'uncritical deployment' of design thinking (Stewart 2011, 515), displaying 'a more superficial and popular character' and 'less academically anchored' than work in the design studies tradition (Johansson-Sköldberg, Woodilla, and Cetinkaya 2013; see also Kimbell 2011, 289, 295).

spaces, technological artefacts), but more often one will refer to *practices of* and *connections between* institutions, *experiences* of such practices and connections, and to the wider *systems* or *assemblages* of which they form a part. Deploying and developing design concepts and insights in order to construct a democratic design framework may be novel, but it is part of an interdisciplinary research trajectory that is radically widening the scope of design as an activity or process.

Design's *temporal* location in modernity is an inextricable part of its expanded scope. In a world where the givenness of material things and social relationships is unquestioned, design has no role unless it is understood as what God or the gods do. Instead, there is revelation, interpretation, and occupation of predetermined roles. Design as human activity with creative intent and capacity becomes thinkable and relevant as cracks emerge in the encompassing character of the given order. Design aligns closely with modernism (something it has in common with democracy).[2] Modernist social and technological change has given rise to what Herbert Simon—in a foundational design thinking text—calls 'the sciences of the artificial' (Simon 1996). In the modern world, artifice increasingly outstrips the natural—indeed, to the point where we begin to assume, as in the idea of the Anthropocene, that there is nothing that is not touched or even produced by human designs. Recognizing the artificiality, the 'designedness', of our environments, cultures, institutions, and selves renders design at the same time more complex, more prominent, and more urgent.

For Simon, this meant a notion of design that was both more expansive and more pressing, in line with the direction of travel taken by design studies research in recent years: 'Configuring organizations, whether business corporations, governmental organizations, voluntary societies or others, is one of society's most important design tasks' (Simon, 1996, 154). And as Ilyin (2006) notes, a modernist frame brings certain strictures and assumptions about design, such as its perceived role in social change and improvement and an emphasis on function rather than form (evident in Parsons' definition of design, deployed here). To write about what new forms of democracy may improve for citizens and societies (e.g. enhancing popular participation in

[2] Democracy, of course, has its etymological and, in some respects, its institutional roots in ancient Greece. Direct democratic practices in Greek democracy remain relevant to contemporary democracy, as we will see in later chapters. Nevertheless, the modern idea of democracy, expanding radically the range of practices associated with the idea, has its roots in the American and French revolutions of the eighteenth century. For one influential account of the 'transformations' of democracy, see Dahl (1989).

politics), and about the functions or products of its components (e.g. more confident and capable citizens), is to work within a modernist worldview of human-made and in principle (re)designable systems, symbols, and values. The idea of democracy, on the one hand, and that of a world that can be remade or redesigned, on the other hand, work in a kind of historical tandem.

So design as an activity and design thinking are being embraced as an interdisciplinary practice that can be applied to the work of creating plans for immaterial systems, connections etc. In principle, such applications can include procedures, practices, and sequences that can make up plans for democratic governance. Let us move the emphasis now from 'in principle' to 'in practice': what assumptions, tools, and resources of design thinking are potentially useful to the would-be democratic designer?

Design Thinking: Key Features

The phrase 'design thinking' does not stand for a definite or single set of ideas. Indeed the idea of design *thinking* itself has come under critical scrutiny, as in Kimbell's (2011) concern that it downplays practice and materiality (I do not think that it does—the 'thinking' is about and for practice and not separable from it). There is, nonetheless, a set of more or less compatible ideas or approaches that have emerged from design research. Even if they do not add up to a definitive account (Kimbell 2011, 292), it is reasonable to gather these ideas and approaches together under a design thinking heading. That is the task of this section.

Design thinking pays (and demands) close attention to the methods and processes involved in *actively making or creating a plan or an idea* for 'a new sort of thing', to use the terms of Parsons' definition. It is one thing to *have* a plan, a conception, or a favoured guiding principle for something (a system, an artefact, and so on). But what is the process by which one came to have it? Once the often-unexamined process of creating plans is opened up to scrutiny, a range of pertinent questions arise—what was put aside, what was overlooked, what ways of framing the problem at hand were chosen and why?

In design thinking there is an acceptance of *uncertainty*. It is not a precise science. Intuition, for example, plays a key role (Cross 2011, 9ff.). Invariably in a design process there will be a degree of uncertainty about proposed solutions, and about the extent to which proposed solutions really do solve problems that gave rise to the need to design. Design situations are always partly indeterminate (Schön 1988, 182). A crucial aspect of this characteristic of

design is a mutually *shifting or unstable relationship between 'problem' and 'solution'*. It may be better to speak of a 'problem-concept' and a 'solution-concept' as spaces to think with and in. Solutions may emerge, but they may do so in tandem with rethinking the often 'ill-defined' (Kimbell 2011, 292) nature of the problem: 'In the process of designing, the problem and the solution develop together' (Cross 2011, 11), or 'co-evolve' (Kimbell 2011, 292). The 'what' and the 'how' work 'in conjunction' (Dorst 2011, 525). This will often be a back-and-forward process, a non-linear process of adaptation and alteration of plans.

A key tool used in design as part of the shifting and co-evolving relationship between problem and solution is *framing*. Designers—working by hunches, experience, intuition, and often through dialogue—may develop and deploy particular frames within which the problem takes on a specific shape and character. When faced with a decision, designers do not think about every available option; they think in terms of rules of thumb (Stoker 2013, 179). Frames can act to 'prestructure' problems and solutions (Parsons 2016, 53). Particular conceptions of the 'what' and the 'how' come into focus within a particular frame that provides a 'viewpoint' from which to work (Dorst 2011, 524–5). For Schön, a frame is a 'way of knowing' which 'prestructures' potential solutions (for example, design of a service to the public in a city might be prestructured through a 'hub-and-spokes' model or frame). There may be different levels of frames and framing in the design process (e.g. the specification of the system of roles that people or positions may play in the 'hub' itself).

Design involves *abductive* reasoning. As a search for solutions that involves experimentation, creativity, multiplicity, and an openness to revision, it cannot accurately be characterized as a process of induction, where existing approaches are described as a result of empirical examination. Nor can it be characterized as a process of deduction, where a plan or idea follows necessarily from the nature of a given first principle. Rather, its approach most clearly enacts a third form of reasoning: abduction. Cross (2011, 27) quotes the originator of the notion of abduction (or 'retroduction'), the philosopher C. S. Peirce: 'Deduction proves that something *must* be; induction shows that something *actually* is operative; abduction suggests that something *may* be'. Cross goes on: 'It is this hypothesising of what may be, the act of producing proposals or conjectures, that is central to designing.' In the present context, a key variant of abduction is 'creative abduction', which introduces 'new theoretical models or concepts' (Schurz 2008, 201; see also Fisher 2016). There is for example no single best form of a democratic system or set of

institutionalized practices—spatial, temporal, and other contextual factors constrain in varied and detailed ways what may be feasible or workable. Abductive reasoning involves centrally the forming of 'exploratory hypotheses' (Mingers 2012, 860), or a process of theoretical and practical modelling of fit of proposed structures to context. Abduction brings to scientific endeavours a strong element of 'novelty, innovation, and creativity' (Mingers 2012, 860).[3] It has strong associations with speculation and the exercise of imagination (Parisi 2012, 236).[4]

There can be no final design from a design process. Abduction as a form of reasoning—making assumptions or conjectures or putting forward hypotheses that help to make sense of the facts or things that are the elements for a design task—produces design ideas or plans. Although the process of designing that led to them was rigorous, the assumptions or conjectures cannot be regarded as the best or only feasible ones. As Fisher (2016, 23) writes of design ideas: 'We can never be absolutely certain about them, but their proof comes in accordance with how well they address the problem at hand, the needs of a particular type of client or community.' Even when a design is produced, offered, and even when implemented, the relevant environment will continue to change, creating the potential need for further thinking and adaption. There is design, and there is the life of the design. Plans or ideas remain 'dynamic entities' (Seibt 2004, vi). The search for a plan or a solution is not a search for 'the optimum solution' (Cross 2011, 8); it is a creative search for usefulness in light of particular goals, challenges, or problems (Fisher 2016, 27).

Closely allied to the abductive method is the notion of *working from first principles*. In the process of design, nothing is definitively off the table, and nothing definitely on it. Problems may be stripped back to their elements, prompting new thinking about solutions once the problem is reframed. Ideas not previously associated with the particular sort of problem at hand may be considered. Received or conventional answers to the questions or problems need not be taken on board. One can take risks. There is always a willingness

[3] The approach to abduction in design thinking is highly compatible with wider social science arguments for its advantages, the latter emphasizing pragmatism, reflexivity, creativity, and working with context. See Friedrichs and Kratochwil (2009).

[4] The importance of abductive thinking from the work of C. S. Peirce is one element of design thinking with direct or indirect connections with the American philosophical tradition of pragmatism, not least in the thinking of John Dewey. The pragmatist tradition encompasses a large and varied body of work, but other notable pragmatist themes which feed through to contemporary design thinking include: an orientation towards the future (Dewey 1982a, 304), the centrality of experimentation and the 'experimental way of thinking' (Dewey 1982a, 305, 309), an emphasis on means and methods rather than ends (Dewey 1982a, 309), the practical directedness of problem-solving (Dewey 1982b, 324–5), and an emphasis on agency and action in mediating ideas and practical realities.

to ask 'what if?' (Cross 2011, 24). For example, what if the conventional sort of frame around, or solution to, a certain type of problem was discarded, and an entirely new or imported frame used instead?

There is a strong recognition in design thinking that *design is often, and necessarily, re-design*. Through intention, accident, or evolution, the multitude of objects, orders, and systems—material and cultural—surrounding and infusing our everyday lives are inevitably the products of design (see Goodin 1996, 27ff; Appadurai 2013). In this respect, to design is to work with pre-designed materials (after all, this is Herbert Simon's modern world of artifice). Taking this view to a strong conclusion, Latour (2008, 5) writes that: 'designing is the antidote to founding, colonizing, establishing, or breaking with the past'—a reasonable caution, but perhaps underestimating the potentially radical reconfigurations of presently available resources that design may achieve. Existing design frames and resources enable new design ideas as well as constrain them. As Schön (1988, 184) observes, a designer 'may break apart objects and relations inherent in a type she has developed or adapted', and then explore their 'limits' and their 'potentials for generating new forms'. As we shall see when we turn directly to democratic structures and their design, there is a strong line of thought that received political and cultural structures deeply condition design choices (Horowitz 2002; Schmitter 2011).

Design is a creative activity. Creative work and thinking often involve finding new ways to think about and to 'see' a problem and a potential solution (or to see how problems and solutions may 'coevolve'). The use of *analogies* may be one aspect of this work, or one resource applied to it: 'analogy-making is often proposed as a means of encouraging creative thinking' (Cross 2011, 19; see also Lloyd and Snelders 2003). One could, for example, think of democracy as a building in which the functioning parts need to be practical, and where points of (and ease of) access to the building are crucial. (How illuminating such analogies can be remains an open question; Goodin's warning, cited above, still holds). We can see the use of *metaphor* in a similar light. *Precedent* may also be an important creative resource in design. Precedents may be elements from a similar field, for example widespread experience with legislative committees in the design of representative democratic systems.

Design is critically concerned with *functions and purposes in context*. 'Context' is of course a difficult term, and will be discussed in detail in Chapter 4. We can define it as what exists and influences practice in a time or place, but concede that people invariably disagree on what exists (here, now), and on how much it constrains or enables social change. That said, the dangers of *acontextual* thinking—wilfully or neglectfully disregarding important

features of the environment for which one is making plans—could be great for would-be designers of governance as much as for architects or landscape gardeners.

For the political realm, the dangers are captured and satirized sharply by the 'Pneumatic Parliament', a creation of German philosopher Peter Sloterdijk and his colleagues (Sloterdijk and Mueller von der Haegen 2005). A plane drops a package from the air over an unnamed desert. It unfolds and inflates into a domed 'parliament' building, to which grateful people flock across a desert landscape. Democracy delivered, problem solved. The Pneumatic Parliament is a satire on the West, on intervention, on easy solutions to major social and political problems, as well as of the sales potential of (what we could call) democracy solution commodities. It is also a warning to would-be democratic designers. Design is about providing plans or ideas for a purpose (to solve a problem, and so on), in a context (a time, a place, a demand, a gap). It is always particular; Stewart writes of the importance of 'the situated nature of design understanding, the ability of designers to respond to particularity, to engage in an iterative conversation with the design situation, and to recognize which of the possibilities that emerge from that conversation are most fitting' (Stewart 2011, 518). The strong orientation to solution in design is always an orientation to a specific solution (Vial 2015)—which may or may not be replicable or repeatable even in another context with similar features. It may well be the case that, in design, 'function always underdetermines form' (Parsons 2016, 104)—there is more to any design than what it 'does'—but it must always be the most critical single component in form.

And again, *design can be systemic*. As we have seen, design thinking has expanded productively well beyond the design of material artefacts. It can also encompass the arts of connection across different levels, and mutual interactions between types and levels—think for example of the education system across a country or region, with its complex range of institutions, orders, and connections.

To summarize, key themes and claims arising out of design studies and design thinking which may be pertinent and productive in considering democratic design are as follows:

1. Design is the active making or creating of a plan or an idea.
2. Design involves a need to accept, and even to embrace, uncertainty about aspects of both process and outcome.
3. It features a strategy of framing and re-framing of problems, and possibly solutions.

4. The product of a design process—the plan or idea—cannot be regarded as the final plan, or the unquestionably best or only reasonable plan in the context of the problem at hand.
5. Design is characterized by abductive reasoning.
6. Design often involves working from first principles, i.e. a preparedness to set aside conventional plans or understandings associated with a given problem.
7. Design is often, and necessarily, re-design, using a range of existing understandings or plans.
8. Design work often involves the creative use of analogy, metaphor, and precedent.
9. It is contextual—the functions and purposes central to design are always to be understood in terms of a specific time, place and problem.
10. The plan or idea from a design process can be for a set of relationships, or a system, or some other entity which is not primarily material.

Clearly, there is scope for ambiguity when interpreting or applying these themes or claims. For example, how and how many times might a designer reasonably consider reframing problems and solutions? That potential ambiguity increases if we consider the links between subsets of the ten characteristics, or indeed the set of ten as a whole. Nonetheless, there is a reasonable degree of compatibility between most of these characteristics of design. We can identify the thread that runs through them*: the active formulation of solutions to particular problems in a context of uncertainty and acceptance of contingency*. Perhaps the most obvious potential tension within the set is that between (a) working from first principles and (b) the commonality of redesign. But even here, there is at least potential compatibility. Consider, for example, a case of working from first principles and finding that redesign of some familiar elements is a promising way forward. Or, a redesign so radical that it helps to view it as a plan based on a return to first principles. Even these two characteristics do not necessarily pull in different directions.

The Limits of Democratic Thinking, and the Resources of Design Thinking

At the outset of Chapter 1, I emphasized the limitations of 'silo thinking' in contemporary democratic theory and comparative and empirical writing on democracy: largely first-order models speak past each other, missing

opportunities for mutual enrichment. Stepping back from specific ways of approaching democracy in the prevailing debates, Chapter 1 concluded with the argument that we need to address a series of limitations in thinking about democracy. For each of these limitations, I offer in this section a brief discussion of *how* key themes and claims arising out of the field of design connect to them, and carry the potential to support efforts to address them. No doubt, some entries on the following list overlap or resonate with others, but for the sake of clarity they are listed as discrete points:

A. *We need an expansive and robust second-order framework for the analysis of democracy and its possibilities.*

   Design, in Parsons' (2016) terms, centres on the active making or creating of a plan or an idea. Our exploration of design thinking has led us to refine these terms: the active formulation of solutions to particular problems in a context of uncertainty and acceptance of contingency. First-order theories of or approaches to democracy do not tend to question closely what assumptions (about institutions, about democracy's core values, or about its proper locations) lead to specifying, for example, a mainstream liberal model or a reformist deliberative model. That is not to say that first-order work does not involve compelling and often sophisticated theorizing and explanation. Pateman's (1970) participatory model, or Barber's model of 'strong democracy' (1984) for example involve a good deal of justificatory work and detailed specification. My concern is more about the lack of work prior to that justification and specification. First-order theories can be complex constructs, but there is a sense in which they make the work of democratic theory a little too streamlined. They can gloss over important stages and choices that need to be treated in careful detail—for example, why—with what justification—is formal representation, or deliberation, taken to be the guiding principle or practice for democracy. An expansive and robust second-order framework can, at best, embrace this wider and more complex terrain of thinking about democracy while being clear about how we might negotiate our way across it. It can ease the path of vital work that explicates the assumptions, and the rejected and other alternatives, that lead to the favoured first-order model. How are first-order models made or created? What background assumptions—about democracy, citizens, procedures, principles, and so on—form their not-so-visible scaffolding? Design work features acknowledgement of, and detailed attention to, the active creation of such scaffolding—the ideas,

materials, and connections used to construct plans for democracy. This work tends to be neglected or downgraded in democratic thinking.

B. *We need to avoid premature or overly tight fixing of democratic forms into received models or theories.*

In Chapter 1, I noted the influence of Lijphart's development of consociational, consensus, and majoritarian models of democracy. Arguably, in the empirical and comparative tradition in which Lijphart (along with many of his critics and advocates) works, these models became *the* models of democracy. Further incremental adjustment of the models was the limit of further development. This is one example of the ossification of democratic forms. Design approaches encourage us to think that we can deconstruct existing models as part of a readiness to consider or create new designs. Examining in close critical detail the models currently offered or advocated is important, but conceiving them as a limit to the subject is a mistake. We cannot rightly or securely assume that existing models offer persistently relevant answers to pressing questions about democracy.

C. *There is a need to open up more to what democracy can be, and where it can be; to embrace the multiplicity and versatility of democracy's values and forms. We need an open mind as to how democracy might be reshaped or reformed.*

As Keane (2009) writes, 'what we mean by democracy changes through time…Democratic institutions and ways of thinking are never set in stone.' When doing design work it is critical that we ask 'what if?' as well as 'what is?' Democracy can take many different forms, for different reasons. For all the diversity of conceptions of democracy considered in Chapter 1, they are artificially separated and opposed—implicitly, through 'silo thinking', or explicitly through simplified binary oppositions (such as that between a 'deliberative' and an 'aggregative' model of democracy). Democracy's potential multiplicity and versatility far outstrips the received set of conceptions discussed in Chapter 1. A design thinking approach strongly encourages reframing the problems and the solutions to dilemmas of political structure and function, using all available tools and with an openness to new or hybrid models. Central to the active and creative work of design is a shifting of frames. For example, one might deploy a tight geographical frame to conceive of robust and largely autonomous local governance structures, and then retain this picture while 'zooming out' to work on how those structures

might be sustained through the shaping of national-level (or higher level) structures within which they operate (it is notable that Bachrach (1967), Pateman (1970), and Barber (1984), each of whom offers a radically decentralist conception of participatory democracy, accept *en passant* a national representative government frame). Design approaches also encourage working from first principles—interrogating our most basic assumptions in the process of building conceptions of democracy. To work in that way is to open oneself up to rethinking received wisdom—if not quite thinking the unthinkable, then thinking the as-yet-unthought.[5]

D. *Both institutions and principles matter—we need to explore the complex interactions between them, and to set aside sharp distinctions between work on theory and practice.*

Each of the existing approaches to democracy reviewed in Chapter 1 deals to some degree with both norms and institutions, and draws on work on both democratic theory and democratic institutions. However, the analyses have important limitations in these areas. Normative work is too often detached from institutions—unless there is an institution, such as deliberative polls for Fishkin and his colleagues (Fishkin and Luskin 2000), which is seen as a necessary (and perhaps sufficient) response to normative shortcomings of 'real existing democracy'. Work centred on democratic institutions does note the norms that may animate institutions, but that aspect of the work tends not to take centre-stage (consider the work of Lijphart, for example, which highlights non-moral values arising from institutions, such as consensus and stability).

Critically, however, they both matter—and matter together. Institutional configurations only exist by virtue of their practice or enactment of principle(s) (think of the foundational importance of a principle of equality to elective parliaments). Principles do not have a presence in political life without their being practised in some form of institutional configuration. The two are inextricable parts of a single democratic story. Similarly, as we have discussed, any neat distinction between

[5] Crilly comments that in design work it can be 'difficult to maintain the levels of openness and flexibility that are required to challenge previously accepted ideas and to develop ideas that are both novel and valuable' (2015, 80). Fixation on particular ways of thinking, or on existing models and assumptions, is a close relation to the 'silo thinking' characteristic of a good deal of contemporary studies of democracy.

theory (often about normative principles) and practice (often about institutions) in considering democracy is artificial and unhelpful. Work on democracy should be theory-for-practice; practice is always a dynamic form of embodied theory. Design thinking offers resources of direct relevance in considering the way forward in these linked areas. Seen from a design perspective, questions of democracy will be oriented to solving problems, where issues of norms and structures will inevitably be intertwined. In design work, theory is in the practice and vice versa.

E. *We need to explore orders or sequences of institutions rather than single institutional 'innovations' taken in isolation.*

The tendency of democratic researchers has been to focus on single institutions when framing their work in terms of 'design' or 'innovation'. With partial exceptions (e.g. Goodin 2005; F. Hendriks 2010), the call for ordering or connecting multiple institutions as part of governance designs (Saward 2003, Smith 2009 has largely remained without a significant response. It is notable that the most prominent series of publications in this area—Cambridge University Press's series on 'Theories of Institutional Design'—is presented as aiming to 'enrich normative discourse surrounding important issues of designing and redesigning, shaping and reshaping the social, political, and economic institutions of contemporary society' (as cited in Smith 2009). The formulation does not rule out the design of multi-institutional orders, but it clearly emphasizes a particular or single institution focus—one institution at a time rather than a number of institutions purposefully connected at the same time. Here, we can draw inspiration from design thinking's move in recent years to broaden its notions of what can be designed. The ordering elements of abstract systems—read, for example, institutionalized components of democratic governance—can be subject to design work.

F. *There is a need to avoid definitional and exemplar fallacies, and to recognize that context matters; design is always design for context.*

To commit the definitional fallacy is, implicitly or explicitly, to assume that democratic ideas or practice in one place or time represents a baseline standard for democratic ideas or practice for a range of other times and places. Work that might reasonably be accused of committing the fallacy does it mostly implicitly. What I have termed the exemplar

fallacy is related but slightly different—it is the implicit or explicit use of a particular facet of political practice in some place or time as an uncontroversial exemplar for cognate practices in other places and times. Bold or unexamined commission of the definitional fallacy has been rare—certainly in the scholarly literature—since the days of the near-global communism versus democracy divide in the 1950s and 1960s. A particularly strong aspect of design thinking is the importance of context; designs are always to be understood in terms of a specific time, space, and problem. An adequate democratic design framework may offer tools and approaches to deploy across contexts in a second-order framework, in order to meet its goals of design focused on particular contexts. The central nature of abductive reasoning in design thinking fills out the initial picture of how this contextual focus can inform design activity. Abduction fosters attention to what may work in context, and encourages a form of 'trying out' potential solutions for specific contexts, and different ways of framing the problem at hand.

G. *The task is not so much one of theory as theorizing; not so much about describing or positing models as about active modelling.*

To advocate the need for a second-order framework is at the same time to assert that there is serious, unavoidable work to be done within that conceptual space. The activity of theorizing, with an open mind and with carefully generated resources, is critical in that space. Likewise, it is not a space to consider this or that received model; it takes a step back—from first order to second order—to focus with an open mind on modelling. Design is a dynamic process, characterized by an openness to first-principles thinking, an acceptance of uncertainty in line with abductive reasoning, and a willingness to frame and reframe both problems and solutions in the search for solutions in context. Further, design thinking brings to the fore the notion of multiple perspectives on problems to which design solutions are sought. This is the case for the branch of thinking known as 'participatory design' in particular, stressing how design is always 'relational' in the sense that user or participant perspectives are integral (Kimbell 2012, 143). Where you look from (at democratic governance) will qualify what, or how much, you see (the politician and the activist, for example, or members of majority and minority cultures). A strong 'common denominator' in varied views of design thinking is 'the centrality of the user and empathy to the human

condition' (Rodgers 2013). Participatory design is quite rare in political theory and political life, though the British Columbia Citizens' Assembly and other prominent uses of citizens' assemblies are partial exceptions (see Warren and Pearse 2008). By encouraging an opening up of design practices, design thinking may foster more inclusive modes of active modelling.

These seven points represent key ways in which design thinking may guide moves beyond the state of the art in thinking about democracy. I would add to them two further messages from design thinking that are in a sense 'outside' the design process but pertinent to the shaping and offering of democratic design solutions. First, even when design thinking centres upon the design of abstract systems rather than material entities, it is attentive to the form and the presentation of specific design solutions (to government officials for example). Compelling, clear design solutions are both more likely to be well thought out and to capture the attention of audiences that matter (Fisher 2016, 16). And second, designs have a 'life'. An agreement to implement a specific design solution in the form of a plan (e.g. for use of social media to enhance popular participation in political decision-making within local governance) is likely to be only the first stage of a wider political process of refinement and revision of the solution. Design of social systems on larger or smaller scales is likely to be continuous and open-ended. Chapter 5 picks up the topic of how designs may be 'completed' beyond the presentation of a design.

So: consideration of multiple, including user, perspectives; clear and compelling presentation of designs; and the roles of multiple formal and informal 'designers' can be significant, not least when democratic design is the focus. However, the precise ways in which these factors may feed productively into democratic design vary. Some are foundational, such as the importance of second-order design, in which detailed attention is paid to the mechanics of creating a plan or an idea for something. Others are better seen as prompts, for example the constant reminder to consider constraints and opportunities for democracy arising from the particularities of context. Different aspects of design thinking both open up our thinking about democracy's possibilities and help us to achieve analytical focus as we navigate a potentially daunting array of democratic forms and practices. The democratic design framework developed in the book is intended to capture the important and suggestive guidance from design thinking. It aims to channel that guidance into a cohesive set of (e.g.) baselines and precepts for democratic design that add up to a

strong response to the problem of silo thinking in contemporary scholarly work on democracy.

What Design Is Not

The discussion in this chapter has gone into detail on what design does and can involve, and how those factors may usefully shape the tasks of democratic design. Given the wide range of questions and characteristics associated with design thinking, it is important to retain a tight focus so that 'design' is clearly understood and delimited. Note, in this context, that design is not 'building'—it is the plan on whose basis building can proceed. Similarly, it is not 'engineering'. It is the essential thinking and planning work that precedes and brings focus to (re)building, repairing, or transforming. This is not to say that some continuing design work (e.g. revising the plan) cannot run in parallel to building work—I have noted briefly above how this may be the case, and will return to the issue in the specific context of democratic design in Chapter 5.

Conclusion

Putting together, refining, or advocating first-order models or theories of democracy—for example, 'participatory democracy'—is a task with a particular character. More often than not, it will involve presenting the favoured model X as the best, strongest, or perhaps the only defensible or genuine conception of democracy. Further, and crucially, it often involves neglecting the fact that the presentation of X rests inevitably on questions about X's separability from, and relationships to, other available and potential democratic models. For example, refinement of the 'deliberative model' in recent years has often begun with significant but implicit acceptance of the superior claims of this model to capture what matters most about the democratic ideal. Indeed, description of recent advocacy of deliberative democracy is often taken as sufficient as a starting point for further analysis. In a sense, the model becomes its own foundation.

These characteristics of first-order theory lead it to neglect a critical phase of theorizing—that of method. If an existing model becomes its *own* point of departure, what principles, resources, and tools do I see, and which do I fail to see, when thinking about democracy's potential forms? How can I know if the ones I overlook would have been useful or important to my work? What can

that work achieve if I do not position myself to make open and reasoned choices about the principles, resources, and tools I deploy? To construct and deploy a second-order framework is to ask and to answer these questions, explicitly. It is not only to claim something—such as 'democracy is, or should be, deliberative above all'—but also to 'say what is going on' (Mackie 1977, 9) when such a claim is made, or to reveal and defend the reasoning that led to it.

The task of Chapters 3 and 4 is to describe the second-order democratic design framework. Second-order thinking is, I maintain, a species of design thinking. In the present context, the framework's linked elements add up to a full response to the limitations of democratic thinking (Chapter 1) in the context of design thinking (this chapter). It blends democracy and design considerations, bringing together the discussions of Chapters 1 and 2 and taking them forward under the banner of democratic design. Its job is to open up the space of democratic design in a way not yet attempted in the work of political theorists and political scientists, however commonly they may invoke 'design'.

3

The Democratic Design Framework

Motivations and the Dual Core

In its most straightforward form, the core question of democratic design is 'how might, or how should, democratic institutions and practices be organized and activated for a given time and place?' Responses to this question will differ widely—and quite reasonably so. Democracy is a highly contestable concept. We can certainly expect the range of responses to display much greater variation than a survey of the models discussed in Chapter 1 might suggest.

A discrete, detailed, and context-focused response to the core question will produce *a* specific democratic design or plan. To jump right in at the deep end, such a design or plan can best be defined as: a conception of a *procedure* for collective decision-making comprising an arrangement of *governing practices* and *devices* enacting selected democratic *principles*, intended to meet or exceed the *democratic minimum*, driven by a *democratic sensibility*, and *tailored* reflexively according to context and purpose. This definition is a veritable cascade of important and question-begging concepts. In the pages that follow, we will unpack them and illustrate their roles and importance as key design components.

The democratic design framework is a guide to producing such discrete, detailed, and context-focused response. A flexible framework for the creative rethinking of democratic governance, it unpacks the core question and sets out what it means to specify a procedure, select democratic principles, interpret the democratic minimum, and so on. The framework prompts would-be democratic designers to explain and justify each of the key components of a discrete design, and offers a map of available design options. In short, it focuses our attention on the big picture—what can or should democracy in this context be, now and in the future? Whether for example it is a plan to design new local governance procedures in post-revolutionary Tunisia, or to help to address the 'democratic deficit' in the European Union by increasing pressure on the Parliament and Commission to respond to European Citizens'

Democratic Design. Michael Saward, Oxford University Press (2021). © Michael Saward.
DOI: 10.1093/oso/9780198867227.003.0003

Initiatives, the democratic design framework enables and encourages the work to be empirically robust, theoretically sound, and boldly systemic.

The democratic design framework occupies the conceptual space opened up through the critiques set out in the earlier chapters. It is a freestanding, second-order framework, a status that sets it apart from the more conventional approaches discussed in Chapter 1. It moves us beyond 'off the shelf' design options (Robertson and Simonsen 2012, 6), pressing us to deconstruct received models—and the received wisdom that accompanies them—in order to enable reconstruction of a wider and more flexible set of democratic options. Confronted by problems of democratic institutions, or in theories of democracy, a common (first-order) response has been to reach for an existing theory or model (e.g. deliberative democracy). My preferred (second-order) response is to offer a defined but flexible framework within which to entertain multiple new democratic designs. To misquote Husserl and other phenomenologists, the framework asks us to examine if not set aside our presuppositions, and get back to 'the elements themselves' of democracy—the arrangement of its practices and principles—in order to acknowledge and to carry out the work needed to produce robust discrete designs.

The framework's four central components, presented and defended in this and the following chapters, are: the *motivational base* of democracy; the *dual core* of democratic practices and political principles; *relational elements*, detailing the links between those practices and principles with respect to procedure, sequence, order, and incentive; and a series of guiding *design precepts*, notably those requiring reflexive and systemic approaches. The first two components will be discussed in this chapter, and the second two in Chapter 4.

The Motivational Base 1: The Democratic Minimum

The motivational base refers to the *circumstances or requirements* of, and the *reasons* for, pursuing a democracy in the first place. Democratic designs are responses to a particular but open-ended set of circumstances; these circumstances are specified in the conception of a *democratic minimum* in this section. They are also a response to the operation of reasons or motivations to act politically in line with a *democratic sensibility*, the subject of the following section.

Democratic designs can come in a great variety of forms. That much is clear if—to speak only of national-level government—we look around at 'real existing democracies' in the world today. Each democracy is democratic in its

own ways; each enacts a distinct democratic design. But to *be* democratic, they must meet a set of five key circumstances or requirements, which together make up the democratic minimum. The requirements and the circumstances are as follows.

1. *Community: A group of people with spatial, functional, and/or temporal links who are perceived to need, or who agree to, some process for reaching common group decisions*. We normally think of a democratic process or system as one that operates for a contiguously located group of people—the people in, or members of, a nation-state, or a local area within a country, or perhaps a regional or supra-national entity such as the European Union. There are existing exceptions to this spatial pattern, of course, even if we set aside seas, straits, oceans, or territory that separate geographically the relevant land masses (such as Tasmania and the Australian mainland, Alaska and Hawaii in the United States, and the overseas territories that France regards as integral to the French state, such as Martinique). Community can also stretch to *functional* ties, for example a group of workers in a cooperative or other enterprise, or people working together in a civil society organization. Diasporic communities may have relevance here, or communities within or across states that have strongly autonomous governance functions (think of the Kurds, for example). All such groups may fit the community requirement.[1]
2. *Governance: The presence of, or the perceived need for, an operative and persisting process of governance through which common group decisions are proposed, made, processed, and implemented.* This requirement most fundamentally expresses the point that democracy is not anarchy. Anarchy describes a context in which governance arrangements always have an element of optionality and spontaneity, as opposed to being operative and persistent. The circumstances of democracy imply a significant degree of formality even where informality plays its part in the process of governance. Note too that governance is not equivalent to 'government'. Governance is the broader term, in two senses. First, as an

[1] Clearly, there are different ideas as to who should be included and excluded from a given community, and no decisive ways to adjudicate or reconcile them. I emphasize the need for designers and others to be specific about, and to defend, their choices in this and related areas. This emphasis is very much a part of the second-order nature of the framework built across the book. I do not seek to offer a one-best-answer to such questions; democracy, I argue, can reasonably be designed in different ways for different contexts, and specific plans or designs need to reveal their components and workings to critics and others.

operative and persistent process of collective decision-making and implementation, it could in principle refer to the governance of a nation-state, a supranational region, a local authority, a pressure group, or a social movement (see my comments on different approaches in the Introduction). Second, it can include informal as well as formal practices—for example cultural understandings of power, rule, and resistance as well as formal rules of office holding. Government is a narrower term; it applies to nation-states, for the most part to describe the set of people who occupy key positions of authority (presidents, prime ministers, cabinet ministers).

3. *Equality: Consistent and ultimate determination of governance forms and functions by the group's members regarded and treated as equals.* Treatment of members of the relevant group as equals is foundational, and is to be understood as centred upon equality of opportunity. In this respect, the democratic minimum is in accord with a series of strong claims about the critical role of the principle of equality among influential writers on democracy, including for example Dahl (1989), Beetham (1999), and Lively (1975). In this formulation, both the forms and the functions of governance must conform to a general principle of equal opportunity; in other words, equal opportunities must be instantiated in both the rules by which governance proceeds and the operation or activation of those rules in specific instances.
4. *Freedom: The equal opportunities regarding governance forms and functions must be underpinned by protections for freedom of expression and freedom of association.* However it is construed, democracy cannot function without protection of these basic freedoms, notwithstanding the fact that in many democracies these freedoms are not total. 'Hate speech' of different types, for example, is illegal in a number of states. Where the line is drawn is a highly contested area—John Stuart Mill's famous 'harm principle' is ambiguous enough to leave plenty of room for debate. There is no need to enter into the details of those debates here. The central point is that where basic social freedoms do not obtain strongly and consistently, little faith can be placed in the veracity or legitimacy of governance.
5. *Resources: The equal opportunities regarding governance forms and functions must be underpinned by access to at least a baseline level of material and service resources to enable the achievement of a minimally acceptable quality of life.* This requirement captures the point that poverty and

other persistent and deep social ills experienced by individuals, such as widespread illiteracy or great gender inequalities, are likely to be severely disabling to the effective achievement of active and informed citizenship or membership and to undermine the requirement to regard and treat the relevant group of people as equals.[2] The resources requirement may also be viewed as supporting a 'positive' conception of freedom ('freedom to') alongside the emphasis of the preceding requirement of 'negative freedoms' in the form of protection.

6. *Constitution: Each of requirements (1–5) is to be specified in a form that affords them protection and facilitation, including protection from democratic votes or other actions.*[3] This would mean defining the community and terms of membership; defining the mode of governance; provisions for equal opportunity and access to resources; and protection of civil and political freedoms. The protection of freedoms would take the form of protection of free public spaces—or, in other words, protection of spaces for non-institutionalized practices of citizens and others. Central to the motivation of democracy is the value of its persistence. Constitutionalization of the preceding features of the democratic minimum supports this persistence and the confidence and predictability linked to it. This provision reflects the view that democracy's value calls for it to be regarded as self-binding or self-limiting; it must limit itself to protect itself (Elster 1988, 9; Sartori 1987, 33; Holmes 1988). Conventionally, this protection is achieved through written or other modes of codification, though there are alternative traditions of conventions, statutes, or oral transmission of norms and rules. Rules for constitutional amendment are also required, such as supermajority and/or concurrent majority choice.[4]

[2] This view is widely advocated among commentators on democracy. Keane (2009), for example, writes that the democratic ideal 'demands that the ability of citizens equally to grasp the world around them depends crucially on their access to adequate resources. A decent education, universal access to health care and the legal protection of basic human rights are vital.'

[3] Existing constitutional documents allow for a wide variety of forms and amendment structures. The formulation of the constitutional requirement here does not assume that ongoing judicial or political protection of the relevant provisions would not be needed—constitutional change is common (Versteeg and Zackin 2016). Nor does it assume that a constitution would contain only provisions directly linked to the democratic minimum. It would normally be expected to contain a variety of further provisions specific to the system or polity in question.

[4] It is important to note, however, that democratic design is not equivalent to 'constitutional design'. The latter can be regarded as one type of the former. Democratic design concerns the structuring of democratic procedures, practices, and principles. Constitutional design has similar concerns, allied with a focus on the status and protection of such structuring.

The six components of the democratic minimum come all at once, so to speak. The realization of one of them will foster the realization of the others. No one of them is more important in principle than the others, or temporally prior to them. Their numbering from 1 to 6 is a presentational matter which, despite its mimicking an order of topics that is familiar enough in democratic theory, should not be ascribed any special significance.

I have referred to these six considerations as 'circumstances or requirements'. It makes a difference which of the two descriptions is used. When described as a set of circumstances, the elements of the democratic minimum tell us how democracy might be identified or demonstrated in a given context. When described as a set of requirements, they tell us what characteristics of a group need to *develop* to meet the democratic minimum. A subtle distinction perhaps, but it points to significant differences in the ways in which democratic designers might focus their attention in real-world cases. A case where the democratic minimum is identified or demonstrated enables design work to focus on proposing additional, extended, or alternative democratic institutions and principles—including, for example, proposing the enactment of forms of equality in addition to those prescribed by the minimum. A case where the democratic minimum is not or is only partially displayed calls for design work to be focused primarily—but not exclusively—on developing the minimum requirements, for example, by tackling high illiteracy rates.

What circumstances enable the terms of the democratic minimum to be realized? There are conditions of possibility for the democratic minimum. Where there is no sense of group or community, little or no desire or need for an agreed process of governance, and so on, then there is no ground for democratic design. However, working to develop the conditions of possibility will often be a reasonable political strategy. In conditions of deep social inequality and poverty, for example, violating the democratic minimum's equality and resources requirements, prioritizing alleviation and equalization measures may be the most defensible democratic strategy.

To tackle poverty, for example, measures might include targeted micro-investment, infrastructure provision, basic income, investment in health, housing, education, and literacy programmes. It is crucial to note that such work cannot rightly neglect the development of other core mechanisms that may deliver on the terms of the democratic minimum (e.g. elections, modes of participation, accountable agencies, and so on)—indeed, developing such features of democratic governance may be one critical path *towards* addressing effectively deep inequalities or poverty. Where deep social inequality and

poverty, for example, are not evident, working *primarily* on (for example) democratic governance may be more appropriate. Locating the balance in each case will never be straightforward, not least since realists are probably right to argue that 'democracy is compatible with a fair degree of inequality' (Przeworski 1999, 43).

I have focused on specifying the democratic minimum rather than the more common approach, which is to *define* democracy. The democratic minimum is certainly compatible with a definition of democracy based on political equality and popular control (Beetham 1999), or indeed on 'responsive rule' (Saward 1998). But focusing explicitly on the democratic minimum carries advantages. It opens up, 'above' the minimum, a wide range of ways in which democracy might be designed; it captures Sartori's (1987) idea of a 'threshold' for democracy, leaving open the shaping of the 'continuum' above the threshold. Sartori understands the continuum as focused on the question '*how* democratic is this?' on a single defined scale. For the democratic design framework, the emphasis shifts towards the question 'how is it democratic?' in a context of multiscalar variety.

The democratic minimum says a lot about (a) how we can recognize an instance of democratic governance, and (b) core features we must target when we aim for democracy. But it is a *minimum*; it leaves open a great deal of room for additional target features of democracy in a process of democratic design (as well as leaving open just how the minimum may be realized in practice). Though it expresses a set of foundational democratic commitments, the minimum is avowedly *non-committal* with regard to a set of important further questions about democracy. These include, but are not limited to the following questions:

- *Who is in and not in the group, or community or society*? How to democratically determine the composition of a democratic political community is a difficult and fraught issue (see for example Dahl 1989, 196; Whelan 1983). How to establish rules for membership is likewise unspecified in the democratic minimum—and difficult to specify in general terms.
- *Can there be nested or overlapping groups and memberships?* The 'spatial, functional, and temporal links' in requirement (1) of the democratic minimum may have a great variety of real-world manifestations.
- Crucially, *what institutional arrangements are (most, or adequately) conducive to achieving the 'operative mode of governance'* (requirement 2)? The democratic minimum does not *specify* elections or majority rule, for

example. Different practices might help to realize the minimum in different ways and contexts.

- *What is the nature of the connection between governance and the group?* The minimum does not invoke 'rule by the people'––leaving open, for example, differing ways of conceiving this fundamental relationship. Consider, in this context, governance *of* the people, or indeed *with*, *alongside*, *among*, or *via* the people as potential guiding metaphors. In sum, the democratic minimum does not define the problems of democracy for a given context, but rather establishes a baseline from which democratic designers may interpret the presence of particular problems. Equally, it does not provide solutions, but rather frames the ways in which design solutions may be developed. These features are distinctive characteristics of a second-order approach to devising plans for democracy in context.

These and other questions are ones that the democratic minimum prompts but does not answer. They are the sorts of questions that come into their own later in the design process—generally as (a) questions that are answered by describing the context of a given design problem, or (b) factors that are subject to design options, e.g. a designer may look to *promote* overlapping memberships of groups in a governance process.

The democratic minimum is not to be confused with the 'minimalist' model or theory prominent among observers of democracy. The latter normally refers to representative government based on periodic elections with little popular participation in politics beyond voting. It may refer to a system in which popular participation is actively discouraged, as in Schumpeter's (1976) preferred model, though the minimalist label is ascribed by others rather than used by Schumpeter (e.g. Przeworski 1999; Saffron and Urbinati 2013, 455). It may refer to a system defined by its procedures rather than 'substance', e.g. it is 'merely procedural' and relatively unconcerned with substantive social inequalities. Or it may refer to a model of democracy which centres upon elections as the defining or the only significant mechanism of democracy (notably Przeworski 1999). In the latter case, elections should be 'positively valued' even if 'choosing rulers by elections does not assure either rationality, or representation, or equality' (Przeworski 1999, 23, 43–4).

Schumpeterian and Przeworskian minimalisms tend to coalesce around fixing on a specific institution, namely elections, and reject the value or importance of wider forms of popular participation. But minimalism is also presented in opposition to (what we can call) maximal conceptions of

democracy—radical, participatory, and so on. The democratic minimum set out here, as part of the democratic design framework, is different. It includes a *range* of considerations about governance, groups, and equality which are more *foundational* than specific institutions or mechanisms, such as elections—even though specifying such institutions or mechanisms is essential to a democratic design. Further, it is not opposed to more substantive or radical conceptions—the latter can *built on* a realized minimum, but they cannot *bypass* its requirements. The democratic minimum is essential to the building of any democratic design, be it conservative or radical; it is the unavoidable foundation upon which plans or designs for democracy must be constructed.

By distinguishing, for example, (a) democracy's basic criteria from (b) the institutions and practices that may realize them in the real world, the democratic minimum contains echoes of the account of democracy's fundamental features in a contemporary classic of democratic theory, Robert Dahl's *Democracy and its Critics* (1989). But the differences are also clear. Dahl presents 'criteria for a democratic process' (1989, 108ff) where I am careful to specify similar considerations as a *minimum*. Dahl moves directly from his general criteria to *one specific* set of institutions which 'must exist for a government to be classified as a polyarchy' [Dahl's term for a democratic system realized in the world, or what Schmitter (2011) calls 'real existing democracy']' (Dahl 1989, 221). My preferred move is slower, indirect, and much more open as to how institutions and practices might be configured—in a design or plan—to meet and/or exceed the democratic minimum in a given context. In other words, Dahl moves too quickly through second-order design options and alternatives, and considers one dominant first-order model. My approach is predicated on the need for much more—and much more detailed—second-order exploration of design options (see Saward 2001 for an extended critique of Dahl on this point). Later in *Democracy and its Critics*, Dahl does look more widely at innovative design options—he considers democracy within corporations and a form of random sample representative assembly he calls a 'minipublic'. These are interesting possibilities, but there are many more besides, as we shall see in some detail in Chapter 5. Dahl's account remains of great value. But we need to rearrange, reframe, and add to its features in the content and status of the democratic minimum.

The democratic minimum expresses the foundations which both constrain and enable the work of democratic design. Though its precise means of realization remain deliberately open-ended, it is a crucial component of the democratic design framework. It both anchors and motivates the work of democratic design.

The Motivational Base 2: Democratic Sensibility

The motivational base of the framework contains a second crucial element, to which I now turn. *Democratic sensibility* may reasonably be described as an ethos, orientation, or outlook.[5] To approach a political problem or question with a democratic sensibility is to approach it with a general predisposition to value democracy. More precisely, it is to value the realization of the components of the democratic minimum with respect to community, governance, equality, freedom, resources, and constitution, whatever additional value one might place on further desirable features. This predisposition to value is a motivating force, leading those who profess it to work to defend—and often to improve or extend—democracy. More specifically, it motivates the adoption of and a desire to work with the democratic design framework or a similar route to exploring democracy's potential—the *general* disposition motivates a desire to understand the *particulars* of democratic principles and practices.

The activity of democratic design can involve—can be initiated or carried out by—a wide range of specialists and non-specialists (I pick up the issue of 'who designs' in Chapter 5). The specific motivations of would-be designers can differ widely from case to case within the broad compass of democratic sensibility. There is no ready list of places to start with democratic design; it depends on what a would-be designer is engaged by, troubled by, or interested in. For example, Newton's work on democratic innovations starts with a set of 'general questions' that one might seek to address through innovations, such as 'activating the inactive' and 'the diffusion of innovation' (Newton 2012, 10–13). For the framework set out in this book, the nature of specific motivations for democratic design work is left open.

The motivating force of a democratic sensibility drives and informs democratic design work. But it neither specifies particular solutions nor stipulates particular directions for that work. It is, rather, an *orientation* which carries an openness to alternative and creative approaches to problems of democracy. It is an attitude rather than a plan, or (better perhaps) an attitude brought *to* planning or designing. In this respect, citizen disagreement around policies or the best way to *arrange* democratic practices is not troubling in itself, so long as the great majority bring a democratic sensibility to such questions. As Landwehr and Steiner (2017) note from their empirical study of citizens'

[5] See Norval (2012) on the importance of ethos to democracy.

differing normative conceptions of democracy, 'while there is a strong consensus on core principles of democracy, democrats disagree about the premises, promises, and specific institutionalizations of democracy.' They go on to argue that fostering deliberation about the precise shape of democracy—'institutions and procedures are not fixed once and for all'—is the best response to differences within this 'strong consensus' (2017, 801).

Even outside the democratic design framework, a democratic sensibility is an orientation to political problems and challenges. In its most positive light, it encompasses a willingness to negotiate political change in a spirit of openness and engagement, and fair consideration of the interests of, and respect for the agency of, all affected. For example, one may be confronted with a context where majority and minority rights clash in societies with strong social, religious, or linguistic divisions—such as Northern Ireland, or Lebanon. A democratic sensibility will not lead one to favour the majority (or for that matter the minority) on the grounds that democracy is majority rule and 'that is what democracy demands'. Rather, one would seek, with both principled and pragmatic concerns, to think and act more broadly in accord with the ethos or spirit of democracy. The notion of democratic management of dilemmas or problems, flowing from a democratic sensibility, refers to actions one may take in the face of such a conflict, listening to and seeking to balance a range of views on democracy and its core values and what they may imply for institutional and procedural outcomes (Baogang He 2002).[6] So in the cases of Northern Ireland or Lebanon for instance, this may mean seeking power-sharing agreements—in the government and other domains—taking note of the interests of all affected groups or communities. The ideas of democratic sensibility and democratic minimum are intended to bring together a sense of value priority (enhancing democracy) with political and procedural openness and flexibility.

We can also see democratic sensibility in a darker way. Politics is often a rough game, democratic politics included. It can be about stark disagreements, self-serving ambition, and building coalitions to defeat others—and the contest is often robust. In this context, democratic sensibility can be seen as an unwillingness to cross a line—to violate the rights of opponents, for example, or to resort to illegality, sectarianism, or violence amid the cut-and-thrust. As an ethos and not an exact prescription, in both its positive

[6] In the context of seeking democratic ways to deal with cases of potential secession, Baogang He writes that 'the project of democratic management must protect minorities, resist majority tyranny, correct the misuse of majority rule, and achieve a workable balance between majority rule and minority rights' (Baogang He 2002, 93).

and darker interpretations, the look and tone of a democratic sensibility will differ from one context and one culture to another. There are many actual and potential cultures of democracy, products of different histories, languages, and collective expectations.

This account of democratic sensibility is descriptive—I focus on what it is, not on why one must adopt it. One might, of course, aspire to something more—a fully normative account which offers reasons why we should adopt or act in accordance with the democratic sensibility. A normative argument may—and in democratic theory often does, as we have seen in Chapter 1—take the form of a 'justification for democracy'. A justification would offer reasons for valuing democracy, and reasons for not valuing forms of non-democracy at all (absolute justification) or not as highly as democracy (comparative justification). Such an argument would, characteristically, be metaphysical, based for example on hypothetical contractarian reasoning about what reasonable people might reasonably accept (e.g. Beitz 1989). It would be prior to considering democratic sensibility, since a successful justification would motivate and underpin such a sensibility.

Arguments for the justification of democracy are readily available; the positively predisposed are likely to find them compelling. Dahl (1989), for example, builds a philosophical justification on the 'idea of intrinsic equality'. This is a general idea (as Dahl quotes Locke) 'That all Men by Nature are equal'; there is a kind of underlying or essential equality between all people despite specific differences (or 'inequalities') of capacity for example. Thorson (1962) and Weale (2007) focus on the idea of fallibility—the fact that no argument in favour of democracy (or any form of governance) can attain a complete certainty, including the idea of intrinsic equality, means that we should keep our ideas open about who should govern and what policies they should pursue. This openness leads us to value democracy above other types of governance. Barry (1989) focuses in turn on the idea that democracy offers the best answer to why a certain group of people rule.[7]

I do not offer a full or philosophical 'justification of democracy' as part of the democratic design framework; I restrict the account of the motivational base to a descriptive account of the democratic minimum and sensibility. Democratic design concerns systemic and sophisticated work on complex

[7] Holden suggests that there are three main forms of argument for the justification of democracy: 'these focus respectively on the underlying principles, the inherent virtues, and the beneficial results of liberal democracy' (1988, 173). See also Saward (1998) and Beetham (1999).

surfaces—arrays of institutions and practices—rather than conventional political philosophy's sophisticated metaphysical depths. To that extent, democratic design and the justification of democracy are just different tasks, only the first of which I take on in this book. However, this way of framing the work on democratic design is based on considerations that together cast doubt upon the value and force of philosophical and abstract justifications. To reiterate and in part extend the comments in Chapter 1: What is a justification of democracy a justification *of*, exactly? Surely, bearing in mind democracy's particularity, justifications ought to be for specific conceptions of, or plans for, democracy. An abstract, universal justification of democracy cannot avoid—explicitly or implicitly—a particular conception of democracy *to* justify. The conception that features most in the available arguments is a quite conventional electoral and representative one. But such a choice and such an argument beg the question—why *that* conception, and what can render that argument as one of *universal* value?

Equally, one can ask *for whom*, and for *where*, is a given justification put forward? Again, the necessarily contextual character of specific conceptions of democracy undermines claims of universal or acontextual justifiability. There is a strong hint of the definitional and exemplar fallacies—described in Chapter 2—in justificatory normative arguments. Authors tend to reference features of Western liberal and representative democracy, openly or implicitly. As Schaffer (1998) has convincingly shown, there are alternatives that in principle are no less important and no less valuable. Further, with what theoretical resources must such a justification be built? If Joseph Carens is right in arguing that our normative standards are 'rooted in particular historical traditions' (Carens 2004, 128; see also Walzer 1994), then there is no ready route to generalizing—and especially to universalizing—those normative standards or the arguments that are built on them.

In short, democracy's *particularity* undermines acontextual arguments for justification. (If a reader believes that an account of democracy will be incomplete without such a justification, he or she is welcome to import their preferred account. It may motivate commitment to key features of the democratic minimum, but only (as I have indicated) at the likely cost of relevance to contexts and designs.) However, this by no means *precludes* a place for normativity or evaluation in the democratic design framework. But that normativity arises in and from particular aspects—from practices, institutions, the texture of language—of the work of democratic design and its outcomes. The approach takes a resolutely contextual and pluralistic approach to

normativity. There is no one, clearly best, or ideal conception of a democratic system, even for one context.[8]

What are these discrete and situated sources of normativity? First, note that design 'is a place where one projects an ideal, where one makes ideas for the future'. Seeking solutions to particular problems (in our context, problems or challenges to democracy), is 'a future-oriented practice underpinned by a meliorative purpose' (Vial 2015). A designer's aim is to make things better. A democratic designer will, by the very nature of the enterprise, seek to improve governance in order to foster the achievement of the democratic minimum or to exceed it. Second, normativity enters the design picture through demonstration effects. Thinking solely in terms of the democratic minimum, for example, communities characterized by very high levels of social inequality and rule by a strongly entrenched elite tend to dysfunction and dissent, at least in the longer term. For all the problems attending 'real existing democracies', positive demonstration or exemplar effects are—at least on balance—more likely to arise from experience of democratic institutions and practices. Like all forms of practice, democratic practice has 'a moral element'; it conveys a 'lived directionality and telos of the practice' (Nicolini 2009, 1403).

Third, while universal norms may be suspect, there will be cross-contextual shared norms and aspirations that offer supporting arguments and experiences with democracy (in whatever form). To employ Michael Walzer's terms, the purchase or resonance of such norms arises from their situated 'thick' or 'maximalist' relevance to specific times and places: 'the hope that minimalism, grounded and expanded, might serve as the cause of a universal critique is a false hope' (Walzer 1994, 11). 'Democracy' is an ideal, a description or a rallying cry used throughout the contemporary world, but the texture of its invocation differs from one context to another. Fourth, the definitions of a range of political concepts cannot help but be what Skinner calls evaluative definitions—would-be neutral definitions that convey positive or negative evaluations. In varied cultures in the contemporary world, the word 'democracy' conveys positive value. It is an 'evaluative-descriptive' term. To use it is 'not only to describe the state of affairs, but also . . . to perform a speech act of commending it' (Skinner 1973, 298). People from very different points on the

[8] In like vein, arguments against anti-democratic theories may be most effective when targeted at specific instances, rather than when offered as an abstracted and generalized anti-democratic position. Further, arguments for democracy may be most effective where they focus on specific instances of non-democracy or anti-democracy, a view in sympathy with Sen's (2009) view that articulating opposition to injustice can fix our ideas more effectively that a much less contextualized building of a theory of justice as such.

political spectrum know this well. Indeed, that is why opposing sides in highly polarized debates—such as over immigration in Hungary, Brexit in the United Kingdom, or the legitimacy of varied actions of Jair Bolsonaro as Brazilian president, or Donald Trump as US president—invoke democracy in their support.

These three points focus on contingent but significant reasons why democracy may have value (for *these* people), not why it does or must have intrinsic (absolute or comparative) value. We could, of course, spend much more time in a book on democracy on the question of why democracy is a good, or the best, way to practice governance and politics. If this were a book of conventional (or 'analytical') political philosophy that would undoubtedly be the path to take. However, to reiterate, and aside from these brief comments, I do not broach the issue. At the heart of the project of democratic design is a conviction that the pressing questions of democracy today are about its plural forms, practices, and versatility, and not on question-begging issues of its singular, unimpeachable value.

In sum, the motivational base within and for the democratic design framework consists of the circumstances or requirements of the democratic minimum, accompanied by an outlook centred on a democratic sensibility. We turn now to what these features focus upon, taking us to the heart of the framework—democracy's dual core.[9]

The Dual Core

Democratic design is a process and an activity (of second-order theorizing). It aims to produce democratic designs (or plans or ideas). *A* democratic design, at the most straightforward level, consists of *practices that enact principles*. Think, for example, of how a citizens' assembly—a deliberative forum made up of a random sample of citizens—enacts the principle of representation in a distinctive way. A democratic design envisions (or even imagines) democracy in a particular way, for a context. It crucially involves an arrangement—an order or sequence—of more or less institutionalized practices.

Principles on the one hand (such as equality, freedom, and participation), and *practices* on the other (such as parliamentary committees, executive

[9] How might democratic sensibility be generated? The core message of the book conveys a partial response: that democracy can be shaped and reshaped for specific groups of people to their benefit. Seeing that work happening, and perhaps being involved in it, may generate positive regard. I do not seek a fuller response here.

leadership, or citizens assemblies). These are the two fundamental building blocks out of which designs (or plans, or ideas) of democracy are necessarily constructed. Together the two form the *dual core* of democracy, and of the democratic design framework. Practices depend on principles, and vice versa, for their effective presence in political life and political structures; practices are invariably practices *of* principles, and principles do not have form or texture without enactment in practices (or so I shall argue). Much less tightly determined is *what* principles may be enacted in or through *what* practices, or what variants of practice. For example, one type of referendum may enact a strong form of accountability of government to citizens, another type merely symbolic participation. Democratic practices can enact a wide range of political principles. Further, a great variety of practices can form part of a conception of democracy. Choices and preferences for particular linkages of principle and practice make up the very activity of democratic design.[10]

The democratic design framework begins with democratic sensibility and the democratic minimum. Motivated by this sensibility, and constrained by the democratic minimum but largely *unconstrained* by received wisdom, how might the democratic designer look to select and deploy the elements of the dual core—a distinctive array of principles and practices—into a plan? The dual core is 'core' in that the other components of the democratic design framework, discussed in this chapter and Chapter 4, carry optionality of one degree or another. Designs are always plans or ideas that propose bringing together selected principles-in-practices; they offer a favoured mode of *deployment* of the components of the dual core. I now turn to exploring the elements of the dual core in more detail.

Practices: Institutionalized and Non-institutionalized

Not all forms of practice fall under the purview of democratic design. We move on now to explore the idea of practice, and which of its forms are part of

[10] Though I refer to the dual core of *democracy*, it is equally the case that principles and practices are the dual core of all forms of politics, or indeed of organized activity more generally. One could set out to design a strongly centralized authoritarian political system with a similar starting point. Indeed, anyone taking on that task could claim to be in good company; striking and influential examples are available, starting with the Plato of *The Republic*, working through Hobbes' *Leviathan* and (more controversially, perhaps) Rousseau's *Social Contract*, and working up to the great ideological divides in the West and beyond of the early and mid-twentieth centuries. Systematic reconstruction (or reverse engineering) of design principles of avowedly authoritarian and other non-democratic structures may serve a strongly positive purpose by rendering them transparent.

the work of democratic design. I note first the distinction between institutionalized and non-institutionalized practices. This is followed by a further distinction between governing practices and non-governing practices. These distinctions are brought together in a matrix that demonstrates why the central building blocks of democratic design are *governing institutionalized practices*, while non-governing institutionalized practices also play a particular role. Finally, I will put forward elaborations and clarifications in order to sharpen and justify the approach taken to practices in the democratic design framework.

As we have seen from the discussion of existing approaches to democracy and designs in Chapters 1 and 2, the notion of an *institution* plays a key role in the relevant debates. It is important now to focus more critically on what we mean by this and related terms, especially with an eye to explaining why, in building the democratic design framework, the focus is on practices rather than on institutions as such. Practices can be (more or less) institutionalized, and *institutionalized practices* are critical to democratic design. *Non-institutionalized practices* are not central to democratic *design* in the same way, but they can be crucial to *democracy*; we will explore just what they are, and what are their links to democratic design. This in turn will be followed by a discussion of smaller-scale mechanisms, which I refer to as *devices*, which (variously) link different practices and bring them into concert.

The emphasis on *practices*, and not simply (and more conventionally) 'institutions', underlines the fact that what makes an institution is precisely the constant practice that defines and sustains it. For example, a parliament building with no legislators or staff in it, doing things and performing roles, is not a functioning institution. Practices animate, but they do more—they reconstitute the institution on an everyday basis: 'Organizational phenomena transpire through, and are effects of, a texture of interconnected practices' (Nicolini 2009, 1392). The 'doings of everyday life' constitute 'a foundation for social order and institutions' (Miettinen, Samra-Fredericks, and Yanow 2009, 1312). Seeing institutions as rooted firmly in practice provides (as we will see as the building of the democratic design framework unfolds) a clear and common sense of what democratic designs consist in by highlighting unambiguously the grounding of 'structure' in 'agency' (practice). Seeing practices as foundational also means to embrace the 'thickness' of what defines and sustains institutions, including the embodied nature of practice, and the role that material objects play in relevant individual and group practices (Miettinen, Samra-Fredericks, and Yanow 2009, 1312). And to speak, as I do, of groups, individuals, embodiment, choice, and so on puts people and agency at the

heart of the discussion. 'Practice' here consists of people's practices: people are the carriers (creators, sustainers, modifiers) of comparatively persistent patterns of behaviour that we conventionally call institutions and which are central to democratic design.[11] They are likewise, as we shall see below, the carriers of principles.[12, 13]

Influential definitions of 'institutions' tend to lean implicitly to one side or other of the stable-changeable spectrum. Huntington's definition of institutions as 'stable, valued, recurring pattern of behaviour' (cited in Goodin 1996, 21), and March and Olsen's (2008) definition of an institution as 'a relatively enduring collection of rules and organized practices' lean to the side of comparative stability, denoting delimited sets of relatively enduring practices. Both definitions suggest a broad *spectrum* from patterns of practices that are relatively enduring to those which are more ephemeral and relatively less stable or enduring. These designations cannot be hard and fast, of course—practices across contexts will display widely varying characteristics. Institutionalized practices may appear to be stable and enduring, yet disappear virtually overnight in revolutionary moments. All forms of more or less institutionalized practice are always undergoing change to some degree.

Institutionalized Practices

Institutionalized practices, then, are bounded sets of practices that have a recognizably organized form and a comparative continuity through time. Any social formation will display innumerable such practices, across diverse

[11] Although prominent accounts of institutions (and 'institutionalism') such as Scott's note that 'activities', 'behaviors', and 'conduct' are crucial to the existence of institutions (2014, 56–7), there is a tendency to highlight structural features in definitions. In Scott's case, this means separating 'elements' from 'associated activities' (2014, 56).

[12] Emphasizing practices that underpin institutions by using the concept of institutionalized practices also clarifies the point that 'institution' is a wider category and phenomenon than 'organization'; it may be common for an institutionalized practice to coincide with the boundaries of a formal organization, but it need not do so.

[13] This emphasis on dynamics of practice has roots in process ontology, associated most prominently with the philosophy of A. N. Whitehead, which stresses 'change, event, action and motion in and of material and symbolic entities' (Seibt 2004). To embrace process ontology means to 'shift our basic concepts from things to processes' (Lowe 1962, 18), and to regard ourselves an undertaking 'the analysis and application of dynamic entities' (Seibt 2004, xviii). Creative actors act on and modify understandings of principles, and reinforce and sometimes alter institutionalized and other practices. In this light, democratic design itself might be described as a creative activity in the face of the wide range of forms that democracy might take in different contexts and for different purposes. Further, it is a creative activity that seeks to intervene in a context in which practices are themselves creative. Clearly, this raises important issues regarding *who* does the work of democratic design; I take up that issue in Chapter 5.

spaces of governance and society. A distinct institutionalized practice will tend to be concentrated in and around particular spatial networks (such as a government department whose activities are concentrated in material buildings and/or stable communication networks whether fact-to-face or virtual) and display a particular temporal rhythm (to an extent repetitive, and more and less intense modes and moments of activity, for example). Examples include elected parliaments, private companies or businesses, and local civic associations. Institutionalized practices have a comparative endurance or continuity, and in this respect *rules* are an important component—note March and Olsen's definition of an institution as 'a relatively enduring collection of rules and organized practices'. I would stress that the presence and importance of rules in, and to, institutionalized practices, is dependent on their being *practiced* in a way that reflects their wide acceptance, tolerance, or habitual adherence. As Lowndes and Roberts (2013, 53) note, rules 'often formalize well-established practices'. Rules in institutionalized practices can vary greatly in type, from pragmatic and everyday to highly public, symbolic, or ritualized events (such as the Queen's Speech and its accompanying rituals in the opening of the UK Parliament).

Institutionalized practices are also characterized by a *directedness*. In a manner that may at times appear nominal or unfocused, such bounded practices are aimed at a function, goal, or achievement, short or long term. These functions, as we shall see in more detail below, are expressed in terms of a principle or principles. Certain rule-bound practices may be understood as *roles*, such as Parkinson's 'four democratic roles—inclusive narration, claim-making, decision-making, and scrutiny' (Parkinson 2012), which express principles of inclusion, representation, clarity, and transparency for example. But of course this need not (solely) be a *democratic* directedness. As Levi et al. (2008b, 15) note, institutions 'often embody and perpetuate past privileges, instantiating the power of those who put them in place'.

A given institutionalized practice will display a degree of autonomy—one of its distinguishing features will be the evident presence of such a function or goal. Institutionalized practices are located, spatially or functionally, within constellations of other institutionalized practices and non-institutionalized practices, and operate in varied forms of interaction—dependence, networks, hierarchies, and sequences—with respect to them. For example, a legislative investigatory committee interacts with a range of other bodies and practices in and around the legislature. The borders of a given institutionalized practice may be unclear or shifting at times, but nonetheless remain sufficiently

distinct through a level of constancy of internal interactions at least nominally oriented towards a common set of goals.

Each of these aspects of connection and distinctiveness is dynamic; as March and Olsen (2008, 5) note, 'institutions are not static; and institutionalization is not an inevitable process; nor is it unidirectional, monotonic or irreversible.' Rules and other characteristics of institutionalized practices can be understood as always *emergent*. The dynamic and contingent nature of institutionalized practices can be captured in part by notions such as 'bricolage' (Lowndes and Roberts 2013, 155) and 'assemblage'.[14] An emphasis on dynamic contingency captures also the limits of integrity and endurance of even well-established institutionalized practices. Institutions can change, decay, and disappear. Agents practice, and they can and will choose to (or be prevailed upon to) practice differently.

In sum, democratic design features *institutionalized practice*s as a subset of all relevant practices. A degree of institutionalization—regularity and rules, formal and informal—is essential to democracy. It is difficult to conceive of the enactment of democratic principles without them. Relatively enduring structures are critical to the enactment of democratic principles over time. There may well be tyrannies of structure—most often of dysfunctional, inadequate, or inappropriate structures. However, there are certainly tyrannies of structurelessness (Freeman 1972), where for example the principle of equality at the heart of the democratic minimum lacks a persistent site or structure through which it may be enacted.

The democratic design framework sets out a way to consider and assemble plans for democracy. The ordering or sequencing of institutionalized practices is at its core.[15]

Non-institutionalized Practices

To reiterate: a specific democratic design is a design of a procedure for collective decision-making comprising a set of ordered practices enacting selected democratic principles. We have begun to add nuance to this definition: a specific democratic design will consist primarily of a set of ordered

[14] In the words of Marcus and Saka (2006), assemblage can be understood as 'a sort of antistructural concept that permits the researcher to speak of emergence, heterogeneity, the decentred and the ephemeral in nonetheless ordered social life'.

[15] It is the practices and not the practitioners that matter most in this context—specific practitioners may be involved in more than one institutionalized practice.

institutionalized practices. However, there are other practices that are also important to democracy, in the form of *non-institutionalized practices*. People whose actions contribute to larger institutionalized practices also do other things—like gossip, subvert, take shortcuts, enact informal or ephemeral 'rules', act in inconsistent or contradictory ways across and between personal and professional roles, and so on. Many of the uncountable non-institutionalized practices in which all people engage are part of the ebb and flow of everyday lives.

Institutionalized and non-institutionalized practices do not occur in separate spaces or at separate times. They occur together—different modes of practice within common or overlapping spaces and times—and a given person may engage in both more or less at the same time. For example, a local civic or sports association will have varied institutionalized practices, such as the conduct of committee meetings according to formal rules and roles. Woven among and alongside these practices will be a plethora of non-institutionalized practices—greeting, shunning, chatting, and so on. Complex and variable interweaving of the two modes of practice will be as evident in, for example, the workings of an elected assembly as in the local association or business.

Democratic designs feature ideas of ordered institutionalized practices. However, non-institutionalized practices are *implicated* in democratic designs, even if they are not part of them as such. They are implicated in terms of the incentives and motivations of individual actors—an issue discussed in some detail in Chapter 4. They are also implicated in terms of the fourth requirement of the democratic minimum—the protection of freedoms of expression and association.

Governing Practices: Compulsory and Non-compulsory

The distinction between institutionalized and non-institutionalized practices is one key axis in understanding what is designed in the work of democratic design. Democratic design is not the design of whole societies. Rather, it is the design of governance—influenced by and bearing implications for multiple wider aspects of society as that task is. Thus, we turn to the second key axis in considering practices—the distinction between governing practices that are compulsory, and those that are not.

Earlier in this chapter, we noted that one of the five requirements of the democratic minimum was *Governance*. Democracy, in whatever precise form and whatever its locale or site, cannot exist without a persistent process of

governance. Governing practices form part of the structures and processes by which governance is carried out.

What governance *is*, is of course a fundamental topic in history and in the study of politics. For present purposes, we can tread lightly in this long and complex domain of thought and debate. To govern is to rule, to lead, or to exercise overall authority with regard to people located in specified places and times. Where the governing entity is a state, it will (in Max Weber's (1991 [1921]: 78) famous terms) be 'a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory'. States, and state-like entities such as local government units and supranational governance structures such as the European Union, are *compulsory* associations. In different terminology, the space(s) they occupy or constitute are 'empowered'; the associations are, in some way and to some degree, formally empowered to make or significantly contribute to making collective or governing decisions for the polity.

Other types of governing practices, such as a confederation of trade unions, are *non-compulsory*, or formally non-empowered (though I acknowledge that these distinctions may not reflect many experiences in practice). In the Introduction, I referred to two types of analysis with respect to the entities to which we can apply the democratic design framework—the first type denotes compulsory governing practices, the second non-compulsory ones. Both types lend themselves to critical examination through the lens of the democratic design framework, though the first level forms the primary focus in this book.

In the present context, the terms governance and governing are preferred to govern*ment*. Government refers specifically to a bounded set of institutions or practices which claim and seek to exercise the Weberian monopoly. The term emphasizes the materiality or thingness of the governing entity, such as a state. Governance, on the other hand, emphasizes the processes and practices through which governing is achieved, or attempted to be achieved. Governance, at least for present purposes is more open ended—it is a process that may not always or necessarily work through a *clearly* delimited or *clearly* bounded set of people, offices, or institutions. In this respect, government may be regarded as a form of (or a component of) governance which does not exhaust the potential descriptive scope of the latter. Governance displays further features. The groups or territories over which ultimate control is claimed need not be contiguous, for example, as they are in the nation-state form. The claim to monopoly will be a claim before it is a fact—and therefore it will remain, to some degree, contestable. Further, governance need not operate on

a given scale—its scale may vary from the continental to that of a town or village, e.g. for the continent of Australia or for organizing the affairs of a small town in the Outback. And crucially, it need not refer to a state; one can speak for example of the governance of a corporation, or a social movement. Of course, governance need not be democratic. For it to be democratic, the requirements of the democratic minimum would need to be realized.

Governance is a process that brings together in sequence and in combination a set of governing practices (questions of 'procedure', 'sequence', and related concepts are discussed in Chapter 4). The character of governing practices can vary greatly—as greatly as the myriad ways in which ideas of governance may be conceived and elaborated. They may include agenda-setting, deliberative, representative, selective, mediative, and decisional practices, among others.

Non-governing Practices

Whatever specific processes define governance in a given context, practices that are outside or not part of them are non-governing practices. Non-governing practices may also be referred to as societal or civic practices (though not all of the latter are non-governing practices). Non-governing practices will often be oriented *toward* governance structures while not being *of* them.[16] They may be rule-defined and normalized—institutionalized—but many will not. In a democratic context, they take place in spaces, or as moments, reserved, protected, or claimed for freely chosen individual or collective actions outside governance structures. Such reservation or protection flows directly from the freedom and constitutionalization requirements of the democratic minimum.

The constitutionally protected public spaces of civic freedom house a huge variety of actual and potential political activity, or non-governing practice, from social meetings to discuss political questions to demonstrations. Some such practices may push at the boundaries of what is constitutionally protected in a given context. These may include more spontaneous elements of civic action, where one might speak of 'claimed spaces' (Gaventa 2006) or settings which become 'sites of contestation or struggle around which certain

[16] Writing about transnational contexts, Rosenau (2000) notes that we cannot predict which 'control mechanisms' that are 'nascent' will in time become 'institutionalized'. In a similar vein, there are practices in civil society that may be co-opted, transferred into, or copied by governments in their own operations.

issues, interests, and stakes as well as themes, concepts, and objects assemble' (Isin 2013, 34). They may be practices of 'social nonmovements'—'loose forms of nonobedience that coalesce . . . into mass protests' (Youngs 2015, 36. Protected public spaces are far from 'empty' spaces, and actors in them may pursue practices that challenge the law or otherwise pose sharp questions for the society subject to them—consider 'acts of citizenship' such as the presence of Roma in Berlin's Görlitzer Park in 2009 (Cağlar and Mehling 2013). Like the 'silence' of John Cage's famous musical composition *4'33"*, undesignated spaces are replete with activity and pregnant with political possibility. The scope for non-governing practices varies greatly according to circumstances, not least because, as March and Olsen note, 'the size of the sector of institutionalized activity changes over time' (March and Olsen (2008, 4; see also Berger and Luckman 1966, 97).

The Practices Matrix

The fundamental task of democratic design—or so I argue—is to configure the elements of the dual core, to order practices with the aim to realize certain (combinations of) principles. With regard to practices, there are a great many that would-be designers may take into account (as well as new and hybrid ones they may create). I survey an array of specific practices in Chapter 5. But at the more general level, the present discussion leads us to pinpoint in a matrix just which sorts of practices are to be included in democratic designs, and which are not. Consider Table 3.1.

It is practices located in Box A—governing institutionalized practices—that are the materials of democratic design. It is these practices that a designer will plan to order or sequence to construct a democratic design—they are *designed-in* to new ideas or plans for democracy. However, practices in Boxes

Table 3.1. A simple matrix of practices

	Governing practices	*Non-governing practices*
Institutionalized practices	A1 –compulsory A2 –non-compulsory	B
Non-institutionalized practices	C	D

B, C, and D are in important ways 'of' designs, if not 'in' them. Consider Box B, consisting of institutionalized practices that are non-governing (including loose private or civic forms of associations of various sorts, such as demonstrations). The fourth requirement of the democratic minimum is freedom: protections for freedom of expression and freedom of association. In a system that is minimally democratic, an active and diverse associational life outside governmental procedures and practices is to be expected, as a consequence of constraints on democratic governance via the democratic minimum. The freedom to pursue daily life in terms of informal individual actions or choices (practices in Box D) likewise is 'of' democratic design, or facilitated by such design.

The ways in which non-governing practices may be enabled or facilitated through democratic designs will vary from the more passive to the more active. With regard to the former, a design which focuses solely on the freedom requirement of the democratic minimum will have little influence on what *types* of non-governing practice may become most prominent or dominant. A specific democratic design which goes beyond the minimum in the name of favoured principles—e.g. sustainability, stability, radical equality—may seek or gain such influence without undermining democracy's freedom requirements. For example, a national government might support and encourage street demonstrations in support of strong environmental goals.

Box C in Table 3.1 reminds us that democratic design does not—and does or should not aspire to—'design' people or their everyday actions and interactions in totality. It does, of course, concern what informal day-to-day practices those in governance roles pursue; it is a question of influence over the relevant set of public or professional practices of individuals, and not any more extensive micro-level influence over people or personality types (for instance by mandating an overly circumscribed range of forms of permitted personal interaction).

Box A contains the two types of governing institutionalized practices discussed above, the compulsory and the non-compulsory: nation-states and similar entities on the one hand (again, the focus of democratic design in this book) and corporate, occupational, professional, civic, and social associations on the other hand. The matrix captures the considerable scope, but also the limits, of what is designed in the work of democratic design. It is important to note, however, that the matrix expresses a set of dynamic relations and phenomena which act to blur the boundaries between (and indeed within) the Boxes. At the edges, there may be no sharp delineation between compulsory

and non-compulsory association (A1 and A2) in particular cases, or between established forms of civic governance and non-governing social practices (A2 and B). This very dynamism is highly germane to how democratic design tasks can be carried out; they need to involve due sensitivity to actual and potential blurred boundaries and wider civic and social implications of specific design proposals.

It is especially significant that a primary focus on compulsory governing practices (A1) does not exclude overlap or borrowing from non-compulsory practices (A2). In a given context, specific entities of type A1 may also be entities of type A2. For example, practices of hierarchy and coordination in a government agency or department may be similar to such practices in a private corporation. Indeed, the ideas and practices of the 'new public management' in a number of Western countries in recent decades represent just such an example. Similarly, a democratic design such as Paul Hirst's (1994) vision of 'associative democracy' may highlight plans to deliver state functions via voluntary civil associations. In such ways, the boundary between practices of these two types can be seen as porous. Practices which emerge in a societal social movement may in time be adopted (sponsored, brought in-house, domesticated, adapted) by state, regional, or local public agencies. Likewise, societal groups or organizations may adopt practices characteristic of state agencies.[17] The potential for transposition or adaption of institutionalized practices across the compulsory/non-compulsory association boundary depends very much on the specific practice concerned and the context. In principle, the location of a given practice as wholly or exclusively of type A1 or A2 ought to be regarded as contingent.

Further, it is important to note that actors or agents are in principle separate from the practices in the matrix. Actors who are private citizens, independent professionals, social movement figures, or corporate leaders (for example) may be co-opted into government, or play a role in a specific governmental process. The different boxes in Table 3.1 are not *coterminous* with state or civil society actors, even if actors in the different spheres tend to be associated *primarily* with one of the denoted categories.

[17] In the classic account of Roberto Michels (1968 [1915]), dominant forms of social and political organization feature across governing and societal spheres, in particular his famous 'iron law of oligarchy'. In an analogous vein, Hirst (1994) lamented the overblown size of state and non-state hierarchies in the critique underpinning his advocacy of associative democracy.

Devices

A device is an instrument, mechanism, or rule deployed or intended to direct, incentivize, induce, or channel certain desired practices. Devices are often manifested in formal rules, for example, rules of order in the conduct of meetings, or the use of the secret ballot in democratic voting. Devices are deployed within or between institutionalized practices to enable them to do their work, to oil the wheels of practice (so to speak). They direct or channel actions in ways that are more or less functional for the larger functions or goals of institutionalized practices. The can work as the connectors between different governing institutionalized practices.

In practice, it may not always be possible to distinguish clearly a governing institutionalized practice from a device (cf. Lascoumbes and Le Gales 2007, 8). However, in general terms, there are reasonably consistent distinguishing features:

- Temporal: where a governing institutionalized practice will tend to be a continuous practice through time, a device will tend to be deployed within such practices at particular times. For example, a device of reporting will at specific times link a legislative committee to the chamber of the legislature.
- Scalar: Governing institutionalized practices will tend to be larger and more complex patterns of continuous practice—sometimes in the form of an organization such as a government agency. Devices will tend to be 'smaller'—'small scale rules', as Vermeule (2007) puts it, such as rules in the conduct of meetings.
- Functional: devices tend to be deployed as linking or coupling mechanisms, either within complex institutionalized practices or between them. For example, a device of delegation may link one institutionalized practice to another.

Devices may display a range of different characteristics and derivations according to context. They may be familiar and reiterated rules of procedure on a small scale—'off the shelf' rules, so to speak. They may be hybrids, or re-purposed or reclaimed rules adapted to specific purposes. Or they may be wholly novel, for example the rapidly developing techniques in detailed data analytics used in electoral and referendum campaigns (often controversially, as by the Leave campaign in the UK Brexit referendum in 2016).

Devices are discussed by many observers of governance using cognate terms such as tools, instruments, and mechanisms. Noting the intellectual context of those terms and how they are deployed will help to pinpoint the nature and role of devices in the democratic design framework. A focus on how governments make and implement policy has spawned interest in 'policy tools' or 'tools of government' (Hood 2007), a relevant but narrower category than devices. Slightly wider in scope but framed in terms of democratic goals, Vermeule discussed 'mechanisms of democracy' as: 'a repertoire of small-scale institutional devices and innovations that promote democratic values against the background of standard large-scale institutions' (2007, 2). Similarly, more specific political goals (that may or may not be compatible with democratic goals) may prompt their adaption, creation or deployment; Gonzalez-Ricoy and Gosseries, for example write of 'building mechanisms into institutions such that individuals will not be discouraged, and if possible be encouraged, to promote and/or adopt future-friendly policies' (2016, 9).

Discussing 'policy instruments', Lascoumbes and Le Gales (2007) add a more political bent to that literature. 'Instruments', for them, are replete with histories and meanings. Instruments have a politics that not only characterizes results from their deployment, but also characterizes the instrument itself: 'every instrument constitutes a condensed form of knowledge about social control and ways of exercising it' (2007, 3). This view of devices as inevitably bearing and animated by political ideals and strategies is further nuanced in actor-network theory approaches where the importance of material artefacts comes to the fore. The ballot paper and ballot boxes, for example, can be understood as crucial parts of devices in the present sense. Objects, like devices more generally, can 'both facilitate and constrain particular practices and conceptions of politics' (Anderson and Kriess 2013, 366), and can be regarded as 'actants', a term expressing the 'active role of tools and materials' (Nicolini 2009, 1402).

The notion of device in the democratic design framework is intended to capture key aspects of many of these approaches in existing analysis. Devices are oriented towards constraining and enabling practice; they channel and direct actions that sustain larger institutionalized practices. They are conceived as political instruments for specific purposes. There will often be material artefacts that are central to their character and functions. Because they embody smaller-scale rules intended to channel or steer practices, they (and their boundaries) will tend to be more readily identifiable than larger-scale institutionalized practices of which they will most often form a part.

To that extent, building a sample repertoire of such devices for consideration within a design framework is a feasible task (though to attempt a

complete list would be a challenge too far, even for the most dedicated taxonomist). I take on that task when I turn to the active work of designing conceptions of democracy from Chapter 5. One must proceed with humility and caution here; as Rowe and Frewer (2005) note, the great numbers and confusing potential sub-types make neatness difficult. The term 'device' helps to capture some of these important features of the phenomenon. It carries the implication of 'devise' and so captures an important sense of practice and intentionality; likewise, it carries the sense of 'devices' as plans or purposes of active agents. It covers the senses of 'tool', 'mechanism', and 'instrument' but is not limited by the sense of neutrality and the weaker implication of agency or intentionality that attaches to those terms.

Democratic design centres on the ordering or sequencing of governing institutionalized practices to achieve or exceed the democratic minimum in a given context. In that light, what I call the dual core of the democratic design framework consists of practices and principles. With respect to practices, we can distinguish governing and non-governing institutionalized practices. Contemporary examples of the former category—to focus on compulsory practices that are most critical to the work of democratic design—include elected parliaments, political parties, and citizens' assemblies. Contemporary examples of non-governing practices include unregulated public meetings, campaigns, and demonstrations. Devices include, for example, voting rules, registration rules, and formalized delegation. The *repertoire* of practices for democratic design consists of such examples among a great many others. In this chapter the focus has been on more general, definitional issues pertaining to what makes up the repertoire; in Chapter 5 we shall return to the repertoire in considerably more detail, pinpointing relevant practices and devices—variously decisional, deliberative, reflective, participative, and so on.

I have referred to the directedness of governing institutionalized practices, and of devices as aimed at channelling practices towards the achievement of goals. The next key issue is prompted by the question: what are these goals, and what constitutes this directedness? That is where the second part of the dual core comes clearly into focus, and accordingly the discussion now turns to principles.

Political Principles

A political principle is a value or a good. It may point towards a goal, a desired means of proceeding, and/or a more generalized sensibility in approaching politics. In *The Spirit of the Laws*, Montesquieu writes that each form of

government has a 'principle', and 'the laws will be seen to flow from it as their source' (Montesquieu 1989 [1748], 9). For him, the principle of democracy is clear: 'love of democracy is love of equality' (1989 [1748], 43). Principles are more than simply *associated with* or *part of* a form of governance; they *motivate* or propel it, prompt action and set it in motion (1989 [1748], 21).[18]

In a broadly Montesquieuian spirit, the place of principles in the democratic design framework can be understood in two linked ways. First, there are *required* principles. Required principles are those that are fundamental to democracy and are thus encompassed in the democratic minimum, notably equality, freedom, and certain rights. So for example, the fundamental importance of equality to democracy is expressed in the democratic minimum in respect of 'consistent and ultimate determination of the forms and functions of the process of governance by the group's members regarded and treated as equals'. The principle of equality is thus inextricable from democracy, whatever particular forms the latter may take in different contexts. Note, however, that equality's status in the democratic minimum does not tell us about (a) its specific forms of instantiation in an actual democratic political system, or (b) what other principles will also be instantiated in democratic designs or actual democratic systems. Equality's foundational status may or may not tell us a great deal about forms of democratic practice and structure in context. The recognition of equality's critical place in any democratic design is a point of departure for ideas of what democracy *can be*, rather than a point of arrival telling us what democracy *is*.

The focus of the project of democratic design is what democracy *can be*. In that context, a wide range of political principles may be invoked as informing, animating, or defining democratic designs or plans. Thus, in addition to required principles, we can speak of *ordering* principles. In Chapter 5, I list a range of potential ordering principles, from participation and deliberation, to representation, sustainability, transparency, and capacity building. Ordering principles reflect the goals or values of designers and the contexts *with*, *for*, or *in* which they work. They bring necessary texture and particularity to democratic designs. All democratic designs will feature ordering principles; a vision built only out of the required principles is a singular vision of the democratic minimum, not of the plural potentialities of democracy.

The difference between required and ordering principles has its subtleties. In a specific piece of design work, for example, a required principle may *also* be enacted through practice as an ordering principle. Consider for instance a

[18] In Goodin's terms, a principle is 'the animating idea' (1996, 26–7).

context in which decentralization of political authority along strong federal lines is treated as a prominent ordering principle. Political party operatives or think-tank workers may be exploring potential ways to reshape and renew democracy in a context where a high degree of centralization of political power has, in their eyes, become dysfunctional (or even undemocratic). In this example, equality may be an important ordering as well as a required principle. As a required principle, equality demands *consistent and ultimate determination of the forms and functions of the process of governance by the group's members regarded and treated as equals*. That deals with the crucial status of individual political and legal equality. But our hypothetical designers want more from the principle—for example, they see it as critical that the semi-autonomous units or provinces they envisage be treated equally in the law-making work of the larger political community. Equal treatment of the sub-units becomes a further application of the principle of equality, and thus a way in which equality is deployed as an ordering as well as a required principle.[19]

Enacting Principles

Practices are what people do. Consequently, *principles* are also something that people do. What people do in institutionalized practices is constrained or orchestrated in ways that are more or less durable over time—their practices are often coordinated and directed by specific devices, are practices of established roles and rules. Such institutionalized practices and their attendant roles and rules will embody or be constructed around principles—as March and Olsen 2008, 3, 4) argue, 'institutions are carriers of identities and roles and they are markers of a policy's character, history and visions'; they are 'structured according to different principles'. Governing institutionalized

[19] The required/ordering distinction recalls a further distinction between principles of governance and principles of policy. Here, governance principles consist of (e.g.) equalities and freedoms essential to good democratic government, while policy principles consist of other desirable social or political values, such as ecological sustainability. I use the required/ordering distinction because it allows hybrid and subtle uses and boundary crossing. We have seen how aspects of required principles may also be seen as ordering principles. There is also potential, for certain times and places, for principles not universally seen as required coming to be seen that way. For example, as the global challenge of climate change increases in urgency, and governments both democratic and undemocratic fall short of meeting the challenge, ecological sustainability may become a required principle of democracy. Further, there is no neat or clear cut-off point for what may be considered a potential ordering principle for democratic design. I am grateful to Frank Hendriks for prompting reflection on this issue.

practices give to principles a concreteness and texture as a part of a process of *enacting* them.

This performative or enactive view of principles is impatient with discussions of such values as equality, liberty, or civility *in the abstract*. It is in action and interaction that the meanings of principles come into focus. As Hannah Arendt argues in the case of the principle of freedom, without action or speech in a political public realm 'freedom lacks the worldly space to make its appearance . . . the inspiring principle becomes fully manifest only in the performing act itself' (Arendt 2006, 147, 151). Indeed, such a principle only has a reality or a presence by virtue of enactment: principles 'are manifest in the world only as long as the action lasts, but not longer'; they have an 'utter dependence' on actions for their very 'existence' (Arendt 2006, 151, 152). In the language of democratic design, practices (actions) of different kinds enact principles by bearing or generating their presence in context.

Taking the argument a step further, it is important to note that practices enacting principles is very far from a straightforward, one-to-one process. Practices enact one of a number of reasonable *interpretations* of a principle or principles. In this respect, principles are themselves open-ended, and can reasonably be interpreted in different ways (think of equality: of outcome, of opportunity, of rights, and so on; think of 'freedom to' and 'freedom from' and their consequent further variations). As Clifford Geertz (1993, 148) wrote, 'polysemy . . . is the natural condition of words.' Principles come into focus as *having* specific meaning or importance *through* practical enactment. A deliberative poll (Fishkin and Luskin 2000), for example, enacts one sense of the principle of political equality; a policy referendum presents a quite different sense of the same principle. Including both devices in a real decision procedure (a democratic design or part of one) would represent an effort to enact in one procedure different dimensions and textures of political equality and inclusion. Detecting the patterns in which a given principle is enacted in real-world political procedures may be a complex matter requiring detailed observation—principles may be enacted in 'fragments', as elsewhere I have suggested is the case with the principle of equality in representative politics (Saward 2016).

Principles such as equality and freedom get their meaning from governing institutionalized practices and devices through which they are enacted. They do not have an original, foundational, or purely abstract meaning apart from such enactment. Principles can mean different things in different contexts; different institutionalized practices and devices will also enact them, bring them to life, differently in different times and places. An openness to

alternative meanings of principles is core to democratic design (see, for example, John Barry's approach to 'sustainability'—1996: 118–20). Note further that the enactment (and therefore the manifestation) of principles can and does take place in single institutionalized practices *and* between two or more of them. They may be enacted through a whole-system sequence or pattern of such practices—evenly or unevenly—just as much as, or more importantly than, their enactment in specific institutionalized practices and devices. The interpretations evoked in their enactment across or among such orders or sequences may differ from their style of enactment in one given constituent institution.

The Dynamics of Principles

The detailed and practical meaning of, and justifications for, political principles can only be worked out (a) through their institutional embodiment, and (b) their coherence with other compelling principles. In this sense, the *names* of the principles ('equality', 'liberty', 'transparency', and so on) are placeholders for a bundle of interpretations, each of which may only be invoked by also invoking further principles. Specific and detailed meanings are enacted through institutionalized practices and devices that might manifest them, and thus bring the principles to life.

This approach runs against common (not to say dominant) assumptions about principles as the basis for conceptions of democracy. The Anglo-American branch of political theory and political philosophy—most notably the debates centred around John Rawls' magisterial *A Theory of Justice* (1972)—features prominently arguments about the single best or proper meaning of such principles as justice, equality, and freedom. Such arguments are often deductive: equality for example can be deduced from a deeper religious (or contractarian) foundation, and in turn institutions and practices can be deduced from the principle.[20] By contrast, the present approach stresses how principles and practices are to a considerable degree turned *inward* towards each other, gaining vitality and meaning from each other, as ideas and as concrete political practices, without reference to some philosophical 'outside' which can justify and define the principles with finality.

[20] This is the approach taken influentially for example in Dahl (1989), also pursued explicitly in Saward (1998).

An effort to pin down a single-best meaning—such as equality of voting power for the principle of political equality—will never be able successfully to exclude other credible meanings (and with them alternative practices and devices intended to embody or realize the principle). Again, democratic principles are primarily things that we *do*, rather than rights or statuses that are conferred.[21] To act on a principle of equality is to contribute to an interactive process of specifying its meaning *in* specific settings.

Limits to the Meanings of Principles

There are boundaries to the reasonable interpretation of political principles, but the precise nature and location of those boundaries is dynamic, and not a fixed affair. Political equality can mean (and can be enacted as) many, overlapping things in different contexts, but it cannot mean just anything, anywhere. More specifically, a given interpretation, or attempted enactment, of a principle such as political equality may fall beyond the boundaries of reasonable interpretation of the principle if it lacks 'resonance' on three levels. First, a lack of resonance between the given interpretation and how that or related political principles tend to be articulated within a local or particular political culture; second, a lack of resonance or 'fit' between an institutionalized practice and the principle or principles it is supposed to enact;[22] and finally, a lack of resonance with broadly accepted systemic and natural constraints on democratic practices. Systemic constraints may include, for example, the state of technological development in a polity. Natural constraints may include for example what Beetham (1999: 39–44) calls the 'economy of time', where the proper consideration of political issues requires that not all can participate directly and substantially in their resolution.

In these respects, principles can be articulated and enacted in a variety of ways, but in nothing like an infinite variety of ways. A common approach in political theory is to attempt to stipulate a *literal* or proper meaning for a

[21] Here I draw loosely on Judith Butler's approach to 'gender'. Butler writes that 'the substantive effect of gender is performatively produced . . . gender is always a doing, though not a doing by a subject who might be said to pre-exist the deed . . . There is no gender identity behind the expressions of gender; that identity is performatively constituted by the very "expressions" that are said to be its results' (Butler 1990: 24–5).

[22] Gledhill (2000: 75) mentions a useful historical example. Nineteenth-century Latin American plantation owners led by Simon Bolivar had little choice but to oppose slavery because as an institution it was 'too incompatible' with the modern republican model derived from French revolutionary influences which they otherwise drew upon. Gledhill writes of 'fields of compatibility' between principle and device.

political principle. Behind this strategy is the assumption, normally unspoken, that there is one, correct, interpretation of a given political principle. As Shapiro writes of justice theorists in recent decades: 'Their arguments often appear to take it for granted that there is a correct answer to the question what principles of justice we ought to affirm'(1999: 3). Like a dictionary definition, the denotation of given terms can be precise and presented as fixed (for the time being at least). The opposite of the literal approach is what we might call the *empty signifier* strategy. This alternative involves denying that anything specific or bounded is signified by naming a principle; anything goes in a system of radically pluralistic interpretation and reinterpretation of principles.

We can locate between these extremes a *figural* approach to the boundaries of reasonable interpretation. According to this view, a political principle will provoke varied interpretations depending, for example, on shifting conventions of what actions or institutions 'fit' with the principle. But conventional codes will at least produce a delimited *set* of possible interpretations—a recognizable representation of a 'figure' that can be understood in varied ways, as it were. In this vein, for example, the principle of political inclusion can mean many things—varied connotations will escape stipulative attempts to stop at a single denotation[23] but it cannot mean just anything. 'Inclusion' in politics may mean a more or less symbolic effort by authorities to consult stakeholders or interest groups or ordinary citizens, or it may mean a more wholesale or radical change. It might take many forms: widening the franchise, consulting local people on plans for infrastructure in their neighbourhood, running a youth parliament, organizing a citizens' assembly or jury to consider policy proposals, requiring elected officials to take questions from the public in a special forum, and so on. It may be more or less empowering, more or less symbolic. But it cannot mean *exclusion*, e.g. presenting a reform as including the views of a certain group while excluding them in fact. And it cannot refer exclusively to only *one* of these practical interpretations, to the lasting exclusion of others. Seeking enactment of a principle through institutionalized practices and devices may strengthen particular interpretations of the principle without dampening down alternative interpretations.

Literal strategies aim at objectivity, and empty signifier ones at an atomistic subjectivity. The first is strongly essentialist, the second relativist. Figurative approaches stress an intersubjective bounding of acceptable meanings of principles. It is true that this approach leaves open a wide array of potential

[23] See Barthes' *S/Z* (1974) on the interplay between denotation and connotation and the inevitably disruptive effect of connotative meanings.

meanings of principles in context, and wide grounds for debate or dispute over their meaning and application. That is in the very nature of politics.

Justifying Democratic Principles

A closely related question is: What can make political principles *compelling*? My response to this question chimes closely with the comments on the justification of democracy earlier in this chapter. Like 'democracy', principles such as equality, freedom, accountability, and popular participation, as interpreted through the frames of specific contexts, challenges, and grievances demonstrably and regularly energize political figures and ordinary people intent on democratic change (witness Central and Eastern Europe in the late 1980s, and the early days of the 'Arab Spring'). Across different cultures, such principles inspire individual and collective action. And in different ways, such principles tend to be mutually reinforcing in practice. There is plentiful evidence of widespread positive experience with specific institutional embodiments of these and other political principles, and their capacity to inspire and embolden citizens and movements.

Since principles are refined and disputed as an ongoing part of political life, we cannot reasonably invoke a more foundational approach to justifying them. The difficulties involved in writing about democracy in a recommendatory fashion from a broadly anti-foundationalist position are unavoidable. Many, for example, will feel uneasy with the idea that single-best abstract justifications of political principles are unavailable. However, as Anne Phillips writes, 'We can hardly stake the universality of our principles on the fear of what would happen if we abandoned this claim. The case against foundationalism cannot be countered by arguments of an instrumental nature, for if ever the "preference" for firm foundations is revealed as such (we "need" universal principles, we "need" a secure vantage point from outside), the case collapses on itself. We cannot appeal to the consequences as the basis for returning to foundationalist thinking; the only basis for this return would be the knowledge of sure foundations' (Phillips 2000, 249).

Conclusion

In setting out the motivational base and the dual core of the democratic design framework, this chapter has completed half of the task of elaborating

that framework. Democracy has minimum requirements, and is motivated by a democratic sensibility. Those requirements and that sensibility infuse choices of practices and principles. I have spent some time elaborating the tight links between practices and principles as the two elements of the dual core; they make up a dual core precisely because they are inseparable as the twin elements at the heart of ideas or plans for democracy. A specific democratic design will offer a plan to order or sequence governing institutionalized practices and devices so as to enact selected political principles—to at least meet, and normally also to exceed, the democratic minimum.

The second half of the task of elaborating the framework in Chapter 4 focuses on the interaction of different practices and principles, addressing the question: what does it *mean* to order or sequence practices? It sets out key precepts concerning the deployment of the dual core, focusing on systemic and reflexive design. It includes discussion of *how much* of *which parts* of democracy may be subject to design thinking; would-be democratic designers have many options available to them, from the small-scale and pragmatic to the system-wide and transformative.

Each of these points of elaboration of the democratic design framework is a response to particular problems that arise from examining the state of the art in democratic theory and the comparative study of democracy—along with the potential resources from design thinking to address these problems (see Chapters 1 and 2 respectively). The democratic design framework as a whole occupies and opens out a conceptual or theoretical space that is left near-closed by many prominent approaches to democracy. To elaborate the framework is thus to reinforce the neglected place of second-order work in the theory of democracy, by focusing on questions of assumption and method in the building of plans, models, or conceptions of democracy.

4

The Democratic Design Framework

Relational Elements and Guiding Precepts

This chapter continues the work of specifying the components of the democratic design framework. As we have seen in Chapter 3, the primary components of the framework are *practices* and *principles*, which together comprise the 'dual core' of democracy.

Along with the democratic minimum and an account of motivation centred on a democratic sensibility, the components of the dual core are connected, and can be reconnected, in a range of ways. How those connections work—how (these) practices enact (these) principles, for example—is critical to how we might conceive specific democratic designs. The first part of this chapter examines these 'relational elements'—how principles and practices relate to each other. Central to this examination are concepts that have been noted but not analysed thus far in the book, notably procedures and proceduralism, orders and sequences, connections and incentives. Consideration of the relational elements is followed in the second part of the chapter by an account of the major precepts that should guide the work of democratic design, notably the systemic and the reflexive.

This chapter completes the picture of the democratic design *framework*, enabling us to move on in later chapters to explore what is involved in the actual, detailed work of producing designs or plans for democracy using the framework. Accordingly, this chapter leaves open important issues around *specific* practices and principles and their connections in detailed, contextual democratic designs. Those issues are taken up in Chapter 5, along with a pressing question: *who* designs?

The Relational Elements

Principles and practices have, and can have, a huge range of connections in and across political contexts, real and conceivable. A single institutionalized practice—say, for example, a national referendum vote—may be regarded as

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DOI: 10.1093/oso/9780198867227.003.0004

enacting interpretations of the principles of equality and inclusion (one person one vote), freedom (to have one's say), and rights (to vote, to campaign and to choose). In the democratic design framework, principles are enacted primarily in and through governing institutionalized practices—from parliaments to deliberative forums to government agencies and beyond. They are also enacted through smaller-scale devices, such as the day-to-day rules of (e.g.) parliaments. Further, in some cases they are enacted in non-governing practices (such as when a part or moment in governing decision procedures is opened up to wider societal inputs or perspectives). Which principles are enacted—or could be enacted—through which practices is, to be sure, a matter of interpretation and contestation.[1] A democratic design will offer a conception of a *procedure* that links together governing institutionalized practices, etc., in some form of *sequence* and *order* featuring specific *connections* between practices. *Incentive effects*—how one governing institutionalized practice enables or constrains action in another in a decision procedure—are also critical. I turn first to the topic of procedures and proceduralism.

Procedures and Proceduralism

The democratic minimum specifies that democracy requires a method of collective decision-making for a given group of people. Such a method is a decision *procedure*. Whatever its precise form, a decision procedure can be defined as a series of steps (two or more), consisting of practices and devices, for dealing with and resolving an issue or a matter for decision.[2] More generally described, it is characterized by ordering or patterning of a distinct sets of practices, configured to serve a range of functions. (The ultimate function is to make collective decisions; other functions may include for example drawing on expertise, debating principles, sifting options, and enabling participation.) The order or pattern may be straightforward or complex, may include linear and parallel tracks of practices, or may encompass a narrower or wider range of practices and principles, depending on the nature of specific design problems or challenges. All political systems or contexts have procedures of

[1] What *version or understanding* of (say) equality or freedom may be enacted through particular practices will likewise be open to interpretation, along with the extent to which a principle is realized.

[2] The use of the concept can vary widely in political science and political theory. My definition specifies that a decision procedure have two or more steps or stages. This definition contrasts with other, more limited uses of 'procedure' to refer to one discrete political device. The latter approach is common in political theory—see, for example, Gutmann and Thompson (1996, 26), Schauer (1999), and Macedo (1999, 6).

some sort, even if they are only partly formalized and are not elaborate. Existing liberal democratic procedures, for example, include an elected government being the primary agenda-setter for a legislature whose votes determine the content of new law. A dictatorial political system, for example, might have a procedure that involves such steps as the leader wishing something done about X, the leader discussing X with his close advisers, the leader deciding, and the leader's trusted core of bureaucrats ensuring the decision's implementation.

The idea of a procedure in itself is straightforward enough. *Proceduralism*, on the other hand, is a more fertile ground for debate. The 'ism' brings into the picture a distinctive method or approach that incorporates views about political legitimacy. The democratic design framework adopts a proceduralist approach to democracy. Proceduralism's defining characteristic is that, in principle, outcomes can be regarded as legitimate if produced by a certain procedure. I focus on one, democratic variant. In a democratic context, proceduralists accept that in principle outcomes can be regarded as democratically legitimate if produced by a procedure meeting (at least) the requirements of the democratic minimum. I will call this view 'democratic proceduralism'.

There are, in theory and in practice, many sorts of political procedure other than those in the category of democratic proceduralism. In political theory, a famed and much-debated one is that of Rawls (1972), which specifies such devices as the original position, the veil of ignorance and the four-stage sequence as enabling the definition of principles of social justice. I do not offer an extended critique of such approaches, beyond the claim that they are not central to the task of *democratic* design. Demands of (a conception of) democracy and (a conception of) social justice may well coincide; the importance of elements of equality and freedom in the democratic minimum, and their importance to Rawlsians, for example, could be one such case. However, one of the commitments of democratic design is that we begin and end with democracy. The fact that other goals or values, under the banner for example of social justice, might find their places within a given democratic design in no way amounts to the view that democracy is purely an instrumental good.

My understanding of the nature of democratic proceduralism can, curiously enough, be illustrated by adapting certain other Rawlsian categories. Referring to conceptions of justice, Rawls (1972) distinguishes between perfect, imperfect, and pure procedural justice. Perfect procedural justice refers to a procedure whose outcomes invariably match a standard derived from an independent conception of justice. Imperfect procedural justice also posits such an independent conception, and describes a state where outcomes may

or may not match that conception. Pure procedural justice sets aside any independent standard and holds that an outcome is just so long as the appropriate procedure produces it. In the light of these distinctions—and setting aside the focus on 'justice'—democratic proceduralism may reasonably be characterized as form of *pure democratic proceduralism*: if a given procedure incorporates, at least, the demands of the democratic minimum, then its outcomes are to be regarded as democratically legitimate.

Procedural, Substantive, Epistemic

It is important to note that democratic proceduralists do not reject 'substance', or a 'substantive' approach to democracy. To separate and oppose procedure and substance in this context is to set up a false dichotomy. A democratic procedure will of necessity incorporate distinctive rights connected to equality and freedom, for example, even if we restrict a conception to the provisions of the democratic minimum. Such rights, etc., are intrinsic to democratic procedures. They are also substantive: their prescriptive force constrains practices and shapes outcomes. There can be no democratic procedure without a procedure that enacts democratic principles (Habermas 1996). Consider for example Dahl's (1989) well-known account of polyarchy, which centres on candidates competing for power based on regular, fair and open popular votes in universal adult franchise elections. The very idea of an inclusive franchise makes no sense unless it enacts a strong principle of equality. The idea of elections makes no sense unless the institution enacts a strong principle of accountability, and perhaps also of participation. Procedures are built out of institutionalized practices, and the latter in turn perform or enact principles (or they do nothing). (Again, there is always room to debate *which* principles are enacted, and to what extent.)

The contrary view has prominent advocates within democratic theory. Gutmann and Thompson (1996), for example, lend a good deal of weight to a principled view of deliberative democratic procedures: 'The moral authority of collective judgements about policy depends in part on the moral authority of the process by which citizens collectively reach those judgements' (1996, 4). But only *in part*. For them, there remains something importantly and necessarily external to the procedure. They advocate a conception of deliberative democracy which 'consists of three principles—reciprocity, publicity, and accountability—that regulate the process of politics, and three others—basic liberty, basic opportunities, and fair opportunity—that govern the content of

policies' (Gutmann and Thompson 1996, 12). The second set of principles is, on their view, necessary to ensure that outcomes or policies are *just*, since the first (procedural) set 'still does not capture the value of basic rights' (1996, 17).

There are two curiosities here. First, the principles of justice that must regulate democratic outcomes presumably derive from a *different procedure*—other-than-democratic—that can produce a theory of justice (along the lines of Rawls's contractarian thought experiment). The question a democrat will be keen to pose is: what justifies *that* procedure? What grants it the moral weight to trump a democratic procedure? The descriptor 'substantive' implies fullness and great weight, so positioning 'procedure' as comparatively 'empty' and lightweight in discursive terms. Gutmann and Thompson write that 'procedural democracy is at best incomplete, because it neglects the values that constitutional democracy stresses and because it ignores the processes that deliberative democracy emphasises' (1996, 33). But why, as I have suggested, can we not see 'constitutional' protection of (say) freedom of expression as intrinsic to democratic procedures? And why would 'procedural democracy' exclude strong forms of deliberation? Gutmann and Thompson stipulatively *define* basic rights and deliberation *out* of democratic procedures—a move that, as I hope my broader argument will demonstrate, is unreasonable.

Recent 'epistemic' or 'cognitive' accounts of democracy also prominently dispute the strength of democratic proceduralism. Epistemic approaches to democracy, in the words of one prominent advocate, Hélène Landemore, 'emphasize the knowledge-producing properties of democratic institutions and procedures', and 'assume that those procedures are good at tracking a procedure-independent standard of correctness, which is sometimes called "truth"' (Knight et al. 2016). Epistemic approaches tend towards 'imperfect democratic proceduralism'—democratic procedures have a capacity to 'track the truth', or to produce just or correct outcomes according to some independent standard, but there is no guarantee that they will do so in a given case.

It seems reasonable to argue that the 'procedure-independent standard', to do the work demanded of it in the theory, must be discoverable, robust, shared, correct, and singular. For Estlund, Rawls's theory of justice provides such a standard (1993, 63). However, the latter *assumes* rather than *demonstrates* its capacity to trump some or all of the products of a democratic procedure. Rawls's theory is based on a thought experiment, the outcomes of which can be interpreted as strong principles of justice. The status of his principles of justice do not require, though may accommodate, active interpersonal or inter-group debate or deliberation or choice by actual agents. In the operation of a democratic procedure that (at least) meets the standards of

the democratic minimum, how can a thought experiment whose very premises are much contested, and which rest on internal mental reflection rather than interpersonal communication, be granted such a profound trumping role in democracy?

Political theorists often use literary devices to make and clarify arguments––Rawls's 'veil of ignorance' is a case in point. Other threads of the epistemic democracy view stand in danger of *substituting* literary devices for effective arguments. Consider Landemore's (2013, 215–6) rich array of orientational metaphors. She argues that 'the standard of correctness for context-dependent political principles is a combination of empirical accuracy and coherence with *underlying basic* values' (2013, 215); the latter are 'more fundamental', 'primordial', 'higher order', and with an 'original grounding' (2013, 216). Thus these values are *positioned* discursively as higher, lower, or prior to the achievements of everyday democratic political processes—spatially or temporally *outside*, rather than *of* or *in* democratic politics. Familiar as they may be—even unavoidable up to a point—in political theory and other kinds of arguments, orientational metaphors are, at best, the scaffolding for an argument; alone they do not *make* an argument for the identity and importance of 'underlying basic values'.[3] This fact leaves the epistemic argument vulnerable to Rorty's criticism: 'Attempts to ground a practice on something outside the practice will always be more or less disingenuous . . . The object outside the practice, the purported foundation, is always just a hypostatisation of certain selected components of that practice' (1996, 333–4).

Further, the opposite of the epistemic conception is described in thin terms. In Landemore's words, it is an 'aggregative' conception of democracy 'in which democracy is just a method to aggregate individual preferences and turn them into a social choice . . . Voting is not about judgement supported by reasons but about the expression of unreasoned preferences' (Knight et al. 2016). I simply state: no writer on democracy has ever put forward or advocated such an 'aggregative' conception. From one angle, even Joseph Schumpeter (1976), who might be a logical suspect, wanted governments to

[3] Within limits, such metaphors do have their uses in the broader argument. For example, describing and constituting sequences of practices that make up procedures, discussed below, is facilitated by orientational metaphors (Lakoff and Johnson 1980). How many and what combinations of such metaphors are deployed—and at what level of institutional detail—will condition how simple or complex are our ideas of democratic procedures. They include temporal orientations (e.g. first/last, fast/slow), and power metaphors (primary/secondary, dependant/independent) and positional metaphors (central/peripheral, higher/lower). An awareness of which orientational metaphors are at work in setting out a sequence of practices and devices can help to pinpoint a procedure's character and its designer's intentions.

make policy insulated from any adding up of popular opinions (as indeed Landemore notes—2013, 40–2). From another angle, Dahl (1989)—a further likely suspect—for example, framed and adorned electoral politics (which he certainly advocated) with extensive concerns about the need for open public communication and debate, 'enlightened' citizen understanding, and effective deliberation over voter choices. My argument is that, for Landemore as for Young (2000), the 'aggregative' conception is not an effective foil for their preferred conceptions of democracy. Rather, as I noted in Chapter 1, it is an unattributed straw man whose argumentative function is to make its stated opponent the only acceptable choice.

This move also places deliberation—the primary means by which epistemic democrats trust that a favoured independent standard might be met—outside democratic procedures. Estlund argues that 'deliberative theories of legitimacy . . . may assert that mere procedural fairness yields only a weak and limited form of legitimacy, inferior to that available in deliberative theory' (1993, 74); deliberation should be 'devoted' to 'correctly fleshing out the notion of justice or common good [that] is independent of actual political procedures' (1993, 72). Surely, if the epistemic view is to be convincing, we can be highly confident of the discovery or identification of (robust, shared, correct, and singular) independent standards—for example, through deliberation real or hypothetical. But in fact Estlund is sceptical (1993, 65–6), and Landemore accepts that any such standard may be contextually, historically, or culturally specific (2013, 210). The latter argues that weaker and stronger forms of factual and value cognitivism are available, but does not offer an actual argument supporting the choice of context-independent values (2013, 219). In a manner similar to that of Gutmann and Thompson (see above), she does posit 'the ideal of human rights' and 'basic freedoms' as examples of a 'smaller core of values that have universal validity' (2013, 219). However, this claim is not convincing without an argument as to why such rights or freedoms are *not* intrinsic to an acceptably democratic procedure. We can concede that citizens and candidates engaging in debate, for example during election campaigns, may hold (and come to hold) beliefs which they regard as true, morally right or in the general interest. However, it is an overstatement to claim that 'the independent standard of correctness is something we postulate every time we debate and vote in the hope of finding a solution to a problem' (Landemore 2013, 219). In a context of epistemic fallibilism and moral pluralism, it is surely too strong an interpretation selectively to apply the notion of 'independent standard' to some such beliefs.

These reasons for skepticism lend support to understanding the role of procedures in the democratic design framework in terms of 'pure democratic proceduralism'. Democratic proceduralism is procedure-with-substance (or even: procedure-because-substance). It is in and through procedures that key democratic principles—above all, those expressed in the democratic minimum—are interpreted, debated, practiced, and institutionalized; 'the democratic process is packed to the hilt with substantive values' (Dahl 1989, 164). As Saffron and Urbinati (2013, 442) comment: 'the search for equal liberty [the core democratic principle in their view] does not abjure a proceduralist stance, since it is the intrinsic characteristics that are thought to be conducive to freedom, without there being anything external to the process that can evaluate the quality of its outcomes.' They refer to this as an 'immanentist foundation of democratic legitimacy' (see also Kirshner 2010).

These comments fall well short of a rounded appraisal of substantive or epistemic critiques of democratic proceduralism. My purpose is limited to clarifying my approach to the latter. In sum, and to conclude the account of (pure) democratic proceduralism, four points:

- When functioning, democratic procedures feature shifting and contested knowledge claims, modes of understanding and moral positions. Achieving better understanding of factual or ethical aspects of an issue is not the same as having or even positing an 'independent standard'. As part of a dynamic process, a participant or candidate may believe in and propose what she considers a good or better outcome on a given issue without at the same time claiming it has independent warrant or force. That is the stuff of democratic politics, testing ideas in democratic settings within democratic procedures. In a democracy, heads are counted. But those heads also talk, debate, learn, mull and change their minds.
- Democratic procedures may or may not display cognitive or epistemic features. It depends on the circumstances. Like Barber, we might regard political knowledge as made in democratic politics, perhaps even regarding 'politics as epistemology' (1984, 166–7). The key point is that any such features do not play a role in establishing the democratic legitimacy of outcomes. There is no need to adopt a 'pure epistemic proceduralism' in the face of democracy's learning functions (Peter 2008). The democratic legitimacy of democratic outcomes is independent of any epistemic benefits—policy or issue learning are valuable side-benefits but are not definitive of value with regard to the democratic legitimacy of

outcomes. The procedure's value resides in its enactment of equality, rights to liberty, and other requirements of the democratic minimum.

- Democratic decisions can be revisited. Revisability is more important to democracy than outcomes achieving some specified standard of 'goodness' (see Nadia Urbinati's comments in Knight et al. 2016). Indeed, in a democracy the people can get things wrong (by whatever standard). Perhaps that, too, is a potential learning experience. Contingency and uncertainty are at the core of any defensible conception of democracy. 'The democratic process is a gamble on the possibilities that a people, in acting autonomously, might learn to act rightly' (Dahl 1989, 192; see also Muirhead 2014). Democracy is over-time, not single-snapshot.
- The 'constitutional' and the 'procedural' are not separate in democracy. Democratic proceduralism includes courts and their roles as mandated in constitutional documents or settlements. Some argue that democratic procedures can unduly be restricted by, for example, judicial review. However, judicial functions are part of democratic procedures. Democracy is—to one degree or another—self-binding or self-limiting (Elster 1988, 9). It is not simple majority rule, for example; it must limit itself to protect and sustain the very values it enacts. If it does not, the greatest potential danger is the one highlighted by Sartori: 'the first election would be, in effect, the only true election . . . Such a democracy dies at the moment of its inception' (1987, 33).

A number of features of the democratic design framework emphasize action and practice. For example, the discussion in Chapter 3 stressed the importance of practice to the very idea of institutions and devices. Institutions are *defined* in terms of more or less institutionalized practices. I have also emphasized the fact that political principles have no effective existence unless they are claimed, invoked, and clarified—in short, *enacted*—in political practices. Democracy, in whatever specific form, consists fundamentally of what people do, and how their actions accord or not with those of others—be they (for example) fellow parliamentarians, civil servants, political advisers, social movement activists, or ordinary citizens. This is not to understand practice primarily at the level of the individual; more significant is inter-subjective practice, for example the regular set of practices that characterize the day-to-day working of an elected town council and its various offices. Because practices change over time, in larger and smaller ways, it is a reminder too of an ever-present element of contingency and dynamism at the heart of any would-be democratic design.

Proceduralism plays into this emphasis on practices, conveying a sense of movement and action from one stage of a process to another. Principles gain their meaning in the practices that make up procedures—for example, a parliamentary select committee in the UK House of Commons (arguably) enacts a particular sense of equality between members of different political parties, and in turn is part of a sequence of deliberative, inquisitorial, and decisional practices of parliamentary democracy.

Forming Democratic Procedures

I turn now to the more detailed aspects of the relational elements of procedures. We now have a clear sense of the meaning and importance of procedure in the democratic design framework, and (from the discussion in Chapter 3) of its key components: governing institutionalized practices and devices. The next step in building the framework is to focus on the form in which those practices and devices are organized and related to *make up* a democratic procedure. In Chapter 5, I discuss specific governing institutionalized practices (such as deliberative forums) and devices (such as selection and nomination). Here, the focus is on general factors of democratic procedures: ordering, arranging, or assembling such specific practices and devices. Discussing these factors will provide us with a reasonably detailed map of features that a democratic procedure will display—*whatever* specific institutions and devices may later be inscribed into the map by a democratic designer responding to the challenges of democracy in context. Accordingly, I discuss briefly (a) sequencing, (b) coupling and connection, (c) temporality and flexibility, (d) layering and scaling, (e) phasing and functions, and (f) incentive effects.

To orient the discussion, consider as an initial illustration a simple three-dimensional model of Switzerland's contemporary governance structure. That structure brings together national government, electoral structures, the constitutional rules for and the practical conduct of referendums, and institutions of cantonal governance (including the face-to-face Landesgemeinde in some localities). This model would include:

- sequences of practices and devices (e.g. government agenda-setting prior to parliamentary debates and decision)
- coupling and connections (e.g. of direct and representative institutionalized practices)

- temporality and flexibility (e.g. how often and by how many routes can a referendum be triggered?)
- layers and scales (e.g. some sequences occurring at national and others at cantonal level)
- phases and functions (e.g. deliberative, reflective, or decisional phases characterizing parts of sequences) and
- incentive effects (e.g. how do members of the national legislature respond to the possibility of a referendum on an issue?).

Sequencing

Democratic design centres on the achievement of the democratic minimum (at least), which in turn features reaching binding collective decisions. Democracy, in this context, is a matter of 'proceeding' from one practice or device to another to reach such decisions. Thus, we come to focus on procedures as *sequences of practices intended to enact principles*.

As we saw in the account of the democratic minimum in Chapter 3, at least one *non-institutionalized* practice is a democratic requirement, and will invariably make a distinctive contribution to the politics playing out in sequencing practices and devices. I refer to protected public spaces of debate and discussion, whereby (for example) national government proposals for education or healthcare reform are (through various media) subject to wide debate among activists, engaged citizens, interest groups, unions, business, parents' or patients' representatives, and so on. This practice will be the sum of an array of actions, such as claiming, responding, supporting, opposing, demonstrating, listening, and mediating. Action in these public spaces will have a greater or lesser impact on (and in) a democratic procedure. Its impact may come at varied points in a procedure because it cannot readily be located in time or space (or in terms of pace or intensity); it likely runs parallel to or overlapping with sequenced governing institutionalized practices and devices. Further, different sort of non-institutionalized practice may be locatable more clearly within a procedure. For example, a device mandating period of delay or pause between (say) a citizens' initiative result and a legislative debate triggered by that result is still, like the public sphere, a space or moment of free speech and action open to an array of actors—in this case, one that occupies a definite space or moment within a decision sequence.

A democratic procedure may consist of a larger or smaller *number* of sequenced practices and devices. The number of practices and devices

considered for a given sequence may, for example, depend on the level of analysis involved in a given design project. A design project characterized by great attention to detail may focus, for instance, on particulars of committee structures within local government. Such a project would be likely be concerned with only one segment of the overall local government structure concerned—it would be a 'part-systemic' design (see discussion below)—but would take account of many practices and devices due to the level of detail the design work demands. A project with a more general view might take such committees as one step in a decision procedure. To use film metaphors, we can look at a given design in close-up, studying the detail of linkages between specific practices and devices. At the opposite end of the spectrum, we can look at outline features of the procedure as a whole, as in a wide-angle shot, or a more abstract representation (such as an uncomplicated organization chart). A designer might do both; 'viewing' a design from *different* 'distances' may be valuable in learning its characteristics and potential efficacy. I pick up this specific issue further below when discussing different approaches to contextual detail for democratic designs.

Coupling and Connection

A sequence of practices and devices making up a democratic procedure will feature particular types of coupling (Mansbridge et al. 2012; C. Hendriks 2016) or connection between specific practices (or practices and devices). 'Connection' here refers to a range of types of relation or interaction between two or more institutionalized practices in a democratic procedure, for example, a citizens' assembly and an elected parliament, or a citizens-driven initiative and parliament.

A democratic designer might, like Papadopoulos (2012, 147), see advantages in particular types of coupling being arranged a certain way: 'It seems reasonable to advocate a tighter coupling of participatory devices to the formal decision-making circuit. The tighter coupling allows better transmission between public (deliberative) and empowered (decision-making) sites.' For different practices in procedures, loose coupling may be desirable for specifiable reasons (2012, 149). The nature of coupling within democratic procedures will depend on how designers feel they can best enable the realization of the principles they intend to enact by the design. A device—such as a voting rule—will normally operate within, or in close conjunction with, an institutionalized practice, e.g. a voting rule within a parliamentary or legislative

process. Many sequences will include specific institutionalized practices linked closely to particular devices. For example, in some American states a citizens' initiative practice precedes a rule or device mandating legislative debate on the issue concerned.[4]

There are many aspects to connection. Arguably, characterizing a given connection will require examining the following factors (and the patterns of connection across them in given cases).

- What is the *type of connection* between institutionalized practices? The variations here include: separated or overlapping membership between the institutions; rule-bound or informal specification of interactions between the institutions; and the temporal character of the connection, including questions of 'front-loading' or 'back-loading' innovative bodies featuring citizen participation.
- *Determinants of empowerment* in or across the connection, in particular how dependence relations between the institutions are specified. Variations between empowered institutions and non-empowered institutions, different modes of semi-empowerment (relevant, for example, when considering the role that forums such as citizens' assemblies may play vis-à-vis parliamentary institutions).
- The *intensity of connection*, taking into account in particular the variations between 'looser' and 'tighter' connection (and keeping in mind the need to specify the notions of 'loose' and 'tight' for a given case).
- The *status of connection* between institutions—permanent, temporary, triggering mechanisms, and any restrictions on relevant issue areas. This includes consideration of formal rules and informal political cultures that require or encourage one set of actors (e.g. parliamentarians) to listen to or be constrained by perspectives of another (e.g. a citizen or stakeholder forum).
- The *impact of connection*. What impacts do different forms of connection have on the actors involved? Crucial concepts here include anticipatory, incentive, and interactive effects, for example upon ordinary

[4] There has been work on how ideas, preferences or knowledge generated in one practice/arena, e.g. a minipublic, is transmitted to another arena, e.g. parliament, or who and what can serve as a transmission mechanism between practices and arenas (Boswell, C. Hendriks, and Ercan 2016; Curato, Hammond, and Min 2019; Mendonça 2016). In addition, authors have theorized how practices and arenas should be arranged in ways that stimulate uptake between one and another—for instance, how they should be sequenced (Bächtiger and Parkinson 2019; Goodin 2005) or how tightly they should be coupled (C. Hendriks 2016). Nevertheless, a rich variety of connections remains in need of theoretical and empirical exploration.

citizens in random-sample assemblies, elected representatives in a parliament, or expert advisers in governmental or non-governmental organizations.

- The connection's *division of labour*—what functions do the different institutions perform (formally and informally) together or in conjunction, such as agenda-setting, final decision, facilitation, and so on?
- The *enactment of principles or values* in connection—which principles, such as deliberation, inclusion, or accountability, do the institutionalized practices involved enact (or are intended to enact)?

Temporality and Flexibility

A key general feature of the democratic design framework is its flexibility. As noted in Chapter 1, scholarly and political debates commonly invoke a number of familiar 'models of democracy'. However, in principle the potential number of democratic designs goes far beyond such models—there are many potential designers, a huge range of contexts, and an equal range of potential combinations of practices and devices to make up democratic procedures. One element of this flexibility finds expression in *temporal aspects* of democratic design (including the temporality of sequences that move from one thing to another in time, and the speed at which they do so).[5] In thinking about sequences and procedures, it is important to consider temporary as well as (presumptively)[6] permanent institutionalized practices. Democracy is normally conceived as consisting of permanent mechanisms in and for territorial jurisdictions. However, a range of them might form parts of (a) time-limited designs, or (b) time-limited features of otherwise persistent designs. Consider, for example: one-off referendums (such as David Cameron's notorious 'in-out' Brexit referendum in the United Kingdom in 2016); international political events such as the Kyoto and Paris conferences on climate change; or deliberative forums deployed to address difficult policy questions where popular input is seen as critical. To use terms from sequence analysis, these

[5] The 'timescape' of a political system expresses how power is enabled or constrained by particular sequences or cycles of practice. For example, one can consider how electoral cycles and 'political business cycles' affect political action and outcomes (see Adam 2006; Goetz and Meyer-Sahling 2009).

[6] A generally unspoken background assumption, expressed or strongly implied in constitutional documents especially, is that the structures of governance are permanent or timeless. This assumption captures a conviction and an aspiration that the constituted system of government is good or right and must therefore persist and actively be sustained—for the long term.

examples are 'nonrecurrent' features of otherwise 'recurrent' procedures (Abbott 1995).

Layering and Scaling

The focus of the discussion so far has been on horizontal procedures at one level of governance—or, if at multiple levels of governance, considered more-or-less separately for each level. Horizontal sequences may include institutionalized practices and devices that are intended to operate at the level of the nation-state (as opposed to the level of regional or local government), for example a sequence of practices and devices as part of a democratic design for national-level governance in Scotland. A design for local government in Scotland would also be horizontal.

We may also conceive procedures and their constituent sequences as vertical. Vertical sequencing, in turn, will likely be a form of layering: how, in a federal system for example, relations between national, state, and local jurisdictions are to be structured. If we consider a nation-state within the European Union, such as Germany, we can identify four basic levels of governance—local, state or Länder, national and EU. Decision-making procedures at each of these levels may be modelled according to a horizontal sequence of practices and devices. Vertical sequences may be modelled which connect local, Länder, national, and EU levels in varied ways that specify the relations and powers distributed among them. Where vertical and horizontal sequences *intersect*—e.g. when the Landtag (state parliament) of Lower Saxony debates proposed legislation for the Land whose ultimate approval depends also on the national government—the task of devising democratic designs involves two dimensions of procedure and sequence rather than one. This example also illustrates the fact that the intersecting of vertical and horizontal sequences can be a combination of functional and territorial distribution of powers and responsibilities. It serves, in addition, as a reminder that a democratic designer may be concerned with 'sequences of sequences' (Abbott 1995).

Phasing

A certain perspective on a given design may reveals the *phases* that collective decision-making may go through. For example, we might refer to *reflective,*

decisive, or *deliberative* phases of a democratic procedure. Normally, more than one practice or device in a given sequence will contribute to a given phase; for example, a 'deliberative' phase may operate *across* distinct practices such as citizen forum and parliamentary consideration of policy proposals. Different phases may also overlap or coincide spatially and temporally. For example, a deliberative and a representative phase may coincide in a parliamentary debate. Indeed a *contestatory* phase may overlap with both in this example, since (as we have seen) protected public spaces of debate and discussion is one part of a *democratic* design. To examine phases, or phas*ing*, is to train one's primary attention away from specific practices or devices in order to gain a broader—and perhaps a more dynamic—picture of the purposes of proposed or extant sequences, or of their intended effects.

In the democratic design framework, particular practices (and their sequencing and connections) are deployed to realize favoured political principles; a focus on phasing at some point in a design process can highlight those principles, and what their enactment contributes to the vision of democracy driving a design. For example, a democratic designer looking to deepen and extend citizen participation in considering policy options for a city council may regard a 'participatory phase', enacted through selected practices and devices, as critical to realizing the principle of participation. Or consider a 'representation phase', where for example elective-parliamentary representation works in tandem with representation of major 'social partners'—peak bodies of labour, business, and other interests. There is no neat or one-to-one relation between phasing and principles, but in many designs the link will be evident and intended.

What phases are available remains an open question—let alone what combinations of phasing a given democratic procedure may contain or reveal. However, a number of (intended) phases are familiar from existing political procedures. They are ones we might expect to find (intended) in both conventional and radical democratic designs. A list of such phases might include (in no particular order): decisive, representative, deliberative, contestatory, elective, selective, agenda-setting, review, mediation, expeditive, and implementational phases.[7] Democratic design features principles and practices—the framework's dual core. One way of thinking about which principles and practices might best achieve a designer's goals will be to approach choices through the lens of phases of a procedure. For example, for a strong advocate of

[7] Often stages or phases considered by democratic theorists are fewer in number, for example, Hyland's (1995) four stages of agenda setting, debate and discussion, decision, and implementation.

maximizing a principle of inclusive deliberation in democratic politics, thinking about what practices may incentivize deliberation at different points may be sharpened by thinking in terms of different deliberative phases, and their modes of connection to decisional and other phases.

Incentive Effects

A sequence of practices and devices will be arranged in a democratic procedure to structure certain incentives for (e.g.) citizens, representatives, and administrators. Incentive effects will be most evident in connections between practices, for example, how the fact that an issue arose from a citizens' initiative might influence legislators' actions. Kriesi (2012, 43–4) for instance notes how the possibility of a popular referendum in the Swiss political system prompts actors towards a 'negotiating democracy' where groups who might seek a referendum are co-opted or engaged by party and government actors. Fishkin et al. (2015, 1038–9) discuss how a random-sample citizens' group vetting and choosing propositions to go to a referendum vote can structure incentives for proposers and potential endorsers. Anticipating subsequent steps in a sequence can influence actions at preceding steps (Goodin 2005, 189). We can define an 'incentive structure' as a set of ways in which a given sequence of practices and devices tends to incentivize some forms of action and disincentivize others. It focuses attention on how actors are (not) motivated to act when their goals are mediated through a wider context of action: the constraints and opportunities afforded by rules, practices, and dominant values. Goal-driven actors respond to incentive structures, though never entirely predictably or mechanically—no design is 'self-executing' (Horowitz 2002, 25).

Incentives influence actions according to agents' perceptions of the structures of constraint and opportunity. Incentives are intended to direct practice in multiple ways. They may, for example, take forms intended to mobilize values, social obligations, professional standards, or material reward. Incentives are different from motivations, though in democratic designs the two are mutually entangled. *Motives* are factors of the subject, goals, or drivers of actor's practices. The democratic design framework posits no universal or general theory of motive—as would be the case, for example, with a 'rational choice' approach. To borrow the words of Lowndes and Roberts (2013, 177), the democratic design framework adopts a 'multi-motivational perspective', where strategic, moral, cognitive, and mixed outlooks and considerations

may motivate practice. Broader motivations will play into how an actor perceives and responds to the structure of incentives pertinent to their position; incentives are constituted out of perception-in-context. They arise from within the fold of sequences of practices and devices that make up democratic procedures, and which play a key part in constituting citizen and other orientations (March and Olsen 1995). There is no single way in which incentive effects are perceived or acted upon in democratic procedures. In a sequence of (say) five institutionalized practices, for example, incentive effects may be experienced by agents at any point in the string with reference to institutionalized practices at other points in the string.

Structuring and anticipating incentive effects is an important factor in modelling democratic procedures; it may be critical to the character and potential for a given democratic design. For example, Barber (1984) advocates a 'strong democracy' design for the United States featuring the citizen referendum and initiative as well as a strong emphasis on inclusive deliberation. He clearly sees the structure of incentives across a string of key institutional practices as vital to promoting principles of deliberation and participation: 'Referendum and initiative processes divorced from innovative programs for public talk and deliberation fall easy victims to plebiscitary abuses and to the manipulation by money and elites of popular prejudice' (Barber 1984, 263).

The relational elements of the democratic design framework capture the ways in which designs deploy the components of the dual core—principles and practices. Principles and practices are deployed in *procedures*. Procedures consist of *sequences* of practices and accompanying devices. The practices and devices are intended to enact desired combinations of *principles*. *Layering, phasing, timing, coupling/connecting and incentivizing* are critical structuring factors in such sequences. More or less complex in design,[8] conceptions of democratic procedures reflect the goals, and the particular claims about democracy, of democratic designers.

To illustrate briefly—Chapter 6 will offer a more detailed example of democratic design—consider a hypothetical example of a democratic decision procedure. Procedure P consists of the following practices and devices. Protected free public spaces form the base of the sequence as an underlying feature. With respect to agenda setting, there are two possibilities: issues raised in

[8] Dryzek (1990, 59) comments that: 'Complexity exists to the extent of the number and variety of elements and interactions in the environment of a decision process.' We can understand elements as practices, in the language of the democratic design framework, and interactions as the manner of their sequencing in procedures.

representative forums by elected representatives, and issues pressed on those representatives via the device of the citizens' initiative. Satisfaction of the requirements for the citizens' initiative precedes a mandatory period of delay, intended to incentivize informal debate and discussion in the public sphere.

After the delay, by which time a range of views will have been canvassed and asserted in the press, on TV, and across social media, a period of institutionalized deliberation ensues. Key deliberative forums are the representative parliament, equivalent bodies at subordinate territorial levels, and a citizens' assembly bringing together a representative sample of citizens to deliberate on the issue with access to experts. The parliament cannot complete its deliberation without formally considering a concluding vote by participants in the citizens' assembly. If a proposed law emerges positively from the deliberative phase, it moves forward to formal voting by the legislature, but can only become law by gaining a majority vote in a subsequent popular policy referendum.

This example offers a hypothetical sequence of institutionalized and non-institutionalized practices and devices. Each of the practices is intended to enact democratic principles, e.g. representation and participation, including and going beyond the requirements of the democratic minimum. There is layering in the specification of national and local level practices, and incentive effects include positioning legislators to anticipate the workings of the policy referendum on the issue at hand. Phases include the agenda setting, deliberative and decisive.

Procedure P illustrates in bare outline how the concepts of the dual core and the relational elements of the framework help us to map the interactive features of a democratic design. We turn now to the second main topic of this chapter—the guiding design precepts.

Guiding Design Precepts

The relational elements of democratic designs—how practices and devices can be assembled to enact principles in procedures in ways that meet the democratic minimum—are critical to understanding a number of specific options and challenges of any work of democratic design. To examine them is to look closely 'inside' the structure of any plan or vision for democracy. By moving on to explore guiding design precepts, we begin to look 'out' rather than 'inside' to consider contextual factors that democratic designers must take on board: issues of siting, placement, and adaptation, for example. The

design precepts are crucial factors in the deployment of the democratic design framework, sensitizing would-be designers to key limitations and opportunities attending the work of design. The key precepts discussed in this section are *systemic design* and *reflexive design*.

Systemic Design

We saw in Chapter 2 that one of the most prominent ways in which 'design' has featured in political theory and political science in recent years has been in terms of institutional design (e.g. Goodin 1996; Smith 2009). Theoretical and empirical studies of institutional design have focused mostly on single institutions (such as deliberative forums or referendums) (Smith 2009), while at times gesturing towards designs of 'whole systems' (e.g. 'In the case of a whole system, being well designed means that all the pieces fit together well in a harmonious whole'—Goodin 1996, 31–4).

The democratic design framework is *firmly* focused on the systemic level. The democratic design framework represents a move similar to one made in the deliberative democracy literature—a turn towards a systemic approach, moving beyond analyses which are 'focused only on individual sites [of deliberation] and not on the interdependence of sites within a larger system' (Mansbridge et al. 2012, 1). The proponents of this turn seek an approach which 'enables us to think about democratic decisions being taken in the context of a variety of deliberative venues and institutions, interacting together to produce a healthy deliberative system' (Mansbridge et al. 2012, 2). Substitute the word 'democratic' for 'deliberative' and this could serve as a statement about the democratic design framework.

Locating democratic design at the systemic level begs the question: what exactly *is* 'the systemic'? What practices or phenomena come under its purview, and which do not? Or putting it differently: how can we specify the scope of democratic design?

A sequence of practices, etc., may express one part of a vision of a democratic procedure—a lesser or a greater part—or it may express the whole of such a procedure. For example, one might look to design an effective way to link a citizens' assembly exercise to city council committee agendas in the city of Coventry—a two-step sequence forming part of a larger democratic deliberation and decision structure. Such a design would be *part-systemic*. A part-systemic design is one that focuses on at least two institutionalized practices but does not cover all elements (practices, principles) of a system. It will tend

to be a selective design intervention focused on particular institutional linkages within a larger democratic procedure. Alternatively, one might aim to offer a design for local governance for Coventry as a whole, taking on board a range of practices and devices from elections to citizen consultation to council structures to implementation and evaluation institutions—a *whole-systemic* design. The 'part' and 'whole' distinction establishes a spectrum of possibilities rather than a binary. Further, some institutionalized practices may appear to be a single one, part-system, or even whole-system depending on the viewer's perspective and goals—participatory budgeting in its original Brazilian guise, for example. The following chapters, which detail the active modelling work in democratic design, address design choices around part- or whole-systemic designs.

These categories and examples still beg the question, what is the 'system' here? It helps to begin with a basic distinction between the systemic-governmental and the systemic-societal. The *systemic-governmental* view holds that democratic design pertains primarily to the institutionalized practices and devices of constituted political authority—in modern terms, normally the state, but may also include governmental and quasi-governmental international bodies and (of course) will include protected public spaces of debate and discussion. The *systemic-societal* view holds that democratic design pertains to society at large, *including* governmental bodies but also for example in interest groups, social movements, businesses, and a myriad other modes of practice in civil society.

We can best understand the scope of democratic design as *systemic-governmental-plus*. In more conventional, nation-state-centred politics and government, for example, democratic procedures will be centred in, and formative of, the structures of the organized state. Although it is reasonable rhetorically to refer to society as a whole as (e.g.) displaying a democratic tenor or culture, democratic design does not aim at whole-*society* design. To do so, it would need (presumably) to take a view on the practices underpinning virtually all bodies, groups, and movements across a society, possibly extending to 'design' or shaping of the ideal individual (think of the idea of 'socialist man', for example). This is simply too expansive, and surely undermines the claims to civic freedom required by the democratic minimum. The democratic design framework does not address each and every facet of citizenly practice.

At the same time, the framework does facilitate consideration of more than conventional governance structures in nation-states. Consider in particular the potential place of non-governmental and often non-institutionalized

practices such as minimally regulated or 'claimed' public spaces of citizen assembly. Such spaces (or 'moments') may at a given time be unused or unoccupied. At other times, they may be home to a range of practices: speeches, vigils, performances, demonstrations, celebrations, and so on. That their modes of animation can be unpredictable and diverse is in the nature of non-governmental practices. Nevertheless, they have a direct bearing on the achievement of the democratic minimum. Such practices form the 'plus' in systemic-governmental-plus.

There is a further part of the case for the 'plus'. Democratic design need not be design for a (theoretically) standard or an (empirically) existing 'system'. It is common to think of a political system in terms of the nation-state, or its local or regional equivalents such as the European Union. However, one could equally consider a democratic design for the governance of the Pacific Ocean, or for all the world's oceans, or Antarctica, forging a model of a decision procedure incorporating institutionalized practices, etc., from different states and international bodies but also novel forms. Or for the governance of environmental 'catchments', or for tracking communities linked by the flow of pollution across different geographical political jurisdictions. Or, indeed, for 'global democracy'. Thus, a designer may consider a range of possibilities: familiar and unfamiliar, singular and hybrid, contiguous and non-contiguous.[9]

A 'system' need not take a set form of interests, actors, or spaces. The democratic design framework is a tool for new, imaginative, and radical designs as well as variations on familiar democratic forms. It can for example refer to a set of relations we might normally describe as a network or a matrix. A virtual community with open-ended membership may use the framework to think through how it wishes to regulate its activities. A group of protesters who come together partly spontaneously may use it to generate and agree inclusive ways to decide tactics and strategies (see for example the novel democratic forms used in the Occupy movement, described by Graeber 2013). Radical ecologists may work up democratic designs that seek to incorporate the interests of non-human animals as well as humans into deliberative and decisional practices. From a different angle, a democratic designer might have only a sketchy idea of the system for which she designs. She might nevertheless work

[9] Consider one recent example where innovative democratic design work may be productive: 'In conference calls and informal meetings, mayors from Seattle to New Orleans have been discussing how to best position their cities as a kind of bloc of island nations, with shared concerns over the prospect of diminished federal support for urban centers, and of major shifts in policy on immigration, public safety, and climate change' (Goodwin 2016).

up a design that inspires others to constitute a network or collective whose common affairs are regulated by the design—design it and they will come.

In short, democratic design is systemic rather than 'institutional' in the conventional sense. It may be whole- or part-systemic, and may be concerned with a wide range of familiar or novel governance systems. Its scope can be described as systemic-governmental-plus: it is design of governance rather than whole societies, but that will include non-governmental civil and political practices. There is in principle little restriction on the type of system or community for which democratic design work might be conceived or carried out.

Reflexive Design

Context—time, place, and culture—matter greatly in democratic design. Democracy can legitimately look and feel very different—different practices in different sequences, intended to enact different principles, in order to meet different challenges—from one context to another (Schaffer 1998). Democratic design may involve working with or against the 'grain' of history and culture in a given context, but its strongly contextual orientation will, at least, help to make this clear and prompt robust justifications for specific designs.

Accordingly, the second precept of democratic design concerns the need to consider design as *reflexive*. This term captures elements of reflection, flexibility, and responsiveness regarding the relation between design and context.[10] The work of democratic design ought to be *reflective* in that designers should explore and respect the context for which the design is conceived or developed. It ought to be *flexible* in that designs will need to adapt to changes in and improved understanding of that context. Similarly, *responsiveness* to the textures of context underpins a flexible approach. Reflexive design, then, is closely attentive to the character of the context for which specific designs are being developed, at the beginning and throughout a design process. It involves ready movement from theory to practice to theory as designers learn in the process of working out designs (Mansbridge 2003). Reflexivity is both an attitude and a practice, founded on the fact that democratic design is always

[10] Hamati-Ataya (2013) warns that there is a 'proliferation of different perspectives on reflexivity that only *appear* to converge into a common epistemic, normative, or empirical project', making it especially important to be clear what the term is adding methodologically to the goals of a democratic design project.

design for a context with a distinctive array of problems and practices, unities and divisions, and outlooks and cultures.[11]

Focusing on context, this section proceeds with guidance regarding reflexive democratic design at both the initial and later stages of the design process. For the sake of clarity, this section does not cover a set of related questions: (a) *how many* distinct contexts a designer may design for as part of a single design process; (b) *who* designs; or (c) how many *designers* there may be. Each of those issues will be explored in Chapter 5.

The Initial Stage of Design: Learning about the Context

Democratic design may involve formulating plans to introduce, discourage, or modify perspectives on existing practices in context (see Alcadipani and Hassard 2016). *The initial stage* of design thinking will involve assessing features of the context for which designs are to be formulated. As Fung (2012, 610) writes, thinking about democratic change 'begins *in media res*—with the social circumstances and especially the governance problems of particular societies as they are'. How can we understand the 'circumstances' and 'problems' concerned? Their identification and definition will always be open to debate. There is no ready way *authoritatively* to define a context, or to pick out its most salient features for democratic design purposes: 'If we treat design judgements as acts of perception in which we recognize that something is matched or mismatched to its environment . . . then match or mismatch with reference to *what*?' (Schön 1988, 182). There will always be different or alternative perspectives on the 'whats'. Given this open-endedness, the aspiration for the designer is to maximize (a) credible evidence for assessments and preferred approaches to designs, (b) clarity and transparency in the content and rationale for designs, (c) attention to different and critical perspectives within the context in question, while (d) retaining humility in the face of the unavoidable limits and uncertainties involved in understanding context.

[11] The importance of understanding the contexts for democracy and other political configurations has strong roots in classic and contemporary political thinking. In *The Government of Poland* (1985 [1835], 1), Rousseau wrote that: 'One must know thoroughly the nation for which one is building, otherwise the final product, however excellent it may be in itself, will prove imperfect when it is acted upon.' In *The Spirit of the Laws* (1989 [1748]) Montesquieu wrote that laws 'should be related to the physical aspect of the country; to the climate, be it freezing, torrid, or temperate; to the properties of the terrain, its location and extent; to the way of life of the peoples, be they plowmen, hunters, or herdsmen; they should related to the degree of liberty that the constitution can sustain', and so on. Contemporary works also make the point, e.g. Beitz: (1989, xiv). The democratic design approach reflects a good deal of the reasoning of Carens (2004) in his outline of 'a contextual approach to political theory': the exploration of actual design challenges; the use of examples to illustrate (e.g.) the democratic virtues and limitations of specific institutionalized practices; and a relativizing approach to normativity.

The initial phase of design work involves devising first ideas about design problems and solutions for a context. With these challenges in mind, guiding questions for initial assessments should include the following seven. Note that X stands for a given context, but (picking up the discussion of the systemic) that could refer to anything from a recognized, territorially contiguous unit such as a nation-state to a dispersed functional network of actors sharing a recognized set of common needs or goals.

What has a presence in X now, with regard to the requirements of the democratic minimum? For example, to what extent has the relevant group of actors developed a recognized need for binding collective decisions, and a requisite type and level of freedoms and equality? Consider if the context at hand was the operation of direct democracy in Switzerland. Swiss direct democracy is well entrenched, has well-established rules of operation widely seen as legitimate by citizens, and both referendum and face-to-face forms of direct democratic practice are familiar. In that context, it is likely that the democratic designer could consider design options well beyond the democratic minimum, but at a relatively small or technical scale—adjustments rather than wholesale changes. It would be very different to consider something similar for example the governance of Iraq today. There, the focus of a would-be democratic designer is much more likely to be on finding ways to realize the satisfactory presence of minimum requirements such as basic freedom, security, and equality. This is not to say that, for example, attending to public deliberation and debate would be pointless—institutional features of governance and background features of the democratic minimum may reasonably be worked on in parallel by designers.

What institutionalized practices, etc., have had a longer or shorter-term presence in X historically? What practices, formal and informal, have an established presence in X? Which ones have a shorter-term presence and are perhaps still gaining a degree of familiarity or legitimacy among the relevant actors? It is not in principle wrong for a democratic designer to advocate a democratic procedure for X which currently and historically has little or no presence in that context. One can seek to work with or against the grain of extant institutional presences. We can plot a range of design stances on a spectrum from strongly respecting current institutional and practice instantiations, to refusal to favour extant practices. Invariably there will be feasibility costs associated with highly novel design proposals, and precedent is always likely to play a role in democratic design work. Consider a proposal such as that of Budge (1996), who advocates for the United Kingdom the extensive use of policy referendums at the national level. The United Kingdom

has a good deal of recent experience with such referendums, but primarily as top-down tools used pragmatically by government; there is no consistent set of constitutional or other rules for the use of national referendums. In this context, not only would our designer need to take account of historical experience of policy and other referendums in a range of countries, not least the linkages with legislative procedures. He or she would need to consider carefully the complex mix of familiarity and unfamiliarity with the institutionalized practice of the referendum in the United Kingdom.[12]

What major social groups must be taken into account? A given context will consist of groupings based on varied beliefs, characteristics, cultural practices, experiences, or histories. Consider for example modern Lebanon—a country that since World War II has experienced periods of stability as a form of 'consociational democracy', and also periods of bloody civil war due to breakdowns between the different communities and interventions in the country's politics by powerful neighbouring and regional states. Potential design interventions in Lebanon must take into account the numbers, outlooks, alliances, and cultures of the country's Shia, Sunni, Maronite, Druze, Greek Orthodox, and other communities. Harking back to point (2) above, it would also be essential to consider in detail the complex sets of institutionalized practices and devices that have facilitated power-sharing governance: reserved positions, multiparty cabinets, mixed-ticket electoral lists, and so on. Designs for aspects of democracy in Canada at the national level would need to continue to take account of the circumstances and perspectives of English-speaking, French-speaking, and First Nations citizens. Questions of more powerful and more marginalized social groups will also be highly pertinent. Systemic reform proposals for Australian democracy, for example, will not easily be able to set aside the socially, economically, and politically marginalized experiences of Indigenous Australians.

What are the major or most pressing social needs—and therefore perhaps key ordering principles—and how might these play into which democratic designs may be most promising for X? For a given context, there will be particularly pressing social problems or needs. There is no entirely objective way of identifying these needs, though in most contexts there will be prominent

[12] Lowndes and Roberts comment on the 'embedded institution': 'The specificities of local practice and conceptions ("how things are done around here") may either reinforce or undermine institutional templates circulating in the wider environment' (2013, 151). Similarly, Geissel (2012b, 170) comments on considerations of governance traditions in the context of democratic design: In France, 'with its republican tradition, government actors are less interested in involving citizens' groups in legislative decision-making processes, whereas the Netherlands has a long tradition of consultation and negotiation in a relatively formalized way.'

inter-subjective pointers. Consider for example contexts where particular environmental issues or problems are especially pressing. The governance institutions and civic leaders of the mega-cities of Shanghai and New Delhi continue to experience great health and amenity problems because of high levels of air pollution. We have seen in Chapter 3 how principles form part of the dual core of the democratic design framework. The distinctive set of principles that democrats may wish to see enacted in designs will invariably exceed the ones that are at the heart of the democratic minimum (equality and freedom). In the context of these two cities, and in ways that attune to the specificities of each, environmental amenity, public health, and sustainability may take priority, becoming key ordering principles to drive democratic design work. Consider also the seemingly overwhelming need for the Maldives to take into account action on climate change in the structure of its governance and politics, given the existential threat which rising oceans pose to it and other low-lying island nations making up AOSIS (the Association of Small Island States).

What wider factors—geographical and population size for example—can or should be taken into account? Jean-Jacques Rousseau famously argued that democracy requires a small scale—a city the size of his beloved Geneva could maximize the practices of civic freedom as he saw them. James Madison and his fellow constitution designers contemplated what we normally now think of as a standard form of democracy—representative government—on a continental scale, even if that meant rejecting 'democracy' as it was then understood. Dahl (1989) lists this major change of scale as one of democracy's great historical 'transformations'. Degrees and patterns of spatial concentration and dispersal of the relevant population may prompt quite different approaches in terms of potential democratic designs. For example, a highly dispersed population in need of one overarching governance structure (e.g. the federal level in the United States or Canada) will struggle to enact face-to-face forms of participation in political decisions or debates at the national level unless they feature representatives of the people rather than citizens themselves. For such populations, the state of communications technology and transport links may be considered key ingredients to be taken into account for democratic design work. The sheer size of a relevant population will matter to design in some distinct and some overlapping ways. Democratic potential for different practices and devices for national-level governance in China or India—by far the two most populous nation-states on Earth—will differ markedly from small city-states or nations such as Luxembourg or Malta.

What changes of institutional configurations or reforms are advocated in X, and with what degrees of support or opposition? Accounts of the most pressing social needs in or for X may or may not coincide with popular experience or belief as to which institutions are working well or badly, what new configurations are needed, or which ones need to change. How strongly are any such arguments put forward, by what range of actors? To what extent is there credible evidence of, for example, overlapping consensus about desirable courses of political action? Consider, for example, the issue of republicanism in Australia. A referendum in 1999 proposing that Australia become a republic, replacing the British monarch as head of state with a president, was defeated 55 per cent–45 per cent. There is sound evidence that a majority in fact supported the change to a republic, but that pro-republic voters divided over how to choose the proposed president. The option on the ballot was to choose the president by a vote of the members of the federal parliament; many republicans voted against change because they favoured choosing the president by popular election. The issue of republicanism in Australia remains on the public and political agenda, with fluctuating degrees of prominence and intensity. A would-be democratic designer should attend closely to the shape of these debates around different options and rationales. Consider also the question of devolution in the United Kingdom. A referendum on Scottish independence was narrowly lost in 2014. Devolution of a range of responsibilities to parliaments and assemblies in Scotland, Wales, and Northern Ireland has been a central development in institutional design in the United Kingdom in recent years. The perspectives, proposals, and arguments defining these debates are critical sources of information for the would-be democratic designer.

Given the contextual factors in X, what are the potential or desired time horizons for design? Consider the desired time horizons for a design—the next three to four years, or the next thirty to forty years? For example, taking the longer time horizon in the United Kingdom would potentially involve taking into account an independent Scotland, the use of instantaneous advisory referendums, a reformed House of Lords, strong city mayors in a more significantly decentralized political landscape, and a matured relationship with the European Union post-Brexit. Linked here are other related temporal aspects of design, such as when to design, and when to consider the applications of design.

These seven points illustrate the demands of the precept of reflexivity at the initial stages of democratic design. Understanding context is a fraught

matter—the nature of contexts is dynamic and contested.[13] These snapshot considerations of context do not *tell* would-be designers how to think about democracy in or for X; the character of context is an evidenced subjective or inter-subjective 'reading in', not an objective 'reading off'. Rather, they can provide useful clues as to (among other things) local degrees of familiarity with and fealty to different modes of democratic practice and change, the degree of realism or utopianism that may attend promoting different designs, and desirable options for design focus, e.g. whole- or part-systemic. Designers can be cautious or ambitious with regard to the scale or novelty of new democratic designs. But these questions may help them to understand specific conditions, traditions, and experiences of democracy that (in turn) can help them to shape appropriate and feasible designs. Inevitably, there are trade-offs involved in design assessments—e.g. between respecting and not *over*-respecting current institutional arrangements.

Working with Dynamic Contexts

What of *later* phases of design thinking and practice with regard to the precept of reflexivity? A democratic design is always an intervention into a dynamic field; a designer must continue to work reflexively after the initial stage. We can identify six considerations that can help to guide or attune a designer to respond to shifting and multifaceted contexts. These considerations are less about context, more about contextualization—an active appreciation of back-and-forth changes over time in both design and context as an integral part of ongoing design work.

'Practice-thought-practice'. Mansbridge (2003), commenting on a range of democratic innovations from the Empowered Participatory Governance project (Fung and Wright 2003), notes that a productive way to develop and refine ideas in democratic theory is to follow a 'practice-thought-practice' work pattern. In a manner that recalls the arguments for abductive reasoning in design thinking, this pattern involves developing theory in response to

[13] Walzer (1994, 60–1) highlights one crucial aspect—the fact that designers addressing contexts other than their 'own' are right to exercise humility as fine-grained knowledge of the texture of local meanings and experiences will invariably be elusive. Frank Hendriks underlines the challenges—understanding context is something one can never get 'right' (2010, 150)—and the issue's importance, since 'situational circumstances, differing in place and time, largely determine how favourable and unfavourable models of democracy prove to be in practice' (2010, 149). Hendriks notes such factors as degree of urbanization, connection to the global economy, modernity, size, and urgency of needs for change as key contextual factors, along with the relative presence of egalitarian, atomistic, or hierarchical relations (2010, 150). What I seek to add to such factors are: what people actually want or argue for in a given context; what the key social groups are; and questions of historical or current familiarity of different institutional configurations and their rationales.

people 'actually engaged in trying to make democracy work [trying] first one form of practice then another until they evolved a set of institutions that came closer to meeting their needs'. The new theory should then be subject to a new stage of practical scrutiny, 'asking what sense people make, in practice, of the new institutions that follow from the new theory, and revising the theory from their new experience' (Mansbridge 2003, 175). The precept of reflexivity taps into such an approach. It requires a ready responsiveness by designers to the reception of design ideas in context, and a flexibility in further refining or changing the designs.[14] It also taps into the design thinking injunction to frame and reframe both problem and solution in the process of design.

Perspectives. Drawing on the practice-thought-practice approach means to take seriously different perspectives on governance arrangements from within the design context. Likewise, to ask what are the main forms of institutional configuration or change that are advocated by different groups (see discussion above) involves close observance of and listening to actions and voices in context. These elements of the precept in particular remind us that attempting a 'bird's eye view' of the context, while defensible up to a point within a mix of assessment techniques, is not enough to enable the designer to learn about context. Contingent designs cannot be considered to reflect 'views from nowhere'; all designs, like all 'claims' in Harding's (1993, 57) terms, 'bear the fingerprints of the communities [designers] that produce them'. The precept of reflexivity concerns the need to take seriously perspectival analysis of context in the work of design—not only persistent and more ephemeral features of context, but also how those features are experienced by different subjects (Young 2000). The precept encourages avoiding the danger of 'aspectival captivity' (Owen 2002) when our normal ways of looking, or theorizing, blind us to alternative views.

Positionings. Alongside and supplementary to the need to seek out and reflect upon alternative perspectives on designs, one might reinvent the 'bird's eye view' metaphor in the form of a 'drone's eye view'. Like a drone can fly around and among building designs, in reality or virtually, the designer can consider design ideas from different angles and distances. This may be especially useful in generating ideas of how participants in context *may* respond to new design ideas where actual responses are difficult to obtain. A drone's eye view may enable 'zooming'; in Nicolini's words, this 'requires choosing

[14] Approaches to political systems and practices that emphasize reflexivity and the importance of distinct contexts risk 'perspectival absorption' and 'particularism'. Acknowledging these risks, and persistently 'grappling with them through reflective practice' (Herzog and Zacka 2017), is an essential part of avoiding over-generalized accounts of democracy in contemporary theory.

different angles for observation and interpretation frameworks without necessarily giving prominence to any one of these vistas'. It involves a kind of 'sequential selective re-positioning' (2009, 1396; see also De Geus 1996). For example, how would a series of policy referendums be experienced from the perspective of judges with responsibility for policy or administrative review? How would different parliamentary processes be viewed from the perspective of those involved in executive 'chains of delegation' (Bergman, Müller, and Strøm 2000) with responsibilities to interpret and implement decisions? What about from the view of the average voter with a busy life and high opportunity costs regarding sound information on voting options? Or from the perspective of a social movement with capacities to organize signature drives in a system featuring use of initiative and referendum? Taking a number of such perspectives into account would not provide an objective view, but taken together they may (oddly enough) 'reveal things about a circumstance that those in the midst of it may not see' (Fisher 2016, ix).

Methodological challenges. The injunction to seek a multi-perspectival understanding of the context and its unfolding presents the designer with a major challenge and a dilemma. Inevitably, designers will always work with a representation of the context rather than full knowledge of it. That representation will be a mediated, dynamic picture of contextual features—metaphorically, more like a cubist rather than a realist picture, consisting of multiple perspectives with varied degrees of overlap, connection, and disconnection, with no privileged standpoint.

How much understanding of salient features of the context is demanded of the would-be designer? How many different perspectives, whose perspectives, and in what depth? Over what time periods? Like questions of the feasibility and radical nature of different design options—an issue I pick up below—these questions involve important methodological judgements and decisions. Rarely are students of political theory and comparative politics asked to confront these judgements and decisions; in the context of applying the democratic design framework, they are unavoidable.

We can summarize these key questions in one: to what extent does a democratic designer need to understand the context? Two general considerations apply to the question: (a) there is no objective view or perspective, and (b) what is salient in, or about, context is invariably in flux. We can characterize the different degrees of seeking contextual understanding in Table 4.1.

There is a spectrum of possibilities. At one end of the spectrum—towards doing 'fast theory'—the work of understanding of context is more straightforward, can be completed more rapidly, and is less defensible methodologically.

Table 4.1. Options for understanding of context

Different degrees of understanding of context sought	**'Fast' theory**
	A – God's eye view: unavailable
	B – bird's eye view: panoramic and independent general overview C – drone's eye view: a range of specific features from multiple independent perspectives D – plural: a modest range of representative perspectives; semi-immersive E – mosaic: a wide range of representative perspectives; more deeply immersive
	F – full set of individual citizen views: unavailable
	'Slow' theory

At the other end of the spectrum—towards doing 'slow theory'—the work of understanding is more complicated, takes more time, and is more defensible methodologically.[15] To generalize perhaps too much, political theorists and philosophers, in varied ways, tend towards the 'fast theory' end of the spectrum; comparative and empirical scholars, in varied ways, tend towards the 'slow theory' end of the spectrum. Work in any part of the spectrum poses methodological challenges. For example, work in zone B requires a difficult justification of how such a perspective is attainable. And work in zone E requires extensive and time-consuming investigations of salience in context.

The bottom line here is that the investigator, or would-be designer, faces methodological challenges. Unmediated access to a full set of citizen views is not available (hypothetical zone F); nor is a spontaneous or intuitive insight into the reality of context (hypothetical zone A). That still leaves significant choices to be made, and trade-offs to be calculated. The key requirement is that the designer be explicit and open about their methodological choices, including an open embrace of the strengths and limitations of each position. In Chapter 6, when offering an illustrative case study of the application of the democratic design framework, I will describe how one such calculation and choice can be made—and made explicit.

Designs of context. The practice-thought-practice design dynamic, and the idea of considering multiple and emergent perspectives on the context for designs, incorporate the idea that contexts themselves are 'designed'. In part, they may be understood as altered by the perspectives or the practices introduced by democratic designers themselves. Designs can change the very

[15] I elaborate the ideas of fast and slow theory in Saward (2011).

context. The introduction of novel practices and devices—or even a publicly discussed proposal to do so—may 'demand contexts' in which they can operate or be used (Appadurai 2013, 261). Reflexivity through the design process will require not only primary attention to the design of procedures, but also close secondary attention to how those procedures in turn 'design' the contexts within which they are to operate, since designers 'design contexts for objects' (Appadurai 2013, 263).

Ongoing designs. As the above aspects of the precept of reflexivity suggest, there is no clear endpoint to a process of democratic design. Equally, there is no final understanding of, or evaluation of the performance of, specific designs. These facts have an impact on the question of who designs, or contributes to design, discussed in Chapter 5. In the present context, there is a strong case for designs to *incorporate* a need for variety, change, and renewal. As Goodin (1996) and subsequently Lowndes and Roberts (2013) suggest, for example, adaptability and revisability may be 'built in' to designs as a core component or consideration.

I noted above that democratic design might involve working with or against the 'grain' of history and culture in a given context. A democratic designer may for example seek strategically to surprise participants and institutions with design ideas that may disrupt or overturn current ideas about purposes and practices of governance.[16] On the other hand, they may seek to maximize the extent to which they work with existing features—institutional, cultural, and so on—of the design context. There is no necessary contradiction between (a) being realistic about potential design changes in terms of 'sticky' extant practices and traditions, time frames, etc., and (b) offering radical or 'utopian' designs. There may simply be an inverse relationship between the extensiveness of the vision of design D, on the one hand, and its present practical feasibility, on the other hand. One might offer a utopian or radical design as a provocation or vision, as one part of a process of thinking through more modest proposals [think of a design of a prototype car and the final production car design; or of a radical catwalk style later adapted for the High Street]. There are examples of political designers who have done both. Rousseau's *Social Contract* offers a radical or utopian design: maximal, ambitious, less feasible (except perhaps if he was only talking about Geneva), and demanding for citizens. His *Government of Poland* is comparatively minimal

[16] Architect Denys Lasdun once commented that 'Our job is to give the client . . . not what he wants, but never dreamed he wanted; and when he gets it, he recognizes it as something he wanted all the time' (quoted in Cross 2011, 4).

and modest, working with the perceived grain of existing Polish government arrangements, more feasible and with lesser burdens on citizens. Note too that there may be times—above all, revolutionary moments—when the most feasible designs are in fact the most radical ones.

There is a spectrum of possible design strategies, from 'piecemeal engineering' at one end to 'revolutionary' or 'wholesale' replacement at the other end.[17] In principle, the project of democratic design does not favour approaches located on any particular point on this spectrum. Designers will need to take on board the advantages and disadvantages of working with or against the grain of context. The precept of reflexivity remains crucial regardless of where on this spectrum a given design strategy is located. To propose radical and wholesale new designs to people and institutions in a given context requires learning about (at the initial stage) and responsiveness to (at subsequent stages) context just as much as does a strategy of incremental change. Designing along with, or among, rather than above or outside, will be crucial in all approaches. Whatever design approach is taken from one instance to another, the strongly contextual orientation of democratic design should, at least, help to make proposed degrees of change clear and will require robust justifications for particular designs.

So, an unusual feature here—in the context of democratic theory as normally practiced and conceived—is the pressing need for the democratic designer to be explicit about how radically, and how quickly, they seek to influence thinking and practice of democracy in context X. The democratic design framework is not a (first-order) theory to apply to X; it is a (second-order) framework for creating plans or models to apply to X. One crucial judgement is where to pitch the plan or design on a spectrum from (judged to be) feasible to infeasible:

Feasible /-----------/--------------/------------/ Infeasible

A second crucial judgement is where to pitch the plan or design on a spectrum from radical to incremental:

Radical /--------/----------/---------/---------/ Incremental

[17] In Volume 1 of *The Open Society and its Enemies* (2003 [1945], 166ff), Karl Popper contrasts piecemeal social engineering and Utopian social engineering. Note, however, that in a given context, a piecemeal design proposal may be in some respects 'utopian'; a design is primarily about content, while utopianism speaks primarily to intent or motivation. A more accurate contrast to piecemeal may be 'wholesale', a term that also avoids the moralized use of 'utopian' in Popper's account.

Table 4.2. Varieties of democratic change

		To what extent is democratic change in X	
		Feasible?	*Infeasible?*
To what extent is proposed change	*Radical?*	A	B
	Incremental?	C	D

Further, there can be different relationships between these two dimensions (Table 4.2).

We normally expect that different contexts will tend towards C or B. However, this need not be the case. A key question for the would-be designer is: is there a radicality/feasibility trade-off that is relevant in (or to) X? If yes, then one type of choice about how to pitch a design or plan will need to be made. If no—if X is characterized more by A or D in the Table—then another type of choice about the pitch can be made.

Reflexive design is not easy. The work of democratic design requires humility; attunement to varied features of context, even where the features are ambiguous and may pull would-be designers in different directions. Not least of the difficulties are the need for a multi-perspectival approach, and recognition that the context of design is both changeable and itself a designed thing. For all the challenges, for democratic design it is essential to navigate these waters. As difficult as it may be to account for the nuances of context, basic errors and even absurdities can result from sidestepping or downgrading this precept—as the creators of the Pneumatic Parliament, discussed in Chapter 2, pointedly remind us (Sloterdijk and Mueller von der Haegen 2005).

Design Tailoring and Translation

Democratic designs need to be tailored to the character, problems, challenges, and opportunities of the system or sub-system that is the chosen focus of design work. Tailoring of designs, to be effective, must adhere to the precept of reflexivity. To that extent, we have covered the demands of tailoring already. However, an important issue arises out of the discussions of systemic and reflexive design. The discussion of systemic design did not cover the possibility of design for *multiple* systems as part of one design project. In addition, the discussion of reflexivity did not consider potential applications to *multiple* contexts as part of one design project. Given the importance of a focus on

context, is it reasonable for design work to envision designs that may be applied to more than one system and context? A designer's focus may be on contexts X1, X2, and so on, as part of the same project. For example, design work seeking to enhance accountability through practices and devices associated with election might focus on the national level in the United Kingdom and the United States—more than one system or context where a common set of design outcomes might broadly be applicable.

Is there scope for considering the *translation* or *transfer* of design ideas across different systems or contexts (e.g. considering accountability and elections in the United Kingdom, and subsequently considering the resultant designs in the American context)? Scholars of comparative politics explore degrees of similarity and difference between (national) political systems and political cultures, and we can in principle draw productively on the notion of a spectrum from 'most different' to 'most similar' systems or contexts (Anckar 2008). At the 'most similar' end of the spectrum, the potential for (e.g.) design transfer, copy, or adaptation is higher, and it is lower at the 'most different' end. Clearly, there are options for the democratic designer. He or she can ignore similar systems for a specific design job, or fully embrace the translation or transfer potential of the design outcomes to sufficiently similar systems. Others may conceive a design project as focused from the outset on the translation potential across systems or contexts. Different options may involve different trade-offs: working on a single system or part-system may allow for more detailed design work than working with a focus on two or more systems or part-systems.

Design tailoring and translation can also be considered at the level of specific institutionalized practices or devices—the components of democratic designs. While, for example, institutionalized practices do not necessarily possess reliably *generic* qualities that define their effects, there will (often reasonably) be expectations of similar effects across contexts. Experience of practice, or reasonable inference from comparable practices, may provide evidence of potential for cross-contextual deployment of such practices within a given plan or design. Straightforward *transfer* of a practice or device from one context to another is likely to be too simple—even 'most similar' systems will differ in important ways, culturally and institutionally. The concept of *translation*, however, carries an important element of adaptation, as a practice, device, or indeed sequence in one context is proposed for similar deployment in a second context. With due caution around the idea of generic qualities of practices and devices, and a clear leaning towards the nuance of translation rather than the bluntness of transfer, many examples from the

repertoires for democratic design (to be presented in detail in Chapter 5) can be regarded as potentially cross-contextual practices for contextual designs.

Conclusion

The democratic design framework consists of concepts, organizing principles, and precepts that, taken together, enable work on producing democratic ideas or plans. It emphasizes the activity of design as a process, openness to new ideas, and scepticism about received wisdom on the shape and purpose of democracy. The motivations behind its development centre upon a focus on the *how* of democracy (second-order work on methods and approaches to constructing models) before we get to the *what* (subsequent first-order models generated from that work).

The framework's components have been specified and defended in this chapter and Chapter 3. Democratic design focuses on the design of a democratic *procedure*. Such a procedure consists of an ordered or sequenced set of *practices* and *principles* (the 'dual core'), along with *devices*. Practices—largely governmental—may be institutionalized or non-institutionalized. Designs of procedures are motivated by a *democratic sensibility*, and must meet the requirements of the *democratic minimum* (these two constitute the 'motivational base' of the framework). The key precepts guiding democratic design work are the need for it to be *systemic* (rather than of one institution) and for it to be conducted *reflexively*. The provenance of each of these components can be located in shortcomings in current modes of democratic theorizing (covered in Chapter 1) and key injunctions from work on design thinking (Chapter 2).

Chapter 5 carries forward the discussion to look at active design work. It shifts the emphasis from the components of the framework to its deployment. In particular, it explores the design choices that are available in terms of a repertoire of principles, practices, and devices.

5

The Work of Democratic Design

A central message of this book is that we need to step back from first order models of democracy—liberal, deliberative, participative and others—in order to interrogate in detail how our models might best be conceived and constructed. The democratic design framework set out in Chapters 3 and 4 encapsulates this shift to second-order work, focused on design thinking and tools. The move helps to open up our thinking to many *more* potential plans or ideas of democracy—from the surprising or novel to variations on the familiar. The democratic designer's commitment to working with a democratic sensibility comes with strong and renewed recognition of democracy's variability in practice. They must balance democratic values with political and procedural flexibility. Designing democracy is about tailoring sets of principles and practices for particular contexts, concerns, and priorities: cultural, geographical, developmental, or technological. The key parameter may not be *more or less democracy*, but rather *differently tailored democratic designs*. Such designs are first-order models, but their generation through the second-order framework makes them very different beasts to (for example) 'deliberative democracy' models; the designs will be more numerous, multi-principle, contextual, and detailed. To embrace democratic design is to embrace a highly pluralist view of democracy's nature and potential, and partly to dissolve the theory–practice divide.

The elements of the democratic design framework elaborated over Chapters 3 and 4 have been expressed rather abstractly; that is in the nature of building a design *framework* that can do service across a range of contexts and challenges. In this chapter, we move to more detailed consideration of shaping first-order designs using the second-order framework. We need to examine the content of the dual core and ask: *what* practices, *what* principles? We know from the previous discussion that governing institutionalized practices form the primary components of a democratic design. But what *specifically* are the materials we can design with? Who is, or can be, a democratic designer? Is it an individual or a collective task, and what is at stake in responses to this question if we emphasize the *democratic* in 'democratic design'?

Democratic Design. Michael Saward, Oxford University Press (2021). © Michael Saward.
DOI: 10.1093/oso/9780198867227.003.0005

This chapter explores the nature and diversity of agency in design. It then delves into specific practices, devices, and principles for design work. This detailed work will set up the summary account of the democratic design framework and the extended case study in Chapter 6.

Design Agency: Who, and How Many, Design?

Historically, the idea of democracy has had many critics—from Plato in classical Greece to strong forms of theocracy, meritocracy, and (perhaps) some forms of populism in the early twenty-first century.[1] For all their differences, democracy's critics tend to target the idea of 'rule by the people' when 'the people' are ignorant, misguided, weak, or suggestible.[2] Rule by the (chosen) few, by contrast, can be presented as rule by the wise, expert, forthright, or strong, and often as rule in the interests of the whole. Dahl (1989) groups such views under the label of 'guardianship'. Democracy carries the claim that who rules affects greatly the conduct of rule; if the people do not rule, in some material sense, then rule will not be in the interests of the people.

The question of who designs, or who can design, democratic procedures cannot be divorced from such persistent, underlying perspectives. To rule is to have power; to design forms of rule also carries a certain power. There may be concerns that the designer can be an 'invisible tyrant' (Parsons 2016, 149) or one driven by a sense of 'omnipotence' (Ratti with Claudel 2015, 12). If the thing being designed is 'democracy', then can or should the work of design be done 'democratically'? For example, should the many have the chance to modify or reject designs made by the few? Perhaps the power of design lies in empowering the many to engage in it.

Who Can Be a Democratic Designer?

The democratic design framework is a set of tools to guide and enable the creation of new and hybrid plans for democracy. In principle, anyone can use these tools. There is no assumption that anything about the character of this tool-set *necessarily* disposes it for use by some (types of) people more than others. That remains true even though some may be more aware, motivated,

[1] Levin (1992) provides an excellent discussion of the arguments behind a range of historically important examples of anti-democratic positions.

[2] Even thinkers who side with (some form of) democracy, such as Joseph Schumpeter (1976), have professed such views.

and dexterous (through inclination or training) to use the tools, or to use them effectively. Democratic designers can be individuals and groups, leaders and teams. They may be, and often are, civil society organizations and political scientists (along with other social scientists). Politicians and their advisors often engage in elements of democratic design. Judges too, for example, when ruling on constitutional rights and like provisions.

A wide range of special commissions, such as constitutional commissions, planning bodies, and commissions of inquiry, often engage in aspects of democratic design, directly or indirectly. Governments themselves—local, national, and supranational—often do so in larger and smaller ways.[3] Political parties and pressure groups often develop ideas or plans for democratic practices, in the name of enhancing democracy as they see it. Groups of ordinary citizens may be democratic designers, for example in the 1998 Australian Constitutional Convention that debated whether Australia should become a republic, and the Irish Citizens' Assembly established to examine questions about the Irish constitution from 2016 (in these and similar cases the terms of citizen selection and participation were pre-defined, which is not unusual). International agencies, such as the United Nations through several of its constituent bodies, are often involved (for example) in designs for post-conflict politics. Playwrights may engage in forms of democratic design (for example Rau 2017). Groups of concerned citizens may engage in design questions, for example where a deficit or dysfunction is recognized in local governance. In principle, the question of who designs or contributes to designs is radically open.[4] Equally, there is no limit in principle as to how many may participate in a discrete practice or process of democratic design.

Who are designs *for*? 'Clients'—governments, businesses, unions, pressure groups, charitable organizations, and so on—may call for or commission design work. One should not push the idea of a client too far. Multiple points of frustration, concern, or anger with current systems of governance at varied sites and levels can prompt engagement with democratic design thinking. The idea of a client may also point us in different directions—it could be those who see the need for work on democratic practice in a context, or those whom the work is to benefit or involve (the two will often overlap). Further, clear distinctions between designer(s) and client(s) may break down in a range of design processes.

[3] Warren (2009) and Richards and Smith (2015) offer wider discussions of government-led (and governance-led) democratic designing.

[4] There are various potential roles in a given democratic design process. There may be initiators and facilitators of design work who may or may not be different to designers or clients.

A closely linked issue is the identification or diagnosing of a problem that needs solving. As my comments suggest, a variety of actors might perform this work. There is a range of people or groups who ask contextual questions about perpetual problems of democracy, such as 'is democratic practice here being undermined or depleted? Or 'how can we make this process *more* democratic?' Often, today, focusing on a problem of democracy in a specific context and asking for or demanding change is the work of social movements. Consider for example demands for greater local participation in politics, for a 'direct say' on issues, for factoring into policy the interests of animals or nature, for delinking 'neoliberalism' and democracy, for democratic resistance to the contemporary rise of the far right, for gender equality, for empowerment of Indigenous peoples, and so on. But governments at different levels can also identify problems of democracy and act to address them, as they see it: local budget referendums, compulsory voting, the use of citizens' assemblies, and the development of citizens' initiative procedures (as in the European Union's European Citizens Initiative), for example. Oppositional politicians and parties may develop democracy policy as well as (e.g.) health or education policy. Consider the Democrats in the United States in the Trump years, highlighting questions of discriminatory voter registration and protections for the rule of law and press freedom. Research work can have its own initiating effects; consider the political uses of deliberative polls developed by James Fishkin and his colleagues. Even here, as we have seen, the very character of 'problems' and 'solutions' can be transformed in the process of design work.

Democratic *Design* or *Democratic* Design?

There is a tension at the heart of the phrase 'democratic design'—is it democratic *design*, or *democratic* design? The former emphasizes particular visions of a design or model created by one designer or design team—the quality or appropriateness of the product is the focus. To stress the 'democratic' in democratic design is to emphasize the utility or importance of the design process itself being conducted in an inclusive or participative way. There are several prominent real-world examples, such as the 'inclusive constitution-making' in recent years in Iceland (Landemore 2014),[5] and the British Columbia Citizens' Assembly on electoral reform (Warren and Pearse 2008).

[5] Constitutional design can be seen as one (major) form of democratic design, systemic in nature and focused on the nation-state.

To simplify, we can identify three modes of democratic design in this context:

1. *Elite* democratic design as a comparatively closed, often expert process. Often officially sanctioned, but sometimes initiated and conducted by non-state organizations such as professional think tanks and democracy advocacy groups. Examples include the UK government-appointed Plant Committee that devised the Alternative Vote (AV) electoral system proposal that was defeated in the UK referendum in 2011, and the Institute for Public Policy Research (IPPR) think tank's writing of a UK Constitution in 1991 (IPPR 1991). Elite processes may be characterized as 'controlled' design, 'top-down', institutionalized, 'engineered' (Blaug 2002) or 'routine'.
2. *Grass roots* democratic design is a more spontaneous process of claimed spaces, including a range of (often activist) voices and perspectives. Not officially sanctioned. Examples include the Occupy movement's experimentation with new democratic practices, often called 'prefigurative'. The grass roots mode may be characterized as 'uncontrolled' design, 'bottom-up', 'critical' (Blaug 2002), 'exceptional', non-institutionalized, transparent, 'DIY democracy', or 'fugitive' (Wolin 1996).
3. *Hybrid* democratic design is a semi-open process involving *invited spaces* for citizens and others to play a role alongside experts and elites. These processes are generally officially sanctioned. Prominent examples include those noted above: the British Columbia Citizens' Assembly, the Irish Citizens' Assembly, and the Icelandic constitution-making experiment. May take 'pyramidal' or 'hourglass' form (Landemore 2014)—using different stages such as statistically representative assemblies or forums, referendums, crowdsourcing, etc. Hybrid design stages will tend to vary between (a) more and less open to participation, and (b) more or less expert-directed.

Avowed democrats will often be drawn to examples and methods at the *democratic* design end of the spectrum—hybrids involving (at least some moments of) popular participation, selective and 'invited' moments or spaces though they may be, and instances of grass roots pressure and initiative. Such approaches promise more in terms of participant empowerment—differentially circumscribed from case to case—by opening design work to non-experts as well as design or democracy specialists. Such approaches may help to mitigate concerns about elite designs, notably that experts or the powerful may control too strongly the shape, rules, language, agendas, and outcomes of design work.

One might also speculate that a more inclusive and participative process of democratic design might produce more robustly democratic designs. Or that a commitment to the democratic sensibility—a key component of the democratic design framework—should infuse the whole process of design, and not be limited to the attitudes or orientations of (for example) individual or elite expert designers. One might have reason to question the motives or methods of autonomous and powerful experts, however pertinent their expertise and however fulsomely they may exhibit a democratic sensibility.

Useful up to a point, these contrasting takes on democratic design will often begin to break down, in practice and under scrutiny. Most examples—real or hypothetical—of democratic design will sit at a point on the wide spectrum between the highly exclusive (elite) and the highly inclusive (grass roots). In other words, they will be hybrids in some form. Consider varied ways the elite-leaning and grass roots-leaning orientations may come together. First, there may be more or less inclusive phases in a design process. For example, a sophisticated, expert-designed procedure for wide inclusion in deliberation over design options will shift along the spectrum from exclusive to inclusive as the design work goes on (consider the British Columbia event in this context). Second, continuing expert facilitation of inclusive design work may create a working combination of approaches. Third, even a process of highly open design—for example, a range of participative forums generated from below to generate ideas for improving democracy—will often need moments when expert facilitation can capture and articulate agendas or conclusions. Thus, a process of democratic design may involve a division of design labour within a broadly hybrid frame, more or less inclusive or participative at a given stage.

Democratic Design as a Process

As these comments suggest, the fact that democratic design—whatever precise shapes it may take—is a *process* over time means that different people in greater or lesser numbers can be involved in varied ways throughout that process. In this light, it is less concerning from a democratic perspective if a design process is restrictive at the outset (or at other particular points). Restrictive initial authorship may actually frame and foster subsequent widening out to more inclusive and participatory work. Initial authors of democratic designs may be well-informed, expert observers. Think, for example, of Arend Lijphart's (1984, 1999, 2004) inductively derived models of

consensus and consociational democracy. However, 'design' work on these models in a number of countries and contexts—South Africa, Lebanon, Cyprus, and Northern Ireland—has gone beyond the initial Lijphartian framing as others influence the designs and their potential applications. It is not just who designs (or when and how, etc.), but who is offered potential or part-formed designs in the process of their formulation, and what further work they do with them.

Arguably, initial designs are offers to be debated and considered, negotiated and changed, over time, as part of a wider design process. Indeed, even an initial lone expert designer may positively encourage or facilitate later, more open design work on their ideas depending on the orientation they bring to their work. As Schön (1988) argues, designers may bring specific baggage to the design process—worlds, types, and frames. But invariably they will have, or envision, specific clients for their designs. Perhaps 'the people' (as opposed, for example, to elite decision-makers) can be the client if a designer works with a democratic sensibility. At least, the work of democratic design—an intensive and engaged process of gathering, identifying, assessing, modelling, and generating ideas about and for democracy—importantly requires knowledge of (and a degree of immersion in) different standpoints and perspectives in the design context (see the discussion in Chapter 4). Ultimately, we might hypothesize that (a) with a single designer there is less chance of achieving contextual appropriateness over time, but perhaps more chance of an initially coherent design vision; and (b) with multiple and plural contributions over time in an 'iterative' (Fisher 2016) design process there is greater chance of both success and contextual appropriateness.

The Life of Designs

We can take the question of who designs a step further, following the lead of a number of researchers. The period of design work—the design process—is not coterminous with what we can call *the life of a design*. The life of a design goes on for longer, indeed for an indeterminate or open-ended period; as Bjogvinsson et al. put it, 'there is design (in use) after design (in the design project)' (2012, 107).[6] When we take the complexities of democratic design as

[6] 'Strategies and tactics of design for use must also be open for appropriation in use, after a specific project is finished, and consider this appropriation as a potential, specific kind of design' (Bjogvinsson et al. 2012, 105).

a process into account, we can see design as *ultimately* a collective process, even if it is not evenly or consistently so: 'All designs are collaborative designs—even if in some cases the "collaborators" are not all visible, welcomed, or willing' (Latour 2008, 6).

Sometimes, designers might embrace the possibilities of this open-endedness, becoming creators of 'open frameworks' (Ratti with Claudel 2015, 103). Or, without positively planning for it, they may acknowledge that designs will continue to be modified by 'institutional gardeners' if not other designers (March and Olsen 2008, 13), accepting the fact that no design is 'self-executing' (Horowitz 2002, 25). We can regard recipients of designs as 'creative interpreters of the things they engage with and the systems they inhabit' (Stewart 2011, 517). Or, of course, designers might feel more precious about their plans. However, this does not mean that users will not be able to 'challenge or disrupt the intentions of designers' (Kimbell 2011, 300).

Looking at the design process in this way—the design project itself, followed by the continuing life of the design in practice or application—suggests that a particular democratic design or plan might also productively be understood as a *prototype*. A prototype is a model used for experimentation or testing. Using the term emphasizes the fact that a first-order model emerges from prior design work, ideally through a process defined by the democratic design framework. It also emphasizes the fact that the design could have been otherwise, and could still be so—a prototype is the result of design choices that may be further interrogated or refined. Interrogation or refinement may take place within the 'design team'—e.g. democracy advocacy groups, politicians, political scientists, or think tankers engaged in such work—and subsequently as part of the practical testing of the design.

In Chapter 4, we saw that a key aspect of a democratic procedure is connection between different institutionalized practices. A connection between two institutionalized practices in a sequence of practices—for example, a citizens' assembly on an issue and city council debate and voting on that issue—might be more or less intense, tight, or impactful on the actors involved. A design project or process may produce a specific form of connection. But subsequent to *that* process, what is the life of the design? Why might pressure arise for *further* interrogation or refinement? Consider in this context the following representation of the types of connection concerned. Assume that this part-systemic design was motivated by an ordering principle of increasing citizen input into city council policy debates and decisions. Taking the citizens' assembly and city council, connection of Type 1 is the narrower institutional connection between these two practices. Table 5.1 maps some possible

Table 5.1. Connection Type 1 (institutional connections)—variations

		Is X* in fact empowered?	
		Yes	*No*
Is X* in empowered space?	*Yes*	A—formal influence, probably permanent—X is 'fully empowered'	B—subtle disempowering, a form of symbolic or psychological co-optation?
	No	C—informal influence, probably more sporadic or circumstantial	D—exclusion of X, overt disempowering

Note: *X here is a governing institutionalized practice such as a citizens' assembly.

characteristics as to whether this connection has empowered the citizens' assembly (e.g. to set the policy agenda for city council debates).

Box A would represent a meaningful connection—the citizens' assembly is empowered with respect to the city council. It has an effective role in public governance. However, Boxes C and D represent states of affairs where the connection is loose or weak. And Box B represents an apparent process of empowerment but a factual process of co-optation.

Widening our perspective from the more institutional to the more *societal* sphere, there could be many reasons for democratic dissatisfaction with an outcome other than one that fits within Box A. However, *even with* a 'fully empowered' citizens' assembly, a connection of Type 2—between ordinary citizens more broadly and the city governance process—may not succeed in realizing the principle of increasing citizen input. Consider Table 5.2.

For example, a convincing empirical demonstration of an example of Scenario Q is evidence that the empowerment of the members of the citizens' assembly *has not extended* to a sense or experience of wider societal connection or engagement. That could be one clear prompt for further demands for modification of the democratic design.

Table 5.2 captures other potential variants. Some cases might produce surprising insights; for example, Scenario R depicts the distinct possibility of more-or-less *non*-empowered democratic institutionalized practices—in our example, the citizens' assembly—actually producing a wider societal sense of inclusion or engagement in democratic politics.

This account helps us to pinpoint what one can imagine to be a central concern of a democratic designer: how to promote greater public sphere connections—a sense or experience of democratic inclusiveness and legitimacy from the citizen perspective—through specific designs by attending to potential connections in a democratic procedure. To focus on this aspect is to

Table 5.2. Connection Type 2 (citizen to government connections)—variations

		Is X fully empowered?	
		Yes	*No*
Do citizens have a *sense* of (or experience of) inclusion or empowerment?	*Yes*	Scenario P	Scenario R
	No	Scenario Q	Scenario S

highlight four factors (*beyond* the group of citizens who may participate directly in innovative democratic practices such as the citizens' assembly):

1. The wider *visibility* of specific institutional connections across relevant public spheres;
2. The *familiarity* of forms of institutional connection with regard to the citizens' perspective;
3. The sense or experience of *legitimacy*—or the extent of it—among citizen observers or recipients of the workings of institutional connections; and
4. The wider *impact* of institutional connections on citizens in the public sphere.

In short, the life of a design will often include its wider societal reception (or lack thereof). What may appear to be a soundly designed coupling or connection in institutional terms may not succeed, over time and from a wider societal perspective. This fact, in turn, may prompt further pressures on the design of the institutional connection, especially since (in this example) the principle behind the design project was to enhance citizen input into city council processes. This is just one potential case—in practice, across different contexts, there may be a great variety of principled and practical reasons why designs come under critical scrutiny, and may face demands for further change (or re-design).

To conclude this section, we have seen that a wide variety of individuals and groups can be democratic designers.[7] How they approach or carry out the design work has an impact on how inclusive or participative (or democratic) the design process will be, but the process itself will tend to have more and less inclusive moments. Design is not a one-off event for an individual or

[7] The design of democratic practice can of course take place within the protected public spaces of civil society. In the list of non-governing practices listed later in this chapter, there are many types of citizen associations and actions that are created and pursued outside government. They may be oriented toward government, or the locality or community. However, they are not strictly a part of democratic designs themselves as defined in this book. For an excellent recent discussion and example, see C. Hendriks (2017).

small team; it is a more complex and involved process. Indeed, in key ways it continues *beyond* the work of designers or a design team as such, an idea captured by the notion of the 'life of design'.

Repertoires for Democratic Design

To start the building of the democratic design framework, Chapter 3 explained the dual core: how principles enacted through practices and devices was the primary focus of democratic design. Chapter 4's account of relational elements and design precepts elaborated on the construction of the dual core: varied political principles and governing practices, along with devices, are sequenced or ordered in procedures (e.g. government agenda setting prior to parliamentary debates and decision). Procedures may be designed to prioritize sets of functions or phases, such as decision-making, representation, review, mediation, or implementation, and to channel and foster varied motivations and incentives.

With that extended account of the democratic design framework in place, we can now focus more tightly on the content of the dual core. What sorts of specific practices, and what principles, are we dealing with? What are the materials we can design *with*? This section lists and briefly describes a range of examples of (respectively) governing and non-governing institutionalized practices and devices. These are sample repertoires for democratic design. Considering these examples offers insight into detailed design possibilities and variations—the devising of new plans or models for democracy.

The repertoires draw their entries from practices in one or more countries or locales. This is not to say that, for example, parliamentary committees operate in similar ways across the many systems that have them (clearly they do not). More importantly, the repertoire does not include comments about how translatable or adaptable across contexts a given practice or device may be. There can be no straightforward responses around translation, the complexities of which were canvassed in Chapter 4. Often the work of translation is possible but challenging—for example, participatory budgeting, invented in Brazil, has been adapted for use in a variety of other contexts around the world, with varying degrees of success (Sintomer, Herzberg, and Rocke 2008). The potential for translation and adaptation, along with new combinations of practices and devices, is very much a part of specific, contextual design work; there are real limits to what can be said about democratic designs in general terms, as opposed to elaborating the democratic design framework. Further,

there are overlaps between a number of different entries on the lists. Though it is not always clear if practice X is an institutionalized practice or a device, we do have some criteria for distinction as noted in Chapter 3. I have chosen, for example, to include electoral practices as devices. Sometimes its planned deployment in context will clarify the status of a specific practice or device.

Governing Institutionalized Practices

Governing institutionalized practices are bounded sets of practices that have a recognizably constituted and organized form and a continuity through time and have been, or can potentially be, deployed in governance processes. Box 5.1 offers a list of thirty-five such practices, with a brief note on definition and indicative functions for each one. The list is not exhaustive—the variations available of each of the entries alone would account for that fact. A number of entries may reasonably be grouped, e.g. the ones that are forms of 'mini-public' (all of the entries in Box 5.1 are types, though some may also be seen as tokens of more inclusive categories of types). It will be evident that the list brings together practices that are normally larger scale—e.g. federal systems—with others that normally operate on a much smaller scale, such as citizens' juries. However, the potential functions of, and the principles enacted within, such institutionalized practices may be applied at quite different scales in democratic designs. A designer might engage in radical scale switching, for instance considering the use of federal-type practices and arrangements at a local level, or the use of random sampling to choose a percentage of members of a state's legislature. Many practices are adaptable and scalable in both familiar and unfamiliar ways.

As we saw in the discussion in Chapter 3, practices that are (historically, contingently) most familiar as 'governing' or 'non-governing' may be adapted and deployed for use in the other category, e.g. elections for key positions within civil society groups. Indeed, democratic designers may alter or re-purpose the examples of institutionalized practices noted here.

Non-governing Institutionalized Practices

Non-governing institutionalized practices take place in spaces, or as moments, reserved or protected for freely chosen civil action, for the most part formally outside governance structures. In familiar terms in our world of nation-states,

Box 5.1. Governing institutionalized practices

1. A *primary legislative body* is a group of individuals, normally elected, with specified law-making authority. Key functions include representation of citizens, decision-making, and deliberation. National or regional parliaments or assemblies and city, town, or district councils are examples.
2. A *secondary or additional legislative body* (or chamber) is a group of individuals, elected or selected, with specified law-making authority in a bi-cameral system. Key functions include representation, decision-making, deliberation, and oversight of primary legislative bodies.
3. *Select, standing and other legislative committees* are sub-units with members drawn from the wider groups in (1) or (2). Main practices may include policy development and oversight of governance bodies and processes.
4. A *core executive* is the formally central governing body of a political unit (e.g. national or regional). In the governance of a nation-state, or sub-units within a federal or like state, the core executive normally consists of a prime minister (or premier, governor, or first minister) and a set of ministers or secretaries of state and other senior officials. Key practices include decision-making, deliberation, agenda setting, and oversight.
5. A *head of unit of government* is a formal and symbolic figure at the head of a political unit or community (national, supranational, local, or other). Key practices may include representation, executive leadership, and agenda setting. Examples highlighting executive functions often feature a popularly or independently elected individual; examples highlighting symbolic functions often feature a selected, part-elected, or hereditary individual.
6. *Political parties* are bodies motivated by distinct interpretations of the nature of the political unit or community and accompanying visions of how they ought to be governed. Key functions include policy development, mediation, supplying candidates for political office, governance, and opposition.
7. *Executive departments or agencies* are appointive or selective bodies charged with carrying out delimited functions, determined by legislators or core executives. Key functions include policy development, policy advice, research, implementation, security, management, and mediation with citizens and social groups.

Continued

Box 5.1. Continued

8. *Public hearings, commissions, and inquiries* are appointive, expert, representative, or participatory bodies instituted to inquire into, and make recommendations regarding, specific issues or challenges faced by the community. They may, for example, examine historical corruption and injustice, proposed infrastructure developments, or policy failures.
9. *Judicial review* is a practice operating within independent courts whereby the content, process, or implementation of new laws or regulations are tested in terms of their consistency with constitutional or administrative law.
10. Institutionalized practices of *symmetric federalism* arrange the structures of government according to nested layers of territorially based political authority. Examples include contemporary federal arrangements in India, Germany, Australia, and the United States. In this context, sub-units (often known as states or provinces) are in key respects constitutionally equal to each other in a range of formal powers, a fact sometimes expressed in measures that equalize representation among states despite large variations in population (e.g. both populous California and much smaller North Dakota elect two members to the US Senate).
11. Institutionalized practices of *asymmetric federalism* arrange the structures of government according to nested layers of territorially based political authority. Sub-units display different degrees and types of autonomy from higher authorities. The United Kingdom is a current example, with differing arrangements attending the relationships of Scottish, Welsh, and Northern Irish parliaments or authorities to Westminster.
12. *Functional decentralization* is a variegated practice through which decisional, management, or administrative functions are devolved from central authority to a body or bodies specializing in a given policy area or domain, e.g. aspects of policing, health, or education.
13. *Co-governance* refers to a varied set of practices whereby political authorities share policy-making tasks with citizen or social groups. May alternatively be called collaborative governance or planning boards.
14. *Local government* practices may be institutionalized in varied ways at the level of a village, town, or region. They may include, for example,

head of unit of government, core executive, and executive agency functions and structures. They may also include town meetings and community councils incorporating elements of civic participation and co-governance.

15. *Ceremony and ritual* are practices marked by tightly scripted and choreographed performances variously featuring distinct modes of speech, music, movement, and dress. They may capture or mark specific moments within wider practices, such as beginnings, endings, or transitions, or to confirm the status of an institution, office, or person.
16. *Regulated markets* are institutionalized practices that establish rules for the exchange of defined classes of goods and services. They may operate within and between governing organizations, often in pursuit of economic efficiency, for example the 'internal markets' instituted in the National Health Service in the United Kingdom.
17. *Territorial representation* is a practice whereby a person or a group of people speak and act in the name of a community defined primarily by location within a bounded territory.
18. *Functional representation* is a practice whereby a person or group of people speak(s) and act(s) in the name of a community defined primarily by shared interest or function.
19. *Proxy representation* is a practice whereby a person or group speak(s) and act(s) in the name of interests held by future generations of people, animals, or features of the natural environment (Dobson 1996).
20. *Delegative representation* is a practice whereby one or more lower bodies delegate members to higher-level bodies to speak or act for them at the higher level. Local government delegates to the upper chamber of the German federal parliament is a mainstream example.
21. *Stakeholder representation* is a set of practices whereby social groups (e.g. women, business, trade unions, and Indigenous peoples) participate with government actors and organizations in policy making, advice, implementation, or monitoring.
22. *Invited spaces* are specific instances of protected public spaces, whereby governing bodies or actors may invite or make available delimited governing spaces, roles, or occasions to societal actors with regard to occurring, planned, or potential government action. For example, a citizens' assembly may exemplify, constitute, or occupy an invited space.

Continued

Box 5.1. Continued

23. *Face-to-face citizen assemblies* are decisional or deliberative bodies that operate for a set time and location to consider issues for a delimited community. In principle, the assemblies are open to direct participation from a significant proportion of members of the community (e.g. adult citizens in the Swiss *Landesgemeinde*, or adult male citizens in the ancient Athenian *ecclesia*).
24. *Participatory budgeting* is a *set* of practices whereby citizens or residents of a city or other political unit debate, recommend and decide public spending priorities in a delegative process that can reach into specific localities and workplaces. The practices, pioneered in the Brazilian city of Porto Alegre, may feature face-to-face deliberation and decision at varied levels and locations.
25. *Deliberative opinion polls* are face-to-face deliberative forums focused on defined issues or problems, normally with around a hundred participants over a two- or three-day period. Participants are selected by random sample from a defined wider community, and access to expert opinion and facilitation are features of their practice (Fishkin and Luskin 2000). Deliberative opinion polls may be independent, advisory, or decisive.
26. *Citizens' assemblies* are face to face deliberative, advisory, or recommendatory forums consisting of one hundred to two hundred people chosen by stratified and corrected random sample and focused on defined constitutional or policy issues. Variations may include an element of self-selection. Their practice may last for several months, for example in the case of the Irish Citizens' Assembly and British Columbia Citizens' Assembly.
27. *Citizens' juries, planning cells, and consensus conferences* are 'minipublics', face-to-face deliberative, advisory, or recommendatory forums focused on defined issues or problems, normally with around twelve to twenty-five participants over a two- or three-day period. Participants are selected by random sample (self-nomination and selection for consensus conferences) from a defined wider community, and access to expert opinion and facilitation are normally features of their practice (Smith 2009). 'Focus groups' may be an additional variant.
28. A *task force* is a body set up in order to focus on one task or to achieve a particular objective. Its composition can be highly varied between government and non-government, specialist and non-specialist actors.

29. '*Deliberation day*' is a proposal that shortly before an election, citizens are encouraged or required and facilitated to attend small, local face-to-face deliberative forums over the merits of policy positions and candidates (Ackerman and Fishkin 2005).
30. A set of *electoral agencies* at different levels of a political community operate to organize, facilitate, and oversee the conduct of elections, vote counts, and declarations.
31. The *citizens' initiative* is an institutionalized practice whereby a petitioning process of gathering signatures may, if a specified threshold is reached, trigger a governing response or action or, where the practice of citizens' initiative and referendum is operative, trigger an advisory or binding referendum vote on the issue or question concerned.
32. The *referendum* is a popular vote on a discrete policy issues or question. It may be triggered by constitutional rules, called on a more contingent basis by political authorities, or triggered by a citizens' initiative. The outcomes of a referendum vote may be advisory or binding on political authorities.
33. *Citizen observatories, scrutiny forums, and contestatory reviews* are bodies that embed deliberation and inclusion of a range of stakeholders, governance and civil society actors in scrutiny and accountability regarding the administration and implementation phases of public policies (Boswell 2016).
34. *Monitory agencies* are independent bodies established to oversee and to check political and administrative practice. They may also be referred to as guardian agencies (Keane 2011; Schmitter 2011).
35. *Ombudsmen* are independent bodies established within government structures and practices with a function of receiving complaints from citizens and others about their treatment by government agencies.

non-governing practices are located in 'civil society'. We saw in Chapters 3 and 4 that the scope of democratic design is best expressed as 'systemic-governing-plus': it is essentially the design of governance structures and practices, not of whole societies. However, there are specific non-governing practices that *can* form part of the 'plus' of democratic design, in different ways. There are two different potential routes to including non-governing practices in democratic designs: (a) protected public spaces, and (b) invited spaces.

First, the *bulk* of potential non-governing practices are initiatives arising freely out of the protected public space of civil society—for example civil campaigns or demonstrations (see Box 5.2)—and therefore are not appropriate to include *within* democratic designs beyond the constitutional protection of that public space. It is critical to the basic freedoms contained within the democratic minimum that the *protection* of wider public space—the space for individuals and groups freely to express themselves and to associate within the law—be part of any democratic design. Protected public spaces of civil society may be functional, physical, or temporal. The protection is a form of democratic practice that sustains openness to *further*, self-chosen practices by citizens and others—of which Box 5.2 provides a number of examples. Thus, any democratic design will be required to include constitutional protection of such public space. The protection of public space requires *forbearance* by government; unlike other institutionalized practices included in specific democratic designs, it designates spaces but not the practices within them.

Secondly, however, non-governing practices that *can* in principle be embraced by democratic designers are those that may occupy 'invited spaces'. For example, a democratic design may include a period (an invited temporal space) in which public debate is called for, including perhaps positive government efforts to garner popular opinion on policies, plans, or issues. Further, a design may include specific provision for forums in which citizens and others are encouraged or incentivized to give their views or judgements on public issues or government plans. Examples here include certain types of citizens' assemblies and stakeholder forums. Now, of course, I included these two examples, along with other forms of minipublic for example, in the category of *governing* institutionalized practices (Box 5.1). The point is that they can be *both*. It depends on the democratic design, and on the life of a given design. To insist that (e.g.) citizens' assemblies are always occupants of *invited* spaces is to say that they cannot, in principle, ever be a core part of democratic governance. They can. To insist that they are always governing practices is to say that they are always constituted (or permanent) and to some extent empowered within collective decision-making—which they need not be (consider the questions around empowerment in the 'Life of designs' section, above).[8] To make this point is to reiterate my earlier comment that practices that are

[8] A more thoroughgoing approach is Hirst's (1994) vision of 'associative democracy', where 'voluntary self-governing organizations' in civil society organize and deliver extensive state-funded welfare services for and with citizens. In this radical democratic vision, such organizations are hybrids: technically non-governing practices with delegated governing functions.

most familiar as 'governing' or 'non-governing' may be adapted and deployed for use in the other category.

Many of the caveats expressed for governing practices above apply here as well. Box 5.2 does not offer an exhaustive list, and the examples included are dynamic forms, capable of extensive redefinition and re-purposing.

For democratic design projects that focus on the familiar form of the nation-state, the importance of non-governing practices largely reflects the necessity to take 'civil society' seriously. The phrase refers to the contested political spaces or arenas of associational life that are largely distinct from government, and on some definitions from the market (Scholte 2011). In this context, constitutional protection of free public spaces is tantamount to protection of individual and collective freedom in civil society. The types of non-governing practices noted in Box 5.2 are very much a part of the daily experience of democratic politics, and some may play a role, directly or indirectly, in the work of design by prompting, demanding, initiating, and criticizing design proposals.

The conception and the reality of civil society are highly complex. Its openness poses challenges for analysis, since: (a) its boundaries are subject to expansion, contraction, and porosity; (b) it is characterized by plurality and variety in terms of associations and actions—it can rarely if ever be regarded as a unitary and homogenous actor; (c) it is not *intrinsically* good or bad, just or unjust, democratic, or undemocratic; and (d) it may display varying degrees of both inclusion and exclusion, and power dispersal and concentration. This conception distances the underlying meaning of civil society from the 'motley collection of different political aspirations' (Fine 1997, 7) frequently attached to it—such as the true site of democracy—and follows the important injunction to detach it from 'false universals, magic bullets, and painless panaceas' (Edwards 2009, 5). The civil society of (largely) non-governing practices can be complex, multi-faceted, multi-scalar, and dynamic. It encompasses new actors, practices, and claims, including new 'subterranean' forms of activism (Kaldor and Selchow 2013) as well as more familiar types of civil society organizations and practices.

Devices

As noted in Chapter 3, devices tend to be smaller scale rules, etc., activated at particular points within democratic procedures made up of sequences of institutionalized practices. Like governing institutionalized practices, devices

Box 5.2. Non-governing institutionalized practices

36. *Education* refers to a wide range of forms of more or less organized instruction, training, learning, teaching, mentoring, and so on.
37. *Associations* are civil society bodies established and sustained by voluntary practice by citizens and others. They may be economic, cultural, environmental, religious, or political in purpose. This large category can include for example parts of social movements, trade unions, and pressure groups.
38. *Unregulated public spaces* are spaces of civic freedom featuring minimal forms of governing stipulation or regulation. A contemporary example may be Freetown Christiania in Copenhagen, Denmark.
39. *Claimed spaces* are literal or virtual spaces and moments that are not granted by governing or other bodies or regulators, but are claimed by civil society actors as spaces of symbolic protest or demonstrative action (Gaventa 2006). In one respect, the opposite of an 'invited space'.
40. *Protected enclaves* are spaces of societal practice in which 'members legitimately consider in their deliberations not only what is good for the whole polity but what is good for themselves individually . . . and for their group' (Mansbridge 1996, 57). May also be referred to as 'subaltern counterpublics' (Benhabib 1996 drawing on Nancy Fraser).
41. *Civic campaigns* are organized activities led or carried out by civil society actors to convince fellow citizens and others of the desirability of a course of action, or to press governments to act.
42. *Demonstrations* are located practices involving public action (speeches, marches, performances) aimed at influencing government and public opinion on an issue, problem, or controversy.
43. *Public meetings* are events organized by members of civil society to discuss and decide strategy with regard to an issue or set of issues. They may have a combination of informational, pressure, decision, learning, galvanizing, or other purposes.
44. The *firm or corporation*, a public or private company involved in production, services, trade, or investment, often with its own complex internal structure of practices which vary widely from the strongly hierarchical to the co-operative.
45. *Philanthropic agencies*, which operate to disperse or donate private wealth or assets to social causes in ways decided independently by the agency.

46. *Social enterprises and charities* are associations operating on varied scales that are non-profit making and aimed at achieving defined social or community benefits.
47. *Social forums* are organized events that bring together people and groups with a common set of interests, goals, or aspirations. A contemporary example is the World Social Forum, which brings together a variety of environmental and other activist groups.
48. *Prefigurative practices*, often part of civic public events such as demonstrations or occupations, which aim to show through their modes of organization and activity better ways in which society might be arranged or decisions made (Graeber 2013).
49. *Direct action* is practice that is aimed to have an immediate and proximate impact on its target agency or organization. Designed to pressure governing or commercial organizations to change their practice, it may include boycotts of products or services, or demonstrations.
50. *Occupations* are practices involving physical occupation of spaces or places, often with symbolic and material significance depending on the nature of the protest or demands. Contemporary examples include Occupy Wall Street in New York and the mode of demonstration in Tahrir Square in Cairo in the Egyptian Revolution of 2011.
51. *e-forums* are non-proximate or virtual modes of civic groups and individuals sharing interests, goals, criticisms, and so on with regard to particular governing or political practices or plans.
52. *Spontaneous communities* are unanticipated gatherings or emergent publics that arise to protest, make claims, gain publicity, or bear witness, sometimes in quick response to events. A contemporary example is the action of young people who survived the gun attacks on students at Marjory Stoneman Douglas High School in Parkland, Florida, 2018, who initiated protest aimed at government in the name of gun control.

may be familiar or novel. They may be called rules, tools, instruments, mechanisms, connectors, methods, or techniques. They are intended to direct actions within or between institutionalized practices in particular. Their intended purposes (and perhaps sometimes their unintended effects), or the ways in which they can act upon practices, can vary among directing,

connecting, enabling, incentivizing, constraining, selecting, activating, and filtering. A given democratic design—especially those that aim to be at the more expansive end of the systemic spectrum—will tend to include a wide range of devices.

Box 5.3 lists a range of different devices. Again, the list is indicative rather than exhaustive. Some entries are linked to others—indeed, as noted explicitly in the list, a significant number of the entries concern voting rules, from the secret ballot to NOTA ('none of the above') rules or provisions. Others concern techniques for connecting practices (e.g. delegation, referral, submission); expanding or contracting the political agenda (e.g. marketization, regulation); or widening or restricting the range of participants or perspectives in democratic procedures (e.g. membership, co-optation, veto points, censorship).

Though inevitably incomplete, these are long lists. They have no *definitive* points of internal differentiation—for example, I have not divided them according to categories noted in Chapter 4, such as decisional or deliberative. The length, detail, and relatively undifferentiated presentation of the lists is deliberate. It reflects the uses that listing as a method can have. Listing tends to encourage divergent thinking, where multiple possible combinations and dynamics linking and dividing the entries are entertained. It expresses an openness 'in the apprehension of discovery' (Phillips 2012, 97), inviting interpretation and speculation about governance and democracy and resisting over-hasty reduction of complexity. Lists express both a 'boundlessness' (a great many possible practices and devices) even though there is also 'stricture' (only certain cognate kinds are included) (Phillips 2012).

Subsequently, the lists encourage convergent thinking (Cropley 2010). The democratic design framework requires a narrowing down of design thinking about democracy with reference to particular contexts, challenges, and aspirations; a process of convergence upon certain principles, practices, and devices in sequence. This process of divergence and convergence is at the heart of thinking through the making of democratic designs.

Political Principles: Choices and Dynamics

I turn to specific examples of principles, in and for democratic design work. This discussion follows up the more general explanation of the role of principles in the democratic design framework in Chapter 3.

Box 5.3. Devices

53. *Membership* rules establish the terms of eligibility to belong to a constituted community or group's activities, benefits, or burdens. Their intended purpose is to include or exclude.
54. *Election* is a mechanism for choosing a candidate or a party for a formal position or office in a ballot by a defined wider constituency of eligible voters. A key purpose is to confer legitimate authority on election winners, often in their official capacity as representatives of the members of the wider constituency. Elections may be conducted by a range of different voting and aggregation rules.
55. *Voting rules* specify who may vote, how, and how votes are tallied in a given context for an option or a candidate. Specific methods forming a part of voting rules may include one or more devices that follow (down to 'None of the above', NOTA) in this list.
56. The *secret ballot* is a provision for protecting the privacy of the voter's choice.
57. The *public ballot* is a provision by which the privacy of the voter's choice is not protected. Voter choices may be available for observation or required to be declared.
58. *Ballot timing* is a set of considerations specifying (1) how often ballots or elections ought to be held, and for what; (2) when they ought to be held; (3) over what time frames votes can be cast (e.g. on one day in person or over weeks in person or by post or virtual means).
59. *Ballot design and voting technology* are methods or techniques designed to facilitate (or potentially to confuse or manipulate) voter choices.
60. *Plural voting* is a mechanism that grants some people or groups making up the relevant constituency two or more votes on some specified basis, or grants more numerical value to certain votes.
61. *Enfranchisement regulations* are rules specifying those eligible to vote, and those who are not. Regulations may specify relevant ages and other modes of inclusion and exclusion from enfranchisement.
62. *Candidate eligibility* rules specify who can stand in elections for office. They may include restrictions according to class, gender, and property holding (historically), or age, capacity, incarceration, or nature of community membership (e.g. in the modern state citizen, permanent resident, temporary resident, 'alien', and so on).

Continued

Box 5.3. Continued

63. *Campaign regulations or laws* enable and constrain communication and other activities that form part of campaigning around elections or referendums. Regulations may for example require donation and spending disclosures, and providing information on policy positions (e.g. by specifying certain forms of manifesto—see for example Caney 2016).
64. *Compulsory voting* is a rule requiring all eligible voters to cast a ballot.
65. *Optional voting* is a rule that leaves the choice as to whether to cast a ballot or not to the individual voter.
66. *First past the post* or *plurality* is a rule used for conducting elections and determining election winners, under which the candidate with the highest number of votes wins, regardless of the percentage of the vote won.
67. *Proportionality* is a rule used for conducting elections and determining election winners. There are different methods of making elections proportional. At a national level, top-up seats may be granted to parties achieving a specified percentage of the vote across all constituencies, to ensure that the overall result reflects groups' or parties' respective national vote percentages.
68. The *alternative vote* or *preferential vote* is a method for conducting elections and determining election winners, under which voters rank some or all candidates in preference order. A candidate who gains 50 per cent of first preferences is elected. If no candidate achieves this, then second and further preferences are taken into account until a candidate (or the requisite number of candidates in a multi-member constituency) reaches the 50 per cent threshold.
69. *Single member representation* is a provision specifying only one elected representative per constituency.
70. *Multi-member representation* is a provision specifying that a constituency electing members to a legislative or other body have a specified number of members or representatives (two or more).
71. *Majority rule* is a provision whereby the option or candidate gaining at least 50 per cent +1 votes wins.
72. A *submajority rule* is a voting rule that grants to a specified minority group the right to decide a given issue or type of issue, or to place an

issue of its choosing on a political agenda for decision, regardless of the votes or preferences of other groups including majority groups (see Vermeule 2007).

73. A *supermajority rule* specifies that a winning option or candidate be required to achieve a defined vote greater than 50 per cent +1 in order to pass or to win.
74. *Multi-round or multi-stage voting* is a mechanism that mandates two (or conceivably more) rounds of voting before a winner is decided. This may take the form of an election in which leading candidates in a first round of voting are required to go to a second-round 'run-off' vote if no candidate achieves a majority on the first vote. It may also take the form of a two-stage referendum or policy vote, where the second vote is decisive.
75. Formally, a system of *vote pooling* requires the achievement of majorities from varied territorial, functional, or cultural sub-constituencies within the overall constituency of voters. Informally, it may be a strategy for electoral victory centred upon appeals to different cultural or other minorities in the electorate.
76. *Quotas or reserved seats* are instruments which determine a minimum number of candidates (e.g. from particular political parties) to be from a specified group (e.g. women or Indigenous people), or seats in a representative body to be reserved for candidates from specified groups.
77. A method of *cumulative voting* grants voters the opportunity to cast a number of votes and distribute them as they wish. A key purpose of this method is to enable voters to express the intensity of their preferences as well as registering a simple preference for a candidate or option.
78. *Approval voting* is a method by which voters may choose (i.e. 'approve') as many candidates or options as they wish from a list. Approval voting may produce a single winner or be used to identify two or more winners.
79. *Primary elections* are devices which enable a specific group or party to elect their preferred candidate to run for an office (such as Democratic and Republican Party primaries to choose party candidates for the US presidency, governorships, and seats in Congress).

Continued

Box 5.3. Continued

80. '*Liquid democracy*' is a voting mechanism whereby voters 'can freely choose to either vote directly on individual policy issues, or to delegate their vote to issue-competent representatives who vote on their behalf. This delegation is policy-area specific and can be retracted instantly' (Blum and Zuber 2016, 162–3).
81. *NOTA*, or 'none of the above', is a provision that may be included in a ballot allowing voters to reject each of the positive candidate or option choices offered to them.
82. *Referral* is a mechanism by which one body or organization passes consideration of an issue or policy to another.
83. *Submission* is a mechanism by which one body or organization formally sends its proposals or views on an issue or policy to another.
84. *Selection* is a mechanism by which a person, group, or option is chosen by a person or group to play a role, occupy an office, or become an official course of action in a given context.
85. *Delegation* is a mechanism that refers consideration of an issue, or the authority to resolve it, to a person or group functionally or otherwise separate from the delegating entity.
86. *Nomination* is an instrument by which a person or group is put forward to carry out a role, to occupy a position, or be a candidate.
87. *Registration* is a mechanism by which people or groups are formally noted or recorded as qualifying, volunteering, opting, etc. for a specific activity, event, or process.
88. *Co-optation* is a method of bringing an outside person or group into a given entity or practice from outside. Its purpose may be to empower or constrain the co-optee.
89. *Devolution* is a process of establishing governance practices at a lower level than extant ones, and assigning decision-making and other powers and functions to the lower level.
90. *Subsidiarity* is a mechanism by which decisions on specified issues or types of issue are directed to the lowest or most local feasible level of governance.
91. *Oversight* is a mechanism whereby one person or body monitors the functions of another.
92. The '*counter proposal*' is a mechanism that enables one body to make a policy counter-offer to another body, for example the Swiss government can offer a counter-proposal to a proposition which arises from a successful citizens' initiative.

93. *Recall* is an instrument whereby an elected office-holder can, by a specified vote of the relevant constituency, be required to leave office or to stand again for the office in a new election.
94. *Delay or pause* is a device that can be deployed in a procedure of deliberation, agenda setting, or decision. It may be included as part of a procedure in order to enable and encourage reflection, information, or negotiation.
95. *(Re)districting* is a method for drawing or redrawing boundaries for territorial voting constituencies. Redistricting may take place for a number of reasons, from strengthening the equal weight of votes to take account of population changes to gerrymandering, a means of manipulating districts to favour one party or candidate over others.
96. *Term lengths and term limits* are sets of rules that specify the periods of time that office-holders may occupy, or legitimately be candidates for, particular government posts.
97. *Sunset provisions* are mechanisms for limiting the amount of time for which governing decisions may apply without being formally renewed.
98. *Lotteries, sortition, and random selection* are mechanisms for choosing members of a governance, deliberative, or advisory body. The use of the mechanisms is generally based on specific notions of fairness and representation.
99. *Vouchers* are defined allowances or permissions that enable recipients to make choices of service providers or options. They may be viewed as analogous to (and depending on circumstances an alternative or a supplement to) voting choices. Their purpose may be to expand the type or range of citizen choices over political options (Schmitter 1994).
100. *Petitions and e-petitions* are mechanisms by which people may freely opt to sign in order to support a specific cause. They are often targeted at political authorities to pressure them to act in a particular way on an issue.
101. *Public opinion surveys and polls* are a mix of methods that can capture a scientific and numerical snapshot of the nature of public opinion on a given issue.
102. An *open method of coordination* is a method of cooperation between political authorities that avoids enshrining new law or legal sanction. In the European Union version, member governments of the EU can agree certain goals, and mechanisms to achieve them, and benchmark and monitor each other's progress.

Continued

Box 5.3. Continued

103. *Legislation* is the means for a legislature, parliament, assembly, or council to pass laws.
104. *Regulation* is a technique or instrument that establishes rules that specified actors are required or expected to follow.
105. *Outsourcing* is a technique of transferring a governance function to a body or group of bodies outside the structures of government. It is a technique often deployed on a limited-period contractual basis for specific functions.
106. *Marketization* is a technique through which governance functions are diverted to operate in a competitive though regulated environment modelled on free market exchange.
107. *Privatization* is a technique by which functions belonging in the broad sphere of governance are transferred to the private sector. Companies performing former governance functions may still be subject to public regulation.
108. *Veto points* are specific moments or stages within a process of political decision-making that enable specified actors or groups to block some options from further consideration, or indeed block the process itself (Watkins and Lemieux 2015).
109. *Facilitation* is a technique by which an actor or a group enables, encourages, or provides resources and guidance for a group in order to help it through a defined process of (e.g.) deliberation or resolution, or otherwise to devise and articulate its goals or conclusions (Smith 2009).
110. *Orchestration* is a method or technique by which an organization or group of organizations foster coordinated progress towards the achievement of goals, for example by the provision of ideas or material resources. Orchestration may work through intermediaries over which the orchestrator may lack formal influence (Bäckstrand and Kuyper 2017).
111. *Publicity* is a technique for communicating or disclosing selected information to a wider audience or public.
112. *Bargaining* is a method where two or more individuals or representatives with differing needs and interests regarding a common issue or course of action discuss compromises or exchanges aimed at finding a deal or common agreement.

113. *Contracting* is a method by which two or more parties come to a formal agreement with each other as to the provision of material goods or services, or as to the common pursuit of agreed goals or objectives.
114. *Censorship* is a tool or a technique preventing certain views from being revealed or discussed in the public domain. The purpose of censorship is to expunge or to filter out of public discourse views or information that the censoring authority judges to be undesirable or damaging to the wider society or its own interests.
115. *Doparie* is an instrument which operates within a political party or like grouping which 'permits any voter who declares to be an elector of that party (open doparies) or party members (internal doparies) to vote regarding crucial and controversial decisions during the period between one election and another.' (Calabretta 2011). They may be propositional or consultative.

Let us remind ourselves of the place of principles in the framework. First, principles do not stand apart from practices. They gain meaning and texture through enactment via practices (and, up to a point, in devices). Second, some key principles are *required* principles—they must be incorporated into *democratic* designs as non-negotiable elements of the democratic minimum. Third, in addition to the principles required by the democratic minimum, there is a wide set of options, which I refer to as *ordering* principles. Would-be democratic designers will ask themselves: what principles matter most here/now/to this group, or indeed 'to us'? On top of the democratic minimum, how do I/we wish to tailor this design or model? What problems or challenges is the design to address? For example, a key design goal might be to get ordinary citizens participating more in politics; to strengthen the accountability of elected representatives to their constituents between elections; or to foster local forums of autonomous self-government.

Box 5.4 offers a sample of potential ordering principles (some of which are *also* required principles). The distinctive challenges of tailoring democratic designs will be discussed below and in Chapter 6. For now, Box 5.4 provides a raw sense of the great variety of ordering principles democratic designers might choose from.

How many principles a democratic designer may choose to work with is a key decision. Attempting *actively* to juggle the forty+ principles listed in

Box 5.4. Political principles

Virtue, truth-seeking, resilience, equality, popular power, individual freedom, participation, accountability, openness, autonomy, non-domination, inclusion, choice, rights, empowerment, partnership, sustainability, subsidiarity, publicity, co-decision, engagement, consultation, representation, incorporation, reflection, social justice, active citizenship, reciprocity, solidarity, transparency, mutuality, deliberation, decentralization, deconcentration, recognition, involvement, civility, responsiveness, authority, independence, community, expertise, self-government, reconciliation.

Box 5.4 would be impossibly complex. I stress 'actively' because, for example, one might focus on three or four core principles in tailoring a democratic design to refine and to work through in detail, and at another stage in the design process consider more passively, as it were, the potential enactment of further principles. The number of principles under active consideration may also depend on whether a designer pursues a full-system or part-system design project; as a rough gauge, one would expect a full-system design to invoke actively more principles than a part-system design. Again: democracy can and will mean, and be, different things in different contexts and in the face of different challenges. The fact that in principle there is a large and open-ended range of potential democratic designs is an important point of critique of existing approaches to models of democracy. Beyond that moment of critique, the sheer range and plurality becomes less important; the significance of the framework shifts decisively to the particularities of design work.

How then might particular design principles be chosen for a given project? For different reasons:

a. It is a required principle according to the terms of the democratic minimum.
b. It is an ordering principle, e.g. partnership or consultation or ecological sustainability, whose prioritization is now justified due to its relatively weak current instantiation in the relevant context.
c. The extent or intensity of challenging circumstances may prompt a choice of ordering principles, e.g. an urgent need to tackle a pandemic may prompt the prioritizing of the ordering principles of solidarity and authority.

A given context for democratic design might constrain the set of relevant principles (though such constraints remain a matter of interpretation). For example, given its strong and local participatory basis, a redesign of the participatory budget process in the home of the practice—Porto Alegre—would face a struggle if it were to prioritize central authority as a core ordering principle. Distinctive combinations of principles may be strong starting points in certain contexts; for example, a post-conflict context may lend itself to prioritizing a combination of *reconciliation*, *civility*, and *inclusion* as driving the design of a democratic procedure. More generally, those seeking (for example) more extensive popular participation in the making of governing decisions may prioritize principles of *empowerment*, *co-decision*, and *inclusion*. Those concerned with a lack of mutual engagement among citizens may seek to prioritize enacting principles of *community* and *solidarity* through specific practices and devices. Those seeking a deeper or broader realization of social and political *equality* than demanded by the terms of the democratic minimum may look for additional ways to enact the principle. As we have seen in Chapter 1, extant models of democracy are often named after the key principle their advocates seek to enact—deliberative democracy, participatory democracy, and so on. However, extant models tend to underestimate both the range of forms which democracy may take and the range of principles that may drive or inspire them, now and in the future.

The Dynamics of Principles: The Examples of Equality and Inclusion

Even focusing on a *single* political principle prompts a number of puzzles and choices for the democratic designer. There may, for example, be a range of ways in which the latter might look to realize the principle of equality via a design. But what type, what shades, of equality? She may aim to see enacted equal rights protection, and highlight the place of courts accordingly. Or formal equality rather than substantive equality, in which case she may not push beyond the democratic minimum's requirements. On the other hand, she may seek design features that reach into the societal realm to address a demand for greater equality of resources between democratic citizens. Alternatively, the aim might be to entrench equal *opportunities*—for example, to stand for office by election or selection—even at the expense of a fuller conception of equal resources. If this designer also prioritizes deliberation as a core principle of

democracy, she may explore qualities of democratic procedures that promote or incentivize equal access to deliberative forums.

Voting for representatives tends to evoke and enact aggregative, formal, and technical equality at the moment of decision (and the 'momentary' nature of the enactment means that this is an episodic rather than evenly persistent enactment of equality). The *referendum* offers (episodic) formal, aggregative, and technical equality at the time of decision or referral to a decisional body such as a legislature. In comparison to voting for representatives, arguably it involves a more levelling equality of influence over substantive outcomes and agenda setting. A *deliberative poll* or *citizens' assembly*, on the other hand, may offer an equal opportunity for selection to exercise an analogous right to participate in a specialist deliberative forum. The form of equality enacted through this institutionalized practice tends to be a statistical equality, understood as a distinctive form of equality of opportunity. In addition to *what type or aspect of equality?* (beyond the requirements of the democratic minimum), key questions for designers will include *how much equality do you want? Over what time frame?* And, *interacting in what ways with other enacted principles?*

We can make similar observations about most if not all political principles. The principle of inclusion, for instance, similarly is subject to changing interpretations. The electoral device of proportional representation as a way of designing voting procedures and framing outcomes (arguably) imparts a sense of inclusion as respect for the votes of all citizens. Judicial review by contrast may enact the principle of inclusion in that it defends citizenship rights to which all are equally entitled in the decision-making process. Institutionalized practices such as protected civic spaces may help to sustain an inclusive public sphere.

The fact that principles gain their specific meaning and texture from their enactment through practices and devices means that a strategy of assigning a fixed, prior, or stipulative meaning to a principle is not open to democratic designers. The choice of *which aspect* of principle P to seek to enact, like the larger choice of *which principle(s)* to seek to enact, goes hand-in-hand with consideration of practices and devices through which the enactment may be realized. Principles *are* what they *do* through enactment, though there will rarely be a ready or straightforward fit between particular practices and principles.

Let us step back from specific examples and look more generically and systematically at the questions facing democratic designers. Enacting principle P through governing practices and devices may involve a range of design choices or considerations: (a) is the target an extensive (across the stages of a democratic procedure) or focused (on one stage) enactment of P? (b) is the desired form of realizing P innovative (stretching or breaking with extant

understandings) or familiar (a standard or available form)? (c) is the enactment of P targeted at shorter- or longer-term desired properties or effects? (d) is P's enactment direct or indirect, i.e. is a given institutionalized practice included in a design or model expressly to enact P, or would the principle find enactment as a secondary consequence of enacting another principle or principles? (e) through what specific practices might P most effectively be realized? (f) how many principles and how many practices/devices are envisaged concerning the ambitions of a given design project? And (g) what degrees of compatibility or tension might need to be addressed where multiple principles and practices are included in a design?

In sum, there is a wide range of principles that a designer might wish to see enacted in a model of democracy. Moreover, a given principle will likely have many facets or aspects, some of which may be desired over others for a particular design. Thus, at the heart of the democratic design framework is the notion of the democratic procedure, designed—in the face of varied questions and challenges—to enact desired aspects of chosen principles for a given context.

A Note on 'Skewed' Designs

The idea that democratic designers have considerable scope to choose the principles to prioritize in their projects may be troubling to academic and other observers. Arguably, having a relatively limited number of first-order models of democracy—deliberative, participative, electoral, and so on—conveying a limited range of prioritized principles, might keep manageable the number or range of values democracy ought to promote (Warren 2017). On this view the democratic design framework may, by stressing second-order analysis and greatly opening up the potential forms and values of democracy, open the floodgates to too many alternative values. In the face of such potential disquiet, my response is: yes, the democratic design approach promotes a radical pluralism in thinking about democracy's potential. That is one part of the framework's realism. We can engage positively with pluralism's disquieting properties.

What if it is not the sheer range of possibilities that is the concern, but rather that designers might 'skew' democracy in favour of certain values or interests? Consider for example in the United States an effort by a conservative minority to prioritize 'pro-life' (anti-abortion) values over other democratic values (a woman's right to choose). Is not 'skewing' a danger to democracy in that it implies democracy's manipulability for partial interests?

To these concerns, I would offer a linked set of replies. First, as we have seen in this chapter, inclusive, collaborative, and collective modes of design tend to characterize serious design efforts even where initial design work is in few hands. This fact should help to mitigate concerns about imposition of partisan or minority interest values to the detriment of core democratic values. Second, there is no such thing as a *non-skewed* democratic design. For example, greens might say that liberal democracy is skewed toward the interests of existing generations of humans, and against the interests of future generations and non-human animals. In the United Kingdom, for example, one can make a strong case that (despite devolution in recent years) the system is skewed against strong and independent forms of local and regional governance. All democratic systems, existing or imaginable, favour some principles over others in their mode of institutionalization.

Third, according to the democratic design framework, any tailoring of democracy must respect the constraints of the democratic minimum. The principles of the democratic minimum are required principles for democracy. If a choice of additional (ordering) principles undermines the letter and the spirit of the democratic minimum, then the design at issue risks its democratic status. Fourth, there will always be comparative 'winners' and 'losers' from specific democratic designs. Democratic theorists do not often confront the fact that their favoured model of democracy will not, and certainly will not equally, favour the interests or perspectives of all. The question is, how much of what value is 'won' or 'lost'. This remains an important question despite the fact that entrenching of the terms of the democratic minimum will mitigate the losses to an extent. Finally, arguably it is better to have intentional, explicit prioritizing of certain principles than principles prioritized out of habit, or unthinkingly. The transparency of the process of democratic design is one of its strengths.

Conclusion

This chapter has covered a range of issues concerned with the work of democratic design—who designs, with what, and how might the work proceed. It takes us on a transition from the framework's full specification in Chapters 3 and 4 to its application. We turn now, in the final chapter, to consolidating the picture of the framework's components and, in particular, to an extended illustration of the framework's operation.

6

Design in Practice

An Illustration

This book offers a new approach to thinking and talking about democracy. The task was not to add another model to the pantheon of existing, first-order, models of democracy (participative, liberal, deliberative, and so on). Instead, the challenge was to deconstruct such models; to step back to second-order work and ask questions about the tools, practices, and components used to build them. What habits, received wisdom, worries, ambitions, and prejudgements went into making first-order democratic models? This is where the constructive or reconstructive work of 'design' becomes important—it is about awkward bits and pieces of multiple puzzles that (perhaps) can fit together make up new, hybrid, or innovative models of democracy. Second-order work is about the active process of creating plans or designs. To focus on design is to highlight the often unspoken assumptions that advocating particular models has often involved—bringing them to light, justifying their use, or otherwise dropping or changing them.

The democratic design framework offers a series of steps, questions, options, and connections; a process for thinking about democratic designs that respond to identified challenges, contexts, and requirements. In this chapter, I offer an illustration of the type of piecing-together model building that the framework enables and encourages, focusing on citizen participation and engagement in the United Kingdom.

The Step-by-step Guide to Democratic Design

I begin by setting out in schematic terms the democratic design framework, drawing together the key threads from Chapters 3, 4, and 5: the motivational frame, dual core, relational elements, guiding precepts, and the options regarding practices, devices, and principles. That process enables us to set out

Democratic Design. Michael Saward, Oxford University Press (2021). © Michael Saward.
DOI: 10.1093/oso/9780198867227.003.0006

a practical, step-by-step guide to democratic design. The guide consists of ten steps:

1. Identify and define the territorial or functional unit, network or community for the design work;
2. Identify the set of democratic principles (required and ordering) to be realized or enhanced: (a) required principles in the light of the demands of the democratic minimum and (b) ordering principles in the light of the specific democratic challenges or problems to be addressed or prioritized;
3. Consider whether the nature of the design context calls for institutional, part-systemic, or whole-systemic design;
4. Consider the initial constraints and opportunities of context;
5. Consider the desired time horizons for the design along with further temporal aspects;
6. Explore a broad menu of governing institutionalized practices and devices which may foster the realization of the goals and principles, taking account of phasing and functions:
   - consider how pairwise and larger alternative sequences of governing institutionalized practices may foster realization of design goals (horizontal dimension);
   - consider how alternative sequences of governing institutionalized practices at micro, meso, and macro levels may work in tandem or otherwise with regard to design goals (vertical dimension);
7. Attend to key interaction and incentive effects for elites and ordinary citizens that are generated by specific practices and devices and their potential arrangement or sequencing;
8. Consider proposed designs from the perspective of differently situated actors with a stake in the procedures, not least the individual citizen; critically appraise and adjust the design's procedures in the light of perspectives and standpoints in and of context;
9. Consider appropriate modes of protection and facilitation of core features of the design; and
10. Explore the potential life of the design in practice, for example its capacity to evolve in stable and democratic ways in its context.

These components of the democratic design framework, along with the latter's overall character, stem directly from concerns about the limits of current approaches to democracy, and insights derived from design thinking. Showing these connections at a glance, Table 6.1 captures key elements of the

Table 6.1. Democratic design framework: guidance and provenance

A. The step-by-step guide to democratic design . . .	**B . . . derives from features of the democratic design framework . . .**	**C . . . whose terms (in turn) link to reflection on shortcomings of extant models of democracy . . .**	**D . . . and key insights from design thinking.**
Identify and define the territorial or functional unit, network, or community for the design work; Identify the set of democratic principles (required and ordering) to be realized or enhanced: (a) required principles in the light of the demands of the democratic minimum and (b) ordering principles in the light of the specific democratic challenges or problems to be addressed or prioritized; Consider whether the nature of the design context calls for institutional, part-systemic, or whole-systemic design; Consider the initial constraints and opportunities of context; Consider the desired time horizons for the design along with further temporal aspects; Explore a broad menu of governing institutionalized practices and devices which may foster the realization of the goals and principles, taking account of phasing and functions: Consider how pairwise and larger alternative sequences of governing institutionalized practices may foster realization of design goals (horizontal dimension);	A conception of a *procedure* for collective decision-making comprising a (part- or whole-)*systemic sequence* of governing *institutionalized practices and devices* enacting selected democratic *principles* intended to meet or exceed the *democratic minimum* driven by a *democratic sensibility* and tailored *reflexively* according to context and purpose.	The need for an expansive and robust second-order framework for the analysis of democracy and its possibilities. The need to open up more to what and where democracy can be; to embrace the multiplicity and versatility of democracy's values and forms. The need for openness as to how democracy might be reshaped or reformed. The need to avoid premature or overly tight fixing of democratic forms into received models or theories. The need to explore both institutions and principles along with their complex interactions, and to set aside sharp distinctions between work on theory and practice. The need to explore orders or sequences of practices and devices rather than singular institutional 'innovations'. The need to avoid definitional and exemplar fallacies.	Design is the active making or creating of a plan or an idea. Design involves a need to accept/ embrace uncertainty about both process and outcome. It features a strategy of framing and re-framing of problems and solutions. The product of a design process cannot be regarded as the final plan, or the unquestionably best or only reasonable plan in or for the context at hand. Design is characterized by abductive reasoning. Design often involves working from first principles, a preparedness to set aside conventional plans or understandings associated with a given problem. Design is often, and necessarily, re-design, using a range of existing understandings or plans.

Consider how alternative sequences of governing institutionalized practices at micro, meso, and macro levels may work in tandem or otherwise with regard to design goals (vertical dimension); Attend to key interaction and incentive effects for elites and ordinary citizens that are generated by specific practices and devices and their potential arrangement or sequencing; Consider proposed designs from the perspective of differently situated actors with a stake in the procedures, not least the individual citizen; critically appraise and adjust the design's procedures in the light of perspectives and standpoints in and of context; Consider appropriate modes of protection and facilitation of core features of the design; and Explore the potential life of the design in practice, for example its capacity to evolve in stable and democratic ways in its context.		The need to recognize that design is always design for context. The importance of active theorizing, and moving beyond positing models to embrace their active generation.	Design work often involves the creative use of analogy, metaphor, and precedent. Design is strongly contextual, to be understood in terms of specific times, spaces, or problems.

provenance of the steps of the framework by placing them alongside the main conclusions of the analysis in previous chapters.

Any substantial project of democratic design will include each of the steps. They need not be taken in the order presented. Democratic designers might, for example, start with favoured political principles, a particular context, a logical puzzle, or a specific complaint about current structures.

Participation and Engagement in the United Kingdom

A democratic design may be described briefly or at great length. There are advantages and disadvantages to both approaches, and there is no general requirement regarding the amount of detail that must be included––though the designer must make choices, for example, about how many and what range of contextual perspectives to include (see the discussion in Chapter 4). I devote the bulk of this chapter to an illustrative case study—pitched somewhere between brief and extensive—taking up the steps of the democratic design framework.

Identify and define the territorial or functional unit, network or community for the design work

The case study focuses on democracy in the United Kingdom, though excluding the internal structures and processes of the devolved Scottish, Welsh, and Northern Irish national jurisdictions. The United Kingdom is a quite conventional choice: it is not, for example, a community defined by, or consisting of, complex cross-border networks, or non-contiguous territorial entities (though it may involve both at some level). The United Kingdom is a single, if multi-national, political unit that functions as a nation-state in the normal understanding of the term. Nevertheless, in terms of contemporary democratic theory it may strike the reader as an odd choice—this example of a democratic design or model is very different to (say) 'deliberative democracy'. And indeed it is—I say more about that after discussing more details of the case.

I exclude the internal structures and processes of the devolved governments because Scotland in particular, and Northern Ireland, as two of the constituent nations of the United Kingdom, have distinct political and legal structures from the United Kingdom's dominant constituent nation, England.

Further, the Welsh government's confidence in its autonomous authority has increased, symbolized by the renaming of the Welsh Assembly to Senedd Cymru (or Welsh parliament) in 2020. Taking the most prominent of the devolved nations, the case for *not* including Scotland's internal structures is that the Scottish Parliament is the most significant centre of government authority in the United Kingdom outside Westminster. It holds the most sway over the relevant domestic laws and conduct of domestic politics and governance in Scotland. It has always retained its distinct legal system separate to that of England. In addition, not least, there is a strong movement for Scottish independence from the United Kingdom. A *Sunday Times* poll from December 2018 put support for Scottish independence at 53 per cent should the United Kingdom leave the European Union (which formally occurred in January 2020); in 2014, 45 per cent of Scots voted in favour. The extent and nature of the Covid-19 pandemic's disruption of 'normal politics' in the medium- and long-term from mid-2020 is unclear. But these headline factors contribute to the case for not folding 'democracy within Scotland' into 'democracy in the United Kingdom' for present purposes—and therefore it is unreasonable to fold them together in terms of one case for considering democratic design. To more fully include, for example, Scotland's legislative processes in this design could reasonably be seen as overlooking the very experience and aspirations for distinctiveness that have given rise to a pro-independence government.

It is, however, reasonable to include the UK-wide or 'external' aspects of the governance of Scotland, Wales, and Northern Ireland in design thinking for UK democracy, not least the terms of devolved government. A range of design problems, and potential design solutions, which arise when taking a UK-wide perspective implicate several aspects of the devolved administrations. For example, restructured local governance in the extended illustration will have implications for Scottish, Welsh, and Northern Irish local government structures and processes. In this discussion, I regard such implications as factors that would add a further (Scottish, etc.) layer to considering, modifying, or applying the design's proposals.

Judgements about appropriate political communities to discuss in the context of democratic design are not straightforward. Making them does not rule out alternative ways to identify relevant communities for design purposes. For example, the case study focusing on the United Kingdom as a whole does not imply a view on Scottish independence, or for that matter Irish unification or Welsh independence. As discussed in earlier chapters, a great variety of territorial or functional communities may reasonably be political units of

interest in design terms; pursuing design work for the United Kingdom would not preclude similar projects for Scotland, Wales, or Northern Ireland (or, indeed, the governance of the island of Ireland).

Identify the set of democratic principles (required and ordering) to be realized or enhanced: (a) required principles in the light of the demands of the democratic minimum and (b) ordering principles in the light of the specific democratic challenges or problems to be addressed or prioritized

As with the identification of the relevant political community, the designer must make judgements about principles. Some of these judgements are more tightly constrained than others. The principles that drive democratic design take two different forms: required, and ordering. Required principles are those that form part of the democratic minimum. Ordering principles are those that the designer may prioritize for different reasons—a conviction that these principles are crucial to addressing high-salience problems in the community, or that embedding them in the operation of the polity will bolster core democratic values, or that specific challenges confronting the community demand that certain principles drive governance.

In the context of governance in the United Kingdom, my judgement is that the required principle of *equality* is the one that is most lacking, or most vulnerable, in current governance practices. In the context of the narrower but crucial domain of electoral politics and government, this shortcoming is most evident in the lack of fit between the votes cast for party candidates in national elections and the seats obtained in the House of Commons. The United Kingdom operates a plurality or first-past-the-post electoral system in single-member constituencies. In a political context with no strong party ties for candidates, and in which voters choose candidates with little concern for party, this system may well be conducive to equality as specified in the democratic minimum: 'consistent and ultimate determination of the forms and functions of the process of governance by the group's members regarded and treated as equals.'

However, political parties dominate UK electoral politics. Party identification is the main reason a strong majority of voters vote the way that they do. The present system is strongly biased towards producing 'strong governments'—single party governments (and at times in the contemporary era two-party coalitions) that have larger or smaller working majorities in the

House of Commons. It is in this sense that the Westminster system is widely described as 'majoritarian'—most prominently in the influential accounts of Arend Lijphart (1984; 1999). It is distinctively *minoritarian* in that a national vote percentage for candidates of one party in the high 30s or low 40s in percentage terms regularly produces a single-party government with a stable working majority, enabling the governing party to implement policy without significant consultation or concession to other parties with significant legislative representation. As Jonathan Sumption (2020, 109) comments: 'Very few British governments have come to power with an absolute majority of the votes cast. They have all been minority governments in electoral terms.' In effect, this system strongly favours parties whose electoral strengths are concentrated in particular regions, such as the Conservatives in the 'Home Counties' around London, Labour in Wales and (to a diminishing extent, it seems) the north of England, and in more recent years the Scottish National Party (SNP) in Scotland. It punishes parties whose electoral support consistently spreads widely *across* regions and nations. In the contemporary era, the Liberal Democratic Party has been 'under-represented' significantly—in the 2019 UK election it received 1.7 per cent of parliamentary seats for 11.5 per cent of the UK vote, for example. The contrasting fortunes can be sharp. In the 2015 election, the Welsh nationalist party Plaid Cymru (PC) won three parliamentary seats with 0.6 per cent of the vote; the UK Independence Party (UKIP) gained one seat with 12.6 per cent of the vote.

Accordingly, one required democratic principle that demands attention in the context of the United Kingdom is equality. Consistent and ultimate determination of the forms and functions of the process of governance by the group's members regarded and treated as equals demands a greater equality of representation in the Westminster parliament. This greater equality needs to take the form of greater proportionality—a comment that already moves us towards practices and devices that might contribute to addressing the problem. I turn directly to this point below.

The second required principle that demands attention in the UK concerns *resources*—as expressed in the democratic minimum, *the equal opportunities regarding governance forms and functions must be underpinned by access to at least a baseline level of material and service resources to enable the achievement of a minimally acceptable quality of life.* As the wording of this requirement suggests, this principle too stems from the underlying concern with equality in democracy. This is a complex topic, and doing it justice would require a more extensive analysis. Rates of *income* inequality have remained steady in the past decade or so. However, social inequalities have potential debilitating

effects with regard to (for example) access to decent housing (with startling purchase prices, rising rents, and a social housing sector struggling with high demand), access to higher education (with large student loans now required to fund degree studies), and health (witness for example the starkly greater vulnerabilities of working class and black and minority ethnic citizens to the Covid-19 virus). More generally, social mobility is highly uneven across the United Kingdom, to the extent that the chair of the Social Mobility Commission, Alan Milburn, has spoken of a stark phenomenon of 'left behind Britain':

> The country seems to be in the grip of a self-reinforcing spiral of ever-growing division. That takes a spatial form, not just a social one. There is a stark social mobility lottery in Britain today. London and its hinterland are increasingly looking like a different country from the rest of Britain. It is moving ahead as are many of our country's great cities. But too many rural and coastal areas and the towns of Britain's old industrial heartlands are being left behind economically and hollowed out socially.

This distinct social and regional divide in life opportunities has consequences for the democratic requirements of equality and resources, provoking as it does a widespread 'sense of political alienation and social resentment'. Milburn concludes that 'a less divided Britain will require a more redistributive approach to spreading education, employment, and housing prospects across [the] country' (Social Mobility Commission 2017).

The *ordering* principles driving this case study are *citizen participation* and *citizen engagement*. More specifically, it is participation in the processes of governance in terms of involvement of ordinary citizens in the setting of political agendas, considering policy options, and the deciding of outcomes. Engagement is a close cousin to participation, stressing the demonstrable character of participation and the means to attend to matters of governance and public policy. Engagement also points to efforts to encourage, inform, and motivate citizens to participate in political life. (The term 'citizens' is used here in an encompassing sense to refer to legal residents including refugees, asylum seekers, and 'denizens').

We saw in Chapter 5 that a wide range of ordering principles may be chosen as a focus in democratic design work. It would be reasonable, in the context of the United Kingdom, to choose different ones—for example, to focus on ecological sustainability. That focus might lead the designer toward governing structures of strong decentralization and consideration of

democratic 'institutions for future generations', for example (Gonzalez-Ricoy and Gosseries 2016). The case for focusing on participation and engagement stems from strong evidence of increasing disengagement from, and declining trust and confidence in, institutional politics and government in the United Kingdom. According to the Hansard Society's most recent report on political engagement in the United Kingdom, '47 per cent feel they have no influence at all over national decision-making, and 32 per cent say they do not want to be involved "at all" in local decision-making' (Hansard Society 2019). A report from the think tank Institute for Public Policy Research (IPPR) highlights increasing inequalities of electoral turnout, to the detriment of the young and the poor (Birch, Gottfried, and Lodge 2013). A number of other countries share the problem of disengagement, not least the so-called 'mature democracies'. Nevertheless, the texture of the problem, and potential democratic ways to address it, is distinctive in different countries and contexts. A further motivating factor in this choice of ordering principles is their link to the required principles that I have argued demand particular democratic design attention in the UK context. Disengagement, for example, has a link to feeling in some communities in the United Kingdom of having been 'left out' or 'left behind'. Moreover, rates of formal political participation provoke further the unrepresentativeness of the House of Commons under the first-past-the-post electoral system.

I return to the main factors underpinning this choice of ordering principles as I respond to other demands in the democratic design framework.

Consider whether the nature of the design context calls for institutional, part-systemic or whole-systemic design

A democratic designer could pinpoint required and ordering principles for the United Kingdom as I have above, and choose then to focus on part-system design. That strategy might lead, for example, to a tight focus on House of Commons Select Committees. The designer might examine the frequency, accessibility, location, and agenda-setting functions of the committee structure, and devise alternative designs to encourage participation and engagement. For example, this might include petitioning from citizens to set the agenda of meetings, and a requirement that committees hold open meetings for citizen attendance and questions in different parts of the country.

Such a focus on part-systemic design work would quickly confront some reasonable, critical questions, however. If citizen engagement with the Select

Committee structures and processes was desirable, then could it not potentially be bolstered by also considering reform options for the House of Lords, for example co-optation of citizen members for a period of time? Alternatively, if such committees in the central government of the United Kingdom were desirable democratically, then why not consider designs for similar innovations at city and local government levels?

There are many contexts in which part-systemic design work can be defended. In the present case highlighting equality, resources, participation and engagement in the United Kingdom, considering (different) part-systemic aspects of the principles in practice would likely lead to more systemic considerations. The principles have multiple and overlapping points of design application, making it difficult to justify drawing the line between some subsystems and others. There are strong reasons why part-systemic considerations, especially at the level of UK-wide governance, rapidly leach into whole-systemic ones, stemming notably from the principle of parliamentary sovereignty at the heart of the United Kingdom's uncodified constitution. Parliamentary sovereignty forges common lines of accountability and responsibility across UK, devolved nation, city and local government jurisdictions. This principle is effectively allied with the strongly centralized character of the political system as a whole—notwithstanding the devolution of power in a range of areas to the devolved parliaments and assemblies of Scotland, Wales, and Northern Ireland, and to elected city mayors such as in London and Greater Manchester, in recent years.

In short, the capacious character of the principles to be considered in the design work, along with the unified and centralized character of the UK political system, lead the focus of this case study to be whole-systemic—where the 'whole system' concerned is the United Kingdom, with the earlier caveat about internal structures in the devolved nations in mind.

Consider the initial constraints and opportunities of context

We have established that the task is to apply a set of required and ordering principles to the context of the contemporary United Kingdom. The principles—equality, resources, participation, and engagement—are multifaceted in themselves, and cannot be read into the context in any simple or unmediated way. The next step is to characterize the context of this design work.

We saw in Chapter 4 that this step consists of a number of different questions and considerations, concerning: the nature and extent of the

democratic minimum's realization in the context; which governing and other institutionalized practices have a presence and a salience in the United Kingdom today and historically; what major social groups need to be accounted for; what are the major or most pressing social needs; what salient wider factors such as geographical or population size need to be taken into account; what governmental practices are regularly or prominently discussed in terms of potential reform of UK democracy; and, given these factors, what time horizons are most apt with respect to producing democratic designs.

We have also seen, however, that the designer has crucial methodological choices to make *before* delving into those questions. Any description or account of context produced for design work is a *representation* of that context. As a representation, it is a map of a certain type, charting and highlighting key selected features of the material and cultural landscape. There are different levels of analysis a designer can adopt when producing such a representation. In Chapter 4, I distinguished four methodological positions: the bird's eye view, the drone's eye view, the plural, and the mosaic (see Table 4.1). Stylized categories, for sure—but they help to locate choices on a spectrum of possibilities. Each position has advantages and pitfalls. The key injunction is that the designer makes their choices explicitly, defends them, and pursues them consistently (as opposed to eliding or ignoring issues of representation and perspective). Following that injunction brings the advantages and pitfalls into the open and subject to critical scrutiny. My choice for the UK illustrative case study is closest to a 'plural' view. This equates to a modest range of representative perspectives of the context. More specifically, it means to chart the most salient issues, actors, controversies, constraints, and characteristics in (or of) the relevant context—recognizing that this charting, being modest, certainly could be more immersive.

Against this methodological background, I proceed to various questions and considerations.

The first opportunity, as noted, is to address shortcomings in the United Kingdom with regard to *the requirements of the democratic minimum*. Equality and resources were identified as particularly salient, and more specifically equality of votes and equality of life opportunities and social mobility underpinning political attention and participation. I have, of course, understood these principles as having particular, contextual relevance in the UK case, along with other aspects of interpretive filtering that take place when considering principles as taking shape through enactment. With regard to *other* parts of the democratic minimum, an operative process of governance and freedoms of speech and association requirements are not regarded as

democratically *troubling* in this context—a judgement that does not equate to 'cannot be *improved*'. I do not argue that civic freedoms in particular are perfectly or fully realized—and the nature and fate of temporary tight restrictions on freedom of association in 2020 responding to the spread of the new coronavirus are relevant, given how extensive and potentially difficult to lift safely and consistently they have been. I argue only that the clearly pressing issues for meeting the democratic minimum lie elsewhere. Because the equality and resources requirements of the democratic minimum come under scrutiny, so too does the constitution requirement. Constitutional changes, for example to reform the United Kingdom's electoral system, would (on the face of it) be essential to entrench the means to realize more fully the democratic minimum.

The next aspect in considering constraints and opportunities of context is: *what institutionalized practices, etc., have had a longer- or shorter-term presence or salience in the United Kingdom?* The key factor to take into account here is the core principle at the heart of the uncodified UK constitution—the sovereignty of Parliament. There is no higher legal or political authority than Parliament; what Parliament decides, it can (in theory at least) undecide or modify. The fact that the constitution is not (unlike for the bulk of modern nation-states) codified into a single document—it is expressed or contained in a number of statutes and conventions—is partly due to the central place of this principle.

The principle drives other key features with respect to institutionalized practices. The UK polity is highly centralized—power is significantly concentrated in Westminster, and (more specifically though variably) in governments with House of Commons majorities. Some would argue that this picture of concentrated and centralized authority should be taken a further step—the dominance of the prime minister over the cabinet—though that is a matter that waxes and wanes over time and arguably there is no strong case for the UK system being described as one of perpetual prime ministerial dominance (Heffernan 2003).

Arguably the major positive constitutional change in recent years in the United Kingdom has been the devolution of a range of powers to the newly instituted Scottish and Welsh parliaments (the Northern Ireland Assembly has proven to be more troubled and fitful in the face of its distinctive challenges), with the Scottish Parliament the most independent and powerful of the three. The institution of a strong independently elected Mayor in London has accompanied devolution, along with a further six directly elected Metropolitan Mayors, including Greater Manchester, the Liverpool City

Region, and the West Midlands. These developments have changed the UK polity from (a type of) unitary state to a form of asymmetric federalism or perhaps (even more wordily) to an asymmetric semi-unitary system. It is a unique and hybrid structure, still evolving in the contexts of potential Scottish independence, suspensions of the Northern Ireland Assembly, and the establishment of further Metro Mayor offices.

On the more negative side, and further complicating this picture, is by-and-large the failure to decentralize authority to local government (i.e. the lower tier of government), and a 'hollowing out' of local government through austerity policies in particular after 2008, despite a good deal of rhetoric espousing decentralization from governments of different political stripes in recent decades.[1] At the same time, a number of local governments have experimented extensively with democratic innovations such as citizens' juries, participatory budgeting, and local referendums.[2] House of Lords reforms have been significant (the 1999 changes reducing heredity peerages) but more fundamental proposals have failed. Lords seats are filled through inheritance and selection rather than election; it remains an issue for democrats since the House retains a number of important governmental powers (notably around the delay of proposed legislation).

What salient political and social groups or perspectives must be accounted for? At the time of writing, the most profound social, political, cultural, and to a degree territorial divide in the United Kingdom centres on the question of whether (and if so, how) the United Kingdom should leave the European Union. The Brexit referendum of 2016 resulted in a narrow majority for Leave. For much of 2019, there were deep fractures in the major political parties and more broadly across the country, and rancour and paralysis in Parliament. Though the comfortable Conservative victory in the November 2019 election led to the formal departure of the United Kingdom from the European Union in January 2020, the Brexiter and Remainer perspectives—cross-cutting urban-rural, educational, and socio-economic divides—remain highly salient (despite their most overt political expression being complicated

[1] Colin Copus (2018), in his contribution to the Democratic Audit of the UK, writes: 'councils and mayors have no constitutional protection from Whitehall interference, and depend heavily on central government grants. Their relative weakness as a tier of government has been compounded by the "nationalisation" of the UK press and media system and the decline of the local press, plus the dominance of UK national parties in "first-past-the-post" local elections that only weakly relate parties' seats to their vote share.'

[2] The UK Government launched an Innovation in Democracy programme in 2018 involving experimentation in enhancing citizen engagement and participation in (initially) three English local authorities (see https://www.gov.uk/government/publications/innovation-in-democracy-programme-launch).

by the Covid-19 crisis from mid-2020). Pro- and anti-EU perspectives cut across more conventional left–centre–right ideological divisions. Thus, populist-nationalist, free-market conservative, 'one-nation' conservative, national-independence, liberal centrist, social democratic, socialist and green political perspectives and cultures are crucial presences. Gender perspectives are prominent, with respect to the continuing (though improving) under-representation of women in government and parliament, and more widely the persisting gender pay gap and the disproportionately negative impact of the hollowing out of the welfare state on women. Amid a rise of nativist populism, linked closely to the issue of immigration and the politics of Brexit, minority communities have come under greater pressure—for example, many have commented on the alleged rise of Islamophobia (broadly speaking on the political right) and anti-Semitism (in recent years most prominent on the political left).

What are the most salient or pressing social needs, and how might these play into questions of democratic design? Arguably, the required and ordering principles identified above capture the most salient of pressing social needs in the United Kingdom: the extent and distribution of crucial social inequalities, and highly disproportional procedures for political representation. However, other factors too merit inclusion. There is evident and widespread expression of disaffection from, cynicism about, and distrust in existing government practices and personnel—some of it closely linked to populist attacks on 'elites' in Westminster in the context of virulent debates and divisions around Brexit. A related issue is the rise of social media and its impact upon politics and governance. 'Fake news'—that is, 'inaccurate information' rather than Trumpian 'news I do not like' or 'news that does not portray me favourably'—played a role in the Brexit debates. Beside these factors is the ebb-and-flow of salience regarding environmental issues and in particular Global Warming—back to political prominence partly due to major demonstrations and protests by the group Extinction Rebellion—and how effectively or otherwise the United Kingdom's governmental structures deal with the unprecedented challenges of (and fallout from) the Covid-19 crisis. In terms of *wider factors such as geographical extent and population size*, one meaningful factor is that attempts to foster greater levels of political participation and citizen engagement in governmental processes will need to be varied and dispersed to a considerable degree—attached to national, regional, and local jurisdictions as well as Westminster. Multiple sites of potentially enhanced participation and engagement gain pertinence in a highly centralized polity.

A key factor to take into account in our representation of the UK context is *what changes of governing practices and institutional configurations are, or have been, advocated? With what degrees of support, opposition, and prominence?*

A detailed investigation into changes or reforms advocated in the contemporary United Kingdom would produce a long and varied list of items—from national to local and mainstream to radical to quirky. However, my aim is a 'plural' representation of context, not a 'mosaic'. Within that frame, I would highlight five areas that have been prominently advocated, debated, or attempted in the past thirty years. Their precise degree of visibility or salience has waxed and waned according to the vicissitudes of political agendas, interests, and events.

Different versions of *proportional representation* in the UK voting system for the House of Commons have been advocated prominently since the 1980s. A national referendum on the adoption of an Alternative Vote (AV) electoral system was held in May 2011, with the reform being soundly defeated in favour of the existing first-past-the-post system. However, the United Kingdom today has a wide range of electoral systems in the wake of devolution and the creation of metropolitan mayoralties. The Scottish Parliament and the Welsh Assembly are elected by the Additional Member System (AMS), as is the London Assembly. The Northern Ireland Assembly is elected using the Single Transferable Vote (STV) system. STV is also used in Northern Ireland and Scotland for local elections. Elections for the mayor of London and other English and Welsh elected mayors use the Supplementary Vote (SV) system. The Closed Party List system is used to elect Members of the European Parliament (though not in Northern Ireland).[3] All of these electoral systems other than first-past-the-post have a strong proportional element, and each enacts the required principle of equality in larger or more subtle ways. For the House of Commons, the strongest advocates of a more proportional system are the smaller parties, notably Liberal Democrats and Greens, whose share of parliamentary seats invariably falls significantly short of their share of the UK vote. Associations such as the Electoral Reform Society[4] have also long advocated a move to proportional representation. Advocacy of proportional forms of representation is normally framed in terms of fair representation, political equality, or inclusion.

[3] For more detail, see https://www.parliament.uk/about/how/elections-and-voting/voting-systems/. Beetham (1999, ch.9) provides a critical discussion of different electoral systems in the context of UK democracy.

[4] https://www.electoral-reform.org.uk/, accessed 11 May 2020.

The process of *devolution* has clearly been one of the most significant developments in the United Kingdom's constitutional structure in recent decades. Despite the recent devolution settlement, debates over devolution's nature, function, and terms are far from settled. The governing Scottish National Party supports Scottish independence within the European Union. In April 2019, First Minister and SNP leader Nicola Sturgeon announced her intention to push for a second independence referendum by 2021. While tying 'indyref2' closely to Brexit, she also stated that 'the Westminster system of government does not serve Scotland's interests. And the devolution settlement, in its current form, is now seen to be utterly inadequate to the task of protecting those interests.'[5] In Scotland as in Westminster, there remains a complex mix of support and opposition to Scottish independence and the holding of a new referendum (after the option to remain in the United Kingdom won 55.3 per cent to 44.7 per cent in the 2014 referendum). The Welsh independence movement is not as strong as in Scotland, but may strengthen if Scotland gains independence. The situation in Northern Ireland is uncertain and changeable, with the Assembly going through periods of suspension due to the inability of the competing unionist and nationalist parties to form a functioning government for the province. Moreover, as noted earlier, *decentralization and regionalism*, along with devolution, retain an uneven but palpable presence in UK political life. Both are advocated regularly, in one form or another (for example the idea of an assembly for North East England, a proposal for which was defeated in a 2004 referendum). Some perceive a slow but uneven move towards more devolution and decentralization (Gamble 2016, 8–9).

For more than a century *reform of the House of Lords* has come and gone as a prominent issue. There have been key debates and legislation, notably in 1911 and 1999. The 1999 reform under the Blair Government reduced the number of hereditary members (or peers) by over six hundred. It also fixed the number of hereditary members—as opposed to appointed members—to ninety-two (where it remains). Since 1999 there have been two significant government efforts to introduce a substantial number of elected members of the Lords—a proposal for a 50 per cent elected House in 2007, and for an 80 per cent elected House in 2012. Both efforts failed, for a variety of reasons, not least due to opposition from the Lords itself. With the political agenda dominated by Brexit from around 2015, and Covid-19 from mid-2020 for an

[5] https://www.scotsman.com/news/politics/nicola-sturgeon-calls-for-independence-referendum-by-2021-1-4914351.

unpredictable period, House of Lords reform has not been on the national political agenda. It remains an entirely unelected chamber; despite the defence that it enables people of great experience and expertise to serve in Parliament, the chamber's unelected status sustains the salience of the question of its reform.

A more diffuse but evident presence in recent UK political debates have been the interlinked topics of deliberative, participative, and direct approaches to *democratic innovation*. Democratic innovation experiments have taken place almost exclusively at sub-national and local government levels. Indeed, one consequence of the entrenched features of the Westminster model is the greater scope for such innovation at those levels—notwithstanding the 'hollowing out' of the latter noted earlier in this chapter. The Republic of Ireland's use of citizens' assemblies—a group of around a hundred people selected at random from the wider citizenry brought together to deliberate over an issue with expert facilitation—has inspired some in the United Kingdom.[6] In her 2019 announcement regarding a potential second independence referendum in Scotland, the First Minister said that the principle of the citizens' assembly 'is a sound one and I believe we should make use of it . . . so I can confirm that the Scottish Government will establish a Citizens' Assembly'. It would involve a representative group of Scots and establish a 'foundation that allows us to move forward together, whatever decisions we ultimately arrive at'.[7] In 2019, voices from the Westminster parliament—such as prominent Labour MPs Lisa Nandy and Stella Creasy—proposed a citizens assembly on Brexit: 'Like a circuit-breaker, citizens' assemblies can disrupt the bad habits that have come to characterize Brexit: kicking issues into the long grass, placing party interests over the national interest and assuming the public are unable to cope with hard choices.'[8]

Those examples propose agenda-setting or decisional roles for citizens' assemblies (alongside familiar representative bodies). UK experience of citizens' assemblies independent of policymaking (though with ambitions to influence it) include the Citizens' Assembly on Brexit in 2017 and Climate Assembly UK in 2020.[9] There has also been widespread use of two similar

[6] Farrell, Suiter, and Harris describe Ireland as 'something of a trailblazer in the use of deliberative methods in the process of constitutional review' (2019, 113).

[7] https://www.scotsman.com/news/politics/nicola-sturgeon-to-create-citizens-assembly-to-find-indyref2-answers-1–4914752.

[8] https://www.theguardian.com/commentisfree/2019/jan/16/mps-brexit-citizens-assembly-lisa-nandy-stella-creasy.

[9] https://citizensassembly.co.uk/brexit/about/. https://www.climateassembly.uk/. Both accessed 21 April 2020.

mechanisms, the deliberative poll (inspired and often conducted by Fishkin and Luskin (2000) and colleagues) and citizens' juries (Smith 2009). Five deliberative polls have been conducted at the national level in the United Kingdom (Davidson and Elstub 2014, 376–7) including on issues of the monarchy and on the United Kingdom's role in the European Union. Hundreds of citizens' juries have been conducted at local levels, often playing some role in policy debates and decisional procedures on issues such as health care and waste management (Davidson and Elstub 2014, 375). Finally, there has also been extensive use of participatory budgeting—or at least watered-down versions of the original, radical PB from Porto Alegre, Brazil (Smith 2009)—involving small groups of citizens allocating a marginal portion of a local authority budget (Davidson and Elstub 2014, 377).

A final salient UK reform idea concerns social media and information on political and policy issues. On one level, this development concerns the ability of extremist or terrorist groups to spread propaganda on (e.g.) YouTube. More broadly, it concerns the (often viral) spread of untruths or misinformation. The Brexit referendum campaign in 2016 threw up a number of false claims, for example about money paid to the European Union being available for National Health Service funding post-Brexit, and concerns about micro-targeting partisan messages via Facebook and other media. Potential regulation of major social media companies is on the UK political agenda; more widely, so are questions of informing citizens of the facts and evidence pertaining to voting choices.

As the discussion in Chapter 4 made clear, it is crucial that democratic designers be open about key assumptions behind their intentions. Democratic designs can be radical or incremental responses; derived from immersive or overview perspectives; surprising or more predictable, given the context. In this spirit of clarity: my illustrative UK design proposals will offer *a mix of the radical and the incremental*. The overall intent is radical democratic change, but the specific design proposes recognizable, in some ways incremental, adjustments and changes to existing governing institutionalized practices. This approach reflects, in part, a conjecture that building closely on existing proposals and debates in the United Kingdom can foster support for the design ideas—reflecting a certain take on the feasibility question raised in Chapter 4. I shall pick up this thread after presenting the design's features.

With respect to the next step in the design process—*Consider the desired time horizons for the design along with further temporal aspects*—the UK proposal includes a number of plans that are quite radical—even if they respond to definite contextual features or developments. For this reason, the time

horizon proposed is seven to ten years. In the United Kingdom, this period coincides approximately with two expected parliamentary terms. This would be the minimum amount of time to expect that the features of the design proposal might be specified, in some cases piloted, and implemented. Again, I shall comment further after describing the design's details.

The Connected Democracy UK model

The step-by-step guide to democratic design moves from these preparatory stages to the core work of design:

- Explore a broad menu of governmental institutionalized practices and devices that may foster the realization of the goals and principles (including a range of electoral, decisional, deliberative, monitory, and associative institutions):
  - consider how pairwise and larger alternative sequences of institutionalized practices may foster realization of the design goals (horizontal ordering);
  - consider how alternative sequences of institutionalized practices at micro, meso, and macro levels may work in tandem or otherwise with regard to design goals (vertical ordering);

It is also necessary to consider phasing—(1) decisive, (2) representative, (3) deliberative, (4) elective, (5) selective, (6) agenda-setting, (7) review, (8) mediation, (9) expeditive, and (10) implementational phases—and coupling.

What I will call the Connected Democracy UK design is an illustration for a first-order model of democracy, sketched here in accordance with the design-building process of the democratic design framework. The design operates on two levels, the national level and local government level. Thus, it contains two *horizontal* sequences of governmental institutionalized practices and devices, one corresponding to each of these levels of governance. It also has a *vertical* dimension linking the local and national levels. Further, it involves two components intended to facilitate the democratic procedures and enact the focal principles of equality, resources, participation, and engagement. After describing this constellation, I shall outline (a) how this design may enact the principles, (b) how the elements of the procedures respond to salient contextual features and designated time horizons, (c) how its systemic character

flows from the principles concerned, and (d) how it may, in the light of the principles, respond to perspectives of a number of occupants of different subject-positions. The Connected Democracy UK model is based upon the complex array of governing practices and devices that comprise the UK-wide and UK local government structures in the first quarter of the twenty-first century. To retain focus on the key design features, I concentrate on reforms to existing UK practices and devices—as an illustration, the model is clearly selective rather than comprehensive.

Central Horizontal Procedure

The UK-level horizontal procedure consists of five sequential nodes of institutionalized practices. These are agenda-setting practices/devices, parliamentary and related practices/devices, a mobile practice of representation, responsive citizens' assemblies and scrutiny forums, and referendums on a defined range of constitutional questions.

For the first node, the model envisages a move to proportionality for UK-wide elections for the Commons, specifically the Additional Member System (AMS). Under AMS, the single-member constituency is retained, and constituency MPs are chosen by plurality as at present. However, votes also choose a list of party candidates, which are to be required by electoral law to contain at least 50 per cent women. Where several contiguous constituencies are grouped together on a regional basis, additional MPs are selected from the party list votes in order to produce representation from each region that is approximately equal in terms of votes:seats for each party.[10] With regard to elections, the design proposes that a special series of deliberative events be conducted approximately one week before the parliamentary vote. These events would be local (probably for the most part at town or neighbourhood level) and accessible to all, with public resources available to encourage facilitation and ease of access for all voters (not least elderly and disabled citizens). The deliberations would be relatively short, and focused on party policies in the context of local concerns. The model for these deliberative forums is the 'deliberation day' as elaborated by Ackerman and Fishkin (2005). The first node also includes one further key institutionalized practice/device combination: the Citizens' Initiative to Parliament. Petitioning already occurs in the

[10] AMS systems must specify the proportion of constituency to list representatives per region. To achieve a strong degree of proportionality, the *minimum* ratio under the design would be set at 2:1.

UK political system, where an online petition gaining 10,000 signatures prompts a government response and one gaining 100,000 signatures is considered for debate in the Parliament. This democratic design proposes required parliamentary debates in both Houses for petitions of at least 100,000 signatures. The Citizens' Initiative to Parliament, supported by the Democracy Select Committee (see below), will have appointed 'champions' from each party with parliamentary representation.

At the core of this overall design procedure is the second node, a cluster or constellation of different practices and devices centred on the UK parliament. At its core is the parliament itself. The model retains the number of MPs and a range of existing House of Commons features. However, there is a small number of key reform proposals. The House of Commons has an extensive Select Committee structure, with powers to require the attendance of ministers and other government officials. The current Select Committee system is largely organized around legislative oversight of government departments and agencies, with additional procedural and accounting functions. These powers are to be enhanced under the design.

More particularly, a new Select Committee is to be added—the Democracy Select Committee. The role of this Committee will be to conduct investigations—initiated internally, from the floor of the House, or by external suggestion—into shortcomings or challenges to the functioning of democracy on a UK-wide basis. The issues covered might for example include voter registration, election conduct, citizens' petitions and initiatives, citizen co-optation into national and local legislative roles, and the conduct and efficacy of 'deliberation days', citizens' assemblies and other deliberative events and fora. The specific principles established in the Committee's constitution as driving its agenda are enhancing citizen engagement with, and participation in, the political process at all levels of the polity (i.e. the design's ordering principles); and making recommendations on the impacts of social inequalities affecting citizen capacities to participate meaningfully in the democratic process (i.e. enacting key features of the design's required principles under the democratic minimum). The Committee is to produce an annual State of Democracy Report for the United Kingdom, which must be granted debating time in the House of Commons and the Upper Chamber.

The model proposes extensive reform of the House of Lords in the name of equal representation and citizen participation. It proposes radical transformation of the Lords—which may well require a name change, but that is a secondary matter—into a highly distinctive representative chamber. In order to enact in specific and overlapping ways the model's design

principles, its membership is to be made up by four different constituencies, equal in weighting:

1. elected members from regions of the United Kingdom, using a suitable version of the AMS electoral system;
2. nominees from a range of professional and functional bodies from (variously) the scientific, corporate, trade union, and third sector associations, following specific rules for designating appropriate bodies and nominating and selecting members;
3. delegates from elected local and devolved government officials; and
4. citizen delegates fairly and randomly selected from the electoral roll (roughly akin to jury duty). The random sample would produce a statistically representative group of citizens in terms of gender, ethnicity, age and so on.

Across all four of these constituencies in the reconstituted House of Lords, equal gender representation would be required. A Lords Reform Advisory Group would recommend specific procedures to achieve these goals and consider alternative names for the new Chamber. With regard to its powers, the only design stipulation is that the chamber not experience a reduction of the powers currently possessed by the House.

To reiterate, this parliamentary cluster of governing institutionalized practices and devices makes up the second node in the model's UK-level procedure. The *third* node in the Connected Democracy UK design procedure is linked closely to the second, in that it involves both agenda-setting and explanatory as well as deliberative and debating functions. This is the Mobile Parliament. At least five times in a normal parliamentary term—with the specific measures overseen by the Democracy Select Committee—a representative selection of the Houses of Commons and Lords membership is to travel and debate in localities across the United Kingdom, addressed by a selection of citizens and local government officials. The Mobile Parliament will have the power and the requirement to set debate agendas for the full House.

The fourth node in the Connected Democracy model at the UK level consists of citizens' assemblies deliberating on major pieces of government legislation—prior to, and possibly overlapping with, Second Reading debates on proposed legislation in the Lower House. Featuring paid participation, their role would be advisory, with a formal mechanism to channel assemblies' conclusions into House of Commons debates. With three or four held each year—up to twenty over a maximum parliamentary term—the assemblies

would most practically work on a rotating city and regional basis, to facilitate equal chances for citizen access. Each citizens' assembly would draw upon a new random sample of citizens from the relevant city or region, facilitated by both local and central government, not least the Democracy Select Committee.

The fifth and final node in the model is the institution of the referendum for constitutional issues. As noted, referendums have become more common in the United Kingdom in recent decades, notwithstanding a widespread view that the UK political system is a clearly and conventionally a representative and not a direct democracy. The Connected Democracy UK model proposes that referendums be confined to constitutional questions. Defining precisely what is a constitutional, as opposed to a policy, question is notoriously difficult, but broadly speaking such questions are those that would make significant and lasting change in the formal and general rules that locate political authority (House of Lords Select Committee on the Constitution 2010, 21–7).

Local and City Horizontal Procedure

The local government-level horizontal procedure for this model consists of three sequential steps or nodes, reflecting up to a point the procedures proposed for the UK level. The first is a local practice of the citizens' initiative. The proposal is that this petitioning process sets an appropriate number of signatures on a proposal to prompt deliberation and a vote in the local or city council or assembly (including the London and other metropolitan assemblies).

The second node involves the complex of executive, legislative, and oversight functions of city and local government. Electoral change is also crucial at the local and metropolitan level. For consistency as well as to enact key principles, the Additional Member System is also proposed for UK local government elections (it is already used for Scottish Parliament, the Welsh Assembly and the London Assembly elections). A key innovation at this level also reflects the model's UK-level proposal for approximately one-quarter of local councillors to be drawn by a process of sortition from the electoral roll, for terms of up to one year—a significant and radical change designed to bring a step-change to levels of local citizen participation and engagement.

Finally, a system of participatory budgeting (PB) exercises is to be established at all local and city government levels. There is room for debate as to what proportion, and over what areas, the PB exercises may be able to

determine the spending proprieties and amounts. It is proposed that the current UK local practices with PB be (a) regularized on a legislative basis, requiring all local government units to operate participatory budgeting, and (b) a specified minimal percentage of the annual council or assembly budget be turned over to the PB process. It is desirable that this include spending areas beyond arts and charitable support—in other words, a clear role in contributing to setting spending priorities across a range of council or assembly policy areas.

That description of the critical aspects of the Connected Democracy model with regard to horizontal sequences leads us to an important strategic device whose deployment is central to the design's vertical dimension. Local and city government units are directly represented in central UK government under the model. The mechanism of co-optation of local and city council and assembly members into the reformed Upper House at the UK level provides a permanent and direct voice for diverse territorial perspectives and interests in central government decision-making and deliberation. The other device with wide implications for the vertical dimension of the model is its envisaged downloading or decentralization of political authority *from* the centre *to* local and metropolitan governing units. This will involve greater taxation raising powers at the lower government levels. It will also mean more control over a range of areas of policy, such as education and the environment.

Design Phasing

As discussed in Chapter 5, taking a step back from the specific institutionalized practices and devices making up the sequence that defines a democratic procedure reveals the *phases* that the procedure enacts. The Connected Democracy model adds or augments certain phases in the United Kingdom's process of democratic governance. It adds further components, and a potential new significance, to *initiation* phases, putting more power to initiate parliamentary debates, along with city and local council debates, in the hands of ordinary citizens. It adds significantly different combinations of *deliberative* and *participative* phases to parliamentary procedures, broadly speaking—the new bodies and voices in the parliament, not least in the radically recomposed Upper House at the national level, lie at the base of these altered and deepened phases. Those phases are further augmented and widened at central government level by the high-profile inclusion of citizens' assemblies in parallel to parliamentary procedures. At local government level, deliberative and

participative phases are more radically widened and deepened, through the combinations of the practices and devices of petitioning, sortition, participatory budgeting, and local referendums. Further, coordinative phases between central and local governance are enhanced through mechanisms for decentralization and devolution.

Legislative Facilitation for Connected Democracy

A core component of the democratic minimum is Constitution: 'Each of the other requirements of the minimum is to be specified in a form that affords them protection and facilitation, including protection from democratic votes or other actions.' The features of the Connected Democracy UK design require specification and enablement through the devices of *legislation* and *facilitation*. The United Kingdom has a complex constitution: disaggregated, cumulative, and uncodified, it is made up of many statutes and conventions. The Connected Democracy model does not envision a codified constitution—a major and perennial issue among observers and practitioners of British politics and government. However, it does require legislation setting out its key rules and rights as part of the framework enabling its varied provisions and features. These pieces of facilitative legislation can be seen as 'devices of devices'—devices enabling *other* practices and devices in a democratic design. The design requires:

1. A Democracy Act to legislate for and specify the functioning of the varied, and often new or adapted, selective, deliberative, delegative, co-optive, and initiative practices and devices that constitute the design. For example, it would establish the legal basis for gender equality in these practices of representation, and specify reformed voter registration procedures. The overseer of the provisions of the Democracy Act would be the proposed Democracy Select Committee.
2. A Referendums Act to specify the circumstances for initiating and conducting the proposed referendums on constitutional issues at the UK or policy and procedural issues at sub-national level. Defining what issues may be constitutional at the UK level is not straightforward, as noted, but the Act would devise such a definition and provide extensive examples for guidance.
3. A Decentralization Act to specify the government powers that are to be located at the local and city government level. Under the Connected

Democracy design, these powers will be more extensive than is currently the case for the United Kingdom. It would specify enhanced local government authority with regard to raising taxes and a range of finance options (such as bond issues); expanding local procurement; infrastructure spending; and health, housing, and social services, including for example building social housing.

Wider Facilitative Devices

The inclusion of 'resources' among the required principles for democracy reflects the fact that citizenship and forms of active membership of the relevant community need to be supported through governance. A range of inequalities of social and economic resources are to be addressed in the name of democracy (whatever other values or principles may drive such concern and action).

The Connected Democracy UK design, therefore, includes further facilitative devices designed to support the availability and access to key resources underpinning democracy. The list of specific devices could be long. Since the case is illustrative, I confine myself to a small number of core items. The model requires legislative action that targets social inequality and a lack of social mobility through education, welfare, and housing legislation. Education is the key. A range of factors concerning education—school class sizes, infrastructure, renewing technologies, citizenship education, closing the provision gap between private and state schools, teacher pay and support, access to university degrees with regard to fee structures and fair admissions procedures, and access to lifelong education are some of the relevant concerns. The democratic-minimum frame through which these issues are considered is this: how can provision in these and linked areas be arranged so that all adult and child citizens have the chance to attain levels of knowledge, reasoning skill, and confidence to be active citizens? For example, looking at wider features of the design, what resources are needed to be an effective co-opted member of the reconstituted House of Lords, or a local authority, or a positive participant in 'deliberation day' or citizens' assembly proceedings?

I note also welfare and housing provision. Each of these—like education—is an enormous topic in itself, with multiple links to questions of democratic citizenship. I restrict myself to a general comment—widespread economic and social precarity brought on by insufficient minimal income or access to decent quality housing with secure housing rights are not compatible with the

requirements of the democratic minimum. For the United Kingdom, the decade of austerity up to 2020 increased precarity in these areas along with the extent of social inequalities. The massive state interventions in support of employees and others in the wake of the Covid-19 emergency in 2020 may presage a transformed relationship between state and citizen, introducing extensive state support across a series of domains that are decisive of social precarity and social and economic vulnerability and inequalities. The Connected Democracy UK model would look to some regularization of core features of these interventions. A further resource factor is enabling and encouraging voter registration in the form of a persisting drive to register all citizens, and inform them of the rights and obligations of democratic citizenship. The model envisages a wide range of participation and engagement opportunities, and voter registration will be critical to supporting citizen access to them.

Enacting the Principles

Recall that democratic design's understanding of political principles is that they gain their specific character, force, and presence through enactment in social and political contexts. Prior to enactment, they are empty shells of ideas, mere abstractions, pregnant with possibility but signifying little of substance. Four principles drive the Connected Democracy UK design: equality, resources (required principles), and citizen participation and engagement (ordering principles). The model proposes democratic advances with regard to the enactment of these principles, first in single institutionalized practices and devices, and secondly through incentive and motivation effects connected to their sequencing.

The design enacts equality—and thereby defines and brings it into focus—in a number of ways. The extensive shift to proportional representation radically equalizes the impact of votes on election outcomes at different levels of governance. Gender equality is enacted in terms of requirements of gender parity in top-up lists under the proposed Additional Member system elections. The State of Democracy report serves in part as a guardian of political equality on a number of fronts. Resources that underpin the value of political equality are enacted through wider devices around (e.g.) education, social provision, and registration.

Provision of underpinning resources overlaps closely with modes of enactment of the model's ordering principles. For citizen participation, each of the

following provisions is also a resource for citizens, a new or reformed point of access to consequential political debate and deliberation: the pre-election deliberation days, local participatory budgeting processes, citizens' initiatives and citizens' assemblies, and the opportunity for selection for local or national governance roles through sortition and co-optation. The same is true for the ordering principle of citizen engagement. The mobile parliament, for example, will bring central governance closer to all citizens at some point in the political cycle. Decentralization will bring powers to alter citizens' circumstances more to their urban or rural localities. Citizens will see others like themselves taking direct part in consequential governing procedures—at national as well as local levels—through the Lords, citizens' assemblies, and local government, and there will be new opportunities and incentives to opt into facilitated citizen deliberations in local areas.

Incentives to enact these principles do not only work through specific institutionalized practices and devices, of course, but through their mode of assemblage and sequencing in the democratic design. For example, elected national politicians will have renewed incentives to gauge and gather citizen views for several reasons. The greater likelihood of coalition governments will encourage elected politicians to attend responsively to the interests and preferences of wider groups of voters and fellow representatives. The radically changed composition of the Lords—even if no major change in relative powers between Commons and Lords is proposed—will lead government figures to anticipate policy impacts on specific localities, associations, and a co-opted group of ordinary citizens. Stronger and sustained gender balance in formal representation will incentivize all actors to attend more seriously and consistently to women's expressed interests and concerns.

Citizens will be incentivized to pay attention to and express their preferences because new opportunities to do so will be open to them. Elections will be accompanied by local deliberative events. They can readily be involved in discussions and choices over local government spending. Over the years, significant numbers will be asked to join citizens' assemblies with real agenda-setting power for local and national legislatures—and even to be members of the House of Lords. Participation in these bodies and processes will be paid, potentially mitigating disincentives arising from socio-economic background and circumstances. For citizens as for elected politicians and other elites, the sequencing of practices under the Connected Democracy model establishes incentives and reinforces motivations in many ways—for instance, the fact that parliament takes on a mobile element will press representatives to pay special attention to a range of particular local concerns for intense periods (at least).

Considering Perspectives

The 'plural' approach to the question of level of immersion in the detail of the design context requires considering a range of perspectives on the model. Plural is far from immersive, as we have seen. It demands considering multiple representative perspectives, but neither a comprehensive set nor a comprehensive consideration of the set.

Consider *geographical* perspectives: citizens in different nations, regions, cities, towns, and rural areas of the United Kingdom. The Connected Democracy design incorporates varied ways to bolster enactment of different aspects of the four principles that drive it. Parliament is asked to travel, to show itself in a series of specific localities. Further devolution and decentralization of political authority bring agenda setting and decisional powers spatially closer to the people. And localities and regions take on a striking new national representative role in the revised House of Lords, making up one quarter of the reconstituted House's membership (a feature of the model similar to practice in other countries, notably Germany). Consider *age*. Greater concern for educational and housing provision and affordability help to address a noted gap in the prospects and fortunes of different age groups in the United Kingdom today—sometimes expressed as differential opportunities enjoyed by 'boomers' and 'millennials'. And where young people tend to be less politically active in formal or mainstream politics (notably, voting in smaller numbers), enhanced registration drives and the equal opportunity for selection to participate in newly prominent institutions such as citizens' assemblies and participatory budgeting (along with other new local government opportunities) would go some way to address the issue. Further, the presence in the reformed House of Lords of several teenagers and others in their twenties would at least have great symbolic value. Similar considerations regarding education, housing, and participation can be made for citizens at the lower ends of the *socio-economic* scale. Further, I have already commented on how *women*'s under-representation in UK politics stands to be addressed substantially under the terms of the model.

Responding to Context: Radical, Incremental?

I offered above a representation—a selective sketch—of the UK political context, critical background factors that a democratic design should take into account. The Connected Democracy UK model is a radical proposal for democratic advance in the United Kingdom in a number of ways, not

least the electoral system, the composition of parliament, and extensive opportunities for direct citizen participation in, and engagement with, formal governing processes. Nevertheless, the model has incremental aspects too, for example adjustments to Select Committees and petitioning procedures.

What is *not* proposed defines in part the character of any democratic design. Perhaps most prominently, in the present design, national-level policy referendums are not proposed (cf. Budge 1996). This omission may appear significant given the central place of participation and engagement as ordering principles driving the design. There are three thoughts behind the omission. First, referendums will still be expected where significant constitutional issues are concerned—such as devolution and independence referendums, or any future referendum for the United Kingdom to re-join the European Union. Second, there is no history of policy referendums in the United Kingdom at the national level, and the design does propose—despite containing radical elements—to work, over time, with the grain of the United Kingdom's existing democratic and governmental processes. Third, decentralization of political authority to local government and devolved administrations is central to this design. More power and more consequential governmental decisions taken at the local or city or devolved nation level means that referendums and other direct participatory practices at *these* levels are of greater significance, even as the model overall seeks to improve and extend, rather than displace, democratic representation.

What is proposed works broadly with the grain of the UK political system in a number of respects. Taking key features of context set out above:

- The model does not propose a change to the sovereignty of Parliament. Other changes—not least follow-on effects of moving to a proportional electoral system—will likely moderate concerns about government dominance of Parliament, and establish intra-core executive checks on the use of the royal prerogative by the prime minister in particular (a key concern of reform-inclined observers of British government and politics, e.g. Gamble 2019). Similarly, the model does not propose a codified constitution.
- The model builds upon the extensive devolution and decentralization changes instituted in recent years, retaining the new structures while seeking a deeper embedding of consequential debates and decisions in the lives of ordinary citizens across localities.
- It responds to, and seeks a further step-change, towards gender equality in the structures and procedures of UK governance.

- The model advocates procedures and practices by which ordinary citizens can participate and engage in politics—and therefore a potential way to decrease significant disaffection and distrust of the governing structures in the United Kingdom, expressed not least in the deep social divisions evident around the Brexit issue.
- It builds upon extensive debates—and in some cases significant efforts to bring about democratic reform—in particular parts of the political system in recent years. No single feature of the model is alien to British political debates. This is true of: proportional representation, devolution, decentralization, extensive House of Lords reform, gender parity in political representation, and prominent roles for inclusive deliberative innovations such as citizens' assemblies.

Life of the Design?

The Connected Democracy UK design is one product—one first-order design among many potential others—worked up by applying features of the democratic design framework. It offers radical institutional change while retaining key practices and conventions of UK governance today—a kind of radical incrementalism, perhaps.

We saw in Chapter 5 that often there will be no clear boundary between a design process and the 'life' of a design, the latter consisting of the ongoing pressures, assessments, additions, and adjustments on (and to) the design. Designs and their features may be altered, rejected, refined, and so on. The Connected Democracy UK model can be considered as a sort of prototype—it could be otherwise, and may yet be otherwise.[11] The most obvious route by which designs might be altered, refined, rejected, and so on are the constitutional referendums that would be required to institute such changes.

By definition, the life of this design is not something we know, but can only speculate upon. To take just three of an open-ended set of possibilities, the design might:

a. Be considered insufficiently radical in practice, requiring further innovative changes for example to the range of voices within, and

[11] Vial (2015, 64) captures this sense of how a prototype is a beginning rather than the end of a process: 'a prototype is not only a tool, a method, a stage. It is a place where one projects an ideal, where one makes ideas for the future, where one works with the materials of the future.'

claims upon, parliamentary time and authority (see for instance the provocative institutional design ideas of Celis and Childs 2020);

b. Be extended in time to include policy referendums on certain key laws passed by the parliament, in addition to national referendums on constitutional questions and policy referendums at local governance level (along the lines of the proposals in Budge 1996);
c. Be modified to extend further the importance of deliberative phases and practices in agenda setting, not least for the UK Parliament, by adding to the functions of citizens' assemblies proposed under the model.[12]

There could be many more such possibilities. Of course, a good deal would depend on the range of voices and interests present in the design process—whether, for example, the process was primarily elite, grass roots, or hybrid, along the lines of the typology noted in Chapter 5. Ultimately, from out of a design process, one carries a democratic design into the larger arenas of debate and deliberation over (in this case) democracy and its potential future directions in the United Kingdom. Whatever its shortcomings, it should have the virtues of comprehensiveness, be rooted in theory, make systemic connections between institutions rather than pinning democratic hopes on single institutions, and be built on a clear view of the democratic minimum that any conception must respect.

Conclusion

This chapter has offered one example of a democratic design, following the guidelines of the democratic design framework. Though it is a sketch, it illustrates the contextual, systemic, and procedural character of democratic design as a way to assemble practices and devices to enact (and thus give life and texture to) required and ordering democratic principles.

The Connected Democracy UK design embeds and enacts four democratic principles in an assemblage of institutional connections and national and local levels of governance. Its institutional innovations—including a mobile parliament, deliberative forums, random selection of citizens to be members

[12] The places of deliberation and random selection, for example, may be greatly extended as components of much more radical visions of democracy, for instance in Landemore's (2017) notion of 'open democracy'.

of decision-making bodies, a range of local participative mechanisms, and wider provisions regarding the social resources required to underpin democracy's equality demands—are envisaged as interacting in ways whose particularity brings contextual focus and force to the principles of equality, resources, and citizen participation and engagement. The design draws generously from the indicative repertoires of institutionalized practices and devices set out in Chapter 5. The matrix of principles and practices—the contextual configuration of democracy's dual core—both calls upon and challenges prevailing themes in UK debates, trends, and reform ideas. The ordering principles used for the design could have been otherwise. Aspects of the design may be translatable into other political systems or potential systems, though no ready assumptions can be made on the question. It is both a radical and an incremental design.

The design is a first-order model of democracy. However, reflecting the core message of the book, it is an example of a democratic design born of extensive second-order work. As a model, it looks very different to the models considered in Chapter 1—'deliberative', 'participative', 'liberal', and so on. That is quite deliberate. Its very character breaks boundaries between theoretical and institutional—and normative and descriptive—work on democracy. Its situated specificity carries the message that a *great* many potential democratic designs could be crafted, as opposed to the limited range of received models standardly entertained by democratic theorists and others. My argument is that there is no 'theory' without 'institutions' and 'devices'—and vice versa. Theories and practices need to be combined, and theory-for-practice is necessarily contextual. Moreover, there is no 'democracy' without choices—of principle, of practices, etc., and these choices need to be distinct, defended, and targeted. Democratic design is not easy—indeed, I hope the book demonstrates that invariably it will be complex. Nevertheless, its challenges are ones that, arguably, should always have figured more than they have in democratic theory in particular.

Democratic designs may be characterized in a variety of ways which reflect the openness and flexibility fostered by the framework, including hybrids, mixed designs, partial copies, translations, adaptations, or evolving design (building in allowance for later adding and subtracting or versioning). A critic might question how to create a *new* vision or design of democracy if reusing, versioning, or recombining practices and devices that are, to some extent, familiar from past or present politics. Where is the new element—practice, device—with which to generate a new vision? My response is that a very wide range of new *designs* can be made out of familiar and modified

versions of known institutionalized practices. Further, the repertoires detailed in Chapter 5 are necessarily incomplete—designers will devise genuinely innovative practices in the future as they have in the past.[13] Specific problems in specific contexts will stimulate innovations, for example participatory budgeting in Brazil. In short, though design is invariably redesign, the scope for highly innovative (and indeed comparatively conservative) design is considerable.

The democratic design framework *channels* thinking about democracy in consequential ways. Choice of methods can change the problem, or at least how it is viewed (Lury and Wakeford 2012, 7). The framework is a second-order device prescribing a set of methods, encapsulated in the step-by-step guide to democratic design. It places a premium on open and flexible design thinking about what democracy may (need to) become in the face of varied challenges. As the discussion in Chapter 2 noted, democratic design is the creation of plans or models rather than 'building' or 'engineering'. It is neither acontextual design nor the design of a single institution. It is a frame for considering the shape of governance rather than other spheres of social activity or organization. Though designers must respect the requirements of the democratic minimum, democratic design is not a frame for singling out the 'one true meaning' of democracy.[14] It follows a logic of creativity rather than discovery (as if the ideal model were somehow lying in wait).

The vision of democratic design in this book embraces the challenges and complications that design work involves. There are few shortcuts; there will be a bespoke element to any democratic design, however much similar-systems considerations and the potential for translation may be a factor. Design takes time, and doing it well demands deft juggling of requirements and opportunities. It is a task of complex judgement amidst uncertainty.

[13] Consider, for example, the idea of the minipublic, such as Fishkin's deliberative polls or citizens' juries, which only a few years ago were not on the radar of democratic theorists. At the same time, of course, a very old institution—the jury—was an inspiration for some conceptions of minipublic.

[14] Democratic design does not exhaust political design. Democratic design can be applied to systems that meet or fail to meet the terms of the democratic minimum. Equally, non-democratic or authoritarian design can be—and often has been—so applied, though clearly not driven by a democratic sensibility.

Conclusion

The democratic design framework is a flexible guide to rethinking democratic governance and politics. Combining robust theory and pragmatic guidance—on the principle of theory-for-practice—the framework highlights the core questions about democracy's structure and functions, and the range of available design options. The framework demands detail *because* it focuses on the big picture—what can democracy be, now and in the future? What can I, as a designer, make of context X, and indeed democracy itself, if I view it through the frame of purpose P, principle R, or challenge C? [1] Democracy's resilience will depend on experimental tailoring based on clear thinking and action about its challenges, contexts, and requirements. Ideally, the framework's directed but open approach to democracy's potential will contribute to enabling (and endorsing) a period of creative democratic design. Arguably, the latter is badly needed in the face of widespread disillusion with democracy, an 'authoritarian resurgence' (Walker 2015), and formidable sudden (e.g. pandemic) and longer-term (climate change, technological revolution) challenges to the nature and value of democratic governance.

Democratic design is demanding, requiring us to deal with abstract principles *and* immersive detail on democracy's components and contexts. Design work centres upon solutions to problems in contexts. Each of these terms—solution, problem, context—is slippery and multi-sided, prompting a number of serious challenges including those of:

- *Moving targets*. Solutions and problems shift and change in the work of design.
- *Multiple perspectives*. There is no objective perspective of, or in, the time and place for which designers work.
- *Varied values*. Democracy can legitimately take many forms, and prompt many reforms. What specific principles of democracy are prioritized for a given context? Why these ones and not others?

[1] Fraser (2005, 78) makes the point that 'no claim for justice can avoid presupposing some notion of representation, implicit or explicit, insofar as none can avoid assuming a frame.' The same is true for democracy.

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DOI: 10.1093/oso/9780198867227.003.0007

- *Varied ambitions*. How radical—or how incremental—is the change that is needed (or desired) to address the problems of democracy in a given context? What ambitions is a designer to bring to his or her work on democratic designs?

You want more, or a different, democracy. Why? In the name of what values? What sort of democracy, when, where exactly, and for whom? Answering these questions with specific responses regarding specific contexts is essential if we approach the issues within a design frame. In this way, incidentally, the divide between theory and empirical-comparative work on democracy begins to crumble—and that is a good thing.

We cannot rightly assume things are simpler than this. To be an advocate of 'direct', 'deliberative', or 'participatory' democracy—to start with a received first-order model—is often to foreclose issues too quickly, to shut down important questions, and to blur relevant contexts. It is to hold too many factors constant (as if the world will stand still for us as we do this thing called 'normative theory'), and to miss the benefits of doing focused second-order work.

Using the Democratic Design Framework

Why would we reach for the democratic design framework? It is, potentially, a versatile tool, put to use for a variety of reasons. I comment briefly on some of the reasons, a number of them overlapping, rather than offering full justifications.

The first is *critical thinking*. When people assert that democratic 'really is' X, or 'this is how we do democracy here', the democratic design framework can be used as a checklist for the types and stages of thinking that need to go into a robust idea of democracy. It provides grounds for questioning would-be designs or designers, and for demonstrating what is missing in a given assertion, plan, or idea. The need for critical thinking is evident daily. Democracy's malleability as an idea, combined with its familiarity, produces an odd but common phenomenon. One person asserts or claims democracy without saying what they mean by it. Another listens and interprets, without saying what *they* think it means, or asking whether their take on it matches the speaker's. It often seems to be enough to speakers and hearers to think—to assume implicitly—that they *already* know what democracy means, or what it should mean, and that others will share their take on the subject.

The framework can be a tool for *challenging power*, for example, in circumstances where one facet of democracy (e.g. majority-rule electoral outcomes) is asserted to *be* democracy over and above others, such as the rule of law. In this respect, the framework can be a tool for questioning, demonstrating, and intervening in current debates.

In more analytical terms, the framework can be deployed to help us to understand the (explicit and implicit) rationale for current governance systems having the structures and practices that they do. We can see this use of the framework as a kind of theoretical '*reverse engineering*' of existing systems (or indeed of proposed democratic models or designs). In a similar vein, it can be deployed to deconstruct, and reveal the inner workings of, existing and familiar models of democracy, such as those canvassed in Chapter 1. 'Reverse engineering' here refers to the critical study of existing systems and structures, rather than an injunction to dismantle them.

The framework can also be used as an imaginative *idea-generating tool*. This type of deployment could take many forms. To note just one, the extensiveness of the lists of practices and devices in Chapter 5 creates an opportunity for surprising juxtapositions of principle, practice, and device. Within the democratic design framework, there is great scope for creation of new and distinctive designs for democracy, and for provocative and potentially disruptive experimentation.

Using the framework as an idea-generating tool can take playful forms (play can be a serious business). Consider the cut-up method, recently explored in a political science context by McCrisken, Strausz, and Cook (2019)—a way to generate semi-random relationships between a set of terms or items. Prompted by this method, I drew a random selection of three governing institutionalized practices, three devices, and one non-governing practice (beyond the required protected public spaces) from the lists in Chapter 5. The random selection consisted of: governmental institutionalized practices of *head of government*, *deliberation day*, and *focus groups*; devices of *primary election*, *selection*, and *concurrent majorities*; and the non-institutionalized practice of *protected enclaves*. Ruminating on this selection, a democratic designer, focusing on a society divided into distinct cultural sub-groups (*protected enclaves*), may see advantages of extensive deliberation on matters of concern (*focus groups*, *deliberation days*) *within* the separate groups prior to elections or other votes. They may also see advantage in a subsequent extension of deliberation *between* groups. *Protected enclaves* allow separate groups deliberative space to discuss their perspectives and interests. *Focus groups* and *deliberation days* may be part of this process, perhaps

playing a role in *selection* of candidates to go forward for *primary elections* for cross-society governance positions. The selected candidates then compete in an electoral process where *concurrent majorities* across the different sub-groups are required for a candidate to win office (as *head of government* or other positions).

Such experimental exercises may strike readers as odd—certainly compared to the normal ways of doing democratic theory. However, they can prompt sharp attention to key themes discussed in the building of the democratic design framework:

a. *Sensitivity to specific principle–practice links.* Practices form one component of democracy's dual core. This experiment prompts careful thought about what principles (the other component) may accompany a given selection and ordering of practices and devices. Any democratic design must begin with democracy's required principles (from the democratic minimum). However, the cut-up experiment prompts thinking about further *ordering* principles—face-to-face *deliberation* and respect and strong allowances for sub-group *autonomy*—do they matter, or matter most? If not, why not?
b. *The textures of 'fit' between practices and context.* The experiment might seem to violate the injunction to attend closely to contexts. However, it can force clear thinking *about* context precisely *by* ignoring it. Consider this experiment in the light of a democratic design project for a peaceful, homogenous, prosperous, and egalitarian context (a region in Finland, perhaps). Any need to consider seriously protected enclaves or concurrent majorities may be set aside. However, the random set produced by the cut-up method may make designers think about how to maximize the advantages of working with a high degree of cultural homogeneity—they might ask themselves, for example, what practices form the direct *opposite* of what is patently inapplicable or unnecessary.
c. *The level of detail in a democratic design*. There is no necessary number of 'points' in a democratic procedure. My random selection of seven practices and devices in this experiment provokes useful questions: what assumptions are unearthed by thinking through a larger or smaller number? How defensible or useful are they? No doubt, there are costs—of clarity and parsimony—in working with too many practices/devices, but also costs in working with too few. That in turn may prompt thinking about design strategies, e.g. whether to start with a small number of

practices/devices and add to them, or with a larger number and pare them away as the work proceeds.

d. *Design and reflexive modelling*. The order in which practices and devices are sequenced can be shuffled and changed in design work. New ones can be added, others removed, and tighter and looser modes of coupling entertained. Often, improved insights into a context will prompt this iterative work. Cut-up experiments can produce seemingly absurd—or surprisingly interesting—combinations.

The democratic design framework may be useful as a *rapid response tool*. Consider for example the great and rapid challenges posed to democratic values and governance by the Covid-19 pandemic of 2020. The passage of time will bring those challenges, and responses to them, into clearer focus. An initial reflection on the challenges, and the potential uses of the framework as one tool to help deal with them, suggests the following questions:

a. States are intervening in economic and social lives to a degree equivalent to some wartime interventions. Is this democratically acceptable, and if so on what terms? The framework provides grounds to guard against the collapsing of democratic procedures into major, even unprecedented, policy shifts—a reminder of the enduring value of core democratic principles.
b. Do social distancing and restricted movement pose a threat to the (a) conduct and/or (b) integrity of democratic elections? Do they threaten the use or integrity of deliberative forums that depend on face-to-face interaction, such as citizens' assemblies? The framework's flexibility may help to locate potential creative solutions, and direct close attention to exemplars (South Korea conducted successful elections under pandemic conditions, for instance). They may contribute to the impetus to develop creative virtual and mixed modes of deliberation (note the UK Parliament's mix of remote and face-to-face deliberation at the height of the crisis, to cite a more conventional example).
c. Normally we understand freedom of assembly as a fundamental democratic value. Have the stringent restrictions on this freedom across societies in the face of the pandemic—strongly enforced in, for example, parts of India, Italy, Spain, and France—undemocratic? Do they also involve worrying restrictions on freedom of expression? Can emergency rule and democratic governance ever be compatible? What, if anything, can make them compatible? Democracy under emergency

conditions demands careful thinking; informational clarity and temporary if stringent restrictions may alleviate democratic concerns on this score, and drawing on adapted practices and devices from the framework may help to locate and deploy appropriate mechanisms.

d. Government-established tracing apps have been one significant means in different countries to try to track and prevent the spread of Covid-19. But are such apps a challenge to democratic norms of autonomy or privacy? What types and levels of 'biosurveillance' (if any) may be compatible with democratic norms and practice? Under the framework, citizen freedoms are democratically non-negotiable, a fact to help prompt critical and detailed attention to—and detailed and convincing government commitment to—limiting the uses of biosurvelliance tools.
e. To what extent is fair burden-sharing intrinsic to democratic norms, especially where unequal shares can have fatal consequences? A legacy of the Covid-19 pandemic is evidence across countries of the differential impact of infection, suffering, and death upon poorer communities with (not least) inferior housing and little economic security in lockdown conditions. The framework reminds us that resources underpinning social and political equalities are not democratic options, but rather core democratic requirements.

Do democratic design and innovation approaches have something distinctive to offer societies as they navigate such crises? Can, or should, such crises provoke a radical reshaping of democratic thinking to embrace fully the need to restructure states and economies to battle climate change? Democratic structures may enter crises in a mode regarded as normal. The framework stresses the fact that democracy can be reinvented; it also emphasizes how a 'new normal' democracy post-crisis must respect core democratic requirements and exploit the scope for deepening and extending democracy in new conditions.

The framework may also be thought of as a *linkage tool*. As an example of theory-for-practice, its genesis and structure denies the utility of separate disciplines or zones of theory, comparison, and practice. Democracy's sceptics, speculators, dreamers, tinkerers, promoters, measurers, and actors, whatever their particular academic or practical baggage, can find their roles in, and extended by, such a framework. From a different angle, the framework works as a linkage tool by featuring *combinations* of democratic practices and innovations in procedures. As Geissel (2012b, 178) argues, democratic innovations demand evaluation in linkage, not in isolation: 'many hopes concerning

democratic innovations can only be fulfilled if participatory innovations are combined in such a way that their weaknesses and strengths can be balanced.'

Finally, the framework can be a tool for *critical action*. It can be put to work in the face of specific, local, or 'wicked' problems, in consultation with a 'client', using a team, and so on. This could for example be in the form of an 'open lab', or a 'participatory lab', charged with the job of creating or producing new democratic designs, driven by particular challenges, problems, and values. No matter what the issue or dilemma at hand—how to increase popular participation in the local city council, develop structures for Indigenous self-government for example in Canada, Australia, or Mexico, or reform the UK House of Lords to be more democratic and representative—the democratic design framework will help to focus thinking on the key questions, processes, and techniques for working up solutions.

The democratic design framework offers a new set of tools for new ways of devising, reforming, and rethinking democracy. It can be the key to bringing together critical resources, normally held apart, to explore actively more rounded, flexible, systematic, and rigorous visions of democracy.

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