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ARENA Working Paper 8/2017

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ARENA Working Paper 8/2017  
September 2017

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*ARENA Working Paper (online) | ISSN 1890-7741*

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## **Abstract**

This working paper is a preliminary version of what will hopefully soon become a research article. It is about democratic accountability, about changes in the European political order, and also about the role of democratic politics in society and thus about political science. The paper is divided into five subthemes: first, the old issue of rules for living together. Second, principal-agent approaches to accountability and their emphasis upon control, compliance and order maintenance. Third, the importance of order-challenging accountability demands and order dynamics. Fourth, a discussion of the changing European political order, and finally, a return to the roots of political science, and its analysis of unresolvable tensions and search for unity.

## **Keywords**

Democratic Accountability – European Union – Political Order and Change – Principal-agents – Unresolvable Dilemmas

*This paper was prepared for presentation at Plenary Lecture “Democratic accountability and the changing European political order” at the ECPR General Conference in Oslo, 7 September 2017.*

## I. Rules for living together

Observing children play, one cannot avoid noticing how much time they spend discussing what the game is all about. Who is, and should be, allowed to play? What are the rules, and what should they be? What is fair play and what counts as rule breaking? What are and should be the consequences of breaking rules, and who can sanction rule-breakers? Who is and should be allowed to create, interpret and change rules? How and why?<sup>1</sup>

For more than 2000 years, European students of politics have struggled with similar issues. They have explored why humans constitute political communities and what forms of collective life are desirable and achievable: Who qualifies as a member of a community and how do they organize and govern themselves? What is worthy of public protection, according to what normative standards? They have examined the extent to which the quality of life depends on legitimate order and change and asked how political organization contributes to civilized coexistence among individuals with different values, interests, understandings, and resources, and whether political orders can be designed to achieve substantive goals, by whom and how? Moreover, Solon observed that hostility can be reduced by giving people power to elect officers of government and demand an account from them at the end of their tenure (Aristotle 1962: 124).

Today's students of politics also talk about "the rules of the game" and "playing by the rules," and in societies committed to democratic rule, representation and accountability are crucial for securing legitimacy. A part of the credo is that the will of "the people" shall ultimately prevail. The people are the constituent power, and a legitimate order shall reflect how citizens want to organize and govern their life in common. The distribution, exercise and change of power must be explained and justified through reasoned argument and public contestation and informed, voluntary consent to foundational rules is fundamental. The ruled must not be subjected to rulers beyond their control. Actors are accountable for what they do and what they could have done. No one is accountable for things they do not control.

Most contemporary thinking about democratic governance emphasizes accountability as a normative principle and a mechanism for securing citizens' influence (Bovens 2010). Accountability processes are supposed to detect, assess and sanction deviances from authorized mandates. They are also first-order political processes offering an opportunity to contest the truth, moral, and power bases of the existing order and

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<sup>1</sup> This paper, still to be rewritten, provided the basis for author's Plenary Lecture, "Democratic accountability and the changing European political order" at the ECPR General Conference in Oslo 7 September 2017. I thank Morten Egeberg, Fernando Filgueiras, Robert E. Goodin, Per Lægreid, James G. March, Margo Meyer, Ludvig Norman, Helene Olsen, Víctor Pérez-Díaz and Olof Petersson for their help. Needless to say, none of these good people carries any responsibility for the end product.

develop a new one.<sup>2</sup> Citizens' perceptions of accountability regimes depend on substantive performance, procedural fairness, and institutional arrangements for explaining, justifying, assessing, and sanctioning behavior (Pérez Durán 2016). An effective democratic accountability regime depends on three types of processes: (a) the institutionalized routines of partly autonomous watchdog institutions with a legal, financial, managerial, or expert mandate; (b) accountability politics within a constituted political order; and (c) accountability politics as part of (re)constituting an order.

The focus here is on order-challenging accountability politics in the European context. In settled democracies in normal times, it is common to take the existing order for granted rather than relentlessly considering alternative orders. Demands for explanations and justifications are more likely in unsettled polities and at critical junctures. Crises trigger rethinking of the political order, its ordering effects, and dynamics of change. People question what kind of community they want to live in and accountability processes become part of contestations over the proper role of institutions and actors. Why, then, the recent upsurge in accountability demands (Schmitter 2004, Gustavsson, Karlsson and Persson 2009, Borowiak 2011, Pollitt and Hupe 2011, Schillemans 2013, Bovens, Goodin and Schillemans 2014, Wright 2015, Olsen 2017), and what can it tell us about European developments, accountability, the role of democratic politics in society, and political science?

Accountability demands can be a sign of a well-functioning democracy. However, an upsurge in order-challenging accountability demands suggests that things are not working well. There is discontent with the political order and not solely with specific decision-makers or institutions. Are accountability demands then triggered by perceived deviances from an agreed-upon order? Or are they part of a contestation over what constitutes a rightful order? Contemporary theoretical discussions of accountability are embedded primarily in principal-agent conceptions of governance and I hold that European developments invite reexamination of these assumptions. I argue that European transformations offer an opportunity to revisit foundational issues regarding the relations between political organization and civilized coexistence, issues difficult to observe in stable contexts.

## **II. Principal-agent approaches: control and compliance**

Mainstream principal-agent conceptions of accountability are embedded in actor-centered views of governance—a family of actor-centered models addressing related

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<sup>2</sup> A political order is an institutional arrangement prescribing who can legitimately make decisions applicable to the whole community and who is responsible and can be held to account. An institution is a relatively enduring collection of rules and organized practices, embedded in structures of meaning and resources. Institutions create order and orderly change. They define legitimate ways to organize government and appropriate action for different roles in various contexts, what kind of behavior can be expected from different office-holders. Institutions change routinely, but they do not automatically adapt to intentional reforms or environmental changes. They are relatively unvarying in the face of turnover of individuals and relatively resilient to the idiosyncratic preferences and expectations of individuals and changing external circumstances (March and Olsen 1984, 1989, 2006).

concerns and sharing some assumptions, rather than a single encompassing theory (Gailmard 2014). Consistent with Dahl and Lindblom's (1963:273) claim that the "First Problem of Politics" is how citizens can prevent rulers from becoming tyrants, principal-agent approaches conceive of accountability as monitoring and controlling agents, achieving compliance, and implementing the principal's preferences. The challenge is to establish causal understanding and assign blame and credit, punish non-authorized behavior and reward compliance, learn from successes and failures, and protect and improve the existing order.

The role ascribed to rational calculation and social control is based upon assumptions about a predetermined authority structure with dyadic principal-agent relations, identifying who the principals and agents are and what they can do. Core aspects of order – political organization, association, and actors – are treated as exogenous to the processes studied. Politics primarily involves those who make decisions and those whose interests are served. Agents act on behalf of, and are accountable to, a principal. Principals and agents make decisions that affect each other and they are associated through expediency and non-cooperative games. They have predetermined endowments and conflicting preferences. Agents have superior expertise and information, are opportunistic, and cannot be trusted. Principals define success criteria and control incentives for inducing desired behavior. They monitor and assess the performance of agents and punish non-authorized behavior. Human nature is universal and inflexible. All actors are means-end rational, self-interested, and incentive-driven, calculating the expected utility of available alternatives. Relevant actors are mobilized across the process studied. Institutional change takes place through deliberate choices made by the principal as a means to achieve desired consequences. Contracts are constituted and changed through principal's choices or bargains.

Based upon the belief that representative (parliamentary) democracy is the best form of popular self-rule, agents are assumed to be accountable to the people through electoral mechanisms, legislative scrutiny, and political-administrative hierarchy. The will of the people is formed and expressed through public contestations and competitive elections. Authoritative decisions are made by the legislature. Decisions are prepared, implemented, and enforced by the executive and the public administration (Strøm 2000, Strøm, Müller and Bergman 2003, Goodin 2008, Gailmard 2014).

Empirical studies, however, show that neither principals nor agents always fulfill their assumed roles (Schillemans and Busuioc 2015), and there is a need to make mainstream thought more compatible with behavioral studies of political-administrative organization (Carpenter and Krause 2015, Maggetti and Papadopoulos 2016, Olsen 2017). I hold that mainstream approaches exaggerate the importance of human rationality and control and underestimate the importance of the complexity, confusion, and dynamics of modern democracies. I argue that current European accountability processes are part of the development of a new political order and that it is fruitful to explore the dynamics of order-challenging accountability. Thus, I offer an institutional approach that enlarges the perspective on accountability by treating more aspects of political organization,

association, and agency as endogenous to accountability processes.<sup>3</sup> Accountability regimes are part of an institutional arrangement for preserving order and continuity and also for creating dynamics and change. Accountability processes take place within settled and unsettled orders, and they affect and are affected by existing orders.

### **III. Order-challenging accountability demands**

Accountability requires identifiable decision-makers. It is, however, difficult for democracies to formulate clear, consistent, and stable authority relations and normative standards to which actors can be held to account. Uncertainty, ambiguity, and limited control are intrinsic to political life. Accountability processes involve blame games and image management, as well as rational arguing and deliberation related to what has been done, what could have been done, whether what has been done is acceptable, and development of criteria for assessing behavior, explanations, and justifications. The likelihood that accountability demands are made depends on the institutional, social, and behavioral bases of political order, all endogenous to democratic politics.

#### **Organization and the institutional basis of order**

Authority and power arrangements make it more or less clear who the rightful principals and agents are, and modern democracies are compound polities with institutional differentiation and a precarious combination of normative and organizational principles (Weber 1970:123). In polarized societies, majority decisions create conflict if institutions do not protect minorities and reduce discontent to “bearable dissatisfaction” (Hall 2004:138). Elections, majority government, and hierarchy are not the only sources of legitimacy. Citizens authorize several institutions to act on their behalf. There is varying trust in majority rule, hierarchical command, legal rules, corporatist bargaining, markets and price-systems, expertise, traditions, social movements, civil society, and referendums.

#### **Association and the social basis of order**

This refers to who constitutes the people supposed to govern itself and in whose name authorities act – their ways of living together, morals, trust, and we-feeling. The people in modern democracies are “neither harmoniously unified communities nor mere collections of individuals” (Herzog 1989:206). What, then, ties individuals together and keeps them apart and how deeply divided is society (Glazer 2010)? How are the duties and rights of individuals in relation to the community, and those of the community in relation to individuals, reconciled, and how are resources distributed?

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<sup>3</sup> The study of institutions has been a founding pillar of political science (Rhodes, Binder and Rockman 2006), yet the behavioral revolution gave priority to socio-economic prerequisites for democratic order, in opposition to dominant formal-legal institutional approaches (Dahl 1963:82-83).

## Agency and the behavioral basis of order

Conceptions of accountability depend on ideas about who governs and how they should use, and actually use, their power. An institutional approach holds that human nature is complex and dynamic. Rational egoism is one mindset among several (Gutmann and Thompson 2010), with variable legitimacy. Actors may be goal-seeking and incentive-driven; they may follow a logic of consequentiality and calculate utility for smaller or larger entities. Or they may be rule-driven officeholders, carriers of mental and behavioral routines serving social functions and following an internalized logic of appropriateness derived from identities related to various collectivities (March and Olsen 1989). Actors may or may not exercise self-restraint. They may counteract or exploit existing divisions, find unifying answers and build community, or foster polarization harmful to the social fabric.

Calling rulers to account and sanctioning them requires resources, and it is important to recognize the limitations of citizens' powers (Schattschneider 1960:140-141). We cannot expect continuous attention to accountability related to political order. In liberal democracies, politics is a sideshow in the great circus of life (Dahl 1961:305) and democracies need to enable citizens to hold rulers accountable without the continuous participation of citizens (Olsen 2003, 2010). Participants and issues are activated and deactivated over time. Accountability attracts public attention and involves mass mobilization or goes on largely unnoticed by the public. Citizens may be passive, confused, frustrated, and alienated. Still, under some conditions, they take on the hat of Socrates. They ask rulers and fellow citizens<sup>4</sup> to give an account of what they do and why they are doing it (Bourke and Geuss 2017).

Politics is often used as a synonym for choice—events are assumed to be the outcome of political decision-making. Accountability processes, however, involve both decision-making and sense-making (Olsen 2017: Chapter 5).<sup>5</sup> Democracies are arrangements for developing and transmitting democratic beliefs and identities (March and Olsen 1995), and citizens try to create order in their lives, including interpretations of what is politically necessary, possible, and desirable. Critical reason, inquiry, legitimate opposition, and freedom of expression and association are part of a European tradition. Democracy is a gamble on the possibility that people will learn how to act rightly based upon experience and reason (Dahl 1989:192). Intelligence and

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<sup>4</sup>The ancient idea that a citizen is accountable to the citizenry for his performance as citizen is alien to modern democracies (Borowiak 2011:93, 94). However, citizen power with citizen exemption from accountability introduces unacceptable irresponsibility into democratic government. There are good reasons to call to account not only those acting on behalf of the community, but all actors that profoundly affect its well-being (March and Olsen 1995:153). This is so, in particular in an era of near-hegemony of private enterprise visions of political-administrative organization, private actors engaged in making and implementing public policies, and “incomplete contracts” regarding how decisions are to be understood and applied under different circumstances.

<sup>5</sup>Accountability processes are part of the development of accounts that explain and justify what has happened and why, define what is politically possible and what could have been done differently; normative standards prescribing what is desirable and how actions and events are assessed; capabilities that make it possible to put words and decisions into practice; and adaptability, learning from experience and taking corrective action when things go wrong (March and Olsen 1995).



improvement are, however, not guaranteed (March and Olsen 1995:206-211, March 2010). Constitutive choice is limited and shaped by what models are familiar (Gyorfi 2016:23). New orders use the debris of old ones (Tocqueville 1955: VII). Attention and resources drift away from questions about order to other prioritized items (March and Olsen 1983). Orders develop over time as artifacts of an ecology of adaptation mechanisms, such as rational choice, experiential learning, imitation, diffusion, and competitive selection – all of them imperfect (March 1981).

How, then, can we expect political order to affect accountability processes? An institutional approach suggests that political associations with different mixes of unity/diversity, trust/mistrust, and historical experiences generate different potentials for accountability demands. Shared history and culture may make an extensive political agenda possible or make citizens deal with most situations without governmental interference. Institutional routines, ordering ideas, and resources make a polity more or less able to cope with divisions and generate mutually acceptable solutions, thereby also affecting the felt need for the ruled to call rulers to account. Political agency and shifting public attention influence which accountability options are actually used. Social controversies may overwhelm political institutions' capacity for handling divisions, creating indecisiveness and gridlock.

High degrees of satisfaction and trust are likely to foster popular passivity. The ruled are unlikely to call rulers to account if power holders routinely anticipate what citizens will see as legitimate, exercise self-restraint, stay within citizens' zone of acceptance (Simon 1957:12), and report about practices and results to the satisfaction of citizens. Performance crises tend to generate a search for new alternatives (Cyert and March 1963), and disappointments and scandals are likely to foster accountability demands. The three stylized regimes of accountability routines, accountability-politics within a political order, and order-challenging accountability-politics fall along a continuum of "settledness" (Goodin 2012), assuming different forms of political organization, association and actors, and politics that maintain or shape polities, societies, and individuals appropriately.

### **Accountability routines**

Accountability routines imply settled institutions and full-time professionals operating within hierarchical and specialized structures. There are identifiable actors and clear, consistent, and transparent lines of authority and mandates. Actors do what they are supposed to do. They are programmed through a repertoire of offices, standard operating procedures, and resources (March and Simon 1958, March, Schulz and Zhou 2000). Right answers are discovered by competent, independent, and impartial watchdog institutions, settling disputes according to knowledge about means-end relations or rules. Most of the time, there is little felt need for public argumentation and contestation. The task is to guard the existing order and control and discipline unruly agents. Accountability processes can, however, be both order-maintaining and order-challenging. They can involve politics within an order or attempts to challenge an existing order and establish a new one.

### **Accountability politics within an order**

Accountability politics within an order assumes a less settled polity. There are “normal politics,” public debate, partisan contestation, and institutionalized opposition holding government to account, but attention is usually on single events, actors, and institutions. The more interdependence, with decision premises from many sources, the more problematic it is to identify the contributions of specific actors and what they can legitimately be held accountable for. Partly autonomous power centers, rather than a single dominant center, make it difficult to objectively attribute responsibility, opening up for accountability politics and blame games. The outcome of accountability processes depends on post-event processes that may involve a search for truth and learning, or public drama, embarrassing elected politicians or non-elected officials (Grube 2014). A minister’s ability to survive crises depends on blame management and the intensity of accountability pressure from mass media and the political opposition (Brändström 2015).

### **Accountability politics’ challenging an order**

Accountability politics’ challenging an order is most likely in unsettled polities, periods of turbulence, and unprecedented situations. There are rival claims of truth, virtue, and power and competing interpretations of what accountability means and implies and which power-holders should be held to account. Open structures, such as the public sphere and civil society, provide space for political mobilization. Accountability politics is one of the mechanisms through which communities develop, accept, apply, and change normative and organizational principles for the allocation, use, and control of power (Olsen 2017).

All three accountability regimes are important in democracies, but routine accountability has low saliency and rarely attracts attention from political scientists. Yet, in divided societies, where parts of the population distrust accountability institutions, routines can, under some conditions, trigger political mobilization, polarization, and democratic instability.<sup>6</sup> Principal-agent approaches are most likely to give insight into accountability politics within settled polities. Nevertheless, the historical-spatial context of Europe makes it important to explore order-challenging accountability in contexts where institutional routines do not exist or are set aside. For centuries, conceptions of democratic accountability have developed in the context of the sovereign state. However, since the 1980s the dominant role of the state as a unitary, hierarchical form of territorial organization has been attacked from both the right and left and challenged by European integration and globalization.<sup>7</sup> The conditions required for well-functioning democratic institutions were found to be

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<sup>6</sup> Fernando Filgueiras has called attention to such processes in Brazil. For example, investigating, arresting, and sentencing a president for corruption may be interpreted by some as sign of a well-functioning accountability regime and by others as misuse of power. Accountability institutions are acting “politically” rather than impartially. They go beyond their mandate and threaten democracy and majority-based institutions. There is corruption of democracy rather than detecting corruption within a democracy.

<sup>7</sup> The left criticized the contradictions, fiscal problems, and stagflation of the “capitalist welfare state” and its central control, bureaucratic domination, and forms of political participation (Offe 1984). The New Right aspired to roll back the state, reduce the scope of politics, and give primacy to privatization, deregulation, outsourcing, public-private partnership, markets, and contracts. The main development was towards a liberal order, a shorter social contract and more individual responsibility (Dahrendorf 1988).

absent at the international level (Dahl 1999:927), and there was thus a need to rethink accountability and popular control beyond the state (Grant and Keohane 2005). Now, a new European political order is developing, but there is disagreement over what kind of order it should be, how it will happen and with what effects, and the desirability of change. There is a need to rethink democratic accountability beyond the state.

## **VI. The changing European political order**

In the European Union, “the most complex polity in the world” (Schmitter 2016:410), order-challenging accountability demands reflect public discontent. However, in international comparison, European states are basically well-functioning. It is commonplace to see the EU as a successful case of integration, and the Union has fairly well-developed accountability institutions (Egeberg 2006, Bovens, Curtin and ‘t Hart 2010, Busuioc 2010, Trondal 2010).

What, then, according to critics, is wrong and who is responsible and should be called to account?

Unemployment and poverty make many frustrated, disillusioned, and angry. There is fear of terrorism, war, economic crisis, loss of identity due to immigration, and climatic events. The world is seen as confusing, threatening, and uncontrollable and there are concerns about democratic legitimacy (Schmitter 2000, Eriksen and Fossum 2012, Chalmers, Jachtenfuchs and Joerges 2016, Fabbrini 2016). Order-challenging accountability demands reflect a breakdown of the EU’s we-are-all-winners narrative. Academics claim that crises have brought about “the end of the Eurocrats’ dream” of a functionally driven integration led by technocrats (Chalmers, Jachtenfuchs and Joerges 2016). There is “democratic backsliding” in parts of Eastern and Central Europe, openness to authoritarian leadership, and less willingness to use traditional channels of democratic participation (Foa and Mounck 2016). Democracy, rule of law, and human rights are in danger and EU responses have been reluctant and inconsistent (Dawson and Hanley 2016, Kochenov, Magen and Pech 2016).

According to critics, authorities have not effectively addressed the anger and fears of disillusioned citizens who have not benefitted from European integration and global trade. There are discrepancies between official narratives and the reality citizens face, and authorities have neither adapted to public opinion nor convinced the public. Whereas mass media, internet, and new communication technology provide a forum for Euroskepticism and polity contestation (de Wilde and Trenz 2012, Statham and Trenz 2013), mainstream political parties avoid internally divisive issues and there is little enthusiasm for referendums. The results of citizens’ participatory mechanisms are modest (Boussaguet 2016). Protesters are brushed aside with terms such as populists, anti-European, fascists, and xenophobes. The success of populist social movements and protest parties in elections and referendums is seen as a danger for democracy. However, such movements may also indicate a democratic malaise that requires a proper democratic response rather than their expulsion from politics (Norman 2016, Aalberg et al. 2017).

European authorities admit a need to improve the Union's democratic accountability and restore legitimacy and trust. At the celebration of the 60th anniversary of the Treaty of Rome, it was said, again, that the Union is at a critical juncture, and in the Rome Declaration, the desire for a multi-speed Europe was subdued when integration of the willing was seen as divisive and a possible source of Union disintegration (European Council 2017). Nevertheless, the Union is a dynamic order with strong elements of power-sharing, contested normative standards, and causal understandings. It is unclear what kind of order actors are accountable to and whether anyone is in control and can legitimately be called to account for the existing order. Accountability processes are contingent upon competing views of the EU and part of renegotiating power (Bovens, Curtin and 't Hart 2010:11).

### **Accountable to what order?**

Accountability demands often use parliamentary government as a normative standard, and it is commonplace to claim that citizens expect to regain control via accountable supranational institutions (Ayrault and Steinmeier 2016:11). The Lisbon Treaty (2009) declared that the EU should be founded on representative democracy, which was seen as opening a new chapter in European history (Piris 2010). The treaty aimed to extend the powers of, and establish a stronger oversight position for, the European and Member States' parliaments in order to enhance the EU's democratic legitimacy (Cremades and Novak 2017: 46-49). Still, parliamentary accountability is "remarkably weak". European citizenship is a vague concept (Weiler 2012), and ideas about parliamentary sovereignty are contested (Sedelmeier 2012). National parliaments suffer from an opposition deficit and have only partially succeeded in enhancing EU accountability (Rauh and de Wilde 2017). The model is also problematic to apply to European Parliamentary elections. It is difficult for citizens to assign responsibility, call rulers to account, attribute praise and blame, and punish or reward actors at the ballot box (Hobolt and Tilley 2014). The EU is said to be designed to allow policy-makers to evade popular control and accountability. There is no institutionalized opposition and arrangements for channeling discontent and protest are weak. Citizens' votes, politics, and policy-making are loosely coupled (Mény 2012, Papadopoulos 2013), and criticism of the polity becomes necessary because the Union fails to integrate routine opposition to policies and rulers and provide an outlet for criticism of the order (Mair 2007:6, 2013:Ch. 4).

Rather than dyadic principal-agent relations, there are dense, evolving webs of accountability arrangements and contradictory normative standards. There is no unifying narrative explaining and justifying the existing order, nor is there a shared vision of how accountability is to be organized and legitimized (Jachtenfuchs, Diez and Jung 1998). Legitimacy depends on a delicate balance between multiple orders, representative institutions, and constituencies (Michalsky and Norman 2016, Yuratich 2017). To be effective, accountability requires cooperation among vertical and horizontal forums—audit institutions, inspectors, scrutiny committees, courts, ombudsmen, investigations, transnational forms of parliamentary oversight, and mass media (Crum and Fossum 2009, Bovens, Curtin and 't Hart 2010, Brandsma, Heidbreder and Mastenbroek 2016, Bormann and Winzen 2016, Wille 2016). Accountability processes have shifted from open, democratic arenas to secluded

networks of expert peers, weakening democratic accountability (Brandsma, Heidbreder and Mastenbroek 2016, Wille 2016), and it is uncertain how important democratic concerns are compared to other normative standards. Arguably, the proliferation of accountability relationships and the accumulation of accountability obligations and normative standards creates more accountability and less democracy (Papadopoulos 2010).

Furthermore, democracy, as a legitimizing principle, gives limited guidance for how to organize a polity. The term is open-ended and problematic when used to assess institutional arrangements and actions (Kochenov, Magen and Pech 2016). Historically, Europe is a continent where the meaning and implications of “democracy” have been contested (Müller 2011) and in an “age of confused democracy” it is difficult to find the demos in the act of governing (Sartori 1987:6, 86).<sup>8</sup> Democracy is premised on the existence of a polity with the demos as the constituent power, authorizing actors to exercise power and legitimizing their decisions (Weiler 1996:111). Yet “democracy” does not prescribe precise territorial borders, who qualifies as citizen, or who shall legitimately decide who is to be included. It is of limited help to appeal to the principle that the people shall decide when there is conflict over whether the demos shall be founded on territoriality, history, nationality, ethnicity, commitment to specific political principles, or being subjected to or affected by government rule and laws (Goodin 2007, Näsström 2011, Owen 2012, Scherz 2013, Kymlicka 2015).

### **Who is accountable for the existing order?**

It is less than clear what role deliberate decisions have in European institutional developments and how accountable decision-makers can be identified. Official EU documents reflect faith in human reason and choice. Treaties are important, and the design of political order is a question of political will. The European Commission’s white paper on the future of Europe assumes that “form will follow function” (European Commission 2017:15). Still, all organizations have their birthmarks. They are marked by the time in history at which they arrive and the ideas and resources then available (Stinchcombe 1965), and the EU’s legitimacy at the time of its founding was not based upon democratic representation and accountability (Preuss 1996:219, Weiler 2012:252, 263). The context was the collapse of the Weimar Republic, the rise of authoritarian regimes, and World War II, all of which discredited the nation state, parliamentary supremacy, referendums, nationalism, and ordinary people. “The masses” were seen to act emotionally, ready to abandon constitutional modes of political activity in favor of uncontrolled action outside and against the institutional order. Power-sharing was to be secured through federalism and reduced presidential power while basic rights were to be protected by the courts. Referendums were

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<sup>8</sup> However, the collapse of the Soviet Union and communist regimes in Central and Eastern Europe was seen as a triumph for democracy and European reunification (Reykowski 1994), and in 2001 it was claimed that “at no time in world history has there been cause for greater optimism about the future of democracy” (Diamond 2001:154).

abolished to prevent democracy from being eliminated through democratic means (Kornhauser 1959, Borowski 2003, Gyorfı 2016:11).<sup>9</sup>

Choosing Europe's future through deliberate institution-building is also problematic (Olsen 2007, 2010). No single political center can legitimately claim to represent the people. No single authority is in control and governs the Union (Majone 2014). Politically feasible alternatives tend to be ineffective, whereas radical changes lack political feasibility (Scharpf 2015:397). The EU's political order and accountability regimes are not designed according to a single logic. There are competing conceptions of actual, possible, and desirable arrangements and change processes have been contested and ad hoc, for example as new members have joined the Union. The European political order is said to reflect a messy, contingent, and haphazard series of political struggles and cannot be reduced to an instrument of political will or moral right (Wilkinson 2013:207-208). Institutional developments have been byproducts of events and attempts to cope with the most dramatic problems of the day more than a matter of choice and an overall vision (Hooghe and Marks 2001:36, Mény 2012:159). Institutional relations have been shaped in polycentric, open processes with a broad range of possible developments. There has been interaction between actors whose roles and functions were not predefined by an overarching concept of legitimate political order. Competing principles of legitimation and opposing forces of integration and disintegration have been driven by agents that were formed partly through the process itself (Preuss 1996:218). Order has been forged through iterative processes of interaction and conflict (Stephenson 2016), among them contested efforts to make the Commission accountable to the European Parliament and agencies accountable to the Commission (Bovens, Curtin and 't Hart 2010, Busuioc 2010, Wille 2013). The state and the nation have shown considerable resilience, and since the 2004 Draft Treaty Establishing a Constitution for Europe was rejected in referenda, one "cannot realistically expect more grand design or constitutional big bang at the EU level" (Bovens, Curtin and 't Hart 2010:197).

### **Order-challenging accountability politics**

For theory-builders, the persistent pursuit of accountability, in spite of the difficulties of validly establishing causal responsibility and assigning credit and blame, represents a challenge. For political actors, uncertainty creates a space for blame games. In an unsettled order, it is unsurprising to observe vivid order-challenging accountability politics and not solely accountability routines and accountability politics within the established order.

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<sup>9</sup> Between the two world wars, there was a literature on social and intellectual chaos and the decay or death of Western civilization. Norms and truth which were once believed to be absolute, universal, and eternal were declared to be in need of demonstration and proof. The criteria of proof themselves became subjects of dispute. The foundations of the social and intellectual order were shaken (Wirth 1936:x-xi). The collapse of the Weimar republic was seen to be caused by the subordination of all other institutions to the requirements of market capitalism (Polanyi 1942), and a sudden and large influx of new population elements was perceived by old residents as a threat to their status and control, making them respond by organizing anti-immigrant movements (Kornhauser 1959:147).

The tension between (vertical) levels of government – European center-building and Member State autonomy – is well known. Some want a closer Union among the peoples of Europe and criticize a perceived creeping erosion of the European project. There is a need for cooperation and coordination across national borders and the EU is seen as necessary to cope with the problems facing the continent (Cremades and Novak 2017). Authorities point to a mismatch between expectations and capabilities and the need to strengthen the Union’s institutions and its “own resources” (Monti et al. 2016). Problems facing the EU are attributed to national political systems, and the Union needs to hold Member States accountable for meeting commitments (European Commission 2015:9, 2016, 2017:12, European Council 2017).

Others claim that integration has gone too far, constraining national self-governance and accountability to domestic voters and parliaments. The Visegrad countries want to return power to Member States (European Council 2016). The Brexit referendum involved objection to “unaccountable Eurocrats in Brussels” and disagreement over who is to belong to “the people.” Leave voters emphasized national sovereignty, cultural identity and anxiety, border control, migration, and jobs (Hobolt 2016). Prime Minister Theresa May activated visions of the sovereign Parliament and democratically accountable government. The leave vote was interpreted as a mandate to repatriate Britain’s power from Brussels – namely the power to control its own affairs, including immigration – and to end the jurisdiction of the Court of Justice of the European Union. The prime minister also evoked the possibility of the EU unraveling (May 2017, HM Government 2017). However, Brexit illustrates uncertainty about how public opinion towards the EU is evolving and how politicians respond (Renwick 2017). Processes, outcomes, and long-term consequences are difficult to predict, including whether Brexit will actually happen.

Order-challenging accountability demands also reflect criticism of the (horizontal) inter-institutional power balance between, on the one hand, the people and democratically elected representatives and, on the other hand, markets, courts, expert agencies, and executives. A core criticism is that constitutionalization of economic rights and multiple political veto points demanding broad political agreement constrain the democratic capacity to deal with problems of global capitalism and increasing inequality.

## **Markets**

The domain of political decision-making and accountability has decreased. The domain of market competition has increased, shifting the power balance between capital, labor, and political authorities (Scharpf 2015, 2016). Political power is used to protect markets against political intervention (Streeck 2015). Market competition, as a meta-principle, prevents even local government from intervening in markets in ways that distort competition (Nyberg 2015).

## **Courts**

Representative rule is seen to be constrained by court activism and teleological interpretations of the treaties. Flexibility is necessary for reaching agreements between Member States (Piris 2010:202) and the treaties give a wide margin of discretion to

judges (Magen 2016:1051). The court has usurped power and given priority to undistorted market competition and economic freedoms, constraining legislatures and empowering big market actors (Stone Sweet 2004, Wilkinson 2013, Joerges and Kreuder-Sonnen 2017, Menéndez 2017). The professional ethos of judges has been redefined (Papadopoulos 2013:198), and constitutionalism has become an overarching ideology. The possibility of rule by lawyers rather than rule by law (Kratochwil 2009) creates a need for rebalancing political-judicial power relations, with de-constitutionalization of economic rights and facilitation and legitimization of majority rule (Bartl 2015, Scharpf 2016).

### **Watchdog agencies**

Conceptions of accountability rely on empowered watchdog agencies placed outside unitary ministerial hierarchies and at arm's length from politics and direct electoral control (Thatcher and Stone Sweet 2002, Busuioac, Groenleer and Trondal 2012)—arrangements based upon an apolitical or anti-political rhetoric emphasizing functional necessities and denying conflict. The European Commission claims to safeguard European treaties and interests. The European Central Bank obeys the law, not politicians. Making assumptions about a unified people, a precise common interest, or clear rules gives primacy to finding efficient means, a task reasonably left to experts. Yet the Commission and the Bank make redistributive decisions and critics argue that strengthening non-majoritarian institutions and non-elected actors favors certain groups over others, reduces direct accountability to citizens, and poses difficulties for parliamentary accountability (Thatcher and Stone Sweet 2002:18). Giving primacy to efficiency hides or diverts attention from the normative and power bases of non-majoritarian institutions (Bartl 2015, White 2015), with possibly “troubling implications for democratic legitimacy and accountability” (McNamara 2002:49). It may also be futile and counterproductive to try to depoliticize redistributive issues by masking them as apolitical regulation and isolate them from political-legal accountability (Börzel 2016:25).<sup>10</sup>

### **Executives**

The debt crisis and efforts to save the euro and reassure capital markets are thought to have created executive dominance. The new economic governance regime has been criticized for causing accountability deficits, limiting the role of parliaments, and harming democratic legitimacy. Post-crisis economic governance has departed from available mechanisms of political-legal accountability without substituting new ones. Democracy has been marginalized by a rhetoric of emergency, existential threats, and economic necessities even when the issues involve deep distributional conflicts

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<sup>10</sup> Likewise, New Public Management reforms are often framed as apolitical modernization—improving performance, reducing “excessive bureaucracy” and promoting efficiency and economy—also when affecting the inter-institutional balance of power. Corporate-managerial accountability principles celebrating management autonomy, public-private partnerships and citizens as customers are introduced. Bashing “bureaucracy” works as a useful rhetoric. But the existence of multiple audiences makes it difficult to reconcile accountability based upon government hierarchy, professional standards, and market visions (Wiesel, Modell and Moll 2011), and administrative reforms do not necessarily improve accountability and legitimacy (Christensen and Lægveid 2017), nor does formal-legal autonomy secure political independence (Enns-Jedenastik 2016). It is possible that reinventing government implies redefining democracy (Pierre 2009).



(Menéndez 2015, Papadopoulos 2013, Dawson 2015, White 2015, Scharpf 2015, Joerges 2016, Naert 2016).

The desire to strengthen democratic politics and accountability is, however, not universal. There are competing views as to whether a democratic deficit exists in the EU and whether the Union is and should be a democratic project (Majone 1998, Moravcsik 2004, Føllesdal and Hix 2006). Contestations over the proper relations between citizens, elected representatives, markets, courts, experts, and executives is an important part of liberal discourse (Pérez-Díaz 2014), and there are calls to “depoliticize democracy” by taking decisions away from the direct influence of elected representatives and popular passions (Pettit 2004). Market liberals favor an order based upon individual liberty, with citizens solving problems in self-regulating markets and civil society without the intervention of any public authority (Mises Institute 2016).<sup>11</sup> Binding political actors through rules provides a solution to credibility problems (Kyddland and Prescott 1977), and competition among political parties is to be achieved through market mechanisms (Issacharoff and Pildes 1998). Constitutional constraints and independent courts are welcomed as integral parts of a conception of democracy superior to majoritarian government, and constitutional courts are considered the institutional manifestation and symbol of a new conception of democracy (Gyorfi 2016:22, 33). Independent fact-producing institutions are important, and institutions with functional expertise, such as the European Central Bank, are a cornerstone of a legitimate institutional architecture (Towfigh 2016). Whereas others were paralyzed by the crisis, the European Central Bank demonstrated a “capacity to respond quickly and effectively in order to prevent a collapse of the Eurozone” (Krampf 2016:467). Finally, executive leadership is traditionally given priority during crises.

Order-challenging accountability demands in the EU have been part of efforts to find viable answers to the questions of who and what shall constitute “Europe” and how to develop legitimate political institutions for governing it. There has been a development from a political order dominated by nation-states to an order with increasingly strong European-level institutions with a market-economic flavor. This development has not taken the form of one order being replaced by another based upon completely different normative and organizational principles. Rather, it has involved rebalancing basically legitimate normative and organizational principles. It is also far from obvious how democratic accountability can be safeguarded when governance is embedded in networks across levels of government, institutional spheres, and public-private realms and based on informal partnership and dialogue rather than hierarchical command and formal control relationships (Michels and Meijer 2008, Klijn and Koppenjan 2014).

The Union can develop in different directions. Some want to leave the EU or to return power to the Member States. Others are disappointed with the Union’s current

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<sup>11</sup> In economics “it is fair to look out for your own interest, expecting others to look out for theirs” (Schelling 1981: 39). Nothing distinguishes economists as much as their belief in the market system. A perennial difficulty is the inability to ascertain how much of the confidence in the way markets work is faith and how much is analysis and observation (Schelling 1981: 59).

performance and have lowered their support for the EU as it is now functioning. They have, nevertheless, increased their support for continuing integration, with well-functioning markets and a stronger role for democratic politics in counteracting market-generated inequalities (Simpson and Loveless 2017). Some prescribe a kind of New Deal – rebalancing market freedoms and social security to counteract regressive redistribution and increasing social inequality between and within Member States (OECD 2015, Börzel 2016). Others prescribe a New Narrative. Old explanations and justifications are unconvincing. A European vision expressing a shared identity and unity is needed, making the division of powers and responsibilities easier to understand, and explaining to citizens what the EU does for them (Battista, Setari and Rossignol 2014, European Commission 2017:22).<sup>12</sup>

European developments raise issues about the possibilities and limitations of influencing political order and change through democratic accountability demands, processes that involve two challenges: first, how to effectively hold power-holders accountable; and second, and less attended to, how to avoid holding power-holders accountable for things they do not control, thereby reducing levels of trust and legitimacy. The developments raise questions about how we understand democratic order-politics related to how power is, can be, and should be exercised and constrained and the proper purposes, worthy goals, and rightful ways to pursue them (Goodin 2009:6). These questions are of particular importance in an era when the resilience of Western democracy is being tested (Council of Europe 2017) and the hegemonic Western rhetoric about liberalism and secularism has to be explained and justified because “the majority of the world’s population is patently unconvinced by either” (Dryzek, Honig and Phillips 2006:25).

## **V. Back to the roots: Unresolvable tensions and the search for unity**

Europe is in transition and it is commonplace to see European integration as *sui generis*. However, the dynamics resemble historical efforts of state-building, nation-building, and individual character-building, as well as similar processes observed in current emerging nation-states (von Billerbeck 2017). There are, therefore, good reasons for not exaggerating the uniqueness of European integration, but rather linking European transformations to theoretical ideas about democratic accountability and politics and inviting the discourse of political science back to its roots. Instead of asking for a new science of politics for a new society (Tocqueville 1945:7), I hold that our understanding is facilitated by awareness of the discipline’s historic conversation concerning some unresolvable tensions and balancing acts related to the preconditions for civilized governance and coexistence.

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<sup>12</sup> In the context of fake news and alternative facts, it is interesting to read Loewenstein’s advice (Loewenstein 1952:63): “In Europe the art of public relations counseling is still in its infancy. Consequently, propaganda dissemination is intermittent, ineffective, disorganized, and often devoid of psychological skill. A hired staff of American publicity experts, in the habit of selling ideas as well as goods to the consumer, could accomplish wonders.”

An institutional approach reaches back to the ancient idea that the task of political science is to discuss the absolute best political order and what is achievable in specific local contexts (Aristotle 1962:149). This aspiration is broadly consistent with demands that political science develop a more political political theory, focusing on institutional issues once privileged as the main agenda of normative political theory (Waldron 2016); return to the political (Mouffe 2005); counteract a profoundly anti-political culture (Hay and Stoker 2009); take into account the realities of modern administrative states (Rubin 2005); and get beyond “a completely artificial notion of democracy forged by lawyers on the basis of eighteenth-century philosophical ideas” (Duverger 1964:423)—in other words, that rather than starting out with “the lofty ideals of classical democratic theory” assuming rational decision-making and fully informed citizens, political scientists should study how people actually act and make choices (Dalton and Klingemann 2007:6).

A basic premise for my argument is that modern democracies live with unresolved conflict (Cyert and March 1963:117-118). Societies agree on general and vague values, yet disagree on how they are to be understood and applied, and order-challenging accountability processes are linked to unresolvable political tensions and balancing acts, some of them built into the language of the discipline. Key terms are dynamic and contested, not fixed and agreed-upon (Ball, Farr and Hanson 1989), and their symbolic and emotive power is sometimes greater than their analytical power. Conceptions and boundaries of “the political” change over time (Maier 1988). Politics is viewed as the noble art of government based upon reason and justice and also as a depraved activity linked to reason of state and pursuing dominance by all available means (Viroli 1992), a pejorative use of the term often linked to Machiavelli (1513/1532).

Without denying the importance of contending interests, power struggles, strategic behavior, non-cooperative games, and (re)distributional battles, there are also other strands of political thinking. Democratic politics is ideally a way to rule divided societies without undue violence (Crick 1982:33). Democracies legitimate the right to disagree (Council of Europe 2017). They institutionalize opposition and competition for power positions, define rules of contestation, and delimit the area of political contestation. They provide outlets for disagreement while suppressing divisions and helping develop solidarity (Wolin 1960:83, Duverger 1966:163-165). A democratic belief is that conflict transforms into cooperation through citizen participation, public deliberation, and civic education (Barber 1984:135). Yet, democracies may fail to build voluntary consent due to inadequate political-institutional capabilities, antagonism in society, or actors that are not motivated or capable of building or maintaining unity.

The democratic vision goes beyond the aggregation of predetermined individual preferences. It is a search for unity based upon the informed voluntary consent of the people through reflection and reasoned deliberation. There is a search for, and construction and affirmation of, legitimate institutions, associations, and actors that assume a willingness and a capability to build and maintain shared purpose and allegiance to a political order in spite of the many forces working to create division. “Politics is eternally concerned with the achievement of unity from diversity” (Wheeler 1975:4) and the quintessence of democratic politics is the construction and

reconstruction of our lives together, making order and civilized coexistence possible (Wildavsky 1987:5). A basic dilemma is how to reconcile competition and cooperation, create common rule amid diversity, secure collective action, and remain a community while maintaining individual freedom and influence (Wolin 1960:61-62, Lipset and Rokkan 1967, Mill 1977:58, Perry 1988:181-182, March and Olsen 1976, 1989:118, Selznick 1992:369, Filgueiras 2016).

Democracies balance belief in the people's omnipotence with widespread distrust in the people. Citizens are seen as having the capacity for rational reasoning, but also as being badly informed, disengaged, gullible, and driven by emotions. Whereas the people is "the only legitimate fountain of power," it should not have too active a role due to "the danger of disturbing the public tranquility, by interesting too strongly the public passions." Government is instituted because the passions of men will not conform to the dictates of reason and justice without constraint (Hamilton, Jay and Madison 1964: 43, 117-120). Without rules, humans will fight—that is their nature (Brennan and Buchanan 1985:ix, 3)—and in the political sphere, the less praiseworthy side of human nature rises to the surface. The typical citizen "drops down to a lower level of mental performance as soon as he enters the political field...He becomes a primitive again. His thinking becomes associative and affective" (Schumpeter 1994:262).

Rationalistic interpretations are premised upon a degree of political relativism. There is no objectively ascertainable common good that the people is able to know. Political truth, objectives, and values formed through free discussion and partisan controversy are tentative and contested (Hoy 1968:2, Kelsen 1955:2, 38).<sup>13</sup> Democracies provide strong normative support for clear lines of authority and accountability, rules, and goals, and a cult of efficiency stresses neutral means and neglects ends (Selznick 1957:135). Foundational issues are, however, rarely fully resolved and embedded in a constitution. Governmental institutions create some order and predictability and achieve purposes. Still, there are enduring tensions between centralization and concentration of power in a sovereign center and protecting the autonomy of institutions and securing checks and balances. Like all forms of political organizing, European integration involves interaction between the mutual dependencies of the whole and the independence of the parts. Hobbes (1651) emphasized the need to centralize power, Montesquieu (1748) the need to balance powers. Yet efforts to integrate into a political order compete with efforts to defend the autonomy of the component units (Crick 1982: 142, Rokkan and Urwin 1983:14, Brunsson and Olsen 1998, Olsen 2007:22, 2009). All polities face the question of what forms of integration their components can tolerate and what forms of diversity their order can tolerate (Olsen 2007:24).

There are also competing conceptions of whether political institutions, communities, and individuals are, or ought to be, subjects of democratic control and disagreements

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<sup>13</sup> There are competing views. Populism and technocracy claim to be able to identify and implement objective solutions that are good for the whole society, based on knowledge about the authentic will of the people or technical expertise (Caramani 2017).

over what justice and rationality mean and imply and whose definition of justice and rationality shall apply (MacIntyre 1988). Belief in government's ability to maintain "order in the land" (Tocqueville 1955:69) varies over time and across polities, and lawmaking as a tool of majority rule competes with law as an expression of truth and justice (Sabine 1937:19, Berman 1983). Winning public office does not guarantee actual capability to command and control at will. The number of votes and public authority do not dwarf all other resources. Democratic government competes with power centers based on economic, religious, military, organizational, technological, and professional resources, and public authorities need the support of groups that control relevant resources (Rokkan 1966, Weber 1978:1164, Ferguson and Mansbach 1996).

It is difficult to combine representative quality and effective executive action and leadership, and balancing the need for expert judgment and independence with democratic control is a perennial problem (Dahl 1999:928).<sup>14</sup> To get things done, democracies require a public administration staffed by professionals governed by an ethos of office, separating those who make decisions and those who benefit from them (Bendix 1962:483, Mill 1962:111-114, Weber 1978:Ch. XI, Rothstein 2011). Policy-making cannot, however, be entrusted to guardians (Dahl 1989). Usurpation of power by bureaucrats is an ever-present hazard (Bendix 1962:486, Weber 1978:1393). Furthermore, demands placed on officials are frequently beyond the capabilities of their offices, as democracies mandate public services without providing the resources necessary to implement them (March and Olsen 1995:134-135).

"The political" is a partly autonomous sphere of society dealing with what concerns a community as a whole (Wolin 1960:434), and polity and society are partly interdependent, partly autonomous spheres of thought and action (Bendix 1962:487, 489). The proper polity-society balance is contested. Democracies struggle with how to best protect the private realm from political intervention and the public realm from the private one, but it is difficult to locate exactly the limits of the political. Democracies need to reconcile ideas about the sovereign people and the sovereign individual, but there is no uncontested account of the relative powers of legislatures vis-à-vis families, churches, trade unions, business associations, or individuals (Crick 1982:170, Lever 2009:215). Arguably, democratic politics works best in societies that have something between perfect harmony and severe antagonistic friend-enemy relations à la Schmitt (1927).

Democracies depend on the quality of their citizens and how they associate, and the European lack-of-a-demos debate (Preuss 1996:210) activates the old issue of what a population supposed to govern itself needs to share in order to make informed voluntary consent possible. According to Durkheim (1969:25), a society cannot hold together unless there exists among its members a certain intellectual and moral community. John Stuart Mill held that "free institutions are next to impossible in a country made up of different nationalities" (Mill 1962:309). Nevertheless, "Europeans have always had to work hard to find common roots and the origin of unity in their

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<sup>14</sup> Diamond (1990) explores tensions, paradoxes, and contradictions inherent in democratic governance: conflict-consensus, representativeness/accountability-governability, and consent-effectiveness.

troubled past” (Ward-Perkins 2005:174). Notwithstanding the claim that the nation is the natural unit of human association and that the state is its instrument, historically “a people” has been formed through coercion or chance and state-building has taken place without shared ethnicity, language, religion, and customs. Democratic hopes are linked to a vision of humans as malleable and a mindset of reasoned political judgement capable of identifying what is politically necessary, feasible, and desirable by balancing competing valid claims in the absence of objectively correct answers. In Europe, civilizing institutions have gone hand in hand with changes in human personality, manners, and self-discipline. Public codes of conduct and expectations have been internalized, reducing the use of private violence (Elias 1994:443-456) and Rousseau (1967:58) argued that the customs and manners written into the hearts of citizens are more important than formal laws.

Democracies need democrats—citizens with a civic mentality and skills—and an important task of institutions is to secure the ethical-moral and intellectual self-development of citizens, making them fit to rule and be ruled (Aristotle 1962:216, 299, Mill 1962:30-35). Acquiring skills and values, and internalizing tolerance for disagreement and willingness to compromise while avoiding indoctrination and manipulation (Friedrich 1939), are important parts of democratic education. Still, the demos is not constituted in a single act (Scherz 2013:9) and there is no agreed-upon theory of democratic education (Dahl and Lindblom 1953:522-523, Wolin 1960:390). Arguably, democracies need to rediscover education’s democratic purposes (McDonnell, Timpane and Benjamin 2000).

Institutions tie polities together and bring temporary order, but democracies are always in the process of becoming. The terms of order change, declarations of the end of ideology (Bell 1960) and history (Fukuyama 1992) notwithstanding. Polities emerge, develop, and wither. There is institutionalization and deinstitutionalization, integration and disintegration, center formation and decentralization, politicization and de-politicization, democratization and de-democratization, constitutionalization and de-constitutionalization, nationalization and de-nationalization, professionalization and de-professionalization. Every historical period contains ideas that transcend the existing order (Mannheim 1968:193) and interpretative frames (Marx 1847).<sup>15</sup> Democracies must continuously (re)create a sense of community by reasoning about acceptable rules for living together (Pérez-Díaz 2017). They balance efficient exploitation of known alternatives and exploration of new ones (March 1991). There are periods of stability and path dependency and also path-breaking junctures—unprecedented and unexpected states involving rapid change and indeterminism (Capoccia and Kelemen 2007). There are good reasons to attend to the fragility of institutions (Oliver 1992) and the precarious instability of charismatic authority, fostering the possibility of drastic change (Weber 1964:361; 1978:1117).

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<sup>15</sup> In regard to the role of aspirations, “A house may be large or small; as long as the neighboring houses are likewise small, it satisfies all social requirement for a residence. But let there arise next to the little house a palace, and the little house shrinks to a hut” (Marx 1847).

Purposeful attempts to design political order are a central concern of any polity and order-challenging accountability demands sometimes present a vision of an ideal polity. However, it has been questioned “whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined for their political constitutions on accident and force” (Hamilton, Jay and Madison 1964:1). Sometimes institutional design as a means to achieve desirable consequences is a minor part of ordering processes taking the form of an ecology of change processes and historical drift. Historical moments can be “awfully long” (Herzog 1989:39), and it is easier to change legal rules than political practices and achieve intended consequences through deliberate design (Olsen 2007, 2010).

Modern democracies normally have the capacity for implementing only incremental reforms and removing impediments to a better polity and society while coping with practical problems. Top-down design competes with bottom-up processes, transforming experience into rules, rules into principles, principles into institutions, and institutions into political orders, and the European case illustrates that order-challenging accountability demands define limits for what is considered an acceptable order. Compromises are organized around shifting mixes of “red lines” working as independent constraints (Cyert and March 1963), defining what is politically possible and desirable, legally correct, economically rational, scientifically true, technically possible, administratively feasible, socially fair, and culturally and religiously appropriate.

Europe’s Enlightenment heritage glorifies agency, rational reflection and action, human control, and progress through experiential learning—the individual emancipated from authority, achieving freedom of thought, expression, and association and self-governance. A basic premise of democracy is that there is choice. Political life is not completely random or deterministic (March and Olsen 1995). Still, theories of accountability need to explore whether the democratic visions of modernity overrate the scope of human rationality and control with regard to political organization, association, and actors (Cohen, March and Olsen 2012, March 2015). There are situations governed by institutional routines and “politics as usual.” There are also ill-structured situations—difficult to predict, understand, assess, and control through existing institutional routines—where issues require action without much time for analysis, deliberation, bargaining, or coalition building. There are factors outside the control of political decision-makers, and the open-ended nature of democratic politics and the possibility of mobilizing actors and issues facilitate spontaneity and chance events. Thus, a challenge is to understand the possibilities and limitations of human choice and learning in contexts characterized by ambiguous normative standards, uncertain facts and causality, and limited control. Studies of garbage can processes explore such conditions. There are chance elements and unpredictable interactions between streams of problems, solutions, participants, and choice opportunities. Outcomes are unintended byproducts of interactive but uncoordinated acts and processes, suggesting a temporal understanding of events rather than an intentional and consequential one (Cohen, March and Olsen 1972).

In brief, Europe struggles with its own crises and balancing acts. Accountability processes are part of preventing unauthorized behavior and abuse of power. Yet, the upsurge in order-challenging accountability demands shows that they are also part of forming and changing orders. Democratic-political rationality and control may not match Enlightenment standards and there is a need for realism regarding what citizens and elected representatives can do in complex and dynamic contexts. There are, however, reasons for confidence rather than despair. Aristotle taught that learning to live together “may be a long process; for just as a state cannot be made out of any and every collection of people, so neither can it be made at any time at will” (Aristotle 1962:196). The search for unity amid unresolvable tensions is familiar from historical discourse about the normative and organizational foundations of governance. While this discourse does not provide ultimate answers for understanding the role of accountability processes in democratic balancing acts, it does offer a promising framework for further conversation about democratic rules for living together. In an era of transformation, ambiguity, uncertainty and limited control, it may be fruitful to listen to the conversation, and perhaps to children at play.



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