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BOOK REVIEW

Fortifying the fragile order of democracy

Hans Gersbach: Redesigning democracy. More ideas for better rules, Springer, 2017, xii + 248 pp

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This is a very timely book. Democracy is under attack at multiple fronts and by very diverse enemies. Young citizens in increasingly authoritarian regimes like Russia, Turkey, or Hong Kong are willing to endure existential threats while defending an order that is fading away. In contrast, attitudes to democracy ranging from complacency to outright disdain and denial have become increasingly common in Western societies. In the recent Neue Länder state elections the turnout rose significantly, but Allensbach surveys pointed to a worrisome finding: Only 42% of the citizens in the Neue Länder explicitly endorse democracy as the best form of governance (Köcher 2019). This skepticism vis-à-vis democracy spreads well beyond far-left or far-right authoritarians and is also relevant for liberals, historically and currently. The potential tensions between liberalism and democracy have been the object of long-standing politico-philosophical debates. But far from being of philosophical interest only, these tensions also manifested themselves vividly at historical junctures when the democratic process terminated a liberal order. Studying the tensions and junctures could either be taken seriously, as did quintessential liberal thinkers like Hayek (1960) and current political philosophers (Brennan 2016), or could invoke simplistic narratives how democracy is just one form of domination and coercion, illegitimate like any other form, as seen by allegedly extreme libertarians (Hoppe 2001) to whom any state activity and taxation are nothing but theft.

The current book is a significantly revised and expanded version of "Designing Democracy" (Gersbach 2005). In both books Gersbach provides a set of proposals how the contemporaneous discontent with democracy would greatly profit from a crucial distinction too often blurred in the public debates: Let us keep apart the democratic *principle* from the institutional *forms* in which this principle is practiced (Vanberg 2014, pp. 360–364). Yes, Hayek's warning how "the worst get on

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top" [Hayek (1944) 2007, pp. 157–170] is vindicated by ample recent evidence on both sides of the Atlantic. However, the principle-forms distinction helps to disentangle legitimate criticisms of concrete democratic representatives and practices from rejecting the democratic principle itself. Democratic representatives and practices are the result of the concrete rules of the game, embodied in the institutional forms of real-existing democracies. Gersbach's book is a structured guideline how several deficiencies in these institutional forms can be corrected or at least ameliorated. His agenda aims at a democratic arena where the voice of the citizen as sovereign is heard and respected to a larger extent than is the case in many contemporary democracies.

The book is bipartite. In the first part "Contractual Democracy", consisting of six chapters, Gersbach presents a number of contract types that can tie the politician's post-election behavior to what has been stipulated before the elections. These types of contracts are aimed to empower the citizen: Currently deselection is the key feedback mechanism from oneself to the politician—or even the exclusive feedback, depending on the existence of direct democracy elements in the particular democratic order. Gersbach does not fully share the analogy between the employment contract on the labor market and the contract between the voter as employer of the politician. Also, he is sensitive to the fact that there can be, what I could call, an "imputation problem" involved: It may be far from easy to impute success or failure as expressed in some of Gersbach's welfare measures, prominently macroeconomic figures like GDP, to the behavior of an individual politician. It might even be difficult to hold accountable the political representatives as a whole, since such figures almost always depend also on forces that are hardy controllable by the political arena to which Gersbach's contracts may be applied. But this imputation problem can be solved, especially if the voter and the politician intersubjectively agree about the legitimate extent to which the politician can be held accountable. The specific domains addressed are the foundations of contractual democracy (chapter 2), vote-share contracts without signaling of competence (chapter 3), vote thresholds with signaling of competence (chapter 4), information markets, elections and threshold contracts (chapter 5), as well as the limits of contractual democracy (chapter 6).

In the second part "Rules for Decision-Making and Agenda-Setting", consisting of four chapters, Gersbach theorizes above all the pre-election democratic process. He emphasizes here activities such as the appointment of office-holders as well as the set of issues around publicly provided goods and the related democratic proposals. In doing so, he explicitly takes as given the fundamental philosophical discussions about the state, focusing instead on concrete elements of the democratic order that can be reshaped and reformed. Gersbach calls his toolbox "democratic mechanisms" and combines in it, in a rather intriguing way, insights from the fields of constitutional economics, mechanism design, as well as election and voting rights. He shows convincingly how this toolbox can enable the polity to assess costs and benefits for proposal-makers, to see the possible restrictions of proposals, and to illuminate ways how society can decide on an individual proposal. The domains addressed are the provision of divisible public goods (chapter 8), minority voting and public project provision (chapter 9), as well as initiative groups constitutions (chapter 10). A final chapter outlines the author's forthcoming agenda to expand on the current book's themes.

To conclude, let me highlight a line from the preface: Gersbach expresses his hope that these proposals may "have the potential to foster the voters' trust in their own power of decision" (p. v). Indeed, most proposals' practicability convinces in this regard. But there is a methodological point which makes the book's gist even more attractive: Gersbach's exposition is not "only" about explaining or improving the democratic process. Moreover, it is also—implicitly, but nevertheless rather palpably—about understanding and genuinely taking the position of the voter, in the sense of "Verstehen" à la Max Weber. This take on the voter makes the book not only topical, but also practical in a specific sense. In our global-digital age, many citizens increasingly share the sentiment that we live in a politically and technologically uncontrollable world, a sense that can add to earlier distrust in the forms—and potentially also the principle—of democracy. If such a sentiment persists, or even solidifies as the dominant mass psychology in case we plunge into a recession that seems discernible at the horizon, this mass psychology can lead to even more fragility in the democratic order. And fragility has to be taken seriously by anyone who takes the "political" in political economy seriously (Kolev 2019). Notwithstanding its mathematical core, which is presented in a very tractable way, rhetorically reframed packages of Gersbach's proposals are fully capable to contribute to what Buchanan formulated as one of the key goals of Constitutional Political Economy as a practically relevant research program: "Normatively, the task for the constitutional political economist is to assist individuals, as citizens who ultimately control their own social order, in their continuing search for those rules of the political game that will best serve their purposes, whatever these might be." [Buchanan (1986) 1999, p. 467].

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