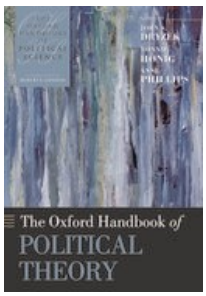

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CHAPTER

21 Democracy and the State

Mark E. Warren

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Abstract

This article examines the logic that connects democracy to the state and argues that the functions of the state in enabling democracy are as important now and in the future as they have been in the past. It identifies the animating ideas and values of democracy and describes the ways in which these ideas are entwined with state power and the ways in which state institutions can become generative in ways that exceed the inherent limitations of the state's media of organization.

Keywords: civil society, state, political theory, democracy, state power

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Democracy, by which I shall mean collective self-rule, enjoys extraordinary legitimacy in today's world. The reasons are not hard to see. The citizens of well-functioning democracies enjoy greater freedom, wealth, and human development than citizens of non-democracies, and they experience less violence, deprivation, and domination. Although these goods have many antecedents, democratic institutional arrangements and practices are surely among the most important.

While elements of modern democratic institutions and practices can be found in ancient Greece, Rome, and medieval Europe, they were the exception rather than the rule until after the Second World War (Dahl 1989). Only in the last two decades have electoral democracies come to encompass a majority of the world's population (Freedom House 2000, 2). The recent spread of electoral democracies, however, depended upon two important precursors. The first was conceptual: the ancient concept of democracy as consisting in an assembled people making decisions gave way to the idea that the people could periodically choose representatives to a national legislative assembly to rule on their behalf. While this conception of democracy
p. 383 was less direct and participatory, it also saved the ideal from obsolescence in the face ↳ of the large-scale political consolidations in Europe and the Americas (Dahl 1998, 17; Held 1996).

The second precursor of modern democracy came earlier, and consisted in the consolidation of modern nation states, first in Europe, and later in other parts of the world. This development is less remarked in

democratic theory, no doubt because by the time democracy began its spread in the mid to late 1800s the nation state was already an old political form. Moreover, the Western democracies built on liberal constitutional revolutions, which sought to limit, tame, and refine state power on behalf of the liberties of property, person, conscience, and association. It was easy, perhaps, to overlook the impact of liberal strategies: as power was limited, differentiated, regularized, rationalized, and refined, it was also intensified, resulting in the most powerful state forms the world has known (Foucault 1978; Poggi 1990; cf. Skocpol 1979).

A key feature of today's consolidated democracies, then, is that they built on powerful, high-capacity states. Their relative successes are closely related to the state's role in managing, organizing, limiting, and intensifying the powers through which democratic self-rule is organized and achieved, as well as the boundary-setting and rule-making activities though which political life is generated. This fact is brought into sharp focus by the numerous new democracies now building on weak states, and suffering varying combinations of corruption, poor security, intractable low-level conflict, poor economic performance, and an inability to deliver services such as education, health, and basic welfare. In many cases, these features of the new democracies are undermining citizens' allegiance to the very idea of democracy.

For their part, the consolidated democracies are, as it were, exceeding their older, state-centered forms. New forms and venues of democracy as well as newly emerging "cosmopolitan" or global forms of democracy are emerging most rapidly in those countries with high-capacity states (Kaldor, Anheier, and Glasius 2003, part IV; Held 1995). At the same time, we are at a point in history at which it is especially important to understand the extent to which democracy depends upon state organization of political life, for we have entered into an era in which states, and state-like institutions and entities, are being overgrown by other forms of organization: issue-based networks, collective security arrangements, global markets, new political forms such as the EU, and political processes segmented by policy arenas (Dryzek 1996). State capacities seem to have diminished accordingly, and with this comes the irony that institutional prospects for democracy also seem to diminish precisely at the time when the democratic ethos is increasingly universal.

p. 384 This chapter summarizes the logic that connects democracy to the state. I shall argue that the functions of the state in enabling democracy are as important now and in the future as they have been in the past. I shall also suppose, however, that politics today is exceeding the state, owing to forces of globalization, complexity, differentiation, culture shifts, and deterritorialization of issues. Democracy is a response to politics: it is one way among many that collectivities can organize conflict and make political decisions. If politics exceeds the state, so too should democracy exceed its state-centric forms—an argument found in the traditions of anarchist, associational, and participatory democracy that contemporary circumstances have instilled with a new relevance. In order that democracy should not seem to be exhausted by its state-centric forms, then, we shall need to think creatively about what role the state might have in underwriting, enhancing, and enabling post-statist forms of democracy. The strategy I follow here involves (a) identifying the animating ideas and values of democracy; (b) identifying the ways in which these ideas depend upon, and are entwined with, state power; (c) identifying the ways in which state institutions, carefully designed, can become generative in ways that exceed the inherent limitations of the state's media of organization: rules backed by power. This last point will be important for (d) imagining new functions for the state in generating, supporting, and organizing democracy beyond the state.

1 The Normative Logic of Democracy

As with all things we care about, democracy suffers from an excess of meaning, written into the concept by a long history of usage, and further complicated today by its identification with so many good things. And like all political concepts, the concept of democracy is stretched even further by opportunistic usages. Nonetheless, at a high level of abstraction, concepts of democracy tend to work with two sets of ideas.

1.1 Equal Moral Worth of Individuals

The first set involves the ontological proposition that a society consists of the individuals who compose it,
p. 385 together with the relations among them. Thus, if ↳ a *society* is good, this means that it is good for the *individuals* in society and the relationships they maintain. Public goods, collective goods, community, and culture are relational, and irreducible to individual goods. But these greater goods are judged as good owing to their consequences for individuals. From this follows the norm of *moral equality* in collective rule: because each individual life is an end in itself, collective decisions ought to recognize, respect, and benefit individuals' interests and values equally, insofar as possible. This moral intuition is central to democracy, and makes the concept morally compelling, apart from any institutional embodiments. Moreover, because this intuition is shared by many moral theories in one form or another, democracy benefits from and expresses this moral purpose without requiring a single moral theory for its morally compelling qualities.

1.2 Boundaries of Inclusion/Exclusion: Defining "The People"

The norm of moral equality applies to those who are part of "the people" composing the collectivity within which individuals are recognized as having a moral status. Thus, every democratic theory assumes, more or less explicitly, boundaries that demarcate inclusions and exclusions. The boundaries may be *territorial*, such that every individual within a territory is included. Historically, however, territorial boundaries have been supplemented with boundaries defined by ethnic, racial, or sexual *characteristics*, such that the relevant "people" includes only, say, the native-born or whites or males within a given territory. In those cases where the principle of territorial democracy has been established, these boundaries typically become the objects of democratic struggles (Phillips 1995). More recently, it has become clear that boundaries may be based on *issues*, as they increasingly are under doctrines of subsidiarity (the notion that political units should match the scale of problems with which they deal), and in emerging global institutions and forums. In such cases, "the people" is constituted and reconstituted as a self-governing collectivity in a different way for each kind of problem and its effects—say, for purposes of occupation, defense, control of pollution, schooling children, or regulating public health. Implied in this kind of boundary is a complex form of citizenship, in which individuals have multiple memberships, depending upon the nature and domain of
p. 386 collective ↳ decisions. Such a conception of boundaries generalizes and incorporates the older liberal notion that already prefigured its complexity: the notion that some matters are properly *public*—the business of the relevant people—while others are *private*—there is no relevant "people," because the issues (say, those involving intimacy) are not of a kind that should be collective matters.

If we were to combine these ideas and extract a robust norm of democracy, inclusion would follow from equal regard for the effects of collective decisions on individuals. Boundaries would follow collective effects on individuals rather than territories or individual characteristics. Such a norm would be as follows: *every individual potentially affected by a collective decision should have an equal opportunity to influence the decision proportionally his or her stake in the outcome*. The corollary action norm is that *collective actions should reflect the purposes decided under inclusive processes*. In short, the basic norm of democracy is *empowered inclusion of those affected in collective decisions and actions* (see, e.g., Habermas 1996, 107; Dahl 1998, 37–8; Held 1996, 324; Young 2000, 23).

2 The Normative Logic of the Democratic State

Where does the state fit in to this broad, normative idea of democracy? In answering this question, it is useful to consider the nature of state resources of organization. Max Weber's definition of the state as "a human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory" remains the most satisfying conception we have (Weber 1958, 78). The definition covers the essential elements: states monopolize violence; they attach normative reasons to their organization and deployment of violence; and they are territorial in nature. Importantly, Weber's definition retains Thomas Hobbes' basic insight that a state monopoly over violence is necessary for rendering violence safe and knowable (Hobbes 1982).

Democratic states are no different than others in this respect: they deploy violence through their police powers. All other powers—taxation, administration, establishing political and judicial procedures, economic inducements and management—are parasitic upon their capacities to use violence. What
p. 387 distinguishes democratic states, rather, is that (a) they are *constitutional* and ↳ operate under the *rule of law*. The rules regulating state violence are public rather than secret—knowable by all—and universal rather than arbitrary—that is, binding upon all. And (b) the rules regulating the deployment of violence are legitimated by reasons agreed by the people in accordance with knowable and inclusive political procedures (Habermas 1996). Both elements require a state with the judicial and administrative capacities for even-handed and non-arbitrary enforcement. It was once popular to speak of "totalitarian democracy" as a way of characterizing mass participation in authoritarian and totalitarian regimes from Robespierre's France to Hitler's Germany (Talmon 1955). But the concept is really an oxymoron: "totalitarian" elements of such states undercut the powers of citizens to participate in legislation as well as to judge and revise. Likewise, at least since Madison's notion of a "majority faction" (Hamilton, Jay, and Madison 2000, no. 10) and Tocqueville's (1994) conception of "tyranny of the majority," it has been common to understand democratic procedures in tension with individual rights and liberties. But it makes little sense to attach the adjective "democratic" to any state that fails to use its monopoly over violence to generate and protect the powers of citizenship for all affected by collective decisions. Again, some refer today to *non-liberal* democracies, indicating political systems that hold regular elections but lack basic rights (Freedom House 2000). But insofar as liberalism is connected with the idea of constitutional rule that includes rights and liberties for individuals, it is hard to see how a state could function as a democratic state without these liberal elements. If "democracy" retains any connection to the normative idea of collective self-rule by individuals of equal moral worth, the rights and liberties necessary for citizen powers are inherent in the concept of democracy.

More generally, if citizens are to become agents of political action, democratic states must use their monopoly over violence not only to constrain and regularize its effects, but also to create securities upon which non-violent interactions and institutions can build. Such state capacities are basic: violence, or the threat of it, is an *ultimate* form of power: it "is the facility of last resort in shaping and managing interpersonal relations, for it operates by causing sensations and activating emotions which all sentient beings experience." Likewise, power as violence is *paramount*: it has a functional priority over other forms of power and influence (Poggi 1990, 8–9). Only insofar as violence is monopolized, controlled, and regularized can individuals exercise whatever other powers they possess—in particular, the powers of persuasion, association, and voting that are essential to democracy.

p. 388 Considering these qualities, what are the proper normative functions of the state with respect to democracy? Notice that I refer to *functions*: as a corporate entity, democrats, following liberals since Locke (1963), do not assign any moral worth to the state itself. Its legitimacy and sovereignty are, according to the democratic idea, derived from the people. A democratic state will, of course, represent the normative values and aspirations of a people. But where these representations and aspirations become identified with the

state itself, as a corporate body, the result is fascist rather than democratic, and the state is now positioned, normatively speaking, to claim goods that compete with those experienced by its citizens.

The normative character of a democratic state resides in five other qualities. First, already mentioned, state power "borrows" normative legitimacy from the people, expressed in constitutional designs that actualize the democratic norms of moral equality of individuals and their rights to participate in collective matters that affect them.

Second, states enable legislation that expresses and actualizes normative purposes. Because purposes are often debatable both in principle and in practice, the normative consensus that supports laws should, ideally, be renewed continually through democratic processes (Habermas 1996).

The third normative quality is indirect, but critical to democracy. In deploying its power through boundary-setting, protection, and support, the state is constitutive of citizenship, in this way providing a moral status for individuals that affects not only their rights and entitlements, but also their self-conceptions and sense of agency (Honneth 1996, 108–20). Most basic, of course, are territorial boundaries and residence status. While no democratic state has open residence boundaries, all constitute citizens as the bearers of rights and beneficiaries of protections. In addition, democratic states provide entitlements—usually to education, some amount of economic security, some medical care—which amount to moral recognitions of persons as agents, both of their own lives, and as participants in society and politics.

The fourth normative quality is indirect as well: democratic states protect social relations so they can develop autonomously from the state, and in such a way that society can develop its own distinctive and plural goods (Preuss 1995; Cohen and Arato 1992). Through status-giving and protection, states enable normative relations among and between individuals in ways that are not encompassed within state institutions, but are recognized by democratic states as constitutive of the people from which it takes
p. 389 directions. It is essential to the democratic state that it recognizes and enables a variety of goods while not
↳ encompassing or directly expressing these goods. This is why democracies are associated not only with freedom, but with pluralism as well (Walzer 1983).

Fifth, and following from this logic, because they enforce the boundaries and supports implied in rights and liberties, democratic states enable the *publics* through which norms work as a directive force upon the political system itself. Where states are less than democratic—as most are—publics can and do constitute themselves against the state. Under democratic circumstances, however, states protect publics even as they challenge state policies. A democratic state is protective of normative discourse within society, because this is the source of the people's voice, will, and preferences which, ideally, are transmitted through democratic institutions and transformed into legitimate state power (Habermas 1996).

Added together, it is hard to overestimate the importance of these reciprocal relations between norms and power. Following Hannah Arendt (1970), we might say that the democratic state transforms violence into power, where power is not only the power of command, but also the power of organization that draws on the wills and capabilities of those commanded. Normative legitimacy motivates individuals, not just to acquiesce, but also to orient their wills toward collective projects. As the revolutions of 1989 showed, the apparently hard powers of the state can rapidly melt away when they lack legitimacy. That democratic states are by far and away the most powerful states today can be explained in large part by their capacities to respond to the normative discourse of society while deploying its powers to protect the very possibility of a politically-directive normative discourse.

3 The Institutional Logic of the Democratic State

It is essential to democracy not only that individuals are morally equal, but also that on average individuals are better able to know their own interests, values, and goals than any agent or class who might seek to rule over them as guardians (Dahl 1989). So, while democrats do not assert that individuals are equally competent to participate in collective self-governance, they do view the moral and epistemological claims of
p. 390 individuals to ↳ self-rule as decisive considerations in matters of power distribution. Most of the institutional problems of democracy reside in three problem areas that follow: (a) distributions of decision-making powers; (b) structuring processes of collective judgment; and (c) constituting collective agents of the people.

3.1 Distribution of Powers: Checks and Balances, Rights, and Votes

Democratic theory has traditionally been concerned mostly with the first of these problems: how to distribute and reaggregate the powers of decision-making. And, indeed, these are usually the toughest problems of democratic theory, as famously recognized by Hamilton in *The Federalist*: "in framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself" (Hamilton, Jay, and Madison 2000, no. 51). Since Hamilton's time, the powers of the state have grown dramatically, so much so that bureaucracies generate their own powers, elites, and interests, often in conjunction with powerful social and economic powers, so much so that schools of democratic theory from Michels (1966) through Schumpeter (1972) and Luhmann (1990) have held to the view that, at best, the powers of the state can be checked by the people, but certainly not directed (Bobbio 1987; Sartori 1973). Likewise, the forces of differentiation out of which democratic states have grown have unleashed the powers of markets, and with this created economic power centers and structures outside the state. Democratic states have become beholden to these powers in ways that limit their responsiveness to the people through the democratic resources of voting and talk (Dryzek 1996; Lindblom 2001).

Such powers—bureaucratic, corporatist, and market-based—represent enormous challenges to the project of state democratization, and may suggest that, no matter how dependent democracy is upon state securities, further significant deepening of democracy is likely to lie elsewhere, in the forces of civil society, in quasi-political organizations, in transnational actors, direct action, and other emerging forms (Dryzek 1996; Warren 2002). Nonetheless, owing to the ultimacy of power and the dependence of new forms of
p. 391 democracy upon it, democratic checks upon and distributions of state power remain ↳ central to democracy. Moreover, even if the democratic responsiveness of the state is imperfect, there is much to choose among imperfect forms.

Some kinds of controls are endogenous to the state, such as the principle of separation of powers and the resulting incentives for representatives and other political elites to watch over the powers accumulated by one another. Rights and liberties indirectly serve power distributive functions because they are, in effect, relational empowerments: they imply duties of forbearance of and equal treatment by power holders—the police, government agencies, firms, and other individuals—while also requiring governments to deploy the resources necessary to guarantee forbearance and equal treatment. The democratizing force of rights and liberties is not limited to citizenship. An exceedingly important effect is that the reduction of *social* vulnerabilities—say, between employers and employees or between men and women—tends to equalize power relations in such a way that more collective decisions *within society* are pushed out of the realm of command and into the realm of negotiated resolutions. At the same time, actionable rights reduce the risks of trust, which in turn enables horizontal networks of association (Warren 1999). As Tocqueville (1994) and Dewey (1993) understood, rights and liberties have a democratizing effect upon society itself.

Such indirect distributions of power underwrite direct distributions of voting power, the traditional measure of democratization. Many of the problems of institutionalized democracy have to do with differing ways of configuring the decision-making powers dispersed through the vote, reaggregated through elections, and then lodged within representative institutions (Lijphart 1999). From the perspective of voting power, the key questions have to do with how mechanisms of accountability enforce the representative relationship between elected officials and citizens. The more accountability, the more power resides in the vote. Electoral systems matter greatly here, as they are the principle means citizens have to enforce accountability. Some systems, notably those with single member districts, effectively empower only the votes of winners, and so do a poor job of translating moral equality into political equality. Others, such as proportional representation systems, are better in this respect, as they are more likely to translate the vote into legislative representation. But these are only the most visible of problems: the representative relationship can be disrupted by corruption, complexity, or lack of citizen knowledge and attentiveness. Moreover, non-territorial and extra-territorial issues such as foreign policy, ecological issues, many trade
p. 392 issues, lifestyle and identity issues, and immigration issues ↳ typically lack formal representation because they exceed the capacities of states (Rehfeld 2005). Other kinds of bodies—global forums and tribunals, transnational and international organizations, global civil society groups, and other entities—may increasingly speak to these deficits, especially when they are designed with democracy in view (Thompson 1999).

3.2 Collective Judgment: Democracy as Media Displacement

Until recently democratic theorists paid little attention to the consequences of power distributions for collective judgment. Although John Stuart Mill (1998) gave some heed, as did John Dewey (1993), for the most part voting and other means of distributing power have been viewed more as protections against state power than as a directive of collective judgment, a matter left to duly-checked political elites (Macpherson 1977). Some more contemporary democratic theories—notably, pluralism and rational choice based theories—view voting and elections as aggregations of preferences; political judgment is, simply, the consequence of aggregation (Dahl 1961; Riker 1988).

In contrast, more recent deliberative democratic theorists have focused directly on collective judgment (Habermas 1996; Gutmann and Thompson 1996; Bohman 1996; Young 2000). While deliberative theories are often understood as alternatives to institutional and power-based theories, their contributions are better understood as complements, building on the notion that democratic distributions of power change the nature of collective judgment, away from decisions taken by elites and then imposed by power or induced by money, and toward deliberation—that is, argument, persuasion, public justification, as well as bargaining and negotiation.

In principle, collectivities can make decisions through three media of organization: coercive power (usually organized by states), money (enabling decisions to be made by markets), or shared cultural norms (usually organized by association) (Parsons 1971; Habermas 1987). Ideally, coercive power is rationalized, organized, and legitimized through the state. Cultural norms are free to work through the associations of civil society. And many matters, especially complex economic ones, are left to markets. Ideally, democratic distributions of power and protection should function to *disenable* the powers that accumulate within each medium
p. 393 *whenever there is conflict over* ↳ *collective goals*, in this way displacing decisions from the zones of power, money, and culture into talk. So by pluralizing powers, democratic states can induce a shift in the medium through which collective decisions are made—a shift within which resides the secret to their creative potentials. The medium shift does not require full political equality, but rather what some theorists have called "nondomination"—a distribution of rights and protections which make it difficult for the powerful to work their will without appealing to the many who possess, in effect, the powers of obstruction—if not through organized votes, then through publicity, demonstration, court-enabled rights, and even civil

disobedience (Walzer 1983; Shapiro 2003). Democracy as *power distribution* and democracy as *collective judgment* are, then, two different but complementary facets of democratic systems.

3.3 Collective Agency

Democratic decisions, once made, require collective agents to execute them. If people are to rule themselves collectively, they require not only political institutions through which to decide, but also collective agents through which to act. The state is not the only kind of collective agent—there are many other forms of collective agency such as associations, firms, families, and networks. But because its powers are ultimate and paramount, the state can do things other kinds of organizations cannot, such as collect taxes, provide public goods, underwrite binding decision-making processes, and control the externalities of non-state activities. For this reason, democratic states must not only have capacities to carry out collectively-decided purposes, but they must also be trustworthy. If people lack capable, trustworthy agents to follow through on collective decisions—no matter how democratic the procedures—democracy itself becomes moot, because it will lack the agencies through which democratic decisions become effective (see, e.g., Pharr and Putnam 2000; Hetherington 2004).

Democratic theories, however, have tended to focus on legislative decision-making rather than executive processes, following the standard institutional divisions between the legislative and executive functions within democratic states. Executing democratic decisions, on the standard view, resides in the domain of (non-democratic) executive agencies, which are accountable to legislative processes, and which hold their powers as a pubic trust.

p. 394 Such assumptions, however, have been challenged by several developments in the established democracies. The first is long-standing, and was the insight behind the elite theories of democracy traceable to Max Weber (1978, appendix II): executive agencies tend to concentrate power—not just police powers, but also the economic and information-based powers that build upon police powers. The standard response, strong legislative oversight of executive agencies, remains crucial to the integrity of the democratic state. More recent responses, however, seek to empower citizens and the media to engage in oversight, by enacting freedom of information laws, sunshine laws, making information available and usable for citizens, and providing whistleblower protections.

A second, more recent problem is that states have been challenged by the sheer complexity of governance. Critics from Hayek (1964) to Beck (1997) note that because states organize actions through bureaucracies—that is, through rule-based, hierarchical command systems—they are limited in the complexity of their tasks. This is not only because rules tend to be universal and simple, but also because, in their empowered, command form, they leave subordinates vulnerable and dampen the creative capacities of communication as discourse.

These limitations have long been a basis for neoliberal and public choice arguments that as many collective purposes as possible should be left to markets. More recently, however, scholars have noted that there is a third approach to complexity that builds on democracy. Just as states use their powers to enforce rules of political decision-making in elections and legislatures, they can also do so not only in their executive functions (Dryzek 1990, ch. 3), but also in structuring governance outside of government agencies—between stakeholders, for example. And, in fact, some of the most important innovations in democratic theory and practice can now be found in the arena of administration, varyingly referred to as collaborative policy-making, governance networks, reflexive law, and empowered autonomy (Fung 2004; Teubner 1983; Sirianni and Friedland 2001; Hajer and Wagenaar 2003).

A third set of problems follows from the fact that the established democracies have succeeded in part because they *displace* the powers of collective agency into society. Protections create differentiations, and

within the differentiated spheres of market and society grow new powers—those of firms and associations. While these developments cause democracies to become wealthy, creative, and vibrant, they also create two circumstances that challenge the democratic functions of the state. The first is that non-state power centers
p. 395 — ↳ particularly those built out of wealth—compromise and often undermine the capacities of the state to manage the economic conditions of democratic citizenship (Lindblom 2001). The second is that the state loses its status as the primary engineer of social futures, and so the focus of democracy—insofar as it is about collective futures—becomes both plural and diffuse (Offe 1996, ch. 1). As a consequence, the democratic state today looks more and more like a locus of negotiation than a locus of responsibility and direction.

4 The Future of the Democratic State?

There has been much talk of the obsolesce of the nation state, overwritten as it is with the forces of global markets, communications, trade and security regimes, new political forms such as the European Union, and issue-based transnational regimes, and challenged by increasing complexity and political congestion (Held 1995). Because the democratic project has been mostly about state-centered democracy, it may seem that democracy too will wane in importance.

Talk of the impending demise of the state, however, is premature, as is talk of diminished democracy. Forms of democracy are changing, often rapidly (Cain, Dalton, and Scarrow 2004). It falls to democratic theorists to identify these transformations and to ask what functions fall to the state, now and in the future, that would support democracy conceived generically, as the kinds of collective self-governance that enable empowered inclusion. Based on the argument so far, here are some possible directions the state–democracy relationship may take.

First, the basic functions of the state in providing security and reducing risks will remain essential to democracy in any form. Although security risks are no longer containable on a territorial basis, territorial control—the most basic defining attribute of the state—remains central to other kinds of security regimes. At the same time, territory-based communal self-understandings are increasingly challenged by migration, mobility, and multiculturalism, as well as by the complex identities of post-materialist citizens. These developments are already undermining welfare entitlements based on communal identities. Democratic
p. 396 states are likely to continue to provide basic welfare supports, but ↳ it is also likely that their legitimacy will draw less on identities with national communities, and more on the universal goods of security and risk reduction. Risk consciousness is likely to congeal with rights language in such a way that citizens will claim the rights of "freedom from" bodily harm, ignorance, hunger, and deprivation, even as the entitlement language of equal treatment erodes (Beck 1997). From the perspective of democracy, rights-based risk reductions still function as empowerments, which in turn underwrite capacities of citizenship.

Second, as individuals increasingly understand themselves as the bearers and beneficiaries of rights, the judicial functions of the state will become more important in defining citizenship. Actionable claims are the basis of individual empowerments, which in turn provide political standing not only with respect to the state, but also within civil society and the economy. But because judicial actions are cumbersome and costly, we should continue to see new and innovative venues and methods of conflict management, such as mediation and arbitration. We can think of these developments as political processes motivated by the availability of judicial redress, but operating below the judicial threshold. More generally, where states have growing capacities and responsibilities to define and enforce rights, we should see a displacement of conflict into new venues with democratic potentials.

Third, the state's capacities for direct global planning and organization will continue to diminish, and with this the notion that a state is an expression of the people's will. That is, it is less likely that states can

convert their police powers and administrative capacites into collective action on behalf of collective projects. States may instead increase their attentiveness to processes of conflict resolution, and use their powers to provide standing to parties without imposing solutions, which will then be deliberated and negotiated. As democratic states develop, they will act less like the social engineers of "high modernism" (Scott 1998), and function more as guarantors of procedure, providers of conflict management, and regulators of those social powers that have the capacities to externalize onto others the consequences of their activities (Teubner 1983; Offe 1996; Fung 2004). These developments will produce a "reflexive" form of the democratic state, one which is more process-oriented in nature and which displaces many political functions into civil society.

Finally, it is likely that states will support, oversee, enable, and back-up many new political processes organized around issue complexes rather than territories. Some of these developments will involve state-
p. 397 like structures, as ↳ are evolving in the European Union, while others, such as the World Trade Organization, have an associative, non-territorial, and exclusive structure. Whether or not they are democratic in their origins, however, such organizations are rapidly becoming focal points of political activity in ways that their boundaries of exclusion issues, while bringing into existence new targets and venues of democratization.

Each of these possible developments represents opportunities for democracy that exceed its state-based forms—and surely there are many others. But the potentials depend upon and require the more traditional institutions of state-based democracy, since these generate the capacities upon which new forms of democracy build. New developments should be assessed, however, not on whether their institutional forms look like the familiar, state-based institutions of democracy, but on whether they further the democratic norm of empowered inclusion.

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