Democratic and Authoritarian Political Systems in 21st Century World Society. Vol. 1: Differentiation, Inclusion, Responsiveness

Ahlers, Anna L.; Krichewsky, Damien; Moser, Evelyn; Stichweh, Rudolf

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Editorial

Since the 18th century, society is world society. The book series documents research that explores this hypothesis, with particular focus on the polity, the system of religion, world science and higher education as four global function systems. All these systems are based on inclusion, that is everybody can and should participate in them; they are all responsive in observing their environments and identifying problems of society and producing problem solutions. They are all extremely diversified and at the same time claim to be singular: Studies on the genesis of these systems and the global comparison of function systems make the unity and diversity of world society visible. Which are the societal problems that can only be solved by the polity, religion, science and by universities?

Die Gesellschaft des 18. bis 21. Jahrhunderts ist Weltgesellschaft. Die Buchreihe dokumentiert Forschungen, die diesen Befund vertiefen, insbesondere im Blick auf die globalen Funktionssysteme Politik, Religion, Wissenschaft und Hochschulerziehung. Alle diese Systeme ruhen auf Inklusion, jeder kann und soll an ihnen teilnehmen, alle sind responsiv, sie beobachten ihre gesellschaftliche Umwelt und produzieren Problemlösungen. Sie sind extrem diversifiziert und postulieren zugleich ihre eigene Unverzichtbarkeit: Studien zur Entstehung und zum globalen Vergleich dieser Systeme werfen für die Theorie der modernen Gesellschaft die Frage nach Einheit und Diversität auf. Welches sind die Probleme, die nur durch Politik, Religion, Wissenschaft und Universitäten gelöst werden können?

The series is edited by Adrian Hermann, David Kaldewey and Rudolf Stichweh.

Anna L. Ahlers, Damien Krichewsky, Evelyn Moser, Rudolf Stichweh

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Vol. 1 – Differentiation, Inclusion, Responsiveness

Contents

Preface

This book reports on the work of a research group that was established at the University of Bonn in 2013. This group 'Comparative Research on Democracies' is a part of the 'Forum Internationale Wissenschaft' in Bonn, an interdisciplinary research institute that focuses on the functional differentiation of contemporary world society. In the Forum we created three departments for the study of contemporary religion, for research on the global system of science and for research on the world polity.

In our days, there are many thousands of academic research institutes in the world. But the 'Forum Internationale Wissenschaft' appears to be the only one among them that truly concentrates on the 'functional differentiation of world society' as its major research problem.[1] This special and rare position is for us a challenge and an obligation. In this book – the first of two volumes – we do not run the whole gamut of functional differentiation of society. Instead, we focus on one function system, the world polity, a function system consisting of hundreds of democratic and authoritarian political systems. However, we always write from a perspective that seeks to compare function systems. In studying features of modern political systems – patterns of internal differentiation, the duality of representation and responsiveness, the dynamics of problem expansion and problem retreat in polities – a comparison to similar dynamics in other function systems is inescapable. Furthermore, many of these characteristics derive from ecological relations among function systems. Thus, though we are primarily interested in polities, we have to understand them on the basis of the relations of the polity to other function systems.

We do not arrive at an adequate understanding of modern polities if we primarily study them as modern transformations of premodern states. Premodern states were at the apex of a stratified, i.e. hierarchical, society. They dominated

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[1] One of the authors of this book was part of an earlier, somehow similar endeavor, also related to a new research institute. See Renate Mayntz, Bernd Rosewitz, Uwe Schimank, Rudolf Stichweh, *Differenzierung und Verselbständigung. Zur Entwicklung gesellschaftlicher Teilsysteme,* Campus Verlag: Frankfurt/New York 1988. It might be interesting to compare these two books, asking the question how far the understanding of functional differentiation has progressed in 32 years.

society and all its groups and strata. In doing this, they constituted the whole of society and included every societal relevance into their domain. Religion may have made similar and competing demands on society. It was the only other function that could claim the whole of society (including the state) as being part of its domain and subordinate to it. As long as these interpretations were dominant and decisive for societal structure formation, society consisted of the competing claims of two totalizing functions, both of which were monistic, not pluralistic visions of society. This monism embedded into stratification constitutes the radical difference between premodern society and modernity.

Modern polities have to be understood through the ecology of relations among function systems. They have to find and incessantly redefine their place in society. They produce decisions that are collectively binding, but in preparing decisions they experience constraints and knowledge deficiencies that are always related to the complexity of a functionally differentiated society. This book concentrates on six key analytical perspectives that mirror the way modern polities are embedded into the ecology of functionally differentiated world society. In the following, we summarize these six analytical perspectives.

There is, first, **inclusion** (Ch. 1)**,** which is a universal imperative in all the function systems of world society. They are all based on **inclusion revolutions** which begin in the eighteenth century and continue into the present. Inclusion is related to the institutionalization of the **individual** as one of the core inventions of modernity that connects locality and globality, structures and beliefs. Polities always have to balance individual and collective inclusion. How they do this shapes the democratic or autocratic or populist regimes they build.

Modern political systems can no longer adequately be described by looking at the apex of a hierarchy. To do so was instructive in the premodern world, but it is instructive no more. Function systems of the modern world achieve their autonomy and identity by building complex patterns of **internal differentiation** (Ch. 2). The best way to understand a function system is to understand its **milieu intérieur** (Claude Bernard), that is its internal environment, the practices and imperatives built into it, and the way the system is different from all the systems in its external environments on the basis of the complex reality of its internal environments. To understand autocratic mainland China one needs to study its villages and regions and provinces and cities and the immense multi-level governmental apparatus, the way decision capabilities are distributed in it, and the way decision alternatives are generated and made use of. Another core question is the interrelation between the ongoing internal differentiation of a function system and the processes of differentiation progressing in its external environments.

What is characteristic for political systems and distinguishes the polity from other function systems is that politics is almost never a profession, which can be learned by studying a specific **knowledge system** (Ch. 3) that – as a scientific or

intellectual knowledge system – defines the core of what politics is about. In contemporary society in most world regions exist a profession of law and a profession of medicine and often a professionalization of religious core roles, and even, in the last decades, a certain amount of professionalization of managerial roles in the economy. But there is no profession of politics. The inclusion into political public roles (voters and the public sphere) and political performance roles (political parties and political offices) is independent of professionalization. The inclusion of everyone with equal rights of participation seems to be so important that it conflicts with any professionalization imperative for politics. If one starts from this diagnosis there arises the core question of how political processes organize the access to the knowledge resources they need in order to work on the ever more numerous societal problems that are being redefined as part of the problem set in need of collectively binding decision-making by political institutions. For this they need advisors and experts and other forms of knowledge import. The study of modern political systems will in one central respect be the study of these forms of knowledge import.

But how does the political system observe society? If modernity no longer has a problem set that defines which problems are the invariable core responsibilities of political systems, one has to find out how political systems select the problems they work on. For this selection process modern political systems make use of two strategies by which they try to affirm and expand their relevance for society. These two strategies are **representation** and **responsiveness** (Ch. 4). Representation is based on inclusion which, via votes, petitions, protests and public opinion allows the political system to apprehend the problem perspectives, preferences and interests present in the population. These are then selectively represented in the system. Representation already works in small-scale political systems. But political systems grow in complexity over time. They build an institutional set of their own and this set of political institutions develops diagnostic tendencies regarding relevant societal problems that operate independently of direct inclusion. We call these somehow autonomous diagnoses responsiveness. The path from representation to responsiveness seems to be a general feature of the differentiation histories of function systems: they start as relatively simple machines for the representation of environmental features, only over time do they build much more complex interpretive schemata which demonstrate cognitive autonomy. But the responsiveness of polities is obviously limited, as polities are organized around the fight for power, but not around the search for knowledge.

Besides the power structures, ever more organizations and institutions arise in complex political systems. These institutions and organizations are specialized on functionally defined policy fields and relatively specific problems in those policy fields. Policy fields are obviously near to the functional differentiation of society and they operate as channels for the interaction of the polity and the other func-

tion systems of society. The institutions and organizations (central banks, constitutional courts, cartel and patent offices and many others) are often endowed with autonomous competences for collectively binding decision-making. They are **functional autonomies** (Ch. 5) and as such insulated from power processes, although their decisions can claim the force of collective bindingness, which is only available in a political system. Such autonomous organizations are always expert organizations and the kind of expertise they represent is in most cases near to the problem perspectives of other function systems beyond the polity. The rise of these organizations documents the respect for knowledge which is unavailable or not sufficiently protected in the power processes of political systems, and it documents the respect a democratic polity may build regarding the autonomy of other function systems. Functional autonomies are the structural form through which polities accept the primacy of the functional differentiation of society and operate with self-limitations on the basis of this acceptance.

The inclusion revolution at the beginning of modernity is clearly a democratic revolution. But in most cases this was a slow process, in which mixed forms of government – monarchies, aristocracies, democracies – dominated for most of the 19th century and into the 20th century. At least until 1918 (dissolution of empires as a consequence of WWI) and in some respects until 1960 (final decolonization) the most important states were empires, what implies that different regime types were part of the same empire. Only after 1960 did the modern system of the universality of national and territorial states arise. In this modern system the **bipolarity of democracy and authoritarianism** (Ch. 6) becomes the dominant regime difference. Authoritarian regimes mostly do not mean the continuing dominance of traditional aristocratic elites. In some respects, autocracies participate in the democratic revolution as most of them call themselves democracies and they affirm the universal inclusion of everyone in the possibilities of participation they offer. The major differences of democracies and autocracies have to do with the way they react to functional differentiation.

Democracy seems to be the political regime that maximizes the compatibility with functional differentiation. Democracies are receptive towards a plurality of societal values and they limit their Eigenvalues to core values that protect the autonomy of the individual. They create the autonomous institutions analyzed in Ch. 5, and thereby enlarge the social spaces for other function systems and processes of self-organization in other function systems. They identify and fix political problems in open search processes that aim for representation and responsiveness (Ch. 4). Compared to such structures authoritarianism nearly always means the resistance to and a partial negation of functional differentiation. Autocracies realize the renewed dominance of a stratum, an ethnic group or a family/dynasty in politics and society. In other cases, autocracies institutionalize a prevalence of one of the function systems of society over the other functions. This may be reli-

gion (theocracies or ideocracies of quasi-religious systems), the economy (technocracy), or the polity itself, if there is a political actor who successfully claims a non-negotiable domination (a political party, the military, a dominant person). These different claims for dominance are often based on non-contingent values.

The research group that produced this book will continue the work on the analytical perspectives presented here and add further perspectives. We prepare a second volume with case studies on Mainland China, Russia, India, the EU and the USA. We have to thank the University of Bonn and its rectors who established and continue to support the 'Forum Internationale Wissenschaft'. We are grateful to the other members of the democracy group who did not contribute chapters here but actively participated in the conceptual work and discussion of these papers: Lena Laube, Felipe Peréz-Solari, Philipp Rückheim, Anna Skripchenko, Gioconda Vallarta-Cervantes, Pascal Goeke and Christine Weinbach. Special thanks are due to Jennifer Eggerling-Boeck (Madison/Wisconsin) who contributed language editing and to Raja Bernard who functions as the organizing spirit of the research group.

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1. Individual and Collective Inclusion and Exclusion in Political Systems

Rudolf Stichweh

I.   Inclusion revolutions and the genesis of modernity

Modernity and functional differentiation

Modern society arose after 1750, and the arrival of modern society was closely connected to a plurality of inclusion revolutions that occurred around this time or since then and that are still going on. The political transformations that are the subject of this book are a part of these processes.

Modernity is first of all a temporal concept. It points to a discontinuity that separates 'ancients' from 'moderns' and articulates a strong preference for moderns. The present time is no longer related to a superior past but rather to a future we are looking toward with our unfulfilled expectations. Time becomes universal. It becomes a standardized and synchronized world time. It seems to be running faster or even accelerating. And in our days, in some cultural domains there is a switch from modern to 'contemporary' (Belting 2009; Belting, Buddensieg and Weibel 2013; Stichweh 2016b), which indicates that there are many streams of activity running parallel to one another, running fast, and defining a feeling of what is necessary for being contemporaneous with one's time.

From a sociological point of view, the most important aspect of modernity is functional differentiation. The pre-modern order of estates or strata in which every person was invariably included since the moment of its birth, dissolves or at least loses its primary relevance. Instead, there arise macro societal communication systems such as the economy, religion, education, science, law, and the polity, to which individual persons are linked only momentarily, switching their engagements from system to system and defining themselves by the plurality, sequence, and cumulative results of these temporary engagements.

Estates or strata were regional and/or local systems, and one cannot imagine a global extension of an estate/stratum. These strata and the hierarchical social order they established entailed relations of asymmetrical dependence between members of different strata (higher/lower strata), which were almost impossi-

ble to control over long distances. Function systems are, from their beginnings, potential world systems. All function systems are built on the basis of abstractions – money, religious beliefs, philosophical insights, behavioral norms – that after some time might prove to be of universal relevance. In addition to function systems, there are other forms of system formation that are defining for modernity. Most important among these are social networks (especially small-world networks, which are often global networks), formal organizations (many of them world organizations), and epistemic communities (united by shared cognitive and normative expectations), all of which often are subsystems of function systems but sometimes transcend the boundaries of function systems (Stichweh 2007). To study the political systems of modernity that are part of the world polity as one global function system we must also study networks, organizations and epistemic communities.

The polity as a function system

The polity is one of the function systems of contemporary world society and it is clearly a global function system, a 'world polity', a term very much shaped by the writings of John W. Meyer (Meyer 2010). In looking at the polity as a function system, we must define its function. As is the case for all function systems, the main task of a political system is solving social problems, problems that the political system understands as social problems that are part of its domain and for which the polity (and perhaps only the polity) is responsible.

Is there a possibility of defining the class of genuine political problems? The answer is probably negative. Over decades and centuries, problems – e.g. poverty and public health, sexuality and marriage, university curricula and the selection of the professoriate – move in and out of the domain of political action. While there is a *history* of shifting political problems, there is no *logic* of political problems that are inherently identifiable as 'political'. In one of his last speeches as president of the United States, Barack Obama opted to define political problems as often being 'dirty problems': "… part of government's job, by the way, is dealing with problems that nobody else wants to deal with"[1].

If there is no inherent characteristic that defines political problems, 'the political' may be identified by looking at the way the political system 'solves' its problems. In the political system this is not done by cognition or diagnosis but by looking at alternative problem solutions and choosing one of these alternatives.

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1   Remarks by the President in Opening Remarks and Panel Discussion at White House Frontiers Conference, Carnegie Mellon University, Pittsburgh, October 13, 2016, https://obamawhitehouse. archives.gov/the-press-office/2016/10/13/remarks-president-opening-remarks-and-panel-discussion-white-house.

The decision that is finally made on the basis of deliberations and other political processes is then considered binding for the collectivity that defines the social boundaries of the respective political system. 'Collectively binding decisions' still seems to be the best formula for describing the function of the political system (on collective bindingness, cf. Parsons 1969). And 'collective bindingness' means that once the final decision has been made it is binding even for those who preferred an alternative course of action before. They can still try to change the situation by a later decision that reverses the earlier decision, but as long as this later decision has not been made, they must accept what has happened and adapt their course of action to align with the decision. The 'Brexit' decision, which is now implemented by people many of whom voted against it, is a case in point. Further, the Brexit process has illustrated again and again that people may doubt the democratic legitimacy of reversing decisions that have only recently been made.

Besides the making of collectively binding decisions, there is one other characteristic that is constitutive of political systems. Political systems and the decisions made within them are always and everywhere based on power as a symbolically generalized medium of communication (Luhmann 1975; Parsons 1969). Power as a medium of communication means the possibility of using threats of negative sanctions to motivate others to accept a proposed course of action. Power, in this understanding, is a very elementary communicative operation in political systems. Elementary power accrues to everyone who participates in a political system. If an individual voter expresses that she might not vote again for the party she voted for in earlier elections, and if at the same time she points to certain political expectations she wants to be fulfilled, this is clearly a case of communication via power – and these communications that point to the potential negative consequences of a specific course of action are very much the elementary 'noise' occurring in millions of communications from which the 'order' of political systems is continually built and rebuilt (Atlan 1979). There is clearly a cumulative aspect to power. If a political party reliably represents 10-15% of the electorate, then this number is a measure of the power this party can bring to political decision-making processes.

The polity as a world system

Since at least the 18th century, each individual political system has been part of a continental (European, Asiatic) and a world system of states (cf. Vries 2015). States in this world system observe one another, compete with one another, opt for imitation or differentiation, and experience the rise of normative structures that are formative structures for the World Polity. Among these normative structures is the law of nations, which first emerged in the Roman world and was later renewed in 16th/17th-century Spanish legal theory and in other European countries (the Netherlands, the German Empire) (Loh 2019). In addition, a significant corpus of

human rights has arisen since the middle of the 18th century, and these rights have inspired many of the dynamics in the 20th/21st century World Polity.

If one looks at the history of the World Polity over the last 150 years, one can perceive three core distinctions that have functioned as organizing distinctions in this system. From 1870 to approximately 1960, there was a political world in which the national state was not yet the most prominent feature. Instead the world was still dominated by a number of colonial, transcontinental empires (England, France, Spain, etc.) and by continental empires such as the Habsburg Empire (until 1918), the Ottoman empire (until 1923), and the Russian Empire. In this World Polity, the guiding distinction was probably the distinction between 'great powers' and 'regional or local powers' – to be a 'great power' was a status that states actually strived for and indeed fought for in the 'Great War' from 1914 to 1918 (Clark 2013). After 1945 there emerged for a half century a late- or post-colonial world for which the distinction between communism and (democratic) capitalism was the most characteristic self-description. In more political terms, the communism/capitalism distinction was accompanied by the distinction between 'totalitarianism' and 'democracy', and beginning in the 1970s, the social sciences added the term 'authoritarianism' (Linz 2000) to describe non-democratic regimes (especially in Latin America) that could not be characterized as 'totalitarian'. Around 1990, communism collapsed and since that time the guiding distinction of the World Polity has clearly been the bipolarity of democratic and authoritarian political regimes. One of the core problems this book addresses is describing and explaining this bipolarity of democracy and authoritarianism.

A sociological theory of inclusion as a theory of modernity

For us, the sociological theory of inclusion and exclusion (Bohn 2006; Luhmann 1981; Luhmann 1995; Parsons 1965; Stichweh 2016a; Stichweh and Windolf 2009) is one of the core instruments for understanding modernity, and by implication, for understanding modern political systems. In one respect, the inclusion of persons in social systems is a universal phenomenon in the history of human social systems. In every social system, people must know who belongs to the system and can be considered a member of it (if membership is a relevant category) and will therefore be addressed as such. A theory of inclusion becomes especially relevant when being included in a social system is no longer a primordial fact established at the moment of birth and extending for (potentially) a person's entire lifetime. Instead, in modernity decisions about the inclusion and exclusion of persons in social systems have their basis in the ongoing communicative operations that constitute social systems. There are many of these processes occurring incessantly because there are many social systems processing parallel to one another. Further,

decisions on inclusion and exclusion must be renewed and can be revised and are therefore a dynamic feature of the structural reality of modernity.

Inclusion and exclusion as concepts in social science

What are the basic insights built into a theory of inclusion and exclusion? First, one must distinguish social systems and psychic systems (persons from the perspective of social systems). If one introduces such a distinction, social systems will be described as consisting of communications, and consequentially psychic systems will be seen as existing external to social systems, but being potentially included in social systems via the communications that are ascribed or addressed to them. Then, the inclusion of persons becomes a variable and temporary reality that can change from moment to moment.

Some inclusions can take the form of membership of the respective persons in social systems, however. This seems to be true only for organizations, because an organization is the only type of social system that constitutes itself via decisions about who is a member and who is denied membership. Most other types of inclusions are more fluid and do not have this stable basis provided by formal decisions about membership.

In opposition to inclusion, there is always the possibility of exclusion, which means that someone is somehow 'unwanted' in a social system. Other participants ignore this unwanted person. No communications are addressed to her. Many exclusions are implicit, i.e. are communicated via ignorance and indifference towards those who are excluded. In other cases, there are explicit communications in which exclusion is decreed by words or in writing.

Inclusions, which in most social systems do not take the form of membership become more stable in nearly all social systems by being transformed into social roles. A role is always a set of expectations addressed to someone, and in this role-based understanding inclusions are couplings of expectations regarding obligations and rights that realize the inclusion of individual persons by making use of this social form of an inclusion role.

The duality of inclusion roles (performers and professionals vs. clients, observers, amateurs, and the public)

In many of the function systems in contemporary world society two types of inclusion roles can be distinguished (Stichweh 1988). There are, first, roles that are constitutive for the description and self-description of the respective function system. The health system is about illness and healing, and in modern society most healing is conducted by doctors and other medical professionals. Therefore, the social role of the medical doctor and the other professional roles that have been added in the

evolution of modern medicine define the professional core of the health system as a function system in society. These professional roles constitute one of two major role types by which persons can be included in the health system. Although there is an enormous number of medical professionals today, most persons in society do not become health professionals. They have other occupations connected to other function systems. Nonetheless, those people are not excluded from the health system. For them exists the second major inclusion role of the health system: If they suffer from illness or from other health problems they are included into the system as clients or as patients. On this basis, it can be postulated that the modern health system, in principle, includes everyone, either as patient/client or as health professional, and, of course, health professionals, too, become patients at some point during their lives. Therefore, there is one non-selective inclusion role into the health system (patients) and one selective inclusion role (health professionals).

This duality of inclusion roles for a function system can be observed in most of the function systems of world society. There is often a non-selective role for everyone and a selective role for those who contribute constitutive performances to the system. It is not always about 'clients' versus 'professionals'; in other cases we have 'observers' versus 'professionals' or 'observers' vs. 'performers' (in sports, the arts, the sciences). 'Clients' are always the clients of specific professionals but 'observers' have a more 'generalized' role. They observe the 'system' and do not necessarily observe specific 'performers'. And, of course, performers are in other situations themselves observers in the system in which they are performers, while professionals are in other situations clients in the system in which they mostly work as professionals.

There are interesting cases in which both role types are non-selective, i.e. both role types – even the performance roles – are accessible to everyone. The political system seems to belong to this category, although in this respect there are remarkable differences between political regimes. We will discuss this point later in this chapter. Religion seems to be similar. Sometimes there is a clear professional/client difference in religious communities, while in other cases religious performance roles are accessible to everyone (e.g. 'universal priesthood' as a consequence of the Reformation).

For those who are clients or observers there is often one additional alternative available to them. They can become 'amateurs'. This is another non-selective role option. Everybody can become an amateur in music or science or the sports. And as an amateur, one can become a performer (practicing instruments, doing some kind of research, practicing sports exercises). In many function systems there are 'bridges' built that connect amateurs and professional performers: There are events in theater and music in which professionals appear on the stage with amateurs, and the same is true in some sports (marathon, triathlon). This again demonstrates a certain fluidity in the boundaries between types of inclusion roles,

and this fluidity is not accidental because a society built on inclusion (as a defining value principle) generates normative pressures to avoid any devaluation of any activities in the system.

A last interesting role variant exists because clients, observers and amateurs are often interpreted as 'the public'. In this understanding they are part of an interpretation of society that always confronts professionals and performers with a non-exclusive version of the whole of their societal environment understood as 'the public'. There is, for example, the 'public understanding of science' which means the collective, internal environment of science that includes everyone. There is also the concept of 'public opinion', as a collective internal environment of the polity again including everyone, even those who did not know that they have an opinion.

Inclusion revolutions (1750-2020)

The function systems of contemporary world society are not recent inventions that arose unpredictably and late in the history of stratified societies. Rather, religions, normative-legal systems, and philosophy (as a precursor of science) are based in traditions that are as much as 3.000 years old (Jaspers 1949). And, of course, in Europe there have been roles, professionals, institutions, and organizations arranged around the meaning complexes of certain function systems since the middle ages and even earlier. Since 1200, European universities have served as institutions for educating high-status professionals in religion, law, and medicine. These same universities were, together with other schools, matrices of an emerging function system of education (a function system often built from top down, that is from universities to secondary schools). Further, since the 16th century universities, have been an important instrument in the formation of early modern European states (Stichweh 1991).

However, all these complexes of functional institutions emerging in a stratified society were clearly elite institutions, including only very small segments of the society. Only about 1% of the male population of early modern European countries ever experienced a university from inside and the case was similar for access to medicine, law, science and the polity (as an active participant in a political system).

If one starts from the analysis proposed here it becomes obvious that the fast progression of functional differentiation after 1750 is probably related to transformations in the capability of the emerging function systems to include ever more members of society into their functional domains. If this hypothesis can be confirmed, the genesis of the switch from stratification to functional differentiation as the primary form of differentiation of society should be explained by inclusion

revolutions that have occurred in the emerging function systems since the second half of the 18th century.

In comparing function systems, there is a plausible candidate for a function system that is a likely precursor in the history of inclusion revolutions. This is religion. There may be good reasons to hypothesize that European religiosity in late medieval and early modern society anticipated and prepared the inclusion revolutions of other function systems (Stichweh 2020). Religion may have been the earliest function system because religion is the most obvious realization of a meaning perspective that has no real alternative to the near complete inclusion of everyone into its domain. Of course, there are some religious exclusions. Heretics, unbelievers, pagans, and heathens are not included in religion and often are excluded in dramatic forms. But from the perspective of medieval Europe, which had a totalizing vision of itself as 'Christianitas', these objects of exclusion were either very rare or lived in far distant regions that were of no real relevance. However, all other members of society, which really meant nearly all members of society, had to possess somehow equal status in the way they were a part of religion and were therefore included in society on equal terms as long as this inclusion was dependent on religious inclusion.

One interesting indicator of this special status of religion is the way medieval Europe looked at poverty or at poor people. In purely social terms, poor people would be the best candidates for being marginalized or excluded. In religious terms, however, nearly the opposite was the case. The poor were considered nearer to God and to salvation. Therefore, it became very important for rich people to give a significant portion of their property to institutions that helped the poor and indigent (Crassons 2010). The poor, and only the poor, could pray with some probability of success for the rich and this was the basis of a strong religious inclusion.

The reformation and counterreformation (or confessionalization as the process is often called today) were the next steps in intensifying religious inclusion from the 16th through the 18th century. The early modern situation was not about building a bridge between rich and poor via an exchange of property and prayer, but rather about building a broader basis for inclusion. Learning to read; prioritizing education; and emphasizing work and profession, interiority and individualization – these were major building blocks of the first inclusion revolution of pre-modernity, which occurred in the domain of religion and its transformations.

Even today it is easy to observe, in the *favelas* and other districts of marginalization in the world, that religion is still the function system – and it is no longer restricted to Europe – in which the focus on inclusion is much stronger than in other function systems.

The second half of the 18th century witnessed a progression of inclusion revolutions in other function systems of society. We could start with education, which is strongly linked to religious confessionalization. This shift resulted in the uni-

versalization of the primary school, which had been finalized in some Calvinist provinces in Europe (Scotland, Netherlands) by the late 18th century. Parallel to this, an expansion of secondary and tertiary education began already in the 17th century. A good example within Catholicism is the development of the Jesuit system of education, which focused primarily on secondary education in colleges (with a few tertiary faculties – law and theology – added to some colleges) and first addressed the Catholic nobility, a stratum that had not shown much interest in higher education before (Brizzi 1976). The major expansions of secondary and tertiary education occurred only in the 19th and 20th centuries, respectively. In both cases, there were countries that approached inclusion rates of 100% at some point (late in the 19th century for secondary education in the USA, late in the 20th for tertiary education for countries such as New Zealand, Taiwan and South-Corea) (Goldin and Katz 2008; OECD 2019).

For the economy (as is true for other function systems, too) there are plural indicators of inclusion, for example monetization. How many people participate in a money economy and how many are included more indirectly? A major transformation regarding inclusion in the economy transpired in the second half of the 18th century when, as a result of industrialization, there were the first cases of economies that combined the inclusion of a growing population in the economy (in terms of work and access to money) with still faster growth of the economy as a macrosystem, which meant that population growth was no longer the cause of increasing pauperism but rather became a driver of further economic growth. Thus, the growing population was no longer a burden but rather became a resource for economic growth (North and Thomas 1973).

In science we observe very different patterns. With regard to the transformation that occurred after 1760 and that brought about the modern system of scientific disciplines (Stichweh 1984; Stichweh 1992), we can speak about inclusion in an understanding that points to the disappearance of restrictions on authorship. In the new open and specialized journals that emerged beginning in the late 18th century, anyone who could write a paper could publish a paper. There were no longer privileges for academicians and other elite members. Therefore, the author space clearly expanded. However, the inclusion in authorship still encompassed only the very few persons who could actively conduct scientific research. Starting in the early 19th century, in European cities there were established bourgeois clubs and associations that included a bourgeois public in the culture of science. Again, the numbers were small and there was obviously no anticipation of the creation and necessity of a universal inclusion role in science. The inclusion revolution in the modern system of science did not materialize until the 20th and 21st century, when a much bigger system of world science became increasingly relevant for the way of life of every individual and for the future of world society.

We will not discuss further cases at this point, although later we discuss inclusion revolutions in different types of political systems. However, we should draw an initial conclusion. In stratified societies function systems still only occupy niches in the communications of society. They exist but are only small islands in a huge sea of inequality and stratification. For the further proliferation of functional differentiation one has to wait until the inclusion revolutions beginning in the 18th century effect a transformation of scale in function systems and bring about function systems of universal societal relevance. At that point stratification was pushed back and became of secondary relevance. Function systems became highly differentiated macrosystems that seek further expansion and actively scan society for potential problems and for new relevances. The function systems as they are emerging now are highly responsive both to society and to the other function systems of society. For them there are no longer conflicts between functional autonomy and responsiveness to society as function systems have become big enough that they no longer fear for their autonomy.

II.   Individual and collective inclusion and exclusion

Types of individuality and historical consequences

The forms of inclusion that brought about modernity cannot be examined without considering the modern definition and institutionalization of individuality. Questions of inclusion in modern social systems would not have become so central if individuality had not been invented and established as a core institution of modern society. Since Durkheim we know that the individual is not an anti-institutional cause of societal disorder. Just the opposite is true, the individual is a very prominent societal institution (Durkheim 1898). Parsons and Goffman continued this line of thought, stating that the individual is more than an institution. It is a value principle and informs a kind of (civil) religion. We all are devotees of the 'cult of individuality' (Goffman 1972; Parsons 2007).

But what is meant by 'individual' or by 'individuality'? There is a bipolarity embedded in modern individuality. Modern individuality means the 'equality' of all individuals just as much as it means the 'singularity' (German: Einzigartigkeit) of each individual. Individuals are both similar and completely dissimilar (Eck 1908; Schleiermacher 1800; Simmel 1890; Simmel 1917). The idea of singularity can even be formulated in a very strong version in which there is no other individual in the world who can be compared to the one we observe at this moment. From this bipolar structure of equality/similarity versus singularity/dissimilarity follows the corollary that a population of many individuals who are just as equal as they are singular will be characterized by microdiversity (Luhmann 1997). Individuals are similar in certain general respects and dissimilar in certain specific respects they

do not share with most of the others around them. And this combination of general similarity and specific dissimilarity can be be described as microdiversity. If individuals are microdiverse in relation to one another, each social and political collectivity consisting of many individuals can be described as a population, using an understanding of this term introduced by evolutionary biology. The populational microdiversity of a collectivity functions as the basis for the dynamics of change in social systems (Stichweh 2018). Microdiverse individuals in a political system are characterized by microdiverse interest articulations. The processes and structures of a political system specialize in being selective in a way that transforms diverse articulations of interest into political decisions supported by majorities or relevant minorities.

A further interesting interpretation of the individual is that there is a direct relationship between 'the individual' and 'the world'. There are some remarkable semantics, mainly in the Romantic tradition, that describe the individual as an active entity who tries in its highly individual way 'to reconstruct the world'. This world-reconstructing capacity can be ascribed to collectivities as well as to sociocultural systems. In this respect, one might say that collectivities/systems can be considered higher-level individualities. It is this 'world affinity' that allows us to contend – as Simmel already argued in 1890 (Simmel 1890, p. 181-2, 198) – that in modernity there is a direct linkage from the individual as a micro-entity to cosmopolitanism and to world society as the most extensive context in which an individual can possibly move.

Political individuality and inclusion roles in political systems

As is true for all function systems of world society, the political system defines its own concept of individuality and does so in a way specific to the function system, thereby producing semantics and variants of political individuality that are the starting point for the definition of inclusion roles in different political regimes. The core of modern political individuality is clearly being an individual citizen and this idea takes the place of the most important premodern idea of political individuality, namely being a (subservient) 'subject' of some political regime. The change seems dramatic. A subject is defined by a dependency, and thus the individual as subject is, from the beginning, defined by someone on whom she is dependent. In comparison, a citizen seems to be constitutive and autonomous. Further, a citizen is not a member of an estate or any other social collectivity, and it is being a citizen (not a family member) that is one of the most important ways of being an individual, namely not considering oneself primarily a member of a family. A citizen must truly stand for himself/herself and define the context in which he/she claims to be a citizen. This can be an urban setting (a city), a state, or the world. Since the Graeco-Roman world, there has even been the possibility

of claiming citizenship in the world, which has been used often since that time, whatever its social effects (Coulmas 1990; Stichweh 2008).

The other side of citizenship is conferral. Citizenship is conferred or offered. There is a political system that confers or offers citizenship. This is still about individuality, but as is often the case with individuality, we have to do with a kind of individuality based in social expectations to be and to qualify as an individual: Citizenship is clearly one of the cases in which a demanding idea of individuality is addressed to someone as an expectation. One can deny an offer of citizenship, at least as an adult, although usually only if there is another realistic context of citizenship that one prefers.

There are two aspects or variants of the citizen as a political individual that can always be distinguished. On one side is the political individual as an observer of ongoing political events and discussions. As an observer, the political individual primarily contributes opinions – either communicated by or inferred from other observers – and contributes interests to political processes. Being an observer, the individual does not fight for the interests, but these interests are observed by other observers and are clearly inputs to political processes. Most citizens in modern political systems prefer to be observers most of the time because that is what their other interests and obligations (in other function systems) allow them to be. The other side of political individuality is to be an actor who contributes a willingness to act, political passions and engagements, virtues and vices. Under conditions of modernity, there may be a certain value-preference for the active individual. However, there are many other contexts of potential action in the other function systems of society, and for this reason it is much more probable that most citizens finally opt for the observer interpretation of political individuality.

These two aspects of political individuality correspond to the two alternative and complementary versions of political inclusion roles. In each function system in society there are observer roles (= public roles, client roles) characterized by a certain passivity on the part of role bearers. In addition, there are performance roles, i.e. roles for producers of the activities that define the outputs of the respective function system. In some function systems only the observer/public role is accessible to most of the individuals included in the system. Modern polities, especially democratic ones, are clearly different. The idea of democratic political individuality and its radical insistence on the equality of individuals seems to demand the potentiality of inclusion of each individual in both types of political inclusion roles. Every political individual is an observer of the ongoing events in their own political system (and potentially of all the other political systems in the world) and on this basis can opt for the elementary possibilities of participation accessible to observer/public roles: interest based voting, communicating political opinions, participating in protests. At the same time, however, every individual is considered to be able and legitimized to move to the other side of the political role

spectrum and emerge as an actively engaged, creative, and virtuous political actor, who, in principle, can access any performance/producer role. Anyone, without any exception, can become the 'President of the United States' or the 'Chancellor' of the Federal Republic of Germany – and in both countries, very recent history has shown that this is not a far-fetched potentiality but rather a very realistic possibility (the elections of Trump and Merkel, neither of whom had any professional political education). This non-selective universal inclusion in both role types of the political system seems to result from the radical equality in modern political individuality and seems to be non-negotiable in democratic political systems. There are, however, alternative structures in other political regimes and we examine these in the next section.

The duality of inclusion roles and types of political regimes: Aristocracies and democracies

A first interesting type of political regime is a system in which there are no observer/public roles. In such a system everyone who truly intends to be involved in the polity must do so in a performance role, i.e. must participate as an active citizen endowed with public virtue – which somehow delegitimizes private interests. The historical name for this political regime based on activism and political passions is republicanism. Its most important historical realizations were probably the aristocracies of early modern Europe. An aristocracy is based on the equality of all aristocrats who are bearers of performance roles in the respective system. The number of these role bearers need not be small but was clearly limited because only members of the aristocracy could take on political roles. The Polish-Lithuanian Commonwealth in early modern Europe was a paradigmatic case of an aristocratic regime. The early American republic from the signing of the Declaration of independence (1776) until the election of Thomas Jefferson as the third president of the United States (1801), was still an aristocratic republic with a strong preference for reserving performance roles for a type of aristocracy based more in education than in wealth (Wood 2009). Of course, the early United States was more a mixed form of government with strong democratic elements (popular elections and a rapidly intensifying public opinion) and even monarchical tendencies (relating to the presidential role) than it was a classical and pure aristocracy. Aristocracies no longer exist in the present-day world. They are clearly incompatible with the inclusion imperative of modernity and the dual role structure it implies.

A very important structure that only emerges on the basis of the inclusion revolution of the political system is a regime that realizes universal inclusion in observer/public roles and in performance roles, too. This is democracy – and, of course, there are many variants of it. There are some democracies in which the move from an observer/public role to a performance role is more an idea than a

reality – an idea rarely realized at a later point in the life of a citizen. The other extreme case of democracies consists of direct democracies of which Switzerland (and perhaps California) are the only cases at present. Direct democracies design all performance roles in a way that role-taking by non-professionals is realistic and compatible with the other obligations and roles people hold. Switzerland invented or generalized the 'Milizprinzip' to solve this problem.[2]

Authoritarian universal inclusion

A third interesting type of political regime are autocracies or authoritarian political systems. These regimes are distinct from democracies in that they do not have universal inclusion in performance roles. This type of universal inclusion would represent a risk they cannot take. In autocracies performance roles are limited to a small segment of the population that is perceived as consisting of the guardians of the value principles on which the authoritarian regime is based. This can be a party, a kind of clerisy (religiously or otherwise ideologically unified) or any other social structure apt to take this guardian role.

At the same time authoritarian regimes are undoubtedly modern in that they allow and are based on the universal inclusion of everyone in observer/public roles. These regimes claim to act in the interest of everyone, and the available paths of exercising influence in and on them (elections, petitions) are accessible to everyone, except members of stigmatized and therefore excluded populations that conflict with the value principles of the authoritarian system.

Regarding the influence and power processes that guide the relationship between observer/public roles and performance roles, authoritarian regimes in many cases invert the direction of flows of influence and flows of power. These regimes often conduct mass mobilization from the top of the political system and in this way substitute strategies of control over the population via mass mobilization for the possibilities of participation by every individual. This shift from individualized participation (starting with individual role bearers) to processes of mass mobilization – trying to include each and every individual in these mobilized masses – is one of the reasons authoritarian regimes prefer the modern collectivities (i.e. nation, people) to which all individuals are supposed to belong

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2 A 'militia' is an army consisting of non-professionals and this structure can be transferred to other domains of political action. A good description was offered by a Swiss banker: "Typisch schweizerisch war: die Erledigungskompetenz auf hierarchisch sehr tiefer Stufe." Hummler, Konrad. 2004. "Im Geruch von Schnapsmatrizen." Pp. 51 in *Neue Zürcher Zeitung, 8. Dezember 2004*. ("Typical for Switzerland was: the competence to do and decide everything on the lowest hierarchical level imaginable".)

rather than collectivities in which influence potentials rest on individual role bearers and their initiatives.

Of course, mass mobilization means something different in different authoritarian regimes. Only in the case of totalitarian types of authoritarianism (e.g. Fascism, Stalinism, Maoism) is mass mobilization actually based on the obligatory inclusion of everyone. Modern authoritarianisms do not need everyone. They can tolerate a certain amount of indifference, and even pluralism. In addition, they shift their mode of legitimation from the mobilization and participation of the entire population to the inclusion of everyone in the outputs of political processes. It is this legitimation via outputs and inclusion in outputs that is very characteristic of modern authoritarianism. In other words, in the case of modern authoritarianism, while access to performance roles remains largely restricted, there is equalized inclusion in observer/public roles (for example, as receivers of welfare benefits), which makes the inclusion imperative institutionalized in modern society visible once again.

Populist political inclusion

A fourth type of political regime, one that falls between democracy and autocracy, is populism. This is the remarkable case of a temporary (not permanent) political regime that claims to be based on the *populus* – which is undoubtedly a collectivity. All members of the *populus* are bearers of an observer/public role. However, the emphasis is not on the diversity or microdiversity of the individuals included, but rather the commonalities that unify the *populus*, making it a collective entity. At the head of this collective entity are populist leaders who claim to effect a direct and complete representation of the will ('conscience collective' in the Durkheimian understanding) of the *populus*. Given that populism is, for the most part, an anti-elite political system, one of its notable features is that it is a political regime without a very pronounced need for performance roles. In this respect populism is a kind of inversion of aristocracy.[3]

Collective inclusion in democratic and authoritarian systems

In a functionally differentiated society, the function of the political system is the production of collectively binding decisions. The political system can claim societal primacy for decision-making that is collectively binding. These decisions made by a political system distinguish among values and regard the distribution of resources.

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3 Cf. on populism Ch. 6.

In this functional description of the political system there is no prejudice regarding the form of government or the form of political regime implied. The functional characterization is compatible with autocracies, democracies, monarchies, aristocracies and other government and regime types as long as they reliably produce collectively binding decisions. But one must know the constitution of the collectivity that is supposed to be bound by these collective decisions. How does the collectivity come about? What does its internal social structure look like? Why and how long does it accept the decisions that are produced? And what does 'acceptance' mean?

Societal modernity is rooted in a fundamental transformation of the collectivities on which political systems are based. A person is no longer a member of the respective political collectivity via inclusion in the estates and strata of pre-modern (European) society. It is no longer membership in social categories (nobility, peasantry, bourgeoisie, clergy) that guarantees inclusion in the political system. Instead membership is based on individuality, which means it is based on a paradoxical property: Individuality is something everyone shares with everyone else as all humans are individuals and no exceptions are imaginable. However, individuality distinguishes every individual from all other individuals, each of whom realizes their individuality in a different way and must be different as an individual in order to be an individual at all (Ghosh 2013). This paradoxical structure of individuality seems to guarantee both the unity and the internal diversity of a political system and it generates these two effects via the same institution: the individual as a core institution of modernity (Dumont 1987; Parsons 2007). Similar structures arise in all the other function systems of modernity (education, science, economy, religion). These function systems are all based on the inclusion of individuals, and each one has a completely different take on individuals.

Political systems invent new terms or redefine old terms to describe themselves as an inclusive collectivity of individuals: The 'people' and the 'nation' are the most prominent of these terms. Both are concepts that refer to collectivities that may include a significant number of individuals, even millions of individuals, and neither term directs attention to any social structure internal to the collectivity. What distinguishes the two semantics in a first approximation is that 'people' is more clearly dominated by political connotations, although it is not devoid of references to other social domains. In the case of 'nation', the political, cultural and ethnic implications of the term have approximately equal weight.

Both terms are egalitarian and as such they formulate a semantics of inclusion. All individuals are part of the people and part of the nation. However, both terms are not necessarily tied to democracy. They can become prominent, decisive terms in either a monarchy or an authoritarian system. It is possible for the individual governing the collectivity to say: "This is my people, this is my nation". The prominence of these two terms reveals the shared semantic basis of modern democracy

and modern authoritarianism. Both types of regimes typically claim to be based on an inclusively interpreted collectivity. In the case of democracies this takes the form of self-government by the people, while in monarchical/authoritarian systems it will be understood as government for the people, for the welfare of the people, and in the best interest of the people, all of which are indirect forms of the representation of the people and the nation. The study of these forms is the study of authoritarianism in modernity.

Contemporary political systems have a bipolar structure that includes, on the one hand, the individualizing of inclusion in the political system, and on the other hand, the different collectivities to which all included individuals belong. Democracies typically focus on the individual pole of this bipolar structure and emphasize the individual exercise of participation in political processes, whereas autocracies accentuate the collectivity that is the context for the belongingness of individuals, and focus on exercising authority in the name of the collectivity. In autocracies there is someone outside the collectivity who has authority over the collectivity (a hereditary monarch, an irreplaceable party, a charismatic personality with innate qualities, a cleric from a religious role structure, a military person). In democracies any leadership roles are derived solely from the self-organization of the collectivity as a collection of individuals. There is no individual in the collectivity who could not, in principle, take on the most powerful political roles in the political system. In other words: both regime types realize the complete inclusion of all members of society in some possibilities and roles of participation in the political system ('public roles'). Only in democracies there is a complete inclusion of everyone, even in the possibility of taking the highest political offices in government ('performance roles') (Stichweh 2016a).

It is instructive to look a bit more closely at differences between 'people' and 'nation' as the two major terms for the modern political collectivity based on inclusion. From the perspective of a theory of inclusion, 'people' signifies an inclusion from below. People were originally the ordinary, simple people who had no claim at all to a privileged place in society. If, in the current times, 'people' becomes a universal term that includes everyone into 'the people', this means the inclusion of the higher strata in a collectivity to which for centuries they did not want to belong. With 'nation' a shift in the opposite direction occurs. The original usage of 'nation' primarily meant the higher strata of society, as in 'Holy Roman Empire of the German Nation' where clearly the 'Nation' referred only to those who were the politically independent estates of the empire. In this case inclusion is from above. The concept of the nation expands and ever more people from ever more social strata and stations become part of the nation, and finally the idea of the nation becomes a kind of political program that seeks to include ever more persons, for example by 'national education', which has established itself as a Europe-wide program since approximately 1770 (Schriewer and Caruso 2005).

Another dimension of the distinction is related to scope. 'Nation' is the more global of the two semantics. Inclusion in the nation is the inclusion of regions, provinces and other smaller groups and units in an encompassing concept of the nation. Eugen Weber's well-known formula "Peasants into Frenchmen" (Weber 1976) is a good illustration of this. Another interesting variant is 'National People's Congress' (People's Republic of China), a formula in which 'people' establishes the universality of the inclusion of everyone and 'nation' adds the global extension of inclusion to all regions of the respective country.

To speak of 'the people' or simply 'people' does not refer to transregional or global circumstances but is more closely tied to locality and local circumstances. Martin Luther's famous "dem Volk aufs Maul schauen" ("to listen to what people really say") (Luther, Sendbrief vom Dolmetschen 1530 in Luther 2012) contains both meanings discussed here: to listen to simple people and to observe local variants.

A last difference is related to exclusion. The two core concepts for the modern political collectivity (or 'community'), 'people' and 'nation', are both clearly coupled not only to ideas of inclusion (mainly the complete inclusion of all individuals) but also to ideas of exclusion. There is again an asymmetry. In the case of 'people' exclusion is comparatively rare. A person can become an 'enemy' of the people or can be a 'stranger' to the people. In the latter case he or she probably belongs to another people. This once more affirms that 'people' is a strongly inclusive term that is observed in many variants such as 'People's democracy' ('Volksdemokratie'), which is a tautology because 'demos', too, means people). Regarding 'nation', exclusions are much more likely. In a political system (democratic or autocratic) it may be declared that certain groups do no longer belong to the nation – and this may result in variants of political exclusion.

III. Internal differentiation of political systems and the diversification of inclusion

Internal Differentiation of Political Systems

As is true for all function systems in modern society, the historical dynamics of political systems is characterized primarily by ongoing internal differentiation. Between 1750 and 1800, most European states and the emerging United States had no elections, only a small number of ministries with a limited bureaucratic staff, only very few embassies in other states, no political parties, no politically relevant mass media or no mass media at all, no social movements (although there have always been petitions and rebellions), no labor organizations or movements or other organized interests (besides some organized groups of artisans), almost

no state-based welfare institutions, and no technical and organizational means to contribute to and observe public opinion.

From this perspective, states in the second half of the 18ᵗʰ century were relatively small-scale phenomena with little institutional differentiation. They did not constitute an autonomous function system of society with a complex internal differentiation of its own. Instead they were based in the stratified orders of premodern society and were instruments by which the dominant strata – in Europe mainly the aristocracy and the clergy and some other groups based in property (landowners) or learning (lawyers) or control of violence (military people), most of whom were aristocrats – exercised their prerogative to dominate all the other groups in society.

From this point of view premodern states can be understood as structures that balance the claims and prerogatives of the dominant societal groups. Modern states are, for the first time, autonomous function systems in society that do not consist of groups and power balances among these groups, but rather consist of institutions, the ongoing differentiation of institutions, the attribution of responsibilities to institutions, and the creation of checks and balances of power among these institutions. The state as a function system in society emerges as a new system, which did not exist in premodern Europe, by enacting the internal functional differentiation of the institutions that constitute it.

Inclusion and the Internal Differentiation of Political Systems

The internal differentiation of political systems is relevant to the understanding and historical development of political inclusion. Until now this paper has focused on the duality of inclusion roles (performance roles vs. observer roles) and the forms of collective inclusion. However, as soon as the internal differentiation of polities is seriously considered, the inclusion picture becomes more complex. There are now a multiplicity of roles for political inclusion. The duality of roles is relevant to some of these roles and not relevant to others. The internal complexity of the modern state becomes visible in the emerging complexity of inclusion roles.

First, **citizenship** is the elementary membership role that demonstrates that the modern state (unlike all other function systems) is an organization or consists of organizations and is therefore based in membership. Citizenship is not a dual or split role. It seems simple: a person is either a citizen (inclusion) or a non-citizen (exclusion). If an individual is not a citizen of any nation ('statelessness') this individual is excluded from the political system of world society. The picture becomes more complicated with the emergence of plural citizenship (which accentuates the differentiation of individuals and states, and allows individuals to become somewhat independent from states) as well as with the return or emergence of 'deni-

zenship' (Zolberg 2000), i.e. having multiple institutions of residence (each with different packages of rights and obligations).

The next relevant context of inclusion that is added in the modern state comprises **elections** and **voting rights**. In medieval and early modern Europe there were some elections, e.g. sometimes for kings, but voting rights were strictly limited to the highest ranks in the stratification of estates. Modern republican – and after some decades democratized – states, were primarily characterized by the rise of elections and the long-term expansion of voting rights. Into elections is traditionally built the dual structure of inclusion. There are electors or voters and there are those who are via elections chosen for performance roles. The related rights are called 'active' and 'passive' voting rights and the so-called passive rights enable the more active political participation via performance roles. In addition to the implementation of this role structure, it becomes important that elections are competitive, i.e. that there are alternatives between which electors can choose and that these choices are real choices for electors. If this is not the case – if in a non-competitive election voters have no choice – elections only affirm an asymmetrical dependency. Even in this case, participation in an election implies an act of inclusion, but it is an involuntary inclusion in structures of authoritarian control. Elections in the so-called 'people's democracies' in the former communist world are a good illustration of this.

In the early republican-democratic regimes there were generally no **parties**, parties were even perceived as illegitimate because they were seen as the organization of partial interests, which conflicted with an orientation towards the commonweal. But without parties it would have been difficult for states to transcend a local level of political organization. At the local level individuals can vote for people they know personally. However, when elections are organized at the regional or national level, individuals must vote for parties, which substitute a multiplicity of political (party) programs among which individuals choose for the particularity of persons who cannot be sufficiently known on a national level. As soon as there are parties in a political system a new form of political inclusion is added. Citizens can now become a member of one of the political parties, and by being a party member can increase their opportunities for political influence. Party membership is an organizational inclusion role that is ambiguous regarding the difference between public and performance roles. In one respect individual party members become participants in events and elections that may be decisive in a political system (for example, in the summer 2019 in the United Kingdom, 120.000 members of the Conservative Party, or 0.18% of the population, chose the next prime minister of the United Kingdom). In other respects, party membership, in principle, makes any performance role in a political system accessible to any party member.

Additional core structures of any political system include the **public administration and the judiciary and other expert organizations.** Each of these structures can be perceived and institutionalized in different ways. They are, in one respect, service organizations of the political system (and, potentially and simultaneously, of other function systems) that are staffed by professional experts whose expertise is separate from political opinions and interests. Insofar as this is the case, staffing these organizations has nothing to do with political inclusion but is based solely on professional education and expertise. Of course, there are inclusion aspects even then, although these may relate to other function systems in society (higher education, law etc.). However, from another perspective (and these two opposite perspectives may be compatible), the staffing of these roles can be – at least partially – perceived as acts of political inclusion. In this case, elections and other selection procedures that guide the staffing of these positions will be institutionalized as selection processes based in political choices (selection from a limited population of qualified professional experts). The selection of judges for the 'US Supreme Court' or the German 'Bundesverfassungsgericht' are pertinent examples of this. In other cases there may even be popular votes, elections in which all electors of a political system participate, as is the case for some judicial positions in the United States.

A second aspect – still referring to public administration and other expert organizations – pertains to collective inclusion. From the perspective of a political system it may be important to ensure that a representative number of people from certain social groups have access to professional positions in the respective organizations. This type of representation articulates collective inclusion; the groups included may be regional communities, linguistic or ethnic communities or other subcommunities of the people/nation of the respective state. The Indian public service setting quota for members of scheduled tribes and lower castes illustrates this type of collective inclusion, as do other forms of political affirmative action.

There is a third aspect of political inclusion in administration and expert organizations. Everyone – including those who would never compete for professional roles – has access to these organizations as much as they involve the individual's interests. The affected individual must be able to address the organizations, petition them, get answers from them, and litigate against them. This necessity demonstrates that there is a political public of administration and expert organizations that includes everyone who is a member of the respective political community.

Another central organization in every state is the **military.** In premodern societies the military organization was often nearly identical to the state (cf. on Sweden Scott 1988, esp. Chapter VII-VIII), and the leadership of the military was entrusted to the dominant estate, i.e. to the aristocracy. This is what aristocrats were supposed to be able to do: lead incessant wars, to defend and expand their re-

spective countries. Normal soldiers were often foreigners, i.e. mercenaries, slaves or foreign settler populations (e.g. Cossacks, Kollmann 2017). These foreigners were often offered a kind of political inclusion (citizenship, landownership) as long-term payment for their service. In modern political systems it is exactly the other way around. Political inclusion is not a reward for military service; rather, military service is one or even 'the' core obligation for those, who, as citizens, are included in the political system. This obligatory military service has disappeared in many modern states. The military has become an organization of military professionals. This raises another question: Can all societal groups enter the military (e.g. LGBTI-people)? Once more this problematic may regard foreigners who once again exchange military service for later political inclusion.

A remarkable invention of recent political systems are **social movements**. For the most part they are not organizations. Instead, they are based on the modern principle of 'free association' (Parsons 1971) and as such demonstrate the flexibility of political inclusion in liberal democracies. Interests that are not included in the several ways described above, or feel insufficiently included, can form a social movement. In addition, the principle of social movements can be inverted, becoming **mass mobilization** from above and taking the form of centrally administered campaigns. This pattern is characteristic of authoritarian systems, especially authoritarian regimes emerging after a populist takeover.

Social movements were made possible by an invention that is highly defining for modernity: the **Public Sphere** (Habermas 1962; Stichweh 2007). The invention of the public sphere demanded the development of mass media, first newspapers with regional as well as national distributions, and later the whole range of communication media of modernity. The most important step was the transformation from an interactional, conversational concept of the public sphere that was mostly based on the limited inclusion of a few well-educated people to a global concept of **Public Opinion** that is not local but is rather vast, global, impersonal and fundamentally democratic (Wood 2009, p. 311). Public opinion is no longer an elite consensus worked out via conversation. Now it is really "the people's opinion, and it could be trusted *because no one controlled it and everyone contributed to it.*" (Wood a.a.O.). Public opinion is based on neither individual inclusion, nor collective inclusion but rather on the inclusion of microdiverse, extensive populations.

Input Inclusion and Output Inclusion: The Internal and External Growth of Modern States

The modern state based on the differentiation of institutions and the differentiation of levels of government is a state that derives its legitimacy from an increasing plurality of outputs, performances and services. This development highlights a final form of political inclusion. All the forms of inclusion discussed thus far

are mainly forms of inclusion that regard the inputs to political processes and the structural possibilities of individuals and collectivities to shape the inputs to political processes. But looking at the state as primarily a producer of outputs, performances, and services reveals another perspective. There arises a complementary form of inclusion that should be called output inclusion (Stichweh 1998). This is not something new; indeed, it is probably older than the focus on input inclusion, which only occurred with the rise of republicanism and democracy beginning in the eighteenth-century world. Before this focus emerged, states had always sought the sources of their legitimacy and stability in the outputs (performances, services) they were able to produce for their constituents who were still considered as subjects and who only in modernity are perceived as citizens.

Finally, one further twist has arisen in modern society. The emergence of citizenship and the enormous internal differentiation of the modern state generates the many new forms of input inclusion analyzed here. Parallel to this, the distinction between input inclusion and output inclusion becomes visible as a very relevant distinction that may be helpful in analyzing differences between political regimes (e.g., authoritarian regimes likely prefer output inclusion), and in identifying differences between populations living within the territory of the same state. The new reality of ever-widening input inclusions is primarily describing the expansion of rights accruing to citizens and often only to them. At the same time, in a rapidly globalizing world ever-new populations of denizens and residents emerge. For these groups, a certain prevalence of and preference for output inclusions, which are the only inclusions they are usually granted, is one of the main factors that motivates their actions and shapes their lifestyles in a global world in which they often cannot live in the states of which they are citizens. That is, the genesis of the modern state can be described as the parallel and concurrent emergence of ever-new forms of input inclusion and ever-new forms of output inclusion. In other words, one has to say: the genesis of the state is a combination of internal growth, i.e. the differentiation and multiplication of inclusion roles, with external growth, i.e. the differentiation and multiplication of societal fields to which the state contributes outputs.

Bibliography

Atlan, Henri. 1979. *Entre le cristal et la fumée. Essai sur l'organisation du vivant*. Paris.

Belting, Hans. 2009. "Contemporary Art as Global Art: A Critical Estimate." Pp. 38-73 in *The Global Art World. Audiences, Markets, and Museums*, edited by Hans Belting and Andrea Buddensieg. Ostfildern: Hatje Cantz.

Belting, Hans, Andrea Buddensieg, and Peter Weibel (Eds.). 2013. *The Global Contemporary and the Rise of New Art Worlds*. Karlsruhe: Center for Art and Media Karlsruhe, distributed by MIT Press, Cambridge, Mass.

Bohn, Cornelia. 2006. *Inklusion, Exklusion und die Person*. Konstanz: UVK.

Brizzi, Gian Paolo. 1976. *La formazione della classe dirigente nel Sei-Settecento. I seminaria nobilium nell'Italia centro-settentrionale*. Bologna.

Clark, Christopher. 2013. *The Sleepwalkers. How Europe Went to War in 1914*. London: Penguin Books.

Coulmas, Peter. 1990. *Weltbürger: Geschcihte einer Menschheitssehnsucht*. Reinbek bei Hamburg: Rowohlt.

Crassons, Kate. 2010. *The Claims of Poverty. Literature, Culture, and Ideology in Late Medieval England*. Notre Dame, Indiana: University of Notre Dame Press.

Dumont, Louis. 1987. "On Individualism and Equality." *Current Anthropology* 28:669-76.

Durkheim, Émile. 1898. "L'individualisme et les intellectuels." *Revue bleue* 10:7-13.

Eck, Samuel. 1908. *Über die Herkunft des Individualitätsgedankens bei Schleiermacher*. Programm Giessen.

Ghosh, Cyril. 2013. *The Politics of the American Dream. Democratic Inclusion in Contemporary American Political Culture*. London: Palgrave Macmillan.

Goffman, Erving. 1972. *Relations in Public: Microstudies of the Public Order*. Harmondsworth: Penguin Books.

Goldin, Claudia, and Lawrence F. Katz. 2008. *The Race between Education and Technology*. Cambridge, Mass./London: The Belknap Press of Harvard University Press.

Habermas, Jürgen. 1962. *Strukturwandel der Öffentlichkeit: Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft*. Neuwied am Rhein: Luchterhand.

Hummler, Konrad. 2004. "Im Geruch von Schnapsmatrizen." Pp. 51 in *Neue Zürcher Zeitung, 8. Dezember 2004*.

Jaspers, Karl. 1949. *Vom Ursprung und Ziel der Geschichte*. München und Zürich: Piper.

Kollmann, Nancy Shields. 2017. *The Russian Empire 1450 – 1801*. Oxford: Oxford University Press.

Linz, Juan J. 2000. *Totalitarian and Authoritarian Regimes*. Boulder, Col. : Lynne Rienner Publishers.

Loh, Wulf. 2019. *Legitimität und Selbstbestimmung. Eine normative Rekonstruktion des Völkerrechts*. Baden-Baden: Nomos Verlagsgesellschaft mbH & Co. KG.

Luhmann, Niklas. 1975. *Macht*. Stuttgart: Enke.

—. 1981. *Politische Theorie im Wohlfahrtsstaat*. München Wien: Günter Olzog.

—. 1995. "Inklusion und Exklusion." Pp. 237-64 in *Soziologische Aufklärung, Bd. 6*, edited by Niklas Luhmann. Opladen: Westdeutscher Verlag.

—. 1997. "Selbstorganisation und Mikrodiversität: Zur Wissenssoziologie des neuzeitlichen Individualismus." *Soziale Systeme* 3(1):23-32.

Luther, Martin. 2012. *An den christlichen Adel deutscher Nation. Von der Freiheit eines Christenmenschen. Sendbrief vom Dolmetschen*. Stuttgart: Reclam.

Meyer, John W. 2010. *World Society. The Writings of John W. Meyer.* New York: Oxford U.P.

North, Douglass C., and Robert Paul Thomas. 1973. *The Rise of the Western World: A New Economic History.* Cambridge: Cambridge University Press.

OECD. 2019. *Eduation at a Glance: OECD Indicators.* Paris: OECD Publishing. https://doi.org/10.1787/f8d7880d-en.

Parsons, Talcott. 1965. "Full Citizenship for the Negro American?" Pp. 252-91 in *Politics and Social Structure*, edited by Talcott Parsons. New York: The Free Press 1969.

—. 1969. "On the Concept of Political Power." Pp. 352-404 in *Politics and Social Structure*, edited by Talcott Parsons. New York: Free Press.

—. 1971. "Kinship and the Associational Aspect of Social Structure." Pp. 409-38 in *Kinship and Culture*, edited by Francis L.K. Hsu. Chicago: Aldine.

—. 2007. "Individuality and Institutionalized Individualism." Pp. 424-59 in *American Society. A Theory of the Societal Community*, edited by Giuseppe Sciortino. Boulder and London: Paradigm Publishers.

Schleiermacher, Friedrich. 1800. *Monologen.* Hamburg 1978: Felix Meiner.

Schriewer, Jürgen, and Marcelo Caruso (Eds.). 2005. *Nationalerziehung und Universalmethode. Frühe Formen schulorganisatorischer Differenzierung.* Leipzig: Leipziger Universitätsverlag.

Scott, Franklin D. 1988. *Sweden. The Nation's History (Enlarged Edition).* Carbondale and Edwardsville: Southern Illinois University Press.

Simmel, Georg. 1890. "Über sociale Differenzierung. Sociologische und psychologische Untersuchungen." Pp. 109-295 in *Georg Simmel Gesamtausgabe, Vol. 2*, edited by Heinz-Jürgen Dahme. Frankfurt a.M.: Suhrkamp 1989.

—. 1917. *Grundfragen der Soziologie.* Berlin: Walter de Gruyter.

Stichweh, Rudolf. 1984. *Zur Entstehung des modernen Systems wissenschaftlicher Disziplinen. Physik in Deutschland 1740-1890.* Frankfurt a.M.: Suhrkamp.

—. 1988. "Inklusion in Funktionssysteme der modernen Gesellschaft." Pp. 17-45 in *Inklusion und Exklusion: Studien zur Gesellschaftstheorie (2nd ed.).* Bielefeld: transcript 2016.

—. 1991. *Der frühmoderne Staat und die europäische Universität. Zur Interaktion von Politik und Erziehungssystem im Prozeß ihrer Ausdifferenzierung (16.-18. Jahrhundert).* Frankfurt a.M.: Suhrkamp.

—. 1992. "The Sociology of Scientific Disciplines: On the Genesis and Stability of the Disciplinary Structure of Modern Science." *Science in Context* 5:3-15.

—. 1998. "Zur Theorie der politischen Inklusion." in *Inklusion und Exklusion. Studien zur Gesellschaftstheorie (2nd ed.).* Bielefeld 2016: transcript.

—. 2007. "The Genesis and Development of a Global Public Sphere." Pp. 345-55 in *Public Spaces, Power and Communication*, edited by Edmundo Balsemao Pires. Porto: Edicoes Afrontamente.

—. 2008. "Selbstbeschreibung der Weltgesellschaft." Pp. 21-53 in *Selbstbilder und Fremdbilder. Repräsentationen sozialer Ordnung im Wandel*, edited by Jörg Baberowski, Hartmut Kaelble, and Jürgen Schriewer. Frankfurt a.M.: Campus.

—. 2016a. *Inklusion und Exklusion. Studien zur Gesellschaftstheorie (2. erweiterte Auflage)*. Bielefeld: transcript.

—. 2016b. "'Zeitgenössische Kunst' – Eine Fallstudie zur Globalisierung." Pp. 75-84 in *Engagement. Konzepte von Gegenwart und Gegenwartsliteratur*, edited by Jürgen Brokoff, Ursula Geitner, and Kerstin Stüssel. Göttingen: V&R Unipress.

—. 2018. "Sociocultural Evolution and Social Differentiation: The Study of the History of Society and the two Sociologies of Change and Transformation. Ms. Bonn."

—. 2020. "Der Beitrag der Religion zur Entstehung einer funktional differenzierten Gesellschaft." Pp. 173-187 in *Die Verwandlung des Heiligen: Die Geburt der Moderne aus dem Geist der Religion*, edited by Detlef Pollack and Matthias Pohlig. Wiesbaden: Verlagshaus Römerweg.

Stichweh, Rudolf, and Paul Windolf (Eds.). 2009. *Inklusion und Exklusion: Analysen zur Sozialstruktur und sozialen Ungleichheit*. Wiesbaden: VS Verlag für Sozialwissenschaften.

Vries, Peer. 2015. *State, Economy and the Great Divergence. Great Britain and China, 1680s-1850s*. London and New York: Bloomsbury Academic.

Weber, Eugen. 1976. *Peasants into Frenchmen: The Modernization of Rural France, 1870-1914*. Stanford, Cal.: Stanford U.P.

Wood, Gordon S. 2009. *Empire of Liberty. A History of the Early Republic, 1789-1815*. Oxford: Oxford University Press.

Zolberg, Aristide R. 2000. "The Dawn of Cosmopolitan Denizenship." *Indiana Journal of Global Legal Studies* 7(2):511-18.

2. The Rise of Complexity: Internal Differentiation of Political Systems

Anna L. Ahlers

Introduction

The previous chapter described the evolution of the political system and of individuality as the guiding principle for the emergence of democracy – the embodiment of the imperative to include the individual in the political system. In this chapter, we take a closer look at how these and other developments are linked to political systems' *milieu intérieur*. A political system – and thereby the whole population of political systems – adjusts to the dynamics of modern society and the challenge to hold ready collectively binding decision-making capacities by constant internal functional differentiation. This multifaceted and continuing internal differentiation over time, and, as a result of it, the rise of the enormous complexity of modern polities, are the focus of this chapter. To facilitate a detailed analysis and attain the research interests pursued in this book, we make a heuristic distinction between two dimensions of internal functional differentiation of political systems – vertical and horizontal – and we study these dimensions separately, to the extent possible.

The first dimension we examine is the emergence of *vertical levels* of decision making in a political system. Traditionally, polities – from small city states to hegemonic empires – have featured levels that vary greatly in size, number, and complexity, from simple to multilevel structures. Various types of polities and divergent ways of internally organizing these polities have co-existed over the course of pre- and early modern world history. However, since the establishment of the Westphalian international order in the 17th century and, at the latest, in the aftermath of the two world wars in the 20th century, countries (often nation states) have come to represent the dominant form of global political segmentation (Meyer et al., 1997). In the process, the polities in the current world society have come to look intriguingly similar. Countries are now the standard notion of a modern polity and they constitute the most crucial ordering unit in the population of political systems in modern world society. Comparative analyses of political systems, therefore, usually focus on countries' characteristics as represented

by the properties of their state organization at the national level, an organization that emerged to represent the political system's decision-making organization and core self-conceptualization (Luhmann, 1995). However, to grasp modern political systems in all their complexity, it is not sufficient to study the nation-state level alone. Indeed, multiple other levels are relevant for collectively binding decision making, from local communities to global governance, and these levels must be integrated into both the study of political differentiation in general and comparative analyses in particular and over time. Therefore, the first half of this chapter briefly traces the evolution of forms of multiple levels of political rule before concentrating on an analysis of the multilevel differentiation of polities found in contemporary world society. The text then reviews the common structure and (inter)relations of government and governance at different levels and discusses recent trends of decentralization that now compete with the formerly sacrosanct status of country-level polity formation.

Notably, with regard to vertical level structures, today's world displays a remarkable continuity or path-dependence. Whereas segmentation at the country level, as well as attempts at supra-level decision-making structures, is a rather new and sometimes forced phenomenon that often results in artificial and rather unstable ordering units, smaller-scale (i.e., regional and local) segmentation is a much more sustainable phenomenon that is hardly ever altered at a later point, even under conditions of regime change or revolution. We discuss both how this pattern may explain the existence of a dichotomous plurality of political regime characteristics within a single polity, and why this may further justify, heuristically and analytically, regarding vertical differentiation as (sub)system building per se. We opt to treat these all as empirical questions and we discuss why and how we do so.

The second dimension of internal differentiation the chapter explores is the horizontal differentiation of political systems into *functional subsystems*, *institutions*, and *organizations*. Beyond what is understood as "the state", which comprises institutions of ultimate decision making at a given level of the polity, there are many additional elements constitutive of a political system. These elements include, for instance, the internal structures of the modern state, most prominently *government*, including political leadership roles, ministries and parliaments, and administration across different levels, but also *organizations*, such as parties, mass organizations, and lobby groups; crucial political *processes*, such as elections and diplomacy; and forms of a political public from which a *public opinion* is derived and channeled into political decision making. We briefly discuss some of these constitutive elements of modern political systems and highlight some striking examples of their ongoing differentiation and other recent dynamics affecting them.

Our examination of horizontal differentiation produces several significant findings: Modern political systems in today's world society, both democratic and

authoritarian variants, adhere to a basic global set of subsystems and institutions, a specific semantics, a repertoire of procedures and symbols, and formal inclusion roles. Arguably, this similarity developed and continues to develop in coevolution with vertical differentiation, although horizontal differentiation appears to be the more dynamic variant. Moreover, while the convergence of polity properties is noteworthy in and of itself, it also seems to generate further challenges. Over the course of internal differentiation of political systems during the last century, a double conceptualization and semantics of democracy emerged: The political system in modern society with all its internal horizontal differentiation came to be treated as equivalent to democracy and has been termed democracy. At the same time, given the evolution and resilience of *modern* autocracies that are also grounded on an adherence to forms of functional differentiation, democracy has become a regime type, implying the degree of differentiation and the values that steer political decision making in a polity – an aspect discussed in more detail in Chapter 6. We refer to this convolution of converging differentiation and diverging regime characteristics in our description of the contemporary internal properties of political systems and we discuss how this complex relationship can inspire future in-depth empirical research. Finally, some very new pathways of horizontal differentiation emerge in the 21st century, which seem to already have a tangible impact on the constitution of political subsystems, organizations, institutions and processes and on how political decisions are made. These pathways include, for example, the increased internationalization of political organizations and their activities, the virtualization of public opinion, and the jolting of traditional party systems by new expectations and a global wave of populism.

The theoretical focus in this chapter lies in the observations and resulting hypothesis mentioned above, namely, that we find globally reproduced (i.e., standard) and ongoing forms of internal differentiation and related semantics of the political system and that, arguably, these patterns of rising complexity are in the first instance widely independent of regime types, which can range from democracy to authoritarianism. One natural caveat to this conclusion is that the existence of multiple levels of decision making and a specific set of political institutions, organizations and other features in the world today does not necessarily represent true functional equivalence, or the global diffusion of institutional models (Stichweh, 2000), but rather might be a type of irrelevant nominal or formal copying. Thus, in addition to describing the internal differentiation of political systems, the chapter incorporates analyses of the degree of autonomy of decision making as well as the available inclusion roles (performance and public roles as introduced in the previous chapter) and the access to these roles at the different levels and in the different domains of the political system. Altogether, this chapter contends that the existence of differential inclusion roles at different levels and in different subsystems of the political system increases the chances of the co-exis-

tence of diverging forms of inclusion (and exclusion) and bipolar regime features, democratic and authoritarian, in one and the same polity – an observation that Chapter 6 will take up again. While this is not a new phenomenon, it seems that a modern, functionally differentiated society and – maybe counter-intuitively – the persistent internal differentiation of the modern political system make this coexistence more likely.

I.   Pre-modern Polities: Unique, Stratified, Unintegrated

Before we turn to the vertical and horizontal differentiation of the political system in two separate approaches, some brief deliberation about the evolution of polities over the course of pre-modern history seems warranted. The previous chapter explicated the evolution of the political system as a function system in society. Here, we provide a short overview of the major features of yet "un(der)differentiated" polities. This is, by necessity, an extremely general and abstract depiction that does not claim to be either exhaustive or valid for all possible cases and the whole variety of polities in ancient and pre-modern history. For example, we do not provide an accurate and comprehensive explanation of the history of (nation) state building;[1] neither does this section discuss different types of government or regimes (e.g., monarchies or republics), which are touched upon later in this chapter, and again in Chapter 6. This brief analytical synopsis is rather meant to substantiate the argument that the evolution of the system of nation states, which became the principal idea of a modern polity and the common self-conception of the organization of political systems in contemporary world society, was a dramatic development that is immediately relevant for many of the other analytical observations that form the core topics of this chapter.

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1   Even the concept of *the state* itself remains highly amorphous and contested in the social sciences. Some claim the concept is analytically applicable to all forms of the organization of rule in a polity that are somewhat more complex than ancient chiefdoms, while others apply it more strictly to the increasing self-conceptualization of the organization of rule and especially the monopoly of the legitimate use of physical force that emerged in the Middle Ages and underwent significant transformations in the following centuries; see the reflections of Durkheim, for instance, as edited by Giddens, 1986, and also Elias, 2000; Mann, 2012. The same contestation exists for the term "nation state" and its suitability for describing the development and type of polities that exist today. Tilly (e.g., 1975), for instance, introduced the differences between *national states* and *nation-states*. Here, however, as the intricacies and explanation of state building are not our main interest, we use the more common terms "nation state" and "country" to denote the predominant type of polity in world society in the last 400 years and especially the last approximately 75 years.

The diverse populations of traditional polities

Historically, there were large differences between polities. In pre-modern times, there was no standard size and form of polity: Everything and everyone rulers had the means to claim and defend, by, for instance, the extortion of material or religious/civilizational power or marriage, belonged to their sphere of reign. Principles of rule by domination over *subjects* and over *territory* co-existed and often overlapped. In fact, absent universal principles of law and integrity, the concept of sovereignty did not yet exist, and expansion as well as loss of territory and people was always possible. The size of a polity was therefore flexible and units varied greatly, while in addition, for ages, small city states could coexist with a huge trans-regional empire in the same or another region of the world. Even un-ruled or unruly "gray areas" in-between were a possibility. At the same time, rule over a given polity conflated several functions; there was no functionally differentiated political system. States were rather a system of all-out domination by a ruling group in one society, which was usually small and exclusively defined, by, for example, religion and divinity, nobility, charisma or ethnicity.

With the possible exception of ancient city states, patterns of political rule were the most important bearer of the stratified order of society: The hierarchy of authority – including the whole state's administration – reflected the social stratification of the time, and vice versa. In a monarchy or empire, for instance, the king or emperor was at the top of this imagined pyramid and represented the richest, most knowledgeable, best trained (in law or religion, for instance), most advanced and cultivated element in society. The ruler assembled only a small "state" of almost equally equipped persons, mostly high aristocracy, who filled the most important offices, possessed the most land and other valuables and had the most privileges. At the lowest level of the social hierarchy were peasants, individual households and slaves or other unfree labor. The latter were usually in no way an imagined part of or had any direct links to the state (see below). Social and economic or religious status and state offices were intrinsically connected and often interdependent in pre-modern states. In Europe, these structures prevail until the early 20th century, and some would argue that in other world regions, especially in authoritarian settings, the situation has still not changed (Wimmer, 1996, Ch. 7; Brennan, 2015; Geertz, 1963, pp. 105-157; Luhmann, 1991; 1997, pp. 678-706).

This meant also that the authority and "responsibility" these rulers claimed over their jurisdictions was usually considered absolute, but could range in degree, from very little or no duty and sometimes even outright predation, to the organization of rites, markets, security, and later public welfare. Other *issues* that a pre-modern polity was occupied with – often conflating the domains of religion, economy, general public order, and others – included, for instance, taxation (spontaneous or regular), organization of labor (partial or full; slavery, feudal

structures, etc.), weapons and military, monopolies (such as salt, grain, alcohol, or later money [coinage]), roads and waterways. Altogether, before the establishment of representative politics and public law, this set of issues, i.e. the subject matter a ruler or a state felt responsible for, was surprisingly limited and relatively stable over time and across geographical areas – even across world regions.

Internally, the way that pre-modern polities were structured varied greatly as well. Some, especially ancient smaller polities such as segmentary and early stratified societies (i.e., tribes, chiefdoms, early feudal states), as mentioned, could have a rather simple hierarchical structure, often comprising basically one level of uni-centric rule and decision making, representing a simple binary relationship, i.e., rulers and ruled, center and periphery. Domination was rarely incurred voluntarily, and rather was established and upheld by violent and flexible, even arbitrary, top-down interventions implemented by an unsystematic array of local agents and/or an army, or, as the size of the polity increased, princes or non-kin wardens and later governors and other types of proxy rulers. In other cases, polities, often in larger territories, had several levels of rule and a sophisticated structure of institutions and offices. These structures, however, could take on different characteristics: They could be rather flexible, as in the kinship- or nobility-based personal union states of the early Middle Ages (Stammesherzogtümer; Personenverbandstaat), in which case a ruler's reach extended as far as there were vicegerents upholding the rule; they could be relatively static and spatially defined, as in the Chinese empire (especially in the form of its vast bureaucracy stretching across its entire realm[2]); or they could fall somewhere in between, like the Roman Empire or European feudal states in the late Middle Ages. That is, at least some pre-modern states already featured a differentiated structure of social strata interrelated with a complex system of political offices, a difficile law code implemented by highly trained elites, and a system of government with a structure of ministries and offices and complex bodies of administration (Durkheim, 1964; Ertman, 1997; Parsons, 1977; Stichweh, 1991; see also the latter half of this chapter).

However, internal differentiation was not systemic in these earlier variants of states. The limited differentiation just described was usually only observable at the center, in other words, at the highest level of rule and government, and was not projected downward. At lower levels in the government hierarchy, the state's complexity was usually not replicated, rather, power and decisions were simply extended. Most often, what unfolded at lower levels of traditional government or in peripheral provinces entailed something more like a decentral exertion of the

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2 This bureaucracy was coupled however with a system of *tributary* relations and *suzerain* peripheral entities, which enabled the Chinese court to establish quasi-domination over external communities and to reap the material benefits connected to this influence, without having to conquer, claim and defend these communities territorially; see, for example, Gernet, 1996.

center's power than a differentiated or even autonomous decision-making process. Of course, some decisions were made "locally" and some of those that came in the form of top-down mandates were adjusted to conditions on the ground, but there was rarely any equivalent to the framework of legally defined intergovernmental or multilevel relations that exist today. One could object that in earlier and later forms of empires and federations, for instance even in the Roman Empire, under conditions of less unitary rule, subaltern units were sometimes only loosely connected to the ultimate center of power. As long as obligations were fulfilled (mostly taxes and military duties) and no secessionist activities were entertained, decentral and peripheral units possessed significant discretion or self-government over their own local affairs. While that is a valid qualification, this type of internal ordering is still very different from a completely formally institutionalized and constitutional arrangement in which almost all aspects of political relations between different levels of government are regulated and meant to both avoid conflicting responsibilities and safeguard equality and peace between the governmental subdivisions and among all citizens. Even when constitutions existed in pre-modern polities, they usually meant the codified law of the land that prescribed some sort of social morality and governed rights and obligations in the relationships between the ruler and the ruled/the population, the relationships among the ruled themselves, and – for instance, at the earliest, in the case of the Roman law of nations – the relationships between polities (e.g., laws of war and peace). In the later Middle Ages in Europe, with the rise of the territorial state, the reliance on "cooperation" between otherwise self-governed communes was shifting to a more unitary reach of the central state throughout its entire jurisdiction on the basis of unified laws, norms and other regulations – with varying degrees of success (Landwehr, 2000). However, this was also very much based on the governing of interpersonal relationships (for instance, king – duke/governor – village community) and the aforementioned norms, rather than on multilevel governance. Even under conditions of early constitutional representative government, which embraced institutions of parliament and delineated relations between the heads of government, lords, and commons, for instance, these relationships were of a personalized nature, linking representatives of selective social strata and the regent. Under all these circumstances, it is difficult to identify a standard model of regulating the relationship between the central authority and political subdivisions, and of governing multilevel relations in pre-modern polities and states. Any that did exist followed widely different patterns. Systematic regulation of the relationship between different levels of decision making and between different branches of government was an early modern concept that arose only gradually with the birth of the international system in the late 17th century and the Enlightenment, ideas of individual political representation and modern constitutions in

the 18th century (Stollberg-Rillinger, 2000; Wormuth, 1949), and it was not universally applied before the post-imperial age in the 20th century.

What and who is a polity?

Closely linked to the above aspect and, arguably, more importantly, pre-modern states were not necessarily an integrated and essential element of the societies in which they were found. Thus, even within a somewhat defined polity, confined territorially or otherwise, the individual – although formally a subject of a certain ruler or government – was not necessarily in any way directly connected to the ruling patron. Although certain interactions and events may have made it unmistakably clear that the individual was in some sort of relationship with, was answerable to, or was bluntly subject to some authority, or even several competing authorities (e.g., "feudal anarchy" [Hintze, 1970]), theoretically, it could just as well be that these interactions or contacts never materialized. Full inclusion of every individual in the sphere of politics did not exist.[3]

Furthermore, the general principles governing who was a subject to which forms of rule varied enormously. In the majority of cases, especially in European empires and kingdoms, this question was answered by referring to territorial principles: whoever stayed in a certain territory was subject to those who could claim a prerogative there. In other cases, such as the lands governed by Chinese imperial rulers until the intrusion of imperial powers in the late 19th century, rulers tolerated diverging or temporary loyalties and were more lenient toward "foreign subjects" on their soil. In the Chinese case, aliens were exempt from the absolute claim and reach of the court as long as they had no hostile intentions and did not destabilize the Chinese state (Gernet, 1996).

Notions of universal membership did not exist in pre-modern states, or only very weakly so. The broadly defined question of whether membership in the sense of simply "belonging to" a polity (i.e., being under the authority of XYZ) was of primary importance at all, is interesting. Who counted? For a ruler or government, it was beneficial to know not only the extent and properties of the territory, but also the size of the population that fell under one's authority, in other words, how many

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3   Since this is a very broad-brush description of phenomena across different epochs, it is at certain points necessary and revealing to state some caveats. For instance, Wimmer (1996) described graphically how in ancient city states (Sumerian, Egyptian and Greek, for instance), local temple bureaucracies "regulated almost all aspects of residents' lives", in that all means and all fruits of production were pooled by them and distributed again collectively. Bookkeeping related to all these details and all involved men was a crucial task of urban (public) administration. Later, however, in pre-modern empires, these structures and the pervasiveness of bureaucracies was limited to the center and never really reached all the peripheries, especially not rural areas, according to Wimmer (1996, pp. 227-228, 291-292).

heads and, even more importantly, households belonged to it. The history of the *census*, as the institution embodying this act of counting, demonstrates the value of this information. While censuses were conducted almost everywhere, including in the ancient city states, the Incan and Chinese empires, India and the Middle East,[4] its early purposes seemed to be almost exclusively "economic'" – knowing how many subjects held what property and could be taxed accordingly or could be conscribed. Consequently, it is possible that only those relevant in these regards were counted. Later, with the development of public health, prosperity and welfare as a goal of state action, and finally the rise of the idea of representative government, censuses were systematized and included more and more information about the surveyed individuals in order to define needs and constituencies.[5] In earlier times, however, not every individual was counted, nor was there the idea of a single overall collectivity, equivalent with the exact sum of people under one's authority. The public interest, if we accept a predecessor of this idea for pre-modern polities, was always abstract, was determined by the ruler or central authority, and did not usually require a collection of individualized bottom-up information.

Citizenship in a narrower sense, understood as membership that allowed for participation in political affairs, in other words decision making (such as referenda, senate/parliament elections, running for public offices), was a concept known and practiced to varying degrees in some traditional polities, mostly early "republics", e.g. the smaller city states of ancient Greece and Rome. Later and in larger polities, the concept applied mostly to the population immediately surrounding a political center.[6] However, this was not a common principle across all types of polities: One struggles, for instance, to find even faint traces of this ideas in (East)

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4 Censuses are even described in the Bible, but primarily as something suspicious and evil: In 1 Chronicles 21, for instance, Satan incites David to conduct a census, and when he does, Israel is stricken by God in revenge. Interestingly, a distinction was made between "aliens" (2 Chronicles 2:17) and "non-aliens" equivalent to "those who drew their sword". This is not described for censuses in other (real) contexts.

5 Intriguingly, even in modern states where regular censuses are institutionalized, their underlying rules and scope are a topic of fierce debate. See, for instance, the current massive conflict in the United States over the upcoming 2020 census and whether it is legitimate to include a "citizenship" question. Time and time again throughout earlier and contemporary American history, it has been considered to be non-constitutional, as the constitution only requires that "all *people*" be counted. At the same time, the category "race" is no longer a highly contested issue in the United States. See, for example, Hobson, 2019; Michaelson, 2019.

6 On ancient Greece and Rome (*civitas*), see Morris and Scheidel, 2009; Edwards and Woolf, 2003. There are no commonly shared and accepted concepts of *citizen* and *citizenship* in the social sciences, as there are wide differences between citizenship as an empirically observed phenomenon and citizenship as a normative notion; see Gosewinkel, 2001; Janoski and Compion, 2015. Bestowing and taking on the role of a *citizen* in a voluntarily organized political public (*civil society*), is not what is meant here, but the topic will be dealt with later in connection with horizontal diffe-

Asia (Loewe, 2006). Further, no matter how inclusively or universally these forms of codified citizenship were formulated and conceived of at the time, they (and the rights and obligations attached to them) usually still applied to only some, maybe most, but never all subjects or individuals in a given polity. Throughout history until quite recently, in addition to conditions such as being "free" (i.e., not a slave), a man, and an adult, we find prerequisites, such as military merits or land ownership, that served as a basis for citizenship (Wilsher, 1983). In a stratified society, given the already highly selective group of persons directly included in political affairs, these prerequisites further emphasize the non-universal nature of both membership in the polity and participation in or influence on decision making for the polity.

Intriguingly, ascriptions and categories that later became the basis for "imagined communities" that nation states rally around, such as ethnos or religion, did not serve as primary principles of inclusion or exclusion of individual members in most traditional polities.[7] Rather, submission or allegiance – coerced or voluntary – to the ruler(s) while on his or her turf, seemed to be the norm.[8] Whereas this may not be true for all epochs and regions, and was probably most inconsistent in European and Middle Eastern history, this generalization may render the existence and self-conceptualization of large, diverse, multiethnic and multicultural, but relatively stable and long-lived political entities (Egypt, China, Arabia, Rome, and even Habsburg[9]) throughout history more comprehensible. One way of distinguishing this form of membership definition, or authority over political subjects, is via the use of the term "resident" or "denizen" instead of citizen. We will later see why this distinction may continue to make sense even in modern political systems. Thus, whereas this chapter is not primarily about citizenship in particular or about inclusion in general, this excursion is warranted as it will soon become clear why the internal differentiation of political systems and the change from

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rentiation. Neither is citizenship used here in the broad sense that today would denote a full set of legal rights, or "civil rights".

7   This is not meant to gloss over the existence of brutal exclusion or expulsion from a social community on the basis of religious affiliation, other crucial categories, or general public morale. Here, the focus is on the relationship of subjects/persons to a ruler/government of any kind.

8   In liberal political theory à la Locke, Rousseau, or Kant, this would be the "social contract", in other words, a voluntary conceding of authority to a Leviathan for the goal of pursuing the common good, survival and reproduction. Even in Aristotelian logic, this type of agreement constituted the political community. How decisions were to be reached varied widely across these schools of governance, but the principles guiding who belonged to the community (beyond primary categories such as gender or age) can arguably be said to have been more open for these theorists, before the dawn of the nation state era; see, for example, Treisman, 2007:

9   See, for instance, the interesting description of related dynamics in Austria-Hungary in von Hirschhausen, 2009.

subject to citizen, or in a broader sense, the emergence of the imperative of individual (and equal) inclusion in the modern polity, are intrinsically linked.

Altogether, this brief historical summary highlights the wide variety of forms of polities, which are vastly different and relatively fluid in size and internal organization. In the absence of an identifiable, sufficiently differentiated political system, what was decided upon, how binding these decisions were, and where and to whom they were applied were not only often contested in the polity itself, but also must be answered completely differently for each polity, when compared diachronically and synchronically in retrospect. Even more interestingly, the changes that occurred with the transition to modernity gradually led to more similarity and even standardization of the answers to the questions of *what is decided upon*, *at which levels*, and *for whom* in a polity.[10] These shifts are usually thought to be most clearly represented by the establishment of the international structure of country-level states, most often nation states, and the following section will again emphasize why. However, we also show that ordering the world into relatively standard units of polities that, in general, feature similar internal constitutions and establish basic rules for conduct between them does not come close to reflecting all these changes. Indeed, the characteristics that constitute the modern political system extend well beyond these features, and it is both interesting and beneficial to explore these characteristics by analyzing internal differentiation in both the vertical and the horizontal dimension, as we do now. At the same time, this brief historical sketch is worth keeping in mind, as there may be interesting residuals of traditional polities and forms of authority and decision making even in today's political systems that may inform our discussion of political regime differences at a later point.

II.   Vertical Levels of Decision Making in the Political System

Initial observations: Today's world of countries — an amazing convergence

One of the main phenomena described in the previous section is that one is hardly able to identify standard forms of polities and standard ways of organizing authority within a polity in pre-modern societies. With the rise of a functionally differentiated society and the inclusion revolution of modernity (Stichweh, 2016a), this scenario changes completely. It seems that there is now a common form of ongoing vertical functional differentiation that constitutes the modern political system, which we describe in the following sections. We use the term "vertical differentiation" to describe the ongoing creation of a plurality of levels of collectively binding decision making. We are not interested in providing an exact explanation

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10   The questions "by whom" and "how" will be discussed in more detail in Chapter 6.

of the break between pre-modern and modern polities and the evolution of a functionally differentiated political system in modern society, as this has been done exhaustively in the extant literature and has been discussed in Chapter 1. Neither do we address the debate on whether what is observable has its origin in the global diffusion of *one* model or represents an independent but functionally determined isomorphism.[11] An impressive body of literature has contributed to the rather deductively focused theory-building on state formation (see, e.g., the concise summary in Wimmer and Feinstein, 2010). Here, a more inductive route is pursued, and arguments are built on the basis of abstraction from contemporary empirics. We take the above-mentioned conditions of modernity for granted in our analysis of modern political systems.

It is a welcome peculiarity that the break that came with the establishment of the post- Westphalian landscape of states has created a much more "manageable" population of polities for scholars interested in systematization, especially when compared to the wild array of polities observed before that time. As Tilly noted, "Around the year 1500 one could count circa 500 more or less sovereign political units in Europe, while in the 20th century, there were only 25-30 left" (1975, p. 15). Currently, there are about 50 sovereign states within the area commonly defined as Europe. Intriguingly, these shifts occurred in a relatively short amount of time – at least compared to several thousand years in the history of *polities* – and they occurred globally. In fact, as many observers have noted, the emergence of the idea and then the system of nation states was a global one, a "co-evolution" (Wimmer, 1996; Waltz, 1979; Meyer et al., 1997; Stichweh, 2000). Putting it briefly, due to the "segmentary differentiation" of the political system in world society (Luhmann, 2002, p. 227), scholars now deal with a landscape of relatively stable units and can concentrate on their internal make-up. In the following, we will certainly not do justice to the extremely exciting and dynamic period of the roughly 300 years between 1648 and the mid-20th century, but we try to avoid being overly confined by phenomena observable in the European case. In the empirical analysis, we will therefore focus mostly on the contemporary phase, that is, we will primarily address the political divisions of world society as they have existed since roughly the end of World War II and the abolishment of most colonies in the 1960s.

Most remarkably, the configuration of polities as it has existed since the mid-20th century has remained relatively unchanged. Although their number fluctuates a bit, the overall tendency is an expansion of this pattern, and over time even

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11 For instance, while the nation state concept, sovereignty and the importance of borders seem to have clearly originated in Europe, constitutionalism appears to have been only really nurtured after its export to the New World in the United States of America, while a rational bureaucracy was standard in imperial China long before it was seen as *the* feature of early modern European states (UK, Prussia, etc.).

the numerical changes appear rather insignificant (Wimmer and Feinstein, 2010). Possibly the most crucial rupture in the entire epoch was the end of the Soviet Union, which resulted in the rebuilding of the political order across an entire region of the world. In short, the main ordering criterion for polities in the world today are countries, and they must be congruent with sovereign states. Whenever this status is unresolved, it is at that very moment contested – and often extremely contentious (e.g., in the case of Taiwan, Palestine, Kashmir, Krim, etc.). Because discernible addresses in the form of countries are necessary in the world political system, the disintegration or dissolving of countries and state sovereignty is immediately met with international efforts at "nation/state building", as this seems to be the only way to safeguard functioning political communication in the current world society (Luhmann, 2002, pp. 225-226). Despite myriad differences in detail, nation states attempt to look the same "from the outside". That is, their functional isomorphism is accompanied by an intriguing omnipresence and uniformity of symbols that are meant to signal – and sometimes try to anticipate – state-ness vis-à-vis each other. Every country has a national flag, an anthem, national holidays and ceremonies (including recurring parades), and – with very few exceptions – constitutions that mostly follow a standard form,[12] as well as many other symbolic elements.[13] This is true even for the abovementioned cases of contested sovereignty.

  Notwithstanding the multi-level structure of polities, the national level is still where the center of political power lies, even in federal states and even in times of global governance, as we discuss later. As far as the way international political cooperation in many problem areas has evolved (climate, health, trade, etc.), most of the decisions made at these levels are not collectively binding and can be overridden by national sovereignty. For example, no matter how fiercely the global community demands specific action, the Brazilian government still decides how to deal with fires in the Amazon that endanger the world's largest rainforest and one of its most important "carbon sinks" (Andreoni and Londono, 2019). The European Union may be the only exception so far, as by today it can, on a supranational level, decide on policies and enact laws that then become effective in all member states;

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12 See for example, Ragnhild Zorgati's (2017) interesting study of the emergence of contemporary Tunisia's constitution, which is basically a history of convergence in form and content, modelled after a prevalent international standard and aligned with the United Nations Human Rights Convention. This approach required the authors to tone down the parts of the constitution based on religious rules.

13 The same is true for most regional and local political communities, but less so for supranational ones. However, local insignia and regional holidays do not share the collectively binding status that the national ones enjoy, in the form of bank holidays, flag rallies, and other events and symbols.

although these laws and policies still need to be ratified and implemented in and by each state individually, and monitoring their compliance is not always easy.

This is closely connected to the final interesting observation: the country as a polity unit is also crucial for defining modern universal membership in the political system, even in times of cosmopolitanism and virtual means of participation. In this regard as well, a country marks the most crucial defining unit for collectively binding decision making. That is, every individual is assigned at least one country's citizenship. So-called "statelessness" is regarded as a problem that cannot be accepted (Batchelor, 1998) and for which solutions must be found. Also, exclusivity, that is, the fact that dual citizenship is treated as an exception rather than the rule (i.e., one *must* have one and can often *only* have one nationality as membership in a crucial polity) bespeaks this status and its importance (Low, 2015; Spiro, 2011). Immigration and asylum rights further indicate how fiercely these principles are upheld. Visa rules (i.e., approaches to temporary residence in a polity) may be an additional indicator (Mau et al., 2015; Laube and Heidler, 2016). The political system therefore, more than any other function system in society, requires and even enforces membership of each person within one given, mostly territorially defined jurisdiction – although for most members this remains a passive one (observer role). The ambition of modern "direct authority" (Luhmann, 2002, p. 212) necessitates that each individual must register, even in the local state, in order for the authorities to gauge the scope of their responsibilities and in order to be included in the outputs of the political system – compare this to the discussion of censuses above.

Altogether, a country (in most cases a nation state) has come to be the only surviving unit of crucial importance to circumscribe a polity. Empires, kingdoms (for our purposes meaning territories that overlap with family structures), tribal and nomadic states, and all other pre-modern types of polities no longer exist, at least not as alternatives. There are of course absolute and constitutional monarchies and the Commonwealth, among other examples, but these do not overrule the system of countries and the necessity to declare the country status. Furthermore, observers sometimes widely diverge on how to characterize a given modern polity internally, that is, its political regime type, ways of political operation, and other aspects. For instance, there is an ongoing debate on whether modern China should still be described as an empire rather than as a nation state, due to its definition of secondary membership criteria and its attitude toward the rest of the world (e.g., Shue, 2018).[14] However, it is equally true, empirically, that the People's

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14 See also the arguments brought forward in debates about China's "empire-like" contemporary foreign policy, for example, the debate held at the Free University of Berlin in December 2018 [in German]: https://www.einsteinfoundation.de/en/veranstaltungen/meetingeinstein/gunter-schubert-imperiales-china/.

Republic of China adheres to the world system of states and formally fulfills all the criteria observers would apply to define a modern country.

Finally, formal equality or levelling in this case does not mean the absence of (functional) asymmetries between countries. Obviously, some countries are seen as rather dominant in a region or even globally, meaning that they have the power to enforce their will upon other countries, or they claim to have or are bestowed with more say in institutions with regional or even international decision-making capacity. It seems that this power is often related to a country's size, but even more importantly, its access to and use of resources and its resulting economic weight and military might. These differences coagulate, for example, in institutions such as the G8 (currently G7) and G20, or the United Nations Security Council. These selected groups of countries can make or initiate decisions with potential effects for all other countries, in other words, the whole of world society. Observations of this asymmetry have been included in more historical studies of colonialism and post-colonial studies, and they have inspired the world systems analysis of Wallerstein (1976), as well as the various other strands of dependency theory (Chase-Dunn, 2015). Recently, scholars in the field of International Relations are debating whether we see the end of US hegemony and a shift towards a new "Asia-Pacific century", implying, in particular, the rise of China to superpower status and its increasing ambition and ability to influence global affairs (Wilkins, 2010). In system theory, the "inflation" and "deflation" of power as a medium in the world polity has not yet been treated exhaustively though (Stichweh, 2000). In addition, there may also be somewhat more "hidden structures" of asymmetry at play among the different segments of the world polity. For instance, smaller countries often rank highest in global democracy and human development indexes, among other comparisons.[15] They probably benefit from the fact that horizontal functional differentiation results in a shared standard repertoire of modern polities, including a set of state institutions, expectable public services and forms of inclusion (Stichweh, 2000) that may be easier implemented in smaller and more homogenous contexts; a notion that the following section will take up again. These and other aspects are fascinating phenomena and obviously important points of departure for empirical studies in order to further understand political differentiation at a global scale.

Hence, although it can be argued that country-level polities, or nation states, are the globally preferred unit of segmentation and, even more importantly, are the most decisive political unit in today's world society, students of political systems must delve deeper. In the following, we will continue by analyzing the levels

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15 See, for instance, the United Nations' Human Development Reports, http://hdr.undp.org/en (accessed 10 November 2019), or the Freedom House Freedom in the World Reports, https://freedomhouse.org/report/freedom-world/freedom-world-2019 (accessed 10 November 2019).

and forms of vertical differentiation in and of a polity. Are they just extensions of central authority, or can they, for instance, form political (sub)systems of their own?

Consequences of the global preference for country-level segmentation for vertical differentiation

Above, we have stressed the status of countries as the decisive modern polity and the dominant self-conceptualization of political systems. More than that, semantically, a *country* is now associated with a specific size and – more importantly – complexity. In other words, a certain degree and form of internal functional differentiation is expected for county-level units. Thus, it seems odd that units such as Brunei, Lichtenstein, the Vatican or Singapore exist at the same level as other countries, since in the common understanding a country – although varying in size – usually displays multi-dimensional complexity and features several discernible subunits. Small city state-type countries may appear strangely one-dimensional and at the same time overloaded, as they must feature all the elements of a country-type polity – including offices and ministries of all kinds, a diplomatic apparatus, an army (of some form at least) – in order to be recognized as such and to take part in the "international community" (see below). This scenario again highlights the amazing convergence of today's polities, as in this formal realm even these exceptional cases did not simply preserve a form of organization that, arguably, would likely fit their conditions (including geographically, demographically, socio-economically, etc.) "better".

At the same time, one could be equally surprised by countries that appear "huge" in terms of territory and population as well as internal heterogeneity, and that want to and manage to preserve integration as countries, instead of disbanding (e.g., Brazil, Russia, China, India and maybe even the United States). How can such a country hold ready the capacity to make collectively binding decisions that reflect all necessities and demands, and the ability to safeguard the implementation of these decisions? The same questions might apply to a very sparsely populated and large country such as Norway, where the state seeks to reach even the extreme periphery, instead of simply pooling everything in and around a center, or settling for an easy two-pronged structure (e.g., center plus one level of peripheral "garrisons"). In cases such as these, enormous resources are dedicated to establishing authority and upholding and reproducing the crucial organizations, roles and processes (see the section on horizontal subsystems) of the political system across different levels within these "boundaries", while potentially encountering decisive counter-tendencies (Rokkan and Urwin, 1983). While it may seem tautological or entirely unconnected at first, the establishment of the global system of states gave rise to certain ways of answering to these challenges by facilitating,

or even requiring the internal vertical differentiation of polities, while the ongoing evolution of this multilevel differentiation created a shared global repertoire of institutional solutions that in turn reinforced the idea that what constitutes a modern political system is equivalent with a country-level polity (Gellner, 1983; Meyer et al., 1997). Yet, as we discuss below, the synchronization of vertical internal differentiation in contemporary world society is an ongoing and eventually relatively open process.

Modern multi-level polities: Nation state building as centralization

Works in the history of state formation provide functional explanations of the differentiation into units of varying size and a governmental organization, mostly a bureaucracy, that could take care of the basic operations (e.g., tax collection to uphold defenses such as an army; the management of the latter and the drafting of military personnel; other obligations stemming from interrelations with a clergy), and was observable even in the case of pre- and early modern polities (Tilly, 1975; Wimmer and Feinstein, 2010). As mentioned before, however, this differentiation into political offices and operations usually played out in the horizontal dimension that the latter half of this chapter explores, and its results and effects were highly particularistic. The central authority's relations to subdivisions in the polity were usually volatile, malleable and often personalized, and membership and participation in political operations was stratified and non-inclusive. Also, as Wimmer aptly summarized, early political differentiation resulted in a specific type of both hierarchically stratified and politically decentralized society, which was mainly self-organized at the local level and often went without a state-typed organization (1996, p. 331). This changed with the establishment of the modern polity and a functionally differentiated political system, which retains the principle of local self-government but established the full internal integration and penetration of the state as well as inclusive membership in a given polity.[16]

The factors conditioning this development are manifold, they cannot all be isolated from each other, and some of them go back in time, to the beginning of early modern states. While we do not aim to provide explanations for the emergence of these conditions here, it is necessary to name them as part of the environmental factors that produce and act upon political systems in today's world society. To

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16 As mentioned before, we are not pursuing an explanation of state formation in this chapter. There are several excellent studies on this topic that do not need to be paraphrased here; see, for instance, a review and summary of the most seminal studies in Wimmer, 1996 and James, 1996. Rather, we take the existence of modern states as the main organization of a functionally differentiated political system for granted and are more interested in an analysis of the latter's internal functional differentiation.

recapitulate (some of this was discussed in Chapter 1), a country-level polity in today's world involves

- *autonomy* and *sovereignty*, including the integrity of the state's territory and therefore the maintenance and protection of physical borders vis-à-vis an international environment; the maintenance of public order internally;[17] and readily obtainable revenue (often collected and generated through taxes) to finance public government administration and services;
- determining a people/the population as a collectivity (in many but not all cases this is equivalent to a nation); granting and enforcing *citizenship*, which is the imperative embodiment of individual equality, inclusion, and protection; and providing the means and institutions for representing this people (directly, indirectly, or abstractly in terms of a public interest and common good) in collectively binding decision making;[18]
- (to support the operations in the second point and because modern states are now usually welfare states) providing certain *goods*, *services* and other *outputs*, such as health care and primary and secondary education to all citizens – often including all residents; sometimes, but only in extreme exception, even all individuals currently in the purview of a polity –, and providing the grounds for making binding decisions for them (see the parallel development of the function system of law that is discussed again in Chapter 5).

Many, if not all, of these aspects are also intimately related to the horizontal differentiation of political systems, which we discuss again in the next section. Let us first examine the consequences this development had in a vertical perspective.[19]

Scholars have shown that the establishment of the nation state in early modern Europe, and later all units worldwide, meant a *centralization* of authority to fulfill most of the above-listed functions. Determining a territory and defining and securing its borders was one challenge, but integration inward was also a difficult task – not least in order to maintain exactly this territorial sovereignty and autonomy. The example of Norway is once again illustrative. Another example is

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17 While invasion (and war) is still a lurking danger, mutual acceptance of sovereignty is the dominant rule. Border protection therefore has become much more a question of population control; see Laube, 2013. However, there are regions where this is reversed, and martial border protection co-exists with relatively loose mobility control; see Plümmer, 2017; The Economist, 2019.

18 Previously, this was based on the principle "no taxation without representation", which only included those that *could* pay taxes.

19 One might object that this is a "chicken and egg" type question, in other words, an analogous process for which there may be other explanations of what came first or has resulted in the other. Here, the decision is to take the emergence of the (nation) state system in Europe between the 17th and 20th century as a point of departure and to explain a major part of the vertical (maybe even horizontal) differentiation starting from this basic assumption.

the case of Chinese nation-building at the beginning of the 19th century, when peripheral communities somehow had to be redefined or even created anew. Fixed borders were something alien to China, which had been operating on the basis of a civilization-defined empire with concentric circles of influence and tributary relations extending from its center, and an extensive degree of tolerance for fluidity and obscurity in its periphery (if it was seen as such at all). With the forced drawing of border lines and the establishment of sovereign state power under the new Republic of China in 1912, there was increased activity in the borderlands, especially registering and securing resources, fostering defense and avoiding insurgencies (Opper, 2019). However, central authority in Republican China was weak and so was the attempt to stabilize rule everywhere. With the founding of the People's Republic in 1949, borderland occupation and permeation were taken to the extremes. Even today, the nation's major political goals include the directed settlement of people, especially Han Chinese, along the borderlines and the enforced *peopling* of the entire country (Hansen, 2006). With such enforcement, however, comes the necessity to uphold communicative integration, in other words, information flow, new decision-making requirements, and other developments that preserve political operations.

Furthermore, creating a supra-unit, a country, seems to make sense, as defense and other resource-heavy and vital operations can be organized more efficiently for a given community; similarly, locating responsibilities such as garbage collection and policing, as well as other elements of upholding public order at the very local level does. Under the constitutional arrangements of modern polities (see below), different responsibilities could be – and had to be – organized at different levels. Yet, what used to be delegation became differentiation.

At the same time, the centralization of territory, resources and power in modern countries, and the parallel differentiation into different levels was accompanied by the need to meet increasing membership claims from the (former) periphery and the collectivity of the included. It seems to be widely accepted that in social communities, deciding on the issues in a specific subunit as well as the issues concerning the polity as a whole, requires some sort of "closeness" or "proximity". The idea of representative government only magnifies this. It is therefore not sufficient to have organizations, such as parties or mass associations, or institutions such as a parliament, through which interest representation in a modern polity is supposed to work, as well as different political performance or public roles, in only one dimension and only at the most central level (see below). In order to hold ready the potential to make decisions and to address *all* and everybody in a given polity in a timely manner and at any time, these functional bodies and roles must be replicated at more or less regular intervals.

Integration, or: How many levels?

How are these intervals defined? There is no rule of thumb, but there seem to be certain historical patterns. In many cases the subdivisions in today's polities are historical subdivisions that were either relatively independent or existed in a loose form of federation or union before they (were) gathered under a type of modern central authority. What previously were often hierarchies of personalized relations or volatile dependencies through coercion and extraction, for instance, in the phase of centralization now grew into one organism. Interestingly, as research on the nation state has shown, the creation of an entirely new structure of subdivisions is the exception. Especially in contemporary Europe, while questions of "nationality" may be contested at the level at which countries (national states) were defined at some point in time,[20] there is still a remarkably stable patchwork of sub-national administrative subdivisions that were (re)defined along the lines of older cultural or linguistic boundaries, former duke- or kingdoms, and the like (Hooghe and Marks, 2016; Wimmer, 1996). However, the same can be said for other world regions, such as China, where subnational units, from provinces down to counties and villages, are mostly the same as they were thousands of years ago under imperial rule (Chung, 2016; Opper and Andersson, 2018). Post-colonial states are an exception that in some way corroborates this observation. Here, former patterns that were eradicated in the course of initial artificial state building are frequently evoked again when countries undergo further re-division following an often unstable phase after their liberation. Based on this observation, one could possibly go so far as to claim that the segmentary differentiation as it exists *within* most countries today, is often a more long-term and sustainable process and phenomenon than the often artificial, forced and much younger definition of country-level polities as the main segmentary differentiation in the political system of world society.

One does not have to take sides in this discussion and can simply conclude that historically defined units are often assembled under a (new) centralized authority. For some this means a gain in resources and even autonomy, while for others it means a loss of resources. As a whole, however, this pattern implies a leveling

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20 Tilly contested that European nations are actual nation-states, in which ethnicity, linguistics and cultural borders are equivalent with borders of sovereignty and authority as embodied by a country (1975). The same claim is made in quantitative studies of Europe and other world regions that show how division lines (e.g., language, traditional institutions) rarely overlap with national state borders and often run across many of these borders (e.g., Connor, 1972; Lopés-Alves, 2011). If this is true for Europe, an examination of post-colonial national state building provides an even stronger case. In the latter, however, these inherited lines were often not reflected in the new polity, not even in the definition of its subdivisions, with grave consequences, as is widely known.

of the differences that potentially existed between the formerly diverse units in different world regions. Compare, for instance, the former asymmetries between the strong position, even autonomy, of medieval European cities, which had, for example, their own codes of conduct and law ("Stadtordnung") for residents and the treatment of aliens, legislation, police, and markets in a patchwork of feudal order, and the rich but powerless Chinese cities under imperial rule, which were embedded in a predominantly rigid bureaucratic network and therefore, strictly speaking, only another outpost of the imperial court (Mumford, 1961; Hanagan and Tilly, 2011).

Finally, almost all countries now display subdivisions around a 3-plus level structure (national – regional – communal/grassroots). That is, in a country of average size and population, there is never just a dual structure (central – communal), and most countries even have something like counties or prefectures that constitute a fourth level (Hooghe and Marks, 2016). This structure seems to become a type of path dependency that is not altered again, even under conditions of regime change or revolution. There may be upscaling and downscaling of the size and number of entities at one of these levels, but rarely is one of the levels in the governmental hierarchy completely abolished. That is, there is a lot of *re-scaling* (Denters et al., 2014) but usually no re-shuffling, and this seems true in all world regions.

Multilevel relations

If sub-dividing and re-combining was an issue among and in polities all along, what is different now? As mentioned, subdivisions are now integrated in a centralized and differentiated structure of a country and nation state. With this arrangement arose the necessity to formalize the relationships between units in ways that could ensure they would not overlap, conflict and destabilize the overall polity. Chosen solutions to this challenge vary from more hierarchical to more collaborative forms of ordering these relationships.

The two dominant models found worldwide are country-level polities that are organized as unitary or federal states. The historical research on nation state formation tends to choose either bottom-up or top-down explanations of the preference for either one or the other (Wimmer and Feinstein, 2010). We do not have to engage in these speculations as they are not ultimately relevant for our approach. However, it makes sense to note that it seems to be a rather uncontested observation that unitary state structures usually rest upon and are reminiscent of older, traditional forms of governing in a previously existing polity. This is probably clearest in cases in which a relatively strong bureaucratic state was previously in place and permeated a given territory, as in China. In contrast, newly founded countries that merge formerly independent units tend to be federal states. As of

yet, however, there are no large-scale worldwide studies that could convincingly explain this observation.[21] The two models differ regarding the organization of the relationship between the various levels of government, mostly in terms of finance and budgeting, authority over legislation and the implementation of policies, often judication, and the successive organization of representation (e.g., composition and filling of chambers, formal voting authority on national level legislation, etc.) to reproduce proximity as mentioned above. Furthermore, neither the unitary nor the federal structure work without friction, and all polities experience inter-level conflicts. One such conflict is the constant information problem, as described by two governance scholars: "For central government, relying on subnational government for policy implementation means bringing in street-level professionals with close proximity to policy targets while at the same time creating a principal-agent problem" (Peters and Pierre, 2016, p. 129).

However, these aspects are more relevant for governance studies after all. For us, it is probably more interesting to note that there seems to be no clear division between these models that would overlap with the existence of more traditional-authoritarian and democratic regimes, that is, in terms of their preference for one or the other model. A federal model in the first instance seems to suggest – formally-legally – much more decentralized authority and autonomy, and – normatively – usually implies more tolerance for "diversity" within the polity. The early modern monarchy versus republic divide does not imply a preference for one or the other and neither does the current autocracy/democracy divide, although authoritarianism is often associated with more unitary structures and this may be supported empirically, especially looking at more than just the formal institutions. How do autocracies deal with the control-effectiveness dichotomy just mentioned, for example, that is built into the differentiation of levels of decision making? Having plural levels of decision making always involves a loss of control potential that might be problematic in autocracies. On the other hand, a plurality of levels seems to promise greater effectiveness in the realization of policies, based on the ability of more adequate local adjustment: something that appeals to autocracies as long as they try to win legitimacy by claiming to be effective policy makers. Hooghe and Marks, based on their study of regional authority in democracies and new democracies, hypothesize that "democracies (...) have higher levels of regional authority than dictatorships", since "a dictator strives to centralize authority in his own hands to sustain his power and extract rent" (Hooghe and Marks, 2016, p. 65). But again, this assumed bias "is not a black-and-white phenomenon" (Hooghe and Marks, 2016, p. 33) and must be empirically tested. At least in their self-description, authoritarian regimes also evoke the "federation" and

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21 Neither are studies completely congruent on the nation-state development question; see Tilly, 1975; Wimmer and Feinstein, 2010.

decentralization theme, and this seems to be an aspect worth examining, even if just for the issue of the diffusion of modern political semantics.

What is now important is to connect the long-term evolution of formal-institutional vertical differentiation in the modern state organization with most contemporary observations. There are two main trends that emerged over the course of the last few decades that provide new theoretical stimuli: *decentralization* toward the *local* and toward the *global level.* How does this finally tie in with our overarching interests, for instance, the question of how new forms of ongoing vertical differentiation square with the previously uttered hypothesis that a country is (still) the most decisive polity in today's world society?

Decentralization 2.0 and system building

The smaller, the better? Thickening of sub-national politics

Polities have always experienced periods of centralization and decentralization over the course of history, but there has been a clear global tendency toward decentralization since the later phase of the 20th century. There is wide agreement that one of the most obvious processes of differentiation in contemporary political systems is the yielding or concession of decision-making authority to a subordinate (usually most communal) level or entity. The burgeoning "local governance" literature of recent decades reflects this conclusion. Scholars have widely noted that "the relative importance of subnational governments has been on the rise" internationally (Weitz-Shapiro, 2008, pp. 286-287), that local and regional governments' authority has increased in recent decades (Hooghe and Marks, 2016), and that more and more actors engage with local authorities and are involved in different forms of local politics (Peters, 1998; Tang and Huhe, 2014).

While the observation appears to be uncontested, it is difficult to come up with a convincing explanation for this development. One factor may be the globalized Eigenwert of the "local",[22] which is also linked to the proximity and rep-

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22 Compare also how local and regional identity is increasingly evoked in current political debates, for instance when populists and especially far-right parties and groups in Europe cite the value of traditional local and regional identity and thereby homogeneity and its meaning for "better" policy making in opposition to national and supra-national decision making (which is in fact coupled with an anti-immigration stance). This "localism" approach is also observable in other contexts, although not necessarily as a party politics issue. In China for instance, there is an ongoing discourse about local or provincial cultures that form the basis for economic and political path-dependencies, over time and independent of the form of government and rule (imperial, Republican era – Guomindang ·[KMT], People's Republic – Chinese Communist Party [CCP]). Today, for instance, this runs counter to major CCP rhetoric and results not only in the uneven implementation of administrative reform ("compatible" vs. "not compatible with the local culture"), but also differential economic policies and support for entrepreneurship. Localism

resentativeness aspect introduced above. The semantics of "subsidiarity", which finds its strongest expression in the European Union (Peters and Pierre, 2016), is one illustration of this idea. In general, subsidiarity denotes not only the practical conviction that decisions can be made more efficiently at the local level, but also a normative drift favoring autonomous decision-making as often as possible and in the "smallest" possible – that is (in many cases) the most decentralized – units. Interestingly, this seems to be a globally shared norm; at least, the inclusion of the semantics of "decentralized" and "local governance" is observable in the self-conceptualization of political systems across regime boundaries. However, whether this norm can compete against others or is curtailed in practice is highly dependent on other circumstances. For instance, some observers note that the shifts observable in autocracies should be called "deconcentration" instead of "decentralization" (Hooghe et al., 2010, p. 59). We revisit the regime aspects below.

Scholars also point to the decline of the traditional welfare state model, or at least a transformation of how welfare is usually organized: Traditionally, a central authority is also the source of funding for all the polity's core performances (policies, services), for which it further delegates implementation and oversight responsibilities. Instead, these authors now call attention to an evident global tendency toward austerity and business-style conduct ("management") of public administration since roughly the 1990s, which has led to a down-sourcing of many public services to lower-level governments, combined with the need and expectation that they allocate their own resources to fund both these delegated mandates and new ones (Peters and Pierre, 2016; Tang and Huhe, 2014). The "New Public Management" logic was accompanied by a transformation of local public administrations, in which they became more accessible, their operations became more transparent, and the relationship between the incumbents of performance and audience roles was further levelled (e.g., via the "one-stop-shop" logic) (Ongaro, 2004; Pollitt and Bouckaert, 2004; Wiggan, 2007). Not only does this mean that the relationship of administrative bodies to their publics is converted from subject handling to client services, but also that reforms of public administration and local governments introduce new secondary performance roles,[23] such as those

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can, for example, result in a strategy that bets on state-level enterprises in one region and on private companies in another, or defines exclusive new experimental zones solely on the basis of the perceived dominant "local innovative and entrepreneurial spirit". See, for example, the works of Sonja Opper, who studied the socio-cultural evolution of entrepreneurial culture and politics in China and has shown the stability of these patterns over a period that stretches from the beginnings of larger human settlement clusters until today (Opper and Andersson, 2018; Opper, 2019).

23 Secondary performance roles are performance roles assumed temporarily or partly by laymen/ amateurs or non-professionals. They can also be defined as activist alternatives to purely public roles, see Stichweh, 2016a, Ch. 1.

generated by expert and public hearings, etc. Finally, connected with the decentralization of many issues, there also arose new inclusion demands by members of the local public. New forms of environmental-related NIMBY protests, for instance, often steered by locally differentiated organizations (as discussed later), are now more than ever facilitated by the digitalization of information, organization, participation chances and other elements.

Adding to the surprising continuity and stability of subnational units over the course of history, a new "thickness" seems to have emerged. Together with trends we describe in our discussion of the horizontal dimension later, subunits in a polity (country) seem to be able to form ever more autonomous units and thereby potential political systems of their own. The emerging forms of new problem processing can potentially usher in a generation of new problems that are only observable and only relevant for a given level. This seems to be the case where there exists, for example, enough information to autonomously decide on issues and to distribute values in a given community, which were traditionally pooled at the national level (expertise, finances, etc.), or when new political issues are produced and considered to be specific for this particular community.[24] Furthermore, individual members as well as incumbents of both performance and public roles at the local level may also become better equipped and informed in order to decide on the issues at stake than was previously possible (via information technology, education, mobility and experiences, for instance), and there are new dedicated and independent local organizations, such as exclusively local parties; for example, "Freie Wähler" (independent voters) in certain communes in Germany, or the CSU as a party only for the state of Bavaria.

When the perceived value of the issues that are decided upon locally finally overrules the importance and status that an individual member or given collectivity assigns to membership in a country-level polity, the old idea of a central authority that gravitates toward the highest level of government in a country may fade or become much weaker than in the former phase of modern nation state building.

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24 Take for example the attraction of investment (including especially foreign direct investment) and new sources of revenue via business taxes at the communal level – a problem that applies to communal units in Germany as well as China. This may not be a topic for the levels above or below in the hierarchy, but maybe at that specific level, for a county-level government, for instance, it is crucial. There are then offices and agencies that are created specifically to take care of this issue, which are not replicated at other levels in that country, and may even conflict with the other levels' interests and principles (e.g., political restrictions on accepting FDI from certain countries [as in the case of Germany vis-a-vis China]).

The larger, the better? Polity-independent problem governance

Something similar is observable in the opposite direction, in other words, in the decentralization toward autonomous problem identification and decision making at higher levels, or better, in larger units and collectivities. While not intending to paraphrase the impressive body of literature on regional and global governance here, from our perspective, however, it is worth noting again that what appears to have happened is the following: The creation of the modern country-polity in the last 400 years seems to have brought with it a relatively inward orientation, one could also say restraint – a population of political systems that have a spatial reach because of a defined, most crucial level of membership and thereby an ultimate scope and reach of the binding decisions made. There have long been issues that required regional (i.e., transnational) processing, such as transportation, including rail and water ways, post, and bilateral tariffs, but they were mainly practical, regulatory issues that in some way emerged from a basic decision that had already been made. Relatively similar is the more modern variant of this situation that Peters and Pierre (2016) and Hooghe and Marks (2016) called "multilevel governance" and that is largely independent of the countries as a unit, in other words, a form of governance stretching across a "region" that includes units at different subnational levels (for instance, across several counties, together with another province and maybe even across borders to similar units in another country). These occurrences are somehow still spatially bound and clearly polity-linked, based on geographical conditions or a softer "identification" with a region and its specificities and perceived needs. In the end, this form of differentiation based on issues does not seem to be so different from the decentralized local governance described above.

Then there is, however, the intensification of *global issue governance*, that has occurred since the end of World War II and the renaissance and actual institutionalization of organizations such as the United Nations and other global forums. This, first, includes the identification of problems that appear to be of global concern. These could be issues that have long been processed in the political system of some countries, but are receiving new attention, weight and diffusion at and via the international level. Beyond that, however, it also entails the identification of genuinely *new* and, one could say, truly global problems, such as international large-scale migration, epidemics, and, possibly most strikingly, resource protection and climate change, which seem to transgress the problem-solving capacities of existing polities. Under this aegis, and overriding even ideological and regime differences,[25] completely new political structures arose, especially in the last 30 years. Different from the traditional regulatory issues and procedures, these is-

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25 Autocracies, however, appear to be more selective in their commitment to global governance arrangements than democratically ruled countries. Furthermore, there are indications of an in-

sues now also have global publics, with specific opinions and globally inclusive activities (including protest), which are increasingly considered.

As is widely documented, these developments have led to norm and value diffusion that now impacts problem definition and decision making at many different levels and transgresses the usual polity boundaries. The newly emerging global "issue contexts" and epistemic communities that develop around a problem that may come to be defined as a political problem, for instance, may force a national polity to address issues such as minority protection or control of specific pollutants that were not previously defined as falling within the purview of the political system.

What further distinguishes the global problem arena from within-polity decentralization is that non-contingent values seem to impact the definition of political problems in a different way here. The orientation toward scientific results or the appeal to human rights and fully equal valuation of every individual, even somehow planetary values (conservation, sustainability, etc.), often form the basis for the decision to regard an issue as a political problem, as well as for the measures chosen or suggested to address the issue. These values may be very different from the values that, either contingent or non-contingent, are formed by or impact on country or local polity-based problems and solutions, and which potentially never would have become relevant at all at the latter level.

This all suggests a type of system building around issues at the global level, but the readiness to make collectively binding decisions here is much less palpable. Global "responsibilities" seem much more retractable: the issues once considered the responsibility of subnational levels in a given polity (e.g., education, health care) seem to "stick" there much more strongly than issues that were addressed at regional and supranational levels (e.g., EU, NATO, Middle East/African Union; non-proliferation politics; greenhouse gas emissions). While organizations such as the UN represent global institutions, they, at least to date, do not form polities, and as such lack the institutional thickness described above. Membership at the individual level is less clear (it is usually established by the fact that the country of which one is a citizen is itself a member of these organizations) and is less consequential. On the one hand, beyond being human, there are no inclusion criteria, but on the other hand, because everyone is an inclusion address, any appeals or claims become murkier. Thus, whether we see a weakening of the meaning of membership and inclusion via national citizenship here is much less tangible.

In a nutshell, there is now an undeniable tendency toward the identification and handling of political problems at different levels in and beyond "constitutionally" defined polities. Whether this is in every case equivalent with genuine

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creasingly stronger intra-autocracy collaboration at the global level; see, for example, Erdmann et al., 2013.

system building is an empirical question. For the time being, it seems that in an era of nation states and as long as binding national level citizenship exists and represents the institutionalization of the imperative of equal and individual inclusion, an array of vital decisions remain undeniably bound to country-level polities and politics.[26] In the end, however, this bond may also depend on the evaluation of the importance of certain issues at the individual level.

Level differentiation, inclusion and regime bipolarity

So far, the question of system building has mainly been approached by focusing on the problems that are identified and processed by the political system. There are some further observations that may advance our analysis, namely, the relatedness of multilevel differentiation, inclusion and regime bipolarity.

The conflict between norms and "procedural values", which is inherent in debates about whether *smaller and more direct* or *larger and more aloof* equals better outcomes, runs through the history of polity building. This conflict is, however, also directly linked to the regime question, and here inspires equally ambiguous arguments, ranging from concern with functionality and efficiency to normative preferences for universal and equal individual inclusion. The size, representativeness, and responsiveness nexus is, for example, reflected in Robert A. Dahl and Edward R. Tufte's seminal work, which took up the strands found in traditional political philosophy and asked, "How large should a political system be in order to facilitate rational control by its citizens?" (Dahl and Tufte, 1973, p. 1) and "What is the appropriate political unit for expressing one's identity as a member of a community" in times of increasing complexity and diversity in an urbanizing and globalizing world (Dahl and Tufte, 1973, p. 3)? At the time of their study, the authors' empirical approach, a comparative analysis of different countries, offered no clear answer to these theoretical questions, as they found that "[n]o single type or size of unit is optimal for achieving the twin goals of citizen effectiveness and system capacity" and "[i]n the extreme case, a citizen could be maximally effective in a system of minimal capacity for dealing with major issues (e.g., international violence) or minimally effective in a system of maximal capacity for dealing with major issues" (Dahl and Tufte, 1973, p. 138). As indicated above, more than 40 years after Dahl and Tufte's seminal publication, these questions linger and translate

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26 Take, for instance, abortion laws in the United States. While it is still up to each state to decide whether to allow abortion, it is ultimately the US Supreme Court (with judges appointed by the president; Cottrell et al., 2019) that provides the basic ruling. It appears that the current trend in Supreme Court decisions may ultimately lead to a revision of the overall legislation, shifting a once relatively liberal legislation to a much more conservative one. See also Chapter 5 on the concession of autonomy.

into research on community participation and local self-administration, suitable design for constituencies, representation in and control of transnational and international organizations, and many other aspects (see, e.g., Denters et al., 2014).

Complementary research on preferences around the world, including in non-democratic contexts, may add an interesting perspective. In China, for example, where there is a long tradition of favoring centralized authority combined with decentralized governance and a strong valuation of the local (因地制宜), political regime characteristics play an important role. Public trust in the central government is surprisingly strong in China compared to other countries[27] and is always significantly higher than trust in local authorities. While the lack of democratic decision making and oversight applies to every level of the polity, central authorities in China are, to a surprising degree, believed to be more willing and able to act in accordance with the overall public interest than corrupt local incumbents.[28] Still, this does not necessarily mean a preference for democratic decision making and equal inclusion – it could also reflect a preference for non-contingent values, such as knowledge/science (technocracy) and elitism (expertocracy), which is probably believed to rather be present at higher levels. Interestingly, this is somewhat reminiscent of arguments that appear, with an opposite direction, in discussions about the "democracy deficit" of decision making in the European Union or in other regional and international contexts.[29]

Beyond a normative perspective, the general experience seems to be that the more local in the political hierarchy the unit of analysis, the *more* inclusion into collectively binding decision making is found (and vice versa), even if it "only" means more information, an expansion of public roles (e.g., the number of individuals addressed by a policy) or new secondary performance roles that arise through administrative reforms. After all, under conditions of modernity and differentiated levels of decision making, the individual is included in more than one political system. Furthermore, while there is maybe one main polity today in which ultimate membership still makes a crucial difference (i.e., citizenship in a country as described above), multilevel differentiation can mean inclusion at one level under conditions of exclusion at another. For instance, as a citizen of the European Union and the European Economic Area, an individual can participate in local elections in another member state after some time (usually three

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27 Other countries, especially democratic ones, usually show the exact opposite; see e.g. Hibbing and Theiss-Morse, 2002; Lewis-Beck et al., 2014; Li, 2010; Li, 2016.

28 Tang and Huhe (2014), in a large-scale quantitative analysis of several Asian countries, showed how more political interaction at the local level in the course of recent political decentralization increased individuals' access to information and overall activity in local affairs, but also fuelled concern about problems such as corruption and further diminished trust in local governments.

29 See, for example, the collection of studies on the legitimacy of regional integration in Hurrelmann and Schneider (2015).

years of residency) and can vote for the representatives of this other country in the elections for the European Parliament, but cannot take part in national elections. However, a person could become a member of Greenpeace, or a local interest organization, for instance, and lobby heavily for a reform of specific environmental policies in this country. In China, while the individual does not have any say in national-level politics, as a registered resident in a village he or she can participate in direct elections of the local leader and the members of the village administrative committee, who in turn usually decide on the distribution of collective land and revenues, which are some of the most crucial resources for rural residents. Or residents can protest a waste incinerator scheduled to be built in the vicinity that might seriously impact the locality's developmental planning, but cannot vote on the course of energy politics at the national level in China.

Regarding the polity as a whole, moreover, multilevel differentiation and the existence of differential inclusion roles also increase the chance of an open, dichotomic plurality, meaning that there can always be oscillations between the two poles of democracy and authoritarianism at different levels within a national polity and beyond (e.g., in the form of *enclaves*) – observations that Chapter 6 discusses in more detail. There is, in fact, research that points to this phenomenon in different contexts. The "deep south" paradigm in the United States is a particularly strong example, showing that there can be authoritarian structures at the local level in an overall democratic country (Mickey, 2015). Augustina Giraudy (2015) explored what she called "pathways of subnational undemocratic regime continuity within democratic countries", in her research on Argentina and Mexico. Other studies, in turn, have corroborated the finding that autocracies especially tend to distinguish between different tiers of the political system, which are then related to different principles and degrees of inclusion in collectively binding decision making. For instance, whereas the national political leadership is unchallenged and inaccessible and governmental outputs are determinate in the first place, modern variants of outcome-oriented "adaptive authoritarianism" often rely heavily on local (sometimes experimental) adjustments or even alterations of policies – processes that include different forms of participation by the "affected" parts of the population. This scenario has been described for the case of Russia (see, e.g., Moser, 2015; forthcoming) and the People's Republic of China (see, e.g., Florini et al., 2012; Schubert and Ahlers, 2012). Finally, it is possible that traditional traits of authority or even types of independent sub-polities, in the form of, for example, clans, dynasties, castes, clientelism, or mob/gang structures, survive at individual levels; or that there are different value bases or preferences (Catholicism; xenophobia) that impact decision making at one level or in one unit, which may completely differ from that observable at others levels in the same polity.

Comparative research on political systems in general, and on political regimes specifically, could definitively make use of approaches that focus on multilevel

differentiation and decentralization. Altogether, while there are plenty of empirical insights into the dynamics of internal differentiation and trends of decentralization based on studies in democratic contexts, there is no comprehensive body of research on authoritarian contexts, possibly due to the tendency to treat autocracies as monolithic units. In fact, large-scale studies usually use characteristics at the country, i.e. national, level as a unit of comparison and then abstract to all other levels from there.

One way to analyze multilevel differentiation from the perspective of our overarching research interests, is, as mentioned in the introduction, to empirically explore the following questions:

- Are there issues that are or become an *exclusive domain* and *responsibility* at a specific level, (e.g., at the communal level or the supranational level)? Does this level have the authority to make autonomous decisions, make these decisions collectively binding, and organize their implementation?
- Are there particular inclusion roles ([secondary] performance and public) that form at this level? Are they independent of roles at any other level?
- What are the principles and processes guiding how decisions are made (including contingent and non-contingent values; see also Chapter 6)?

This matrix can be applied to any level and for any institutional configuration in which collectively binding decision making occurs, for example, at the grassroots and community, regional, trans-regional and trans-boundary, national, international and global levels. In research on the bipolarity of authoritarianism and democracy, such an approach could help distinguish between superficial or nominal institutional isomorphism and real functional equivalents in today's world society.

These ambitions also motivate the observations and questions that form the basis of the following section. Examining the vertical differentiation of levels helps us to transgress the limitation of the country unit and the nation state level in research. However, there are more, and more complex, structures in a political system that should be considered. In addition to examining multilevel variation, we need to identify and precisely describe the relevant subsystems and other institutions and elements of *horizontal differentiation* in modern political systems.

III. Political Subsystems, Horizontal Structures and Institution Building

The simultaneous emergence of universality and regional specificities of political systems

As described in the previous section, pre-modern polities were usually built around a centralized system of rule and domination, often conflating the domains of religion, economy, warfare, control of the general public order, and others. If the given rule was not merely tyrannical or completely predatory, authorities were occupied with almost all matters pertaining to steering community life, for instance, taxation (spontaneous or regularly scheduled), internal and external security and order, organization of labor (partial or full; slavery, feudal structures, etc.), judication, weapons/military, monopolies (such as salt, grain, alcohol; or later money, i.e. coinage), roads and waterways, and religious and cultural activities. Decision making was highly centralized and traditionally limited to the discretion of the solitary ruler, with limited external deliberation. More complex polities, however, also had institutions such as councils, ministries or other types of consultants to the ruler (see also Chapter 3 on knowledge). The information that formed the basis of these decisions was usually derived from a paternalistic evaluation of the conditions in and of the realm, and from limited bottom-up reports and petitions. As mentioned before, states emerged as the common form for a political organization that can be distinguished from primeval and simple forms of rule such as chiefdom. From their early variants onwards, states came to be identified by the following functional areas and elements (Wimmer, 1996, pp. 227-229):

- *bureaucratic administration*: to help with processing information, including keeping archives, calendars, other measurements, values, currencies and prices, managing correct script and written communication throughout the polity, and other related tasks;
- *jurisdiction/judicature*: to overrule self-help and complement local community mediation and arbitration, and to advance public order and stability by seeking to avoid or end violence/feuds; in pre-modern times not necessarily independent from the ruler/government and the collective administrative organs;
- *taxation*: to absorb "free-floating revenues" beyond infrequent gifts and tributes or predation, based on a system of regular collection, and, especially in pre-modern times, not linked to reciprocal benefits but as a means of patrimonialism; and
- an institutionalized *army*: to defend the polity against external threats as well as internal instability, often as a standing army (especially in empires, to se-

cure garrisons and borders), and often but not always distinguished from the unarmed majority of the population (as in Egypt or China).

The set of issues and institutions varied, of course, but once established, the problems or subject matter for which authorities felt responsible was surprisingly limited and relatively stable over time and across geographical areas – even taking different world regions into account.

In the history of Europe, some degree of differentiation emerged in the polities of the later Middle Ages and the early modern era, which in other regions was only triggered by state building in the 20th and 21st century. In Europe this included, for instance, the gradual differentiation of societal estates and their political representation; the formal separation of the central authority and the state from institutions of the clergy, which for long periods continued to assume exclusive responsibility for issues such as education, medical care, and poverty relief; private publishers; and early forms of assemblies and parliaments. Self-conceptualization and legitimation of state action became increasingly oriented at public welfare and the common good, and later also "(the pursuit of) happiness" for everyone in the polity. The normative and practical ideal of the separation of power, executive – legislative – judicative, took root in early modern Europe (Wormuth, 1949), and a process of the juridification of politics emerged that was meant to safeguard the universal validity and application of authoritative decisions in the polity, and allowed citizens to not only solve conflicts among themselves, but to increasingly provide avenues to claim their eligibility for political goods and services vis-à-vis the state and individual authorities. In the period of transition from the late Middle Ages to early modern times, the police force developed as the embodiment of the application of the monopoly of the legitimate inward use of force by the state. Over the centuries, the police came to represent the enforcing institution for all sorts of responsibilities ("policy") the government took upon itself as the ordering organ of society (Stichweh, 1991). Outwards, manifest structures emerged around the necessity to identify and to communicate with other nation state-type addresses. A polity no longer dealt with another polity only occasionally in the form of, for instance, war, marriage among the nobilty, or trade, but the emerging equalization of segments of the world polity created a pressure to establish constant "foreign relations". Therefore, a country's army came to be flanked by a whole apparatus overseeing foreign affairs, which not only included foreign offices and the institutionalization of routine diplomacy (Hennings and Sowerby, 2017), but also institutionalized intelligence services and espionage. Furthermore, over the last roughly two centuries, trade unions, political parties, and other organizations emerged and diversified political structures and the political process as well as the addresses included in this process.

Interestingly, while all these early forms of horizontal political differentiation are exhaustively described in accounts of European and North American history (see theoretical foundations and summaries of the literature in Luhmann, 1997, 2002; Stichweh, 1991; Wimmer, 1996), we know less about how these processes materialized in other regions of the world. For instance, while separation of state institutions from the clergy has been either less relevant in primarily secular contexts such as China, in other cases it was a later development or is still an absent phenomenon. The same might apply for transformations of social stratification and the related differentiation of the political status of members of a polity. While estates in Europe became meaningless, a clear system of social stratification (e.g., castes, lineages) may have never clearly existed in some societies or may continue to be influential for political inclusion in others. In addition, the emergence of a differentiated police, separate from the military and meant to safeguard the state's collectively binding decisions, may not have followed the same route as it did in Europe. While there are plenty of excellent and comprehensive studies of individual countries, it is probably fair to say there are not sufficient comparative historical analyses of the differentiation of the political system and of further horizontal differentiation across world society.[30]

However, although this process may have looked, and may still look, vastly different in different regions and even in each individual polity, all modern political systems, democratic or authoritarian variants, seem to currently feature a basic global repertoire of subsystems, semantics and symbols, as well as inclusion roles. Since the mid-20th century and at the latest after the Cold War with the end of the merely two-dimensional ideological block confrontation, this repertoire has become ever more similar. Arguably, there are differences and there are cases in which very particular institutions or inclusion roles remain (such as the Guardian Council and the Council for Discernment of Expediency in Iran [Schirazi, 1997] or the People's Political Consultative Conference in China [Sagild and Ahlers, 2019a]), but even these outliers coexist alongside the full array of standard political organization(s) that seem to be replicated in all political segments, i.e. countries, of world society. Other observers have noted this isomorphism on a macro scale and demonstrated how "through both selection and adaptation, the system has expanded to something close to universality of the nation state form" (Meyer et al., 1997, p. 158), resulting in a similar set of nation-state properties. However, these analyses rarely include detailed accounts of these internal properties and their ongoing differentiation.

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30 Intriguingly, almost all existing seminal studies at some point refer to the same limited set of examples from Non-European societies, for example, the Tokugava Shogunat in Japan, based on the same limited selection of case studies literature (e.g., Eisenstadt, 1993, 1996).

Before we embark on such an endeavor ourselves, one last preliminary remark and potential caveat to our argument seems worth mentioning: The only clear notable exception to isomorphic formal representations of both vertical and horizontal functional differentiation are probably the enduring versions of (hereditary and elective) *absolute monarchies*, of which a small group remain, including Saudi Arabia, Vatican City State, Brunei, Oman, Qatar, Eswatini, and the United Arab Emirates. These countries constitute some form of unitary, religiously legitimized concepts of rule reminiscent of traditional, pre-modern polities. Due to the pseudo-religious political ideology and leader cult on which the Kim dictatorship is founded (Lankov, 2013; Fifield, 2019), North Korea is sometimes also labelled a quasi-absolute monarchy. In these remaining examples of absolute rule, there is very little vertical multilevel differentiation, as instead of implementing autonomous regional or local tiers of government, these polities usually install family member or other loyal kin as governors who extend the reach of the royal court into all subnational entities (see, e.g., for the case of Saudi Arabia, Al-Rasheed, 2010, Champion, 2003). Like in the historical variants of authoritarian rule outlined above, horizontal differentiation is also limited here, and the number of political performance roles beyond ruler, for instance, is kept to a minimum, while there are support and consultation structures, such as a state bureaucracy and advisory bodies with no decision-making power surrounding the center. Existing responsibilities and functional units, such as ministries, diplomatic missions and other governmental posts, either fall within the immediate domain of the ruler himself, or are staffed with kin and clients – a phenomenon that also occurs in modern democracies but is there considered deviant and to be avoided, and is either legally prohibited or at least perceived and labelled as a violation of a widely shared modern political norm ("clientelism", "nepotism"). Even in modern authoritarian systems, such as under the rule of the Communist Party of China, open nepotism in recruitment procedures for political offices is *pro forma* prohibited or must be especially legitimated; favoritism is no longer a sufficient condition, and an incumbent's qualification for a specific political performance role must be publicly established. Altogether, these very special cases, we would argue, do not significantly contradict our overall observations and arguments. They, to the contrary, add weight to the aforementioned pledge for meticulous empirical research that encompasses the diversity found in different world regions and the value of diachronic studies when approaching internal differentiation and the evolution of democratic and authoritarian political systems.

To decide, or not to decide:
Approaching the dynamics of horizontal differentiation

In modern society, the function of the political system is to hold ready the capacity to make collectively binding decisions. Accordingly, we suggest using "to decide/ not to decide" on something as the major distinction informing differentiation. Defined so broadly, it may help explain how complex the political system in the ever more complex environment of modern society became, and how it constantly needs to further differentiate its subsystems and institutions in order to observe or even mirror the complexity of other function systems of society, and anticipate dynamics in these other function systems in order to safeguard the continuous capacity to make collective binding decisions for society (Luhmann, 1989; Easton, 1967; see also Chapter 4). Although the basic set of these institutions has remained relatively stable for the last few centuries, new institutions arise for almost every issue or problem area that comes to be defined as something the political system should decide on. This already implies that beyond what is usually termed "government", or "the state", which comprises institutions of ultimate decision making at a given level of the polity, there are many more elements constitutive of a political system. Yet, the classical description and conceptualization of horizontal differentiation of the political system is arguably somewhat constraining when attempting to gather and understand the entire range of contemporary empirical observations. In other words, against the background of continuous horizontal differentiation, there is also a constant need to refine the possible range of subsystems, organizations and institutions that constitute today's political systems. For example, it appears that non-governmental organizations and social movements, the shifting nature of political parties and parliaments, the virtualization of public communication and opinion, and a range of other potential candidates should be considered when studying the structures that are relevant for political communication, decision making, inclusion roles and responsiveness in a given contemporary polity. This attention is also justified if scholars attempt to include empirical findings from autocracies. Altogether, looking at the horizontal differentiation of political systems, it seems fair to say that there are formal functional standards of the institutional make-up in the world population of political systems. Yet, as mentioned earlier, scholars must always accommodate regional (and otherwise founded, e.g., ideological, regime) differences between political systems, including, for example, differences in individual elements or processes that are part of the subsystems or institutions of modern political systems (see Volume II of this book).

In the following section, we discuss those elements that are unique to the political system and constitutive of its autonomy, with no claim of completeness. A later chapter specifically examines structural coupling and concessions of auton-

omy that involve other functional systems of society. Again, the goal here is not to meticulously explain the genesis of subsystem and institution building or to paraphrase the existing literature.[31] We limit our account to presenting selected observations of contemporary horizontal differentiation in political systems that we believe can provide the foundation for future empirical and theoretical explorations.

Some spotlights on continuous horizontal differentiation: political institutions, organizations and processes

Government and ministries

Historically, government structures and ministries were chiefly organized around a handful of responsibilities, such as taxation, policing and defense/warfare, deemed important for maintaining the integrity of the collectivity and for sustaining a system of rule. Today, the complex structure and array of ministries, agencies and other governmental bodies reflects the scope and nature of the issues the political system is now responsible for, that is, is supposed to decide upon. While in democracies, some of the decision-making about these issues is further outsourced to non-majoritarian organizations (see Chapter 5), in general, the structure of ministries gives a relatively good impression of a government's priorities and the career of policy issues. There are several core functions always present and usually separate, such as trade and economy, defense, and justice; but beyond that, there is usually no rule or constitution prescribing a specific structure of ministries. See, for instance, the history of ministries such as "social affairs", "labor/employment", "environment(al protection)", or "consumer protection" worldwide. Furthermore, with each new incoming cabinet and often at any time during a government's term, ministries can be rearranged, merged, dissolved and relabeled. While this is often explained by changes in the public budget, it can also hint at shifting priorities and trends in the conceptualization of political problems. Is "energy" (production and security) an individual entity, or does it fall within the realm of the ministry of commerce or the ministry of the environment, for instance, and which of those units is responsible for the regulation of "whaling" in certain countries where that is an issue? Is "nuclear safety" a prominent issue and why is it a part of the Ministry for the Environment and

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31 For Luhmann, "state-ness" entailed the classical trias: parliament, government and public administration, and the system of law which he described as a function system of its own. Before this differentiation, "states" according to his understanding did not exist. As subsystems of the political, he identified politics (meaning political decision-making, usually by the executive), party politics, and the public sphere ("Öffentlichkeit") (1997, 2002). Altogether, his theory of internal functional differentiation of the political system is not exhaustive and has sometimes been criticized for being merely based on his observation of democracies.

Nature Conservation in Germany? And why was "Heimat" (the official English translation used is "community") suddenly added to the German Federal Ministry of the Interior in 2018 (and both merged with the Building Department, which had so long been a part of the Ministry of Transportation)? The same is true for the vertical allocation of issues and ministries in a polity: while autocracies tend to be more unitary and rather replicate a functional pattern found at the central level, with a few exceptions that are seen as national matters (e.g., defense), in democratic systems, especially federal ones, subnational tiers can – to a certain degree – decide on their own ministerial or departmental structures, combinations of responsibilities, and even denominations.

Organizing government around problems is, in itself, not a characteristic of modern political systems. The relatively uniform global establishment of subdivisions that build capacity for collectively binding decisions in specific fields, however, should be seen as part of the "worldwide cultural and associational process" (Meyer et al., 1997) surrounding the constant evolution of modern nation states, regardless of regime differences. At the international and global level, these patterns are not replicated. There are a range of international organizations and entities of the United Nations Organization that address issues of general concern and of specifically global or planetary concern. However, these organizations are not as interdependent as the parallel issue-bound units within countries are, nor do they usually make binding decisions that can be enforced in a defined collectivity. For all polities at the country level and below, however, government below the immediate leadership level is organized around collective problems. This arrangement not only facilitates, internally, the processing of difficult policy issues, but also helps to identify counterparts when countries (or other levels of government) deal with each other. For instance, during bilateral state visits, details of trade agreements or defense collaboration are not discussed by the two heads of state, but rather by the relevant ministers and their specialized staff – and, increasingly, governmental-external or non-governmental actors (see below).

Overall, how a polity arranges its functional responsibilities, ministries and departments may vary, but there is always such a structure and elements of this structure look alike to a certain degree. Interestingly, it is within this structure that performance roles of very different provenience meet and merge. This is most obvious in the governmental bureaucracies of democracies, where, commonly, elected representatives and often party candidates (who are "fremdreferentiell" [Luhmann, 2002]) and appointed professional officials (who as bureaucrats are "selbstreferentiell") come together (see also Chapter 5).

Public administration and bureaucracy

In general, political bureaucracy and public administration in different areas and at different levels of the political system is seen as a "corrective" between the legislative branch (that produces political decisions), and existing laws, the expectations of the population, and the values and norms of society as a whole. Ideally, this is where political decisions are finally made "feasible" (Weber, 1922) and where their effective implementation is prepared and organized (Parson, 1937, 1966). Scholars have also found that this sphere is a realm of irrationality and arbitrariness, conservatism and inefficiency (Merton, 1940), and "useful illegality" (Luhmann, 1964).

In traditional polities, e.g. in the large historical empires, bureaucracy already involved professionalism and specialization, but was usually congruent with the mere exercise of centralized authority across space and different levels based solely on the interpretation of top-down verdicts. Today, this pattern often survives in authoritarian contexts, especially absolute monarchies. However, even in current autocracies, forms of a modern bureaucracy coexist (see the example of Saudi Arabia [Hertog, 2011]). Modern public administration can be regarded as a subsystem in and of itself that includes structural coupling with other functional systems of society. This arrangement involves a considerable degree of agency among the incumbents of performance roles, which usually leads to decisions that are factual and pragmatic decisions ("Sachentscheidungen") and not necessarily majoritarian/democratic ones (see also Chapter 5).

At the same time, another trend that seems to be a fruitful basis for more empirical research is the evolution of bureaucratic performance roles themselves: worldwide, political offices and a professional civil service often co-exist in a bureaucracy. This means that there are non-permanent elected and non-elected, i.e. assigned political leadership positions coexisting with non-elected – and often permanent – departmental staff. Take, for example, local attorneys general, their chief prosecutors, and the rest of a state's or county's department of justice in the United States. Access to performance roles in the political administration can thereby look very different in different countries, as well as at different levels of the same polity in a single country. How exactly does this affect how decisions are made and implemented in each case?

Finally, access to performance roles in the administration as well as interaction with these roles on the part of audience roles is increasing, while at the same time the asymmetry of these two role types is becoming less pronounced. Treutner described this dual trend as the shift from "subjects" to "clients" (1994). The shift seems to be affecting both the general structures of administrative communication as well as the inclusion of administrative clients in specific processes, for instance, via practices of public deliberation (see, e.g., Dryzek, 2006) and thereby the creation of *secondary performance roles*. Interestingly, this dynamic appears to

be largely independent of the political context (i.e., the regime type) and occurring across the globe, as self-descriptions and the repertoire of modern public administration have become more similar over recent decades (see, e.g., Pollitt and Bouckaert, 2004; Treutner, 1994).[32] Promising areas of relevant empirical and comparative research include continuing and often globally synchronous administrative differentiation as well as the worldwide emergence of secondary performance roles, access to these roles, and how all this is in each case related to forms of political inclusion and responsiveness.

Political leadership roles

A similarly interesting type of political performance role is the role of the "leader" of a community, especially the leader at the top of a national polity. Democracies and democratic constitutions, in particular, institutionalized the distinction of and differentiation into office and incumbent as well as term limits and, in general, an orderly leadership change. Theoretically, the distinction between office and person is also a characteristic of modern autocracies, but in their case, the specification of the top office(s) as well as leadership change is a more volatile aspect. The Communist Party of China, for instance, has practically abolished the personal cult after the era of Deng Xiaoping in the late 1980s and early 1990s, and has held on to this principle, together with the institutionalization of term limits, for the last roughly 30 years. Someone had to fill the office of the general secretary and state president and this person was found through a nomenklatura system and party-internal elections. Until very recently, with the second term of Xi Jinping, which began in 2018, the CCP was even openly committed to the idea of "collective leadership", that is, the promotion of a team, consisting of president and premier (prime minister), as is common in other countries. During the term of Hu Jintao and Wen Jiabao (2003-2013) and the initial years of the term of Xi Jinping and Li Keqiang (2013-2018), this arrangement worked. Recently, however, developments in China appear to have reversed this reform, as term limits for Xi as president were abolished in March 2018 and at the same time Premier Li Keqiang began to withdraw from the public eye in propaganda and press reports. A similar reversal occurred in Russia, with the re-emergence of Vladimir Putin as president in 2012, after he had served as prime minister under interim president Dmitry Medvedev to circumvent the limit of two consecutive terms, which was in place at that time. It is now unclear when Putin will step down, if ever, who could be his successor and what this leadership change would look like.

Coming back to the fact that polities differentiate between political performance roles, it is interesting to note that the terms currently used to refer to heads

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32 Arnstein (1969) provided some helpful heuristic approaches for distinguishing "tokenism" and genuine accessibility of and public participation in local administration.

of state worldwide have remarkable semantic similarity:[33] presidents, prime ministers, chancellors, and their combination (Helms, 2005). The mere denomination alone does not reveal anything about the actual distributions of power or – in countries where there is a combination of these two top offices, usually republics – the functional division of labor between these offices. Compare, for instance, the office of the president in Germany with its counterparts in France or the United States. As diverse as democratic constitutions are regarding the details of governmental procedures and interrelationships, top political offices are labelled very similarly. Modern autocracies nominally model their leadership offices around the same semantics. A remaining alternative to the dominant designations is the highly personalized "supreme" or "great leader" category, which was traditionally used in fascist, far-right and communist systems. This label has recently been and still is used in some contexts, for instance, in Iran, Croatia/Bosnia and Herzegovina (1990s), Kazakhstan, North Korea, for Chavez in Venezuela, and in Turkmenistan – thus, the label now denotes pseudo-communist, Islamic-fundamentalist regimes and some individualist-kleptocratic rulers of the totalitarian kind. But even where this label is used, it usually applies only to the national-level leader role. How power and political functions are distributed beyond that is an empirical question in each case. While this title is a signifier of a surviving traditional form of rule and types of authoritarianism, it can still be accompanied by other (formally) functionally differentiated levels and performance roles below the top leadership level.

Furthermore, as Chapter 6 discusses further, it is interesting to analyze the merits or qualifications necessary to be elected or selected for a leadership office in a polity, or even for any other political office. Is it charisma, general abilities and performance record, or professional knowledge and capability that makes a difference? And are these values stable over time or highly fluid? Is there societal consensus that a political leader ought to be a political "lay" person with other persuasive qualities, or a highly educated or seasoned professional or performer with specific but reproducible experience in certain fields (i.e., law, engineering, or administration) deemed important for the job? The answers to these questions are usually intimately connected to the observable notions of regime legitimacy found in a polity. Even among democracies the relevant shared values may vary; for example, there are differences between Switzerland (where incumbents of offices are usually not even full-time on the job), France (which has a special-

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33 See, for example, the semantic analysis in Elgie, 2019. For subnational and supranational offices, there is a bit more variety, it seems. The EU has presidents of the European Commission, the Parliament and the Council. Heads of international organizations are secretaries general, heads, or chairs; while locally, heads of government are governors, first ministers, or chief executives, for instance, followed by even more variance: mayors, prefects, magistrates, and others.

ly tailored and exclusive education system for politicians) and the United States (where having early success in raising funds for an electoral campaign is an officially sanctioned attribute that candidates must exhibit) in this regard. In modern autocracies, charisma is usually reserved for the top leader, while specialists are preferred for other offices in the leading government positions. Absolute kleptocracies, of course, do not need specialists in any field other than predation, as government is not expected to work efficiently at all.

Finally, what all these different observations reveal is that although there are historical forms of co-rule, often termed "diarchies", and though many if not most countries today use a combination of an overall head of state and a head of the administration/executive, there is always a power asymmetry and usually everyone within the polity knows which performance role, i.e. which office is the most powerful one. There can always be only one top authority; there is almost never real "collective leadership". And as differentiated as other political performance roles may be – extending infinitely in a horizontal dimension – given the stability and constraints of the polity as such, it seems there is always an element of asymmetry, as there is always one leadership position, one leadership role needed. Someone ultimately has to decide. Sometimes, when so much power is accumulated in one leadership role and by a particularly charismatic incumbent – often coupled with a crisis through which he/she leads the country – this power role may even culminate in a "quasi king" status, as, for instance, in the cases of Charles de Gaulle (France) and George Washington (USA) (Ahlers and Stichweh, 2019, p. 822). In democracies, this asymmetry is ideally mediated by the fact that parliament, for instance, counts as an equal branch of government (see below), and that actual decision-making practices (*checks and balance*) depend on whether authority is organized in a presidential system or a parliamentary system, and on the power of the judiciary to interfere in the case of constitutional violations, or on the leader's embeddedness in a party to which they must remain loyal, at least to a certain degree, among other things. Ultimately, in a democracy, the demos ought to be in the most powerful position as it can oust the incumbent of even the most superior leadership position through a vote. However, as Levitsky and Ziblatt (2018), among others, impressively demonstrated with the help of historical analysis, and as the events of recent years have made clear, these checks and balances of power do not come about automatically and there is no guarantee of ultimate democratic resilience. Part of the explanation may be that these checks and balances come into play at different times during the political process and during a political term, and they (especially the democratic vote) follow a certain schedule and certain regularities. For instance, in a larger polity, general votes of confidence cannot be held any time this confidence seem to have eroded or is shaken. In the meantime, power asymmetry and asynchrony among political performance roles and the fact that there is always one leader can make a crucial difference. Most

often, it is not institutions, but "procedural norms", in the words of Levitsky and Ziblatt, that help constrain these asymmetries. For the last five decades, it seems that the existence and the application of such norms could be taken for granted in the democratically ruled countries of the world. Recently, however, especially the 21st century versions of populism have appeared to revert value structures and dissipate these procedural norms, as Chapter 6 will discuss. Almost immediately, populist administrations set out to particularly undermine checks and temporal constraints on leadership power and thereby existentially endanger democracy.

Parliamentary bodies

All modern polities institutionalize some sort of parliamentary body or representative assembly and replicate these at several levels of their political system. In some world regions, these representative bodies have a long tradition. Current-day Afghanistan, Pakistan, Mongolia, Uzbekistan and Turkmenistan still have a Loya jirga ("grand assembly") that originated in Altaic cultures and was institutionalized in the era of Genghis Khan. In Europe, estate representation at the royal courts slowly developed into a more diversified representation in the 17th century and then into a party system in modern parliaments. As noted in the first half of this chapter, representation could mean having representatives (of a group or a region) in service at the center of power in a unitary system or building a cascading and interlinked ladder of representation at each level of the polity, which is often the case in federal systems. China, in contrast, did not have any of these structures until local "soviets" and a national congress were established, or more accurately, imported, in the early 20th century based on those that had been developed earlier in the Soviet Union. There was no institution of representation, but rather just a structure of centralized and top-down administration. At most, as in other traditional political order systems, this meant conceding aspects of decision making to local councils or other kinds of governing or administrating bodies without any linkages between one another – a form of self-rule, rather than representation.

No matter the different regional traditions, it seems that all current political systems feature some type of parliamentary body. Within these modern bodies, there are an endless number of committees that help members of parliament work on any issue the assembly plans to vote on. In other words, today's parliaments have come to constitute not only an institutionalization of representation, or of support for or checks on the executive organs, but also a considerable issue-processing subsystem of its own, meant to process an ever-increasing quantity of political problems and complexities. Parliaments can raise issues that the executive does not have on its agenda yet. In this way, the strict division of those "in power" versus those "in opposition" is blurred. This blurring depends on the specific constitutions of each parliament and whether and how issues can be brought up,

and there are marked differences between polities that have a two-party struc-
ture and those with a multi-party structure as well as between those with a single
chamber system and those with a bicameral system. In addition, the executive,
(i.e., the party/parties in power) can simply push their decisions through by re-
lying on their majority in parliament, even though this may not be an automatic
process in multi-party structures (compare, for instance, the differences between
the US system and the German or French systems). In general, however, parlia-
ments can wield considerable systemic political power of their own: they address
the media and the general political public, they institutionalize performance roles
and secondary performance roles of their own, and they feature overall structural
coupling with other function systems of society. This is assisted by the virtual-
ization of political communication and public opinion (see below). For instance,
representatives no longer only talk to their specific constituencies; via social me-
dia platforms they can easily address anyone in (and beyond) the polity. A recent
focus on how minority far-right parties in many established democracies in Eu-
rope succeed in shaping political discourse and formal discussion, not only via
their general campaigns and statements, but also, in particular, by proposing top-
ics for parliamentary debates, is one recognizable variant of this trend that may
further weaken the "government/opposition" division in parliamentary bodies
(Franzmann, 2016, 2019).

Furthermore, while there are many fine studies of parliaments in democracies
(e.g., Brichzin et al., 2018) as well as their internal properties, ways of selecting
members, procedural characteristics and work styles, parliamentary bodies in au-
tocracies are not well studied. This is possibly because in an authoritarian context,
where there is a stark hierarchy between performance roles, with the top lead-
ership positions usually unchallenged by any other branch of government, these
parliaments are usually not taken seriously as institutions of representation or
checks and balance. But here, again, the ongoing differentiation of parliaments as
important bodies of problem communication and processing in modern politics
may increasingly come into focus. While parliaments are very seldom platforms
of particularistic representation and usually do not consist of freely elected mem-
bers, research has shown that they can act as institutions of indirect, collective
representation and as consultative bodies in modern autocracies.[34] An ever grow-
ing number of constantly changing problems is worked on in a variety of com-
mittees, commissions and groups; proposals are written to serve as a means of
supporting agenda setting; and external experts are invited to attend and speak
at hearings on whatever issues the institution choses to address or is tasked with
processing. Considering the wider array of functions parliamentary bodies ful-
fill in modern political systems, even their authoritarian variants may turn out to

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34 For studies on the Chinese case, see, e.g., Manion, 2015, 2017; Sagild and Ahlers, 2019b.

be interesting subjects for empirical and comparative research on differentiation, inclusion, and responsiveness.

Elections and other forms of political voting

For most scholars of political science and within political system theory, elections are treated as equivalent with the final differentiation of the modern political system (Luhmann, 2002). Elections are the foundation of democracy and the core event of the democratic political process. They are considered the most crucial selection mechanism of the personnel for major performance roles such as leadership positions and parliament mandates, and of a candidate's or a party's political program. Elections are usually held at all levels of a polity as well as within political organizations, e.g., parties and associations. In autocracies, elections are usually merely a ritual, given that free elections with an actual choice hardly ever exist. However, this procedure is nevertheless formally copied in autocratic systems, even if elections are rigged or of limited functionality (Schedler, 2006). This nominal presence shows that elections have emerged as the globally dominant semantics of performance role selection and its legitimation. Even in autocracies, no matter how unfree or unfair the election may be, the political leadership usually still ensures that elections are held at the national and/or the local levels, in the form of either popular or "inner-party" voting. Also, in all regimes, a whole industry emerges around elections. Campaigns have to be held and candidates presented with much pomp. This is also due to the fact that it has become widely necessary to point towards some kind of political competence, instead of underlining the candidate's extra-political mission or ascriptive powers as was the case in earlier epochs and may still be the case in the remaining forms of traditional authoritarianism.

As the above brief descriptions already insinuated, the existence of general elections per se does not make a democracy. Again, the function of elections and the forms of inclusion involved in the election processes need to be scrutinized in great detail in order to reach any conclusion about the regime type prevalent in a polity. The late granting of suffrage to women worldwide, or the turbulent history of enfranchisement and disenfranchisement of the African American population in the United States of America are just two examples that show how much the implementation of elections can be at odds with the idea of equal citizenship and universal suffrage even in modern democracies (Levitsky and Ziblatt, 2018; Parsons, 1965). Unresolved tensions concerning the form and expected function of elections also become obvious, for instance, in the continuing debate about the institution of the electoral college in the United States, or the vehemence with which the Trump White House enacted a Presidential Advisory Commission on Election Integrity to investigate disputed claims of widespread voter fraud, complicate voter registration and promote a redrawing of constituencies, which would

all increase the weight of votes for the Republican Party in a given area. In Europe, the Brexit drama brought questions about the representativeness and legitimacy of the idea of the democratic majority principle to the forefront again: What is the necessary minimum turnout for an election in order to count as a valid decision? And how to legitimize that the decision reached in a process during which this quorum was hardly met should be binding for the rest of the collectivity? Making participation in an election mandatory for citizens is therefore sometimes chosen as a way of trying to secure a majority decision in polities around the world. More-over, it may be interesting to look at cases in which contemporary alternatives to political elections are considered and tested again, such as selection for public of-fice by lot, or "sortition" (Delannoi and Dowlen, 2016), and why.

Formal membership, in general, is usually a precondition for inclusion in elec-tions and other voting procedures. While participation in general or national elec-tions is usually contingent upon citizenship, some countries have moved to allow for voting in local elections and community affairs based on legal resident status, which usually comprises a couple of years of uninterrupted work and residency in a foreign locality. As has been mentioned before, this once again bespeaks our ob-servation of different forms of inclusion at different levels of the political system: while smaller-scale polities react and adapt to social trends in the 21st century, such as increased individual mobility (including dual citizenship) and global mi-gration, national-level membership, and the political rights and forms of inclusion that follow, remains sacrosanct and relatively exclusive as the example of suffrage vividly illustrates. Furthermore, it is interesting to analyze and compare how cit-izens' voting rights are further regulated within polities today, and, in particular, what individual characteristics and qualifications, such as minimum age, literacy, "sanity", or others, these rules are referring to (see also Chapter 3).

Finally, while general and local elections come in many forms and can be found in both autocracies and democracies, referenda, or other forms of direct voting on specific issues, seem to be a procedure that is only really possible and imaginable in democracies. Only when an authoritarian government can control the outcome of a referendum vote beforehand will it permit such procedure, which is then only meant to bolster decisions already taken.[35] Otherwise, public votes are seen to potentially destabilize and discontinue authoritarian rule, like in the case of the referenda organized – though unsuccessfully – by the opposition in Venezuela in recent years. Altogether, however, observers note a global increase in the call for and use of referenda (Seales, 2016). And, interestingly enough, we now often see especially proponents of populism, as in the case of far-right parties in Europe,

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35 A good example is probably the 2017 referendum among the citizens of Turkey about changes in the constitution that would grant President Erdogan more powers. The changes were approved by a 51.4% majority on the basis of a turnout of 85% (BBC, 2017).

referring to referenda as the ideal way of decision-making for the collectivity. At least that is what they propose as long as they are in the opposition, so that this call appears primarily as a vehicle in their campaigning for political support. Yet, there also still seem to be huge regional differences in the declared preference for and the feasibility of plebiscites and referenda.

Overall, it will be interesting to track whether this trend can be seen as an indicator of further differentiation or transformation of the institution of voting in today's democratic political systems. Other embodiments of ongoing internal differentiation that we discuss in this chapter, such as the withering of political parties as direct platforms for particular interest and issue representation, the virtualization of public opinion, and the competition of forms of protest and movements with outcomes of regular elections and majority decisions, seem to be somewhat related to the semantical and practical rise of referenda in 21st century political systems.

Political parties

Like parliaments mentioned above, parties as core political organizations have undergone some major shifts in the history of modern political systems. Interestingly, parties developed only in the later 18th century and were originally not regarded as a formal part of the state structure, not even of the formal decision-making process. Their general function was collective interest representation of formerly excluded social groups–especially the working class population–and a sort of lobbying for political issues not yet in the purview of the government at all, as a counterweight to the nobility, estates and monarchy, and other social elites which held decision-making positions. With the emergence of general elections, the distinction between parties as the bearer of the binary logic of government/ opposition in modern electoral democracies, and its function as a membership organization meant to bridge the whole political process from the voter, to the candidates for office, to the party group elected into parliament, and, finally, to the candidate for top leadership roles, emerged. At the same time, their neutral function as reducers of complexity in the political process, for interest representation and the preparation of political decisions, as well as "gatekeepers" and the selection of suitable candidates for performance roles, was questioned by observations such as the "iron law of oligarchy" (Michels, 1915). This observation also involves that what was once an individual's motive to join a party and what he or she campaigned for when running for office may eventually be altered by the logics of the party organization and of government as a whole. These alterations potentially involve that the need for consensus replaces strong positioning, hierarchies distort the equality of voice, access and decision-making power, and specific interest representation is overridden by general power play. To the contrary, independent, i.e. non-party aligned, candidates for leadership positions beyond

the local level, have, over roughly the last century, been very rare and their success needs extraordinary circumstances, such as financial resources, networks stemming from former party membership, or the support by others in power, among other things. Party membership and party organizations have, so far, been the necessary precondition to develop and supply incumbents of performance roles in democracies. Recent observations may come to shake up this understanding though, as we will discuss below.

Parties may therefore be much more complex organizations than just media or bridges between the collectivity of citizens in a polity and the rulers, or between interests and ultimate decisions. Among the many things that could be said about political parties, a few facets of contemporary differentiation will be highlighted here that illustrate points of departure for exciting empirical studies in line with our overall research interests:

First, the non-binding preparation of decision making that is described as one of the main functions of political parties can be expected to happen no matter whether a party is on the governmental or the opposition side. When a party is in power, these decisions may ultimately materialize, of course. When a party is part of the opposition, too, providing alternatives for future decision making are the groundwork of a party's program and the promises with which it seeks to gain votes. In order to win an election, a party and its candidates, it is described, need to communicate to the public their "capacity to govern" (Reese-Schäfer, 2002). Voters would need to be able to trust that the party and the elected representatives will be able to follow through with the program and the policies they promised, and this confidence is why voters would cast a ballot in favor of this party and candidate. Interestingly, it seems that the current rise of populism as well as fringe parties around the world may be an indicator of a declining need to evoke and prove the capacity to actually govern in order to be able to prepare or even influence decisions. For example: The thrust with which new populist far-right parties in the multi-party-systems of Europe gained votes and entered parliaments obviously worries established parties. In order to react to what appear to be changes in the preferences of a considerable part of the voters, they may sometimes begin to proactively include some shades of these alternative, more right-wing policy propositions into their own party programs, in order not to cede more votes to the new competitor. Small and rapidly emerging new parties can thereby alter other parties' "non-binding preparation of decisions". The same has probably happened before, around the rise of the Green parties worldwide. The case of far-right parties, however, may still be a bit different and it may have different implications, for reasons we will state below and because their proclaimed goal is usually to re-enact a more traditional form of polity and politics. This involves, for instance, the re-strengthening of exclusively national polities, anti-globalism, beliefs and feelings instead of knowledge and expertise, authoritarian decision-making, uni-

ty over diversity, and conservation instead of innovation; aspirations that run counter to the ideas of a polity and of politics that emerged and were fairly dominant in the later 20th century.

Another trend that is connected to the aforementioned observation, one could argue, is that over the course of roughly 200 years of parties as crucial organizations in the political system, political issues have become ever more complex. There is no longer just one big question about whether the state should provide social security to citizens, how much taxes should be raised, or whether to go to war with another country, as was the case in the early era of parties. Alongside the general differentiation of party systems, the number of issues that need to be processed and decided upon, ad-hoc and long-term, in myriad party sub-groups, small parliamentary committees, ministries and general assemblies, grows steadily. This makes the bridging and mediating function of parties much more difficult. While a voter might be aware of a party's general position on the scope of public welfare services, the principles of taxation, or the preference for economic growth versus resource protection, and other specific areas of individual importance to him or her, it will not necessarily be clear or known what position the same party represents when dealing with highway fees, same-sex marriage, or research funding. At the same time, parties constantly screen society for new topics on which decisions seem to be imminent, and adapt these for programs and policies tailored to their electorates – old and new ones – even before voters may have ever heard about these issues or have reflected on ways to approach it (see also Chapter 4 on responsiveness). In both cases, a lot of trust and ex ante support is necessary. Facing the enormous catalogue of issues for which political decisions are sought today, no one can ever have a complete orientation. And one does not need to, as long as one is satisfied with the overall sum and initiatives the party promotes, and can tolerate solutions one does not approve of in policy areas that are considered not so important to oneself. In case this is no longer satisfactory, one can vote differently in the next election (Merkley et al., 2019). On the contrary, it is possible that an issue of importance or a desired solution is not promoted by any party or candidate, and one can then choose to tolerate this vacuum for a while hoping for future attention, alienate oneself from active participation in politics and from the party system, or protest (see below).

Ever more complex knowledge needed to draft non-binding policy decisions in today's society is another important factor impacting on parties and how they operate. As there is no knowledge germane to the political system, it is no problem for democracies to accept incumbents of performance roles who are total "lay" persons. It suffices, in fact it is principally required, as a qualification that they, besides charisma, can convey their ability to implement the voters' will and – based on these demands – are able to gather the knowledge, expertise and experience necessary to prepare policy solutions. For this purpose, representatives

can usually rely upon professional staff in party committees and the governmental administration; they do not need to possess all knowledge and understanding themselves. The role of those who do in fact possess factual and specialized knowledge, and who are not in the first instance party loyalists, becomes ever more important.[36] Extrapolated to the systemic level, this tension between the ever-growing complexity of issues and the democratic ideal of a direct transmission of the will of the people eventually leads to an occasional conceding of autonomy over decision-making to non-majoritarian institutions and other function systems, as Chapter 5 will discuss more broadly.

These developments appear to also have consequences for the way parties function more generally. Representation of a static social class or group as was the case when parties emerged, transformed into offering a specific dogma and/or manageable set of solutions for the individual voter's choice. Currently, it seems, that together with the expansion of policy issues and the diversification and decentralization of levels of decision-making that was discussed in the previous section, the basis for supporting a party moves away from a focus on specific issue governance and tilts back to more abstract collective alignments. But this time, these collective abstractions no longer represent static social *cleavages* and related ideologies, as Luhmann (2002) already described, but instead increasingly come in the form of more diffuse values and identities to rally around. These values then help to safeguard the necessary trust in the competency of the elected party and office incumbents to decide in a way that the voter can agree with. However, as most established parties have weakened their ideological profiles (that were historically based on Conservatism, Christianity, Socialism, Anti-Communism, for instance) over the course of the last decades, new, more fundamentally-oriented or populist parties may benefit from this trend of confronting over-complexity with general orientations.

Finally, one core manifestation of the types of populism and personalism that emerged around the world at the beginning of the 21st century, is the sharp distinction between the party collective and individual candidates for or in leadership positions. It will be interesting to trace empirically whether this tendency, in the long term, will have an effect on parties' core function of selection, preparation and installation of political personnel. As the last chapter will describe, populists traditionally come from outside of the established party system; once successful, they build a new party around themselves. Or they emerge within a party – if they have not changed parties at least once along the way already – and then claim to work against its "rotten structures" from the inside. For the latter variant,

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36 See also the study of social networks among legislators in the United States Congress by Christian Fong (2020), who showed how much the legislators' voting decision is often based on exchanges of expertise across party lines, even in times of strong partisan polarization.

Donald J. Trump's campaign, and the theory of the "deep state" in Washington D.C. that is popular among his base, is a good example. The so-called deep state implies that positions in government and administration, mainly the career posts in departments and agencies, are filled with members of a corrupt network who harmfully neglect the will of the American people and therefore need to be purged by the president and his allies. Interestingly enough, the targets of this campaign also include registered Republicans and career officials who have served under alternating presidents of both parties. This seems to imply that while the party provided a platform for the candidate to run on, his ascent to power has upended the principle of mutual loyalty. The Republican Party, naturally clinging to the power and fallouts that the presidency entails overall, does so far not move to intervene in or stop these smear campaigns or retaliations, although Trump's actions go against not only members but also proclaimed goals and values of the Republican Party. Other recent cases of successful populists in Europe represent more classic stories of independent campaigning and newfound parties.[37] The question in all these episodes of populism and personalism, though, is how sustainable a focus on one person will be and to what end, and whether these experiences will have lasting effects on established party organizations and their political function around the world.

While all the above summaries of the function of political parties and their ongoing differentiation into altering means of party organization, personnel recruitment and logic of representation, was naturally geared more towards democratic political systems, some reflections on political parties in authoritarian contexts seem warranted. Like parliaments and elections, political parties here often just seem to be window dressing, i.e. formalistic copies of democratic institutions meant to legitimize autocratic rule, without any real power in the political process. Yet, in some cases party organizations and membership in parties and mass organizations is very important, as is, not least, suggested by the semantics

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37   Interestingly, as has historically been the case with alliances between promoters of extremist political currents and ideologies, we see also global structures of direct communication, learning and emulation between populist parties. The teams and allies of Donald Trump in the United States, Jair Bolsonaro in Brazil, UKIP and the Brexit Party around Nigel Farage in Great Britain, and Marine Le Pen in France, among others, seek exchange and connections, often very publicly. They frequently praise and refer to each other's successes and claim to be part of one "movement", although it does not really become clear what strategies and goals this movement actually pursues, beyond some shared preferences for nationalism and anti-globalism as well as anti-immigrant policies among its proponents. Furthermore, this alliance appears rather virtual and based on individual personal exchanges, instead of being structural. Different from 20th century populism, authoritarian ideologies and movements, today's populists thus, so far, appear to rather work towards power and dominance (maybe even autocracy) in their particular national settings, but do not necessarily aim at world rule.

of "one-party regimes/rule" and "one-party states". The Chinese Communist Party is probably the most compelling contemporary example of such a one-party system, in which a party does not function as an interest organization, but instead constitutes the whole state structure. It is not restricted to the domains of parties in a democracy, which have to cope with the fact that rule is only temporary and that their suggestions for political solutions are always competing with others. In China, although there is formally a state structure and bureaucracy that is separate from the Party since the beginning of the Reform era in the 1980s, the CCP copies that same structure again in both the horizontal dimension and across all levels and thereby in fact dominates all crucial decision making, including in other function systems. In addition, incumbents of positions in either domain can move back and forth between these two structures without restrictions. The party is therefore probably more important as an organization, or actually subsystem, here than in other current authoritarian regimes, where parties are more or less just an imitation of modern politics and, at most, used to demarcate those belonging to the network in power and those who will never get a chance to exercise power. Furthermore, even one-party systems change over time, as the Chinese example can illustrate again. Party membership, for instance, is not absolutely obligatory anymore in order to fill lower-level political (and other) performance roles in China today; overall loyalty to the CCP regime is enough. And although party membership still offers additional inclusion chances, it is not the only relevant mechanism anymore. Prerequisites for Communist Party membership in China were ideologically – actually functionally – modified over the course of the last two decades, as the CCP now even welcomes private entrepreneurs and claims to represent them, while at the same time it can tap into these new member groups as a resource for information gathering and policy reform by allowing them some (orderly) voice in the political process.[38] That means, in most authoritarian regimes, party membership can at the same time foster inclusive and exclusive structures and it is always worth looking beyond the general categorization "one-party state" to understand forms and effects of ongoing differentiation in each case.

Other political organizations:
NGOs, interest organizations and political issue networks

While we elaborated above how crucial party organizations and party membership are in democratic and many authoritarian political systems, democracies tend to not only rely on parties as organizations of political agenda setting and the

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38 See, for example, Sagild and Ahlers, 2019a. In general, see especially Heberer's thorough reflections on the concept of representation and its application to and in China (2019). See also Volume II of this book for more details.

preparation of collective decision making as well as personnel recruitment, but to a large degree on other organizations and communities, too. Among these other organizations, so-called non-governmental organizations (NGOs), interest associations, foundations, and lobby groups stand out. While they may all have very different origins and operate in many different ways, and it is therefore hard to lump them together in a generalizing description, their core goal and modus operandi is to influence collectively binding decision making.[39] These organizations usually have a very specific issue area they are engaged in, such as environmental protection, health, support for the arts, or labor conditions, and they try to promote their preferred understanding and approach to these problems through non-profit, public and non-public measures. Apart from interest articulation and norm communication, consultation and advocacy vis-à-vis government-internal and -external addressees, these organizations have come to also function as a steppingstone for members to take on (secondary) political performance roles. Different from the ones usually sought by party members, these are mainly positions in the governmental agencies and ministerial bureaucracy, not necessarily executive or leadership positions.

Furthermore, while NGOs and interest associations can work at very different scales – think of a local group that promotes car driving restrictions in the city center vs. a global one like the International Labor Organization – and are usually oriented at very particularistic interest representation, they can be much more transnationally or even globally oriented than parties. They, much more naturally, often conceptualize themselves as members of a Weltöffentlichkeit ("world public") who inject political processes with normative interventions and practical solutions for specific issues of – in their view – global concern. On the one hand, this is where these organizations often draw legitimacy and strength from, but it can also constrain them, because it may render identifying and addressing the relevant polity that is responsible and able to address the problem in focus much more difficult. On the other hand, state actors have in recent decades also understood this ambition and the effects of these local and global organizations and networks for the political system, and they have moved to include members of NGOs and interest organizations in public hearings, governmental commissions, and as bearers of "track 2"-diplomacy initiatives upon state visits. As a consequence, we can observe a striking global convergence in the semantics pertaining to these organizations. But what is now called a "non-governmental organization" around the world, may be embedded and operate in very different local and regional po-

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39 There are exceptions to this among NGOs. Some of the organizations in this broad group may just see their purpose in providing platforms for – often charitable – community engagement or services directed at very particular groups, without aiming at the collectivity as a whole and at political decision making in general in a polity.

litical settings. Authoritarian regimes, in particular, usually seek penetration of society not only via political party organizations, but also through what actually are mass organizations with obligatory membership, such as youth leagues, women's associations, or trade unions. These organizations are often just sub-organizations of the ruling party or clique, and not formally independent associations like in democracies. Another prevalent phenomenon in autocratic contexts is that authorities encroach upon independently evolving grassroots organizations and – if they do not force them to shut down completely – incorporate or convert these organizations' services and activities into the structures of public goods provision that the state officially takes credit for. A close examination of these different realities around the world, for instance, an analysis of the actual autonomy of these organizations from governmental or party structures, the way that the policy suggestions they produce are processed, as well as their self-conceptualization and societal acceptance, can add valuable perspectives to our understanding of differentiation, inclusion and responsiveness in modern political systems.[40]

This said, in many ways NGOs therefore increasingly complement the functions of political parties as core organizations of the political system, although they are organized and operate differently and although they and their members lack a clear and majoritarian mandate. Finally, there may, however, be some cases in which trans-regional and trans-national organizations and networks can actually enfold a distinct relevance for collectively binding decision making, or at least for a broad distribution of public goods (Hooghe and Marks, 2016; Witt, 2005). This status then runs counter to the dominant multi-level differentiation and segmentation of the political system. Examples of such transregional non-governmental (and initially not even political) organizations are, for instance, "parallel" or "grey states" as they may be found in the Muslim brotherhood, or Catholic organizations such as "Opus Dei" or the Jesuit order as older prominent examples. So far, however, these last examples do not seem to indicate a significant and stable trend of differentiation, although it can still be interesting to study such cases in light of our interest in regime bipolarity and forms of political inclusion.

Protest and movements

Protests and movements are social phenomena that are undoubtedly relevant politically, but there is no clear agreement on how to treat these phenomena theoretically. Both are events and mechanisms that are not confined to the political system, as they can occur as forms of contention, complaints, or resistance in other function systems as well (Hirschman, 1970). Due to this ambiguity probably, protest and movements are on the one hand usually not included in descriptions

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40 See Volume II of this book for empirical analyses of different world regions, especially Russia and China.

of established institutions and processes of the political system, while they are on the other hand universally regarded as one of the cornerstones of citizens' political rights in a democracy. Against this background, one can probably best characterize them as an informal corrective, a disturbance and irritation, triggered by disagreement over a decision – or non-decision – and staged as an attempt to bring about a change of course.

Observable forms of protests can encompass participatory publics, actions through formal channels (depending on the context, these could embrace, for example, debate, petitioning, or strike) as well as informal, even illegal means, such as disobedience, occupation, violent protest, riots, revolt, or coups d'état. They can involve both individual and collective acts, although it is commonly the latter that has the potential to actually affect collectively binding decision making in a polity. Political protest can be both very specific and more abstract and appear at all levels of the political system: it can take the form of local protests directed at a specific political project or problem, a nation-wide protest calling for removing the current political leadership, or international activism targeting global economic inequality. The semantics "social movement", it seems, is invoked when there is a specific issue at stake, but maybe not a clear address in the political system (i.e. a particular level or institution of decision making) to turn to, or rather when there are several, for instance in environmental or labor movements. The movement is then usually either demanding this issue to be raised and recognized as a political problem in the first place, or to alter the political solutions offered for this issue at that moment.

In a democracy, citizens enjoy legal protection in the sense that political protest is not retaliated against, as long as the related action does not break any laws. To the contrary, in autocracies, broadly speaking, laws are often enacted proactively to prohibit any such irregular actions that could include opposing the ruling power, which puts citizens in legal jeopardy. More often than not, protests or broad-based movements are simply not tolerated and they are deterred by raw force, meaning that those engaged in them may also have to fear for their lives. There is, however, also ample research showing that this broad-brush summary does not always paint the whole picture, especially when ones takes into account multilevel differentiation in an authoritarian setting. While movements or forms of oppositional action at the national scale are usually not tolerated in autocracies, local instances of disobedience and specific localized protests are sometimes permitted under certain circumstances, as they also serve as an important mechanism to gather information and to control subordinate levels of government and leaders, or put more abstractly: to generate responsiveness (see O'Brien and Li, 2006; Frye and Borisova, 2019).

Finally, over the last two to three decades, increased global mobility and digitalization, especially the rise of social media, can be seen as developments that

directly affect the occurrence, nature and strategies of collective political protest in both democratic and authoritarian settings. Together with other phenomena outlined above, such as the surge of populism, the ever-growing complexity of policy issues (e.g. climate change) including the disagreement over whether to meet these challenges with expertocracy or ideology, the changing status of parties and the parallel solidification of global political interest-based organizations, among other things, there is the potential that protest comes to represent one case of a more substantial differentiation in today's political system than the theoretical literature was so far able to acknowledge. Research will need to confirm whether protests and movements represent a fundamental potential for signicicant political inclusion in the form of an extra-parliamentary, extra-party and maybe sometimes even extra-legal claim or corrective (e.g. in the case of the different "Occupy" movements, or initiatives such as Extinction Rebellion, etc.). It might indicate a new type of political inclusion that is neither dependent on formal membership in a specific and confined polity or organization – something that all other political institutions, organizations and subsystems rely upon –, nor does it necessarily require the identification of a formal or even exclusive address in the political system or in the world polity. Not least, the self-conceptualization of protest actors and movements, including the ways that their legitimacy and representativeness is argued for or against, will make this a paradigmatic context for studying democratic and authoritarian regime features in both a vertical and horizontal dimension in the political system.

Increasingly autonomous relevance of "public opinion" and the virtualization of political inclusion

Closely connected to the developments just mentioned, a few thoughts on the different forms of a political public from which a "public (political) opinion" is derived and channeled into agenda setting in the political system today seem warranted. Galloping digitalization and groundbreaking innovations in the field of information technology referred to above, appear to strengthen the role of and the increasing autonomous relevance of public opinion and thereby a virtualization of political inclusion, from which potential further and probably quite significant differentiations can arise.

Both tendencies can be observed in contemporary political systems largely independently of the regime type under scrutiny. Conventionally, the free formation, competition and the institutional processing of public opinion(s), counts as one of the cornerstones of modern democracy. Public opinion can find its expression in traditional and new (social) media debates, protests and petitions, and other representations of voice in a diverse population ("published opinion"), but it attains its most tangible form when it is purposefully investigated and utilized for political purposes. The extreme prominence of public surveys, for instance, in the

United States and – albeit to a lesser degree – European politics, in order to anticipate election results and to detect major collective political demands and their distribution, is one exemplification of this desire to constantly feel the pulse of *the* public opinion. As this collective singular already implies, for incumbents of political performance roles and those in positions of power it is most relevant to know what issues are deemed politically important and which related political proposals will be appealing to the majority, or at least to majoritarian groups in a polity. This can, however, also mean that public opinion can have an impact on political decision making on a specific issue that is rather independent of other democratic institutions such as parties and elections – especially the more sophisticated and pervasive the continuous screening of public opinion becomes. For example, when chancellor Angela Merkel, a physicist, announced shortly after the Fukushima disaster in Japan in 2011 that Germany would definitively phase out nuclear energy, she – so the often-used explanation – reacted to the public opinion palpable at that time. This decision was a real U-turn that was neither part of her party's, the CDU's, program nor an issue that Merkel ran on in her campaign. Quite the contrary: her government in 2010 had just proclaimed an extension of state support for the operation of nuclear power plants; a decision that completely revised the course of the previous government of the Social Democrats and the Green Party who, as a major issue on their agenda, had announced the end of nuclear energy in Germany in 2000. This episode, among other things, earned her the nickname "Stimmungskanzlerin" ("mood chancellor"). Interestingly enough, as such mockery implies, a political decision and probable change of course that appears to be an irregular response to a somewhat perceived public opinion usually attracts criticism: As much as it for some observers may embody a reaction to popular demands and thereby an adherence to the principle of democracy, it may for others appear to be just a response to the 'loudest' voices, not necessarily the majority. In the latter reading, hasty reactions to a somewhat defined public opinion may therefore have the potential to reduce leadership, predictability and trust regarding party programs and candidates in particular and the democratic political process in general, and seem to verge on populism.

Yet, real populism to an extreme degree utilizes a constructed public mood. Populist leaders not only claim to be speaking *for* the people. They also try to appear to be speaking directly to and *with* the people. For populists it is necessary to show that they want to and can invalidate established ("ineffective") institutions and norms. For this purpose, modern communication technology is very relevant as it helps to circumvent traditional media and filters of both the political messages that are sent out to the people and of the published opinions that reach the political authorities. Donald J. Trump is probably the most prominent example of this "unfiltered" communication and mood intervention via Twitter, but others,

such as India's current president Narendra Modi, have also tried to copy his style quite successfully.[41]

From another perspective, evoking public opinion via social media or other means can of course also be employed by other members of the polity in order to influence political decision making, via, for instance, protest, defamation ("shit storms"), online petitioning, and other means. Here again, this influence is exerted outside of elections or party representation and those engaging in it do not even have to officially proof formal citizenship in a polity to be included in these processes. Appearing to be a potential future voter who could vote in opposition or act as a multiplicator of an opposing opinion, is usually enough. Besides, as has been mentioned before, modern communication technology also aides the rapid formation and diffusion of opinions in a global public ("Weltöffentlichkeit") that in turn may affect domestic politics again.

But "public opinion" can also be an element of modern authoritarian politics, especially as a means of information gathering, a feedback mechanism, and for indirect agenda setting. This is especially true for regimes that live in constant fear of stability-eroding opposition and are thus interested in acting, at least partially, in response to public demands and opinions about certain issues (see Wang, 2008), and which lack other channels through which these can be collected and processed. This is of course not an open and free process, as non-contingent value patterns and the overall taboo of discussing solutions that would imply an end of the current regime usually predetermine what is debatable (see also Chapter 6). Modern autocracies, however, find ways to screen the feasibility of implementing certain decisions and to anticipate and control a tipping of the public mood that could turn the odds against them. Again, it is not just any published opinion but a perceived critical or majority opinion that counts in this context. Minority opinions do not count here and are simply suppressed. In other words, autocracies do not rely on public content, but they need to subdue open discontent. New communication technologies are also employed in authoritarian contexts for exactly all these purposes. After a period in which new social media and the internet were seen as nails to the coffin of autocracies, i.e. as possessing an almost automatic democratizing power and heralding the end of oppression and disinformation (Allen-Ebrahimian, 2016), it is observed more recently that this cat and mouse game can in fact be dominated by autocrats who skillfully employ modern information and communication technology in order to gather and control "public opinion" in their realms (Göbel, 2013).

No matter how far they are able to test, censor and engineer public opinion domestically, today's autocracies usually also worry about public opinion that trans-

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41 See, for example, a comprehensive analysis of Trump's "Twitter presidency" by McIntire and Confessore (2019).

gresses the boundaries of their polity. Published opinions about their regime in general, critique of their domestic and global actions, and other current trends in the "global public" are not controllable, unlike debates within the polity; and they have the potential to impact upon the domestic mood. The outbound activities of democratic countries, supposed to tilt relevant moods elsewhere in their favor in order to achieve national goals, has inspired much debate and coined scholarly paradigms over the last decade (e.g., the debate about US-American "soft power"). Yet, most recently, boundary-spanning propaganda and indirect and direct interventions by autocracies in other polities in order to influence public opinion and even election outcomes and national decision making has become an equally hot topic of interest in political practice and theory (Diamond et al., 2016; Mueller et al., 2019).

IV. Conclusion

The more complex the societal environment, the more complex the political system's internal environment needs to become in order to hold ready the capacity to make collective binding decisions; the more issues become a vital part of political decision making, the further the political system differentiates internally. This chapter has illustrated these dynamics of differentiation by analyzing the ongoing evolution of multiple levels, institutions and organizations of the political system on both the horizontal and vertical dimensions.

One may argue that the break observable between pre-modern polities, which displayed a degree of differentiation – for instance, the diffusion of political authority and decision making across different levels, offices and roles – and modern ones is not so great, or is just a matter of degree. This argument, however, can be rebutted with a reference to the relevance of this differentiation. In pre-modern times, no distinct political system existed. Central authorities and their peripheral branches in pre-modern states were often struggling to or refused to make collectively binding decisions for the whole polity: among other things, they usually did not sufficiently and consistently identify the political collectivity to which their decisions would apply and could not rely on a generally shared understanding of this collectivity, and there was no legal system in place to facilitate homogeneous decision-making throughout the polity. In a modern political system, decisions (through full inclusion and citizenship) potentially apply to all members of a polity. Specifically, the observation of ongoing vertical differentiation of different levels of collectively binding decision making raises the question of whether these levels themselves build new political systems. As noted above, this is an empirical question; however, using it as a heuristic point of departure could help scholars explore and answer some of the puzzles of political convergence and divergence within polities that we have briefly described above. Vertical and hor-

izontal internal differentiation of the political system goes hand in hand with the emergence of the inclusion formulas of modernity: the more complex a polity and its different levels and subsystems, the larger the variety of inclusion roles available – and this pattern holds even for modern autocracies. Given the plurality of levels of decision making internal to any polity, new political inclusion roles can arise at all these levels and diversify political systems. In other words, with rising complexity and the differentiation of decision making at different levels, the chance of the coexistence of differential inclusion roles increases – and this seems to be true for both democracies and modern autocracies.

Furthermore, current political systems across the globe seem to agree on a certain set of issues for which a society seeks collectively binding decision making (e.g., welfare, security, environmental protection). Together with the evolution of countries and nation states as the decisive form of political segments in world society, this congruence has led to increasing similarity among the population of political systems in regard to not only a multi-level system of governance and political inclusion but also internal horizontal differentiation. Our analysis, however, cannot stop at proclaiming a formal and maybe empty global institutional isomorphism. Yet, regime differences can no longer be illustrated simply by pointing to the lack of specific institutions associated with a democratic polity; rather, the distinctions are found in other details. The differences usually rest upon non-contingent values that inform, for example, the general orientation of decision making, the definition of and access to inclusion roles, and the characteristics of political procedures that define the relationship between subsystems and institutions as well as the different levels in the political system. There may also be a layer of a primary form of organization – possibly a specific elite group, a party state organization and bureaucracy as in the case of China, clergy as in Iran, a monarchy as in Saudi Arabia, or oligarchy organizations as in Russia – that stretches across all other levels and subsystems and that, notwithstanding all possible differentiation in general, dominates these levels and subsystems (see also Chapter 6).

Finally, this chapter shed light on issues pertaining to the question of potential future paths for differentiation in modern political systems of both prevalent regime types. Interesting dynamics are emerging in the context of the specific circumstances of the beginning of the 21st century: the further decentralization of decision making at different levels, shifting authority toward both the more local and the global level, which competes with the centralization of authority and the capacity for collectively binding decisions in and for a country-level polity that is usually located at the national level. At a time of both increased global mobility of individuals and communicative exchanges between different collectivities as a whole, as well as populism and a re-focusing on forms of a traditional territorial definition of and identification in politics, these coexisting trends may begin to clash more openly and strongly (e.g., the populist narrative of the evil "globalists").

At the same time, the increasing virtualization of a political public and the use and misuse of information technologies can create new forms of inclusion at any level and can initiate the transformation of conventional political organizations and subsystems. The principal diagnosis is therefore maybe not necessarily that the overall status of the nation state in the 21st century is declining, but rather that the new, additional forms of individual inclusion that arise globally through the ongoing vertical and horizontal differentiation of political systems are becoming less bound to the nation state, or country, as the dominant political segment in world society. How the current trends develop and how polities conceptualize and accommodate this internal diversity and potential divergence are intriguing questions that the other chapters in this volume as well as the empirical studies in Volume II explore further.

Bibliography

Ahlers, Anna L., and Rudolf Stichweh. 2019. "The Bipolarity of Democracy and Authoritarianism: Value Patterns, Inclusion Roles and Forms of Internal Differentiation of Political Systems." *Sociologia & Antropologia* 9(3):819-846.

Al-Rasheed, Madawi. 2010. *A History of Saudi Arabia*. 2nd ed. Cambridge: Cambridge University Press.

Allen-Ebrahimian, Bethany. 2016. "The Man Who Nailed Jello to the Wall." *Foreign Policy*, 29 June 2016, https://foreignpolicy.com/2016/06/29/the-man-who-nailed-jello-to-the-wall-lu-wei-china-internet-czar-learns-how-to-tame-the-web/ (accessed: 14 October 2019).

Andreoni, Manuela, and Ernesto Londono. 2019. "Amid Outrage over Rainforest Fires, Many in the Amazon Remain Defiant." *New York Times*, 30 August 2019, https://www.nytimes.com/2019/08/26/world/americas/brazil-amazon-rain forest-fire.html (accessed: 1 October 2019).

Arnstein, Sherry R. 1969. "A Ladder of Citizen Participation." *Journal of the American Institute of Planners* 35(4):216-224.

Batchelor, Carol A. 1998. "Statelessness and the Problem of Resolving Nationality Status." *International Journal of Refugee Law* 10(1-2):156-182.

BBC. 2017. "Turkey Referendum: The Numbers That Tell the Story." 17 April 2018, https://www.bbc.com/news/world-europe-39619354 (accessed: 1 October 2019).

Brennan, T. Corey. 2015. "Toward A Comparative Understanding of the Executive Decision-Making Process in China and Rome." Pp. 39-55 in *State Power in Ancient China and Rome*, edited by Walter Scheidel. Oxford: Oxford University Press.

Brichzin, Jenni, Krichewsky, Damien, Ringel, Leopold, and Jan Schank (Eds). 2018. *Soziologie der Parlamente: Neue Wege der politischen Institutionenforschung*. Wiesbaden: VS Verlag für Sozialwissenschaften.

Champion, Daryl. 2003. *The Paradoxical Kingdom. Saudi Arabia and the Momentum of Reform*. London: Hurst & Company.

Chase-Dunn, Christopher. 2015. "Dependency Theory." Pp. 196-198 in *International Encyclopedia of the Social & Behavioral Sciences*, 2nd Edition, edited by James D. Wright. New York: Elsevier.

Chung, Jae Ho. 2016. *Centrifugal Empire: Central-Local Relations in China*. New York: Columbia University Press.

Connor, Walker. 1972. "Nation-building or Nation-destroying?" *World Politics* 24(3):319-355.

Cottrell, David, Charles R. Shipan, and Richard J. Anderson. 2019. "The Power to Appoint: Presidential Nominations and Change on the Supreme Court." *The Journal of Politics* 81(3):1057-1068.

Dahl, Robert Alan, and Edward R. Tufte. 1973. *Size and Democracy*. Stanford: Stanford University Press.

Delannoi, Gil, and Oliver Dowlen (Eds.). 2016. *Sortition: Theory and Practice*. Exeter: Andrews UK Limited.

Denters, Bas, Goldsmith, Michael, Ladner, Andreas, Mouritzen, Poul Erik, and Lawrence E. Rose. 2014. *Size and Local Democracy*. Cheltenham: Edward Elgar Publishing.

Diamond, Larry, Marc F. Plattner, and Christopher Walker. 2016. *Authoritarianism Goes Global: The Challenge to Democracy*. Baltimore: A Journal of Democracy Book.

Dryzek, John. 2006. "Deliberative Democracy in Different Places." Pp. 23-36 in *The Search for Deliberative Democracy in China*, edited by Baogang He, and Ethan J. Leib. New York: Palgrave Macmillan.

Durkheim, Émile. 1964. *The Division of Labor in Society*. New York: Free Press of Glencoe.

Easton, David. 1967. *A Systems Analysis of Political Life*. New York: John Wiley & Sons.

The Economist (N.a.). 2019. "In a Chinese Border Town, Officials Try a New Approach to Immigration – A Breach in the Wall." 17 April 2019, https://www.economist.com/china/2019/04/20/in-a-chinese-border-town-officials-try-a-new-approach-to-immigration (accessed: 18 April 2019).

Edwards, Catharine, and Greg Woolf (Eds). 2003. *Rome the Cosmopolis*. Cambridge: Cambridge University Press.

Eisenstadt, Samuel N. 1996. *Japanese Civilization. A Comparative View*. Chicago: University of Chicago Press.

Eisenstadt, Samuel N. 1993. *The Political Systems of Empires*. New Brunswick: Transaction Publishers.

Elgie, Robert. 2019. "An Intellectual History of the Concepts of Premier-Presidentialism and President-Parliamentarism." *Political Studies Review* Online First: doi.org/10.1177/1478929919864770.

Elias, Norbert (rev. and ed. by Eric Dunning, Johan Goudsblom, and Stephen Mennell). 2000. *The Civilizing Process: Sociogenetic and Psychogenetic Investigations*. Oxford: Blackwell Publishers.

Erdmann, Gero, Bank, André, Hoffmann, Bert, and Thomas Richter. 2013. "International Cooperation of Authoritarian Regimes: Toward a Conceptual Framework." *GIGA Working Papers* (229), https://www.giga-hamburg.de/en/publication/international-cooperation-of-authoritarian-regimes-toward-a-conceptual-framework (accessed 10 February 2015).

Ertman, Thomas, 1997. *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe*. Cambridge: Cambridge University Press.

Fifield, Anna. 2019. *The Great Successor. The Divinely Perfect Destiny of Brilliant Comrade Kim Jong Un*. New York: Public Affairs.

Florini, Ann, Lai, Hairong, and Yeling Tan. 2012. *China Experiments. From Local Innovations to National Reform*. Washington: The Brookings Institution.

Fong, Christian. 2020. "Expertise, Networks, and Interpersonal Influence in Congress." *The Journal of Politics* 82(1):269-84.

Franzmann, Simon T. 2019. "Extra-Parliamentary Opposition within a Transforming Political Space: The AfD and FDP under Merkel III between 2013 and 2017." *German Politics* 28(3):332-349.

Franzmann, Simon T. 2016. "Calling the Ghost of Populism: The AfD's Strategic and Tactical Agendas until the EP Election 2014." *German Politics* 25(4):457-479.

Frye, Timothy, and Ekaterina Borisova. 2019. "Elections, Protest, and Trust in Government: A Natural Experiment from Russia." *The Journal of Politics* 81(3):820-32.

Geertz, Clifford. 1963. *Old Societies and New States*. New York: The Free Press.

Gellner, Ernest. 1983. *Nations and Nationalism*. Ithaca: Cornell University Press.

Gernet, Jacques. 1996. *A History of Chinese Civilization*. 2nd ed. Cambridge: Cambridge University Press.

Giddens, Anthony. 1986. *Durkheim on Politics and the State*. Stanford: Stanford University Press.

Giraudy, Agustina. 2015. *Democrats and Autocrats. Pathways of Subnational Undemocratic Regime Continuity Within Democratic Countries*. Oxford: Oxford University Press.

Göbel, Christian. 2013. "The Information Dilemma: How ICT Strengthen or Weaken Authoritarian Rule." *Statsvetenskaplig tidskrift* 115(4):385-402.

Gosewinkel, Dieter. 2001. "Citizenship – Historical Development of." Pp. 1852-1857 in *International Encyclopedia of the Social & Behavioral Sciences*, edited by Neil J. Smelser, and Paul B. Baltes. Oxford: Pergamon.

Hanagan, Michael, and Chris Tilly (Eds.). 2011. *Contention and Trust in Cities and States.* New York: Springer.

Hansen, Mette Halskov. 2006. *Frontier People. Han Settlers in Minority Areas of China.* Vancouver: University of British Columbia Press.

Heberer, Thomas. 2019. "Representation in a Context Across Political Orders and the Chinese Case." *Journal of Chinese Governance* 4(4):339-361.

Helms, Ludger. 2005. *Presidents, Prime Ministers and Chancellors: Executive Leadership in Western Democracies.* Houndsmills: Palgrave Macmillan.

Hennings, Jan, and Tracey A. Sowerby (Eds.). 2017. *Practices of Diplomacy in the Early Modern World c. 1410-1800.* London: Routledge Research in Early Modern History.

Hertog, Steffen. 2011. *Princes, Brokers, and Bureaucrats: Oil and the State in Saudi Arabia.* Ithaca: Cornell University Press.

Hibbing, J.R., and E. Theiss- Morse. 2002. *Stealth Democracy: Americans' Beliefs About How Government Should Work,* New York: Cambridge University Press.

Hintze, Otto. 1970. *Feudalismus – Kapitalismus* (ed. by Gerhard Oestreich). Göttingen: Vandenhoeck & Ruprecht.

Hirschman, Albert O. 1970. *Exit, Voice, and Loyalty.* Cambridge: Harvard University Press.

Hobson, Jeremy. 2019. "From Reconstruction To WWII, How The U.S. Census Has Been Used For Both Good And Bad." *NPR,* 19 April 2019, https://www.wbur.org/hereandnow/2019/04/19/census-history (accessed 21 April 2019).

Hooghe, Lisbet, and Gary Marks. 2016. *Community, Scale, and Regional Governance. A Postfunctionalist Theory of Governance, Volume II.* Oxford: Oxford University Press.

Hooghe, Lisbet, Marks, Gary, and Arjan H. Schakel. 2010. *The Rise of Regional Authority: A Comparative Study of 42 Democracies.* London: Routledge.

Hurrelmann, Achim, and Steffen Schneider (Eds.). 2015. *The Legitimacy of Regional Integration in Europe and the Americas.* Houndmills: Palgrave Macmillan.

James, Paul. 1996. *Nation Formation. Towards a Theory of Abstract Community.* London: Sage.

Janoski, Thomas, and Sara Compion. 2015. "Citizenship, Sociological Aspects of." Pp. 655-661 in *International Encyclopedia of the Social & Behavioral Sciences* (2nd Edition), edited by James D. Wright. Oxford: Elsevier.

Landwehr, Achim. 2000. "'Normdurchsetzung' in der frühen Neuzeit? Kritik eines Begriffs. Normen im frühneuzeitlichen Territorialstaat." *Zeitschrift für Geschichtswissenschaft* 48:146-162.

Lankov, Andrei. 2013. *The Real North Korea: Life and Politics in the Failed Stalinist Utopia.* Oxford: Oxford University Press.

Laube, Lena. 2013. *Grenzkontrollen jenseits nationaler Territorien. Die Steuerung globaler Mobilität durch liberale Staaten.* Frankfurt a.M: Campus.

Laube, Lena, and Richard Heidler. 2016. "Democratic Centre, Autocratic Isolates: The Changing Field of International Visa Policies." *Journal of Ethnic and Migration Studies* 42(15):2539-2563.

Levitsky, Steven, and Daniel Ziblatt. 2018. *How Democracies Die: What History Reveals About Our Future.* New York: Penguin.

Lewis-Beck, Michael S., Tang, Wenfang, and Nicholas F. Martini. 2014. "A Chinese Popularity Function Sources of Government Support." *Political Research Quarterly* 67(1):16-25.

Li, Lianjiang. 2016. "Reassessing Trust in the Central Government: Evidence from Five National Surveys." *The China Quarterly* 225:100-121.

Li, Lianjiang. 2010. "Distrust in Government Leaders, Demand for Leadership Change, and Preference for Popular Elections in Rural China." *Political Behavior* 33(2):291-311.

Loewe, Michael. 2006. *The Government of the Qin and Han Empires, 221 BCE-220 CE.* Indianapolis: Hackett.

Lopés-Alves, Fernando. 2011. "Nation-States and National States: Latin America in Comparative Perspective." Pp. 113-128 in *Contention and Trust in Cities and States*, edited by Michael Hanagan and Chris Tilly. New York: Springer.

Low, C. C. 2015. "The Politics of Emigration and Expatriation: Ethnicisation of Citizenship in Imperial Germany and China." *Journal of Historical Sociology* 29:385-412.

Luhmann, Niklas. 2002. *Die Politik der Gesellschaft.* Frankfurt: Suhrkamp.

Luhmann, Niklas. 1997. *Gesellschaft der Gesellschaft.* Frankfurt: Suhrkamp.

Luhmann, Niklas. 1995. *Gesellschaftsstruktur und Semantik.* Vol. 1-4. Frankfurt: Suhrkamp.

Luhmann, Niklas. 1991. "Mein Mittelalter." *Rechtshistorisches Journal* 10:53-70.

Luhmann, Niklas. 1989. *Ecological Communication* [Transl. by John Bednarz Jr.]. Chicago: The University of Chicago Press.

Luhmann, Niklas. 1964. *Funktionen und Folgen formaler Organisation.* Berlin: Duncker & Humblot.

Manion, Melanie. 2017. 'Good Types' in Authoritarian Elections: The Selectoral Connection in Chinese Local Congresses. *Comparative Political Studies* 50(3):362-394.

Manion, Melanie. 2015. *Information for Autocrats: Representation in Chinese Local Congresses.* Cambridge: Cambridge University Press, 2015.

Mann, Michael. 2012. *The Sources of Social Power.* New York: Cambridge University Press.

Mau, Steffen, Fabian Gülzau, Lena Laube, and Natascha Zaun. 2015. "The Global Mobility Divide: How Visa Policies Have Evolved over Time." *Journal of Ethnic and Migration Studies* 41(8):1192-1213.

McIntire, Mike, and Nicholas Confessore. 2019. "Trump's Twitter Presidency: 9 Key Takeaways." *New York Times*, 2 November 2019, https://www.nytimes.com/2019/11/02/us/trump-twitter-takeaways.html (accessed 3 November 2019).

Merkley, Eric, Fred Cutler, Paul J. Quirk, and Benjamin Nyblade. 2019. "Having Their Say: Authority, Voice, and Satisfaction with Democracy." *The Journal of Politics* 81(3):848-861.

Merton, Robert K. 1940. "Bureaucratic Structure and Personality." *Social Forces* 18(4):560−68.

Meyer, John W., Boli, John, Thomas, George M., and Francisco O. Ramirez. 1997. "World Society and the Nation-State." *American Journal of Sociology* 103(1):144-181.

Michaelson, Jay. 2019. "This Week's Supreme Court's Case Could Decide the 2024 Election." *The Daily Beast*, 22 April 2019, https://www.thedailybeast.com/department-of-commerce-v-new-york-supreme-court-case-could-decide-2024-election-9?ref=scroll (accessed 22 April 2019).

Michels, Robert (Transl.). 1915. *Political Parties. A Sociological Study of the Oligarchical Tendencies of Modern Democracy.* New York: The Free Press.

Mickey, Robert. 2015. *Paths Out of Dixie. The Democratization of Authoritarian Enclaves in America's Deep South, 1944-1972.* Princeton: Princeton University Press.

Morris, Ian, and Walter Scheidel. 2009. *The Dynamics of Ancient Empires. State Power from Assyria to Byzantium.* Oxford: Oxford University Press.

Moser, Evelyn. Forthcoming. "The Logic of the Soviet Organisational Society. Political Control, the Soviet Village, and World Society." in *Soziale Systeme – Sonderband. Variants of Differentiation in the Regions of World Society*, edited by Nicolas Hayoz and Rudolf Stichweh.

Moser, Evelyn. 2015. *Postsowjetische Transformationen in der Weltgesellschaft: Politische Dezentralisierung und wirtschaftliche Differenzierung im ländlichen Russland.* Bielefeld: transcript.

Mueller, Robert S. III, Helderman, Rosalind S., and Matt Zapotosky (Eds.). 2019. *Report on the Investigation into Russian Interference in the 2016 Presidential Election.* New York: Simon & Schuster.

Mumford, Lewis 1961. *The City in History. Its Origins, Its Transformations, and Its Prospects.* New York: Harcourt, Brace & World.

O'Brien, Kevin and Lianjiang Li. 2006. *Rightful Resistance in Rural China.* Cambridge: Cambridge University Press.

Ongaro, Eduardo. 2004. "Process Management in the Public Sector. The Experience of One-Stop Shops in Italy." *International Journal of Public Sector Management* 17(1):81-107.

Opper, Sonja. 2019. "Evolution of Entrepreneurial Cultures and Networks in China." Paper presented at the International Workshop 'The Social Networks of Chinese Entrepreneurs', University of Chicago, 6 April 2019.

Opper Sonja, and Frederik N.G. Andersson. 2018. "Are Entrepreneurial Cultures Stable Over Time? Historical Evidence from China." *Asia Pacific Journal of Management* 36(4):1165-1192.

Parsons, Talcott. 1977. *The Evolution of Societies*. Englewood: Prentice Hall.

Parsons, Talcott. 1966. "The Political Aspect of Social Structure and Process." Pp. 71-112 in *Varieties of Political Theory*, edited by David Easton. London: Prentice Hall.

Parsons, Talcott. 1965. "Full Citizenship for the Negro American? A Sociological Problem." *Daedalus* 94(4):1009-1054.

Peters, B. Guy. 1998. "Managing Horizontal Government. The Politics of Co-Ordination." *Public Administration* 76(2):295-311.

Peters, B. Guy, and Jon Pierre. 2016. *Comparative Governance. Rediscovering the Functional Dimension of Governing*. Cambridge: Cambridge University Press.

Plümmer, Franziska. 2017. "Bridgehead but Gatekeeper: Local Governments at Yunnan's Border." Paper presented at Einstein Workshop 'Comparing Migration Management, International Law and Identity in East Asia', Graduate School of East Asian Studies (GEAS), Freie Universität Berlin, 19-20 October 2017.

Pollitt, Christopher, and Geert Bouckaert. 2004. *Public Management Reform: A Comparative Analysis – New Public Management, Governance, and the Neo-Weberian State* (2nd edition). Oxford: Oxford University Press.

Reese-Schäfer, Walter. 2002. "Parteien als politische Organisationen in Luhmanns Theorie des politischen Systems." Pp. 109-130 in *Theorie der Politik. Niklas Luhmanns politische Soziologie,* edited by Kai-Uwe Hellmann, and Rainer Schmalz-Bruns. Frankfurt: Suhrkamp.

Rokkan, Stein, and Derek W. Urwin. 1983. *Economy, Territory, Identity: Politics of West European Peripheries.* London: SAGE.

Sagild, Rebekka Åsnes, and Anna L. Ahlers. 2019a. "Honorary Intermediaries? The Chinese People's Political Consultative Conference in Theory and Practice." *China Perspectives/Perspectives Chinoises* 2:9-16.

Sagild, Rebekka Åsnes, and Anna L. Ahlers. 2019b. "Working for Harmony and Innovation? Political Inclusion of Diversified Elites via the Chinese People's Political Consultative Conference." *FIW Working Paper* 10. University of Bonn, https://www.fiw.uni-bonn.de/publikationen/FIWWorkingPaper/fiw-working-paper-no.-10 (accessed: 20 September 2019).

Schedler, Andreas. 2006. *Electoral Authoritarianism. The Dynamics of Unfree Competition*. Boulder-London: Lynne Rienner.

Schirazi, Asghar. 1997. *The Constitution of Iran: Politics and the State in the Islamic Republic*. London: IBTauris.

Schubert, Gunter, and Anna L. Ahlers. 2012. *Participation and Empowerment at the Grassroots: Chinese Village Elections in Perspective.* Lanham: Rowman & Littlefield.

Seales, Rebecca. 2016. "The Rise and Rise of the Referendum." *BBC News*, 5 December 2016, https://www.bbc.com/news/world-38002820 (accessed 12 October 2019).

Shue, Vivienne. 2018. "Party-State, Nation, Empire: Rethinking the Grammar of Chinese Governance." *Journal of Chinese Governance* 3(3):268-291.

Spiro, Peter J. 2011. "A New International Law of Citizenship." *The American Journal of International Law* 105(4):694-746.

Stichweh, Rudolf. 2016a. *Inklusion und Exklusion. Studien zur Gesellschaftstheorie*. Bielefeld: transcript.

Stichweh, Rudolf. 2016b. "Politische Demokratie und die funktionale Differenzierung der Gesellschaft." *FIW Working Paper* 3. University of Bonn, https://www.fiw.uni-bonn.de/publikationen/FIWWorkingPaper (accessed 10 August 2016).

Stichweh, Rudolf. 2013. "The History and Systematics of Functional Differentiation in Sociology." Pp. 50-70 in *Bringing Sociology to International Relations. World Politics as Differentiation Theory*, edited by Mathias Albert, et al. Cambridge: Cambridge University Press.

Stichweh, Rudolf. 2000. *Die Weltgesellschaft: Soziologische Analysen*. Frankfurt: Suhrkamp.

Stichweh, Rudolf. 1991. *Der frühmoderne Staat und die europäische Universität. Zur Interaktion von Politik und Erziehungssystem im Prozess ihrer Ausdifferenzierung (16.-18. Jahrhundert)*. Frankfurt: Suhrkamp.

Stollberg-Rilinger, Barbara. 2000. *Europa im Jahrhundert der Aufklärung*. Stuttgart: Reclam.

Tang, Min, and Narisong Huhe. 2016. "The Variant Effect of Decentralization on Trust in National and Local Governments in Asia." *Political Studies* 64(1):216-34.

Tilly, Charles (Ed.). 1975. *The Formation of the National States in Western Europe*. Princeton: Princeton University Press.

Treutner, Erhard. 1994. "Verwaltung und Publikum." Pp. 215-227 in *Die Verwaltung des politischen Systems. Neuere systemtheoretische Zugriffe auf ein altes Thema*, edited by Klaus Dammann, Grunow, Dieter, and Klaus P. Japp. Opladen: Westdeutscher Verlag.

Treisman, Daniel. 2007. *The Architecture of Government: Rethinking Political Decentralization*. Cambridge: Cambridge University Press.

von Hirschhausen, Ulrike. 2009. "From Imperial Inclusion to National Exclusion: Citizenship in the Habsburg Monarchy and in Austria 1867–1923." *European Review of History: Revue Européenne d'histoire* 16(4):551-573.

Wallerstein, Immanuel. 1976. *The Modern World-System I: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century.* New York: Academic Press.

Waltz, Kenneth. 1979. *Theory of International Politics.* New York: MacGraw-Hill

Wang, Shaoguang. 2008. "Changing Models of China's Policy Agenda Setting." *Modern China* 34(1):56-87.

Weber, Max. 1922 [1978]. *Economy and Society: An Outline of Interpretive Sociology.* Berkeley: University of California Press.

Weitz-Shapiro, Rebecca. 2008. "The Local Connection: Local Government Performance and Satisfaction with Democracy in Argentina." *Comparative Political Studies* 41(3):285-308.

Wiggan, Jay. 2007. "Reforming the United Kingdom's Public Employment and Social Security Agencies." *International Review of Administrative Science* 73(3):409-424.

Wilkins, Thomas. 2010. "The New 'Pacific Century' and the Rise of China: An International Relations Perspective." *Australian Journal of International Affairs* 64(4):381-405.

Wilsher, J. C. 1983. "Power Follows Property. Social and Economic Interpretations in British Historical Writing in the Eighteenth and Early Nineteenth Centuries." *Journal of Social History* 16(3):7-26.

Wimmer, Andreas, and Yuval Feinstein. 2010. "The Rise of the Nation-State Across the World, 1816 to 2001." *American Sociological Review* 75(5):764-790.

Wimmer, Hannes. 1996. *Evolution der Politik. Von der Stammesgesellschaft zur modernen Demokratie.* Wien: WUV Universitätsverlag.

Witt, Andrea. 2005. "The Utility of Regionalism for Comparative Research on Governance: A Political Science Perspective." Pp. 47-66 in *Regionalism in the Age of Globalism. Volume I: Concepts of Regionalism,* edited by Lothar Hönnighausen, Frey, Marc, Peacock, James, and Niklaus Steiner. Madison: Center for the Study of Upper Midwestern Cultures.

Wormuth, Francis D. 1949. *The Origins of Modern Constitutionalism.* New York: Harper & Brothers.

Zorgati, Ragnhild J. 2017. "Human Rights and the Tunisian Constitution." Pp. 153-170 in *Religion, State and the United Nations: Value Politics,* edited by Anne Stensvold. London: Routledge.

3. Knowledge and the Political System

Rudolf Stichweh

I. Early Modern Politics and the Stratification of Society

Early modern European political systems were based on elite social groups whose members passed down via birthrights the privilege of inhabiting the most important political roles. Elites were prepared for these roles by education; indeed, the 'education of the monarch' and the 'education of the nobility' were distinct literary genres and institutional realities. The transmission of certain types and an adequate amount of knowledge was, of course, part of the educational processes, and the knowledge selected for transmission was considered relevant for the performance of political roles. Nonetheless, knowledge was not a selection criterion for these roles, but rather a complement to the other qualities or qualifications that were attributed to the respective persons on the basis of their birth.

The core educational experience of these elites – monarchs, princes and nobles – was often military education. The military training of elites was usually supported by forms of behavioral education – riding, fencing, dancing – oriented to a way of living centered around bodily practices that combined the military disciplines and the courtly aspect of the world of nobility.

In addition to the social circles who were destined for political roles by birth (in some respects they were 'public personae' who had no private life) there were even in medieval Europe officials and advisors whose main qualification was knowledge – primarily theological and juridical knowledge. Most of these officials and advisors belonged to the same status groups identified by ascription. For them, the learned education they possessed was an upgrading of their status. But scholarship and learning were not a necessary condition for the political influence they were able to exercise. Occasionally, however, persons who lacked high status by birth entered these circles of advisors and high officials, based only on the knowledge they had acquired. Thomas Cromwell (1485-1540), the son of a blacksmith from Putney, who as a young man had fled England (probably having killed somebody) and had learned about law and economy in Italy and the Netherlands and who after returning (around 1515) became for a decade (1530-1540) the most influential advisor of Henry VIII and in many respects in these years the regent of

England is a fascinating example for such an unsuspected rise (MacCulloch 2018; Mantel 2009).

II.   Democratic Inclusion into Observer Roles and the Universalization of Knowledge

The democratic revolution that occurred from the 18th to the 21st century dramatically changed the interrelations between political systems, the conditions of access to political influence and the relevance of knowledge. First, the universality of equal access of everyone to the possibilities of political participation was established during this very long period. Today, there are no longer persons who are by birth destined for political offices (the few remaining monarchs being the obvious exception). Being an active participant in a polity is not an obligation or necessity. But it is an option for everyone. But how is this transition related to knowledge?

First of all, it has to be pointed out, we are speaking about inclusion in public or observer roles (Stichweh 2016). These roles arise in modernity in nearly all function systems, and public/observer roles are the roles for which it is most plausible that they are universalized. Those who hold public/observer roles do not manage the operative core functions of a system (the design and implementation of policies, legislation, administration). The performance of these functions is limited to relatively few participants who specialize in the core roles of a system, which we call performance roles. Because there are many function systems in modern society, it is quite improbable for individuals to manage performance roles in several or all function systems.

In the so-called public roles, an individual is primarily an observer of the system, an observer who, in spite of this restricted status, often has access to the strategic possibilities of intervening into the system. If one looks to the polity as a function system, the interventions that matter for the dynamics of the system are participation in elections and, secondly, the communications and documented opinions that are part of the 'public sphere' and of 'public opinion' (Stichweh 2007). Additional possibilities include all the forms of petitions that are explicitly institutionalized in political systems and the multiple types of political protest, a form of political communication that has expanded enormously in the last decades.

How much and what is an individual expected to know to be able to participate in elections and the public sphere? For centuries, scholars, philosophers, and other actors have asserted that polities need well-informed citizens (Brown 1996; Ferguson 1965; Schütz 1972). This type of normative expectation is reasonable but can only be understood correctly when interpreted in the context of modern political premises. The seemingly unobjectionable wish for well-informed citizens becomes discriminatory when formulated as a necessary condition for participation in a political system. The structural tension of modernity is easily identified: On

the one hand, one may favor expanding secondary schools and higher education, hoping to contribute to the education of well-informed citizens (on the impressive growth of American schooling, see Goldin and Katz 2008). On the other hand, in a modern democracy there is no possibility to deny to those who do not have the knowledge and the education desired the access to forms of political participation. It is self-evident in modern political systems that even analphabets can vote. The expectation to be a well-informed citizen seems to be an ascription. In the act of political inclusion the included person is thought of as a political subject endowed with the necessary knowledge and capabilities.

This modern turn toward inclusion is more easily understood by examining a core argument of ethnomethodology (Garfinkel 1967). Harold Garfinkel has consistently argued that it is not legitimate to distinguish sociologists who are seen as competent interpreters of society from normal members of society who are 'naïve' practitioners of the rule systems of society. Rather, every participant in society is always an observer of society and is, on the basis of managing the rule systems of society on every single day, a competent lay sociologist. Scientific sociology cannot claim any epistemological privileges relative to 'normal' members of society. Sociology is at best an upgrading of competences available to everyone who lives in society. The same argument should be true for the political system: The everyday management of living in society, the capacity for which has been acquired in processes of socialization, should be a sufficient basis to enable persons to contribute knowledge and opinions to political processes. Further, a parallel argument might be made for the understanding of the public sphere. The public sphere is a system formed by the diversity of opinions, the informations and the knowledge stocks to which everyone as a member of society is able to contribute (Stichweh 2007).

The democratic universalization of access to possibilities of political participation and the presupposition that everyone by being a member of a polity is knowledgeable is obviously as counterfactual as it is effective. Given the complexity of society and the complexity of political problems resulting from it, it is clear that the available knowledge of every individual will be insufficient; in some respects it is increasingly insufficient. For this reason it is consistent to postulate an interrelation between political knowledge and the ongoing expansion of school and university education. On the one hand the possession of knowledge is a presupposition that includes everyone. But the diagnosis of a structural prevalence of insufficient knowledge also includes everyone. Educational efforts always deal with these contradictions, and their goal therefore consists in stimulating a reflexive way of handling the distinction of knowledge and ignorance. Democracy, then, is the political system that offers citizens who cultivate such a reflexive approach to the relation of knowledge and ignorance possibilities of participation and influence – even at the level of the public/observer roles of the system.

III.   Performance Roles and Knowledge

As is the case in the other function systems of world society, the political system is characterized by the existence of differentiated performance roles besides the public/observer roles of the system. The operative core functions of a function system are usually entrusted to the performance roles. These roles may be highly professionalized and in these cases a monopolistic control of functions by the profession and the knowledge system it owns arises. In other cases, the core roles may be held by generalists. Under these conditions the emergence of a profession is improbable.

The differentiation between public and performance roles, the ease or difficulty of crossing the boundary between public and performance roles varies across political regimes and is one of the best indicators of the type of regime in a specific country. Authoritarian political regimes (e.g. China, Iran, Saudi-Arabia, North Korea) usually build a boundary between the two role types that cannot be crossed easily. For these regimes, the performance roles are essential to safeguarding those structures that are considered non-negotiable because they are constitutive of the respective regime (e.g. the power of a communist party, the domination of a religious elite of lawyer-clerics, or the prevalence of an ethnically defined group of families)(Ahlers and Stichweh 2019; and Ch. 6 in this volume). The knowledge of the bearers of the respective performance roles is closely connected to the ideological basis of the regime they work for. This connection implies that the quantity and quality of the knowledge they hold depends on whether there is any substantial ideological basis supporting the regime they serve.

Democracies create a more permeable boundary between public/observer roles and performance roles. In democracies, there is a tendency – that varies significantly across countries – toward universal inclusion even in performance roles. The most pronounced case is Switzerland, where the word 'militia principle' ('Milizprinzip') is common. The term refers to the performance roles of a political system being open to anyone, as is the case with a militia By this is meant that, as is the case with a militia that any individual can enter at any point in time (without having had a military education). There is no professionalization that functions as a precondition. This implies that there is no specific knowledge system that an individual must master before being allowed to take a performance role. In the case of Switzerland, most political performance roles – e.g. mandates in the national parliament – are only second jobs for those who hold them. These persons are then in their first, professional roles, specialists for the respective knowledge systems. However, the mastery of these knowledge systems is not a condition of accessing the performance roles. This structure, which endows professionals (who are professionals in other function systems) with political performance roles in

which they act as 'amateurs', results at best in a pluralization of the knowledge backgrounds of political personnel.

Thus, in most political systems there is no professionalization of performance roles, at least not in the form of an understanding that there is a specific knowledge base that channels access to political careers (cf. on economists in political roles Hallerberg and Wehner 2018). Instead in many (democratic) political systems another condition of access to political roles has emerged: One must be a member of a political party. For most performance roles in political systems there is a minimum condition that an individual is either a member of or possesses a strong proximity to a political party that is supported by an extensive network of social relations. In many respects, membership in a party has taken over the structural position formerly claimed by social status. Whereas in earlier times an individual was elected because they were well known locally and were influential, in modern systems success in elections is often achieved by being the local representative of a specific political party that has a strong position in the respective city or district. Voters now typically vote for candidates they do not know as persons or do not know a great deal about – this facilitates the emergence of nationwide parties in bigger political systems. The knowledge that individual candidates need under these circumstances is primarily a knowledge of the programmatic and ideological premises of the party for which they stand as a candidate. In sum, rather than acquire genuine knowledge, individuals must be able to flexibly and competently manage the spaces for political movements that are provided by the party, its ideological profile and social embeddedness.

An alternative to this type of structure often emerges where a first-past-the-post system ties access to political performance roles relatively closely to the ability of a person to win an election in a specific constituency. In this case, the individual capabilities of a person and the social connections the person has developed over their lifetime often limit the relevance of the party, which plays only a minor role as a precondition of success in an election and which cannot appoint the seat by an act of political patronage. The set of competences that a candidate needs to be successful is, in this case, highly specific to the respective political system: These competences are related to universal inclusion and to the diversity of the voters in a given constituency. Candidates who want to be successful must be able to handle this diversity among local people and their motives, which may be a demanding task. Again, however, these demands do not entail a 'profession of politics' and thus do not engender a systematized knowledge system on which this profession is based.

These two preconditions – (1) membership and proximity to a political party (and personal competence that can support a career in the party) and (2) the ability to assert oneself in a local election campaign and eventually to win the election – impede the professionalization of performance roles and the subsequent genesis

of an attendant knowledge system. There is a third circumstance that is equally relevant – an idea that comes about, again and again, in attempts to institutionalize approximations to direct democracy. In a direct democracy there should be no exclusive level of performance roles. Those persons whom the voters send to parliaments and constitutional convents are seen as endowed with instructions and not as autonomous representatives (Wood 1998). This is the most radical form of democratic thinking and is clearly incompatible with the professionalization of performance roles and the establishment of a knowledge system controlled by this profession.

IV.   Experts and the Evolution of Political Problems

Despite these conditions a political system needs experts. This need is related to the type of problems political systems try to work on and try to find a solution for. In present-day society, there are no longer problems that are inherently and without alternatives political. Rather there is a set of relevant problems of society, and the political system claims some of them as belonging to its domain, while leaving others, which it previously claimed as its own, to other actors/systems. These shifts are easily illustrated by reviewing problems such as air pollution, the destruction of the ozone layer, and anthropogenic climate change (Rich 2019; Schubert 2018). Neither society nor the polity could have anticipated that these types of problems would become key questions first for society and then, consequently, for political action. There is no genuine knowledge in political systems that facilitates work on these problems, and universal inclusion in public roles und selection for performance roles conditioned by political 'Eigenstructures' (parties, elections) make it improbable that the relevant knowledge will be acquired spontaneously in these processes of the reproduction of political structures. Therefore, the political systems need experts. This is true not only with regard to recently emerging problems but also with regard to classical political problems such as foreign policy. Around 1800 a state such as the newly formed United States had only four or five embassies in other states (Wood 2009), and the staffing of these embassies was at least until 1914 an affair that involved primarily persons of high social status and was not about expertise for the respective country (Clark 2013; Lieven 2015). In contrast, in the contemporary world states support embassies in as many as 200 countries and cannot manage the complexity of this multi-state world without recruiting experts (who are not politicians) on other regions and countries.

   Given this context, it is helpful to consider political systems in modern society – and this is probably true for democracies and autocracies – as systems that organize access to knowledge via experts who do not participate in the competitive political processes of selection for performance roles but rather provide knowledge

to the political system. Sometimes experts do this proactively, while in other cases they provide knowledge only on demand.

For this inclusion of experts into the polity there are two main alternatives. One option is to create within the institutions of the political system – e.g. in the staff of parliamentarians, in departments and administrations and in the embassies – performance roles for persons who are not recruited as generalists, as is true for most political personnel, but instead as experts for specific problem domains. These experts are chosen having regard to their proximity to the governing party; consequently, new experts are often recruited when the government changes. These recruits are specialists but have some ties to the programmatic premises of the present government. The second option for the inclusion of experts is consulting individuals who belong to organizations that are not primarily located in the political system, such as research organizations, enterprises, churches, think tanks (McGann 2016), non-governmental organizations and lobbying organizations.

Whereas those experts who are positioned in the administrative apparatus of the state are service providers who move within the intellectual spaces conceded to them by those in core political performance roles, the second group of experts operate as advisers who have no binding commitments to the programs and ideologies of political parties. The political role of the adviser has been prominent in European political systems since the Middle Ages (Stichweh 2006). Whereas in premodern political systems those considered potential advisers were mostly from the same status groups as the monarchs and princes (and therefore were potential competitors), in modern political systems, which do not know comparable status hierarchies, adviser roles are reserved for experts who can claim these roles only on the basis of their acquired knowledge systems. Although historical contexts differ widely in this respect, the societal functions of advisers have remained relatively similar from premodernity until the modern era. Experts provide knowledge and information to the political system, in premodernity on the basis of a combination of high social status with knowledge and in present-day society on the basis of expertise that distinguishes them and motivates their appointment. In stratified society there was a certain pressure built into advice, which arose from the status and autonomous power base of the adviser; monarchs had to deal with this pressure carefully. In modern society, however, the 'power' of the adviser is based wholly in the authority of their knowledge system. Advisers are not representatives of a region or locality, but rather represent a knowledge system and its substantive authority.

V.   Autonomous Decision-making: The Genesis of Functionally Autonomous Knowledge-based Expert Organizations

The diversification and multiplication of problems that belong to the domain of political decision-making is closely connected to the differentiation and quantitative growth of the other function systems of society: science, law, religion, economy, education, health and other function systems. In each of these function systems, certain problems and needs for action emerge, some of which will be addressed by the political system or will be claimed by the political system as belonging to its domain. All of these instances entail demands for knowledge for which there are no original knowledge resources internal to the political system.

The political system can draw these problems into its domain, thereby generating an increasing demand for experts who function as advisers for these problems. There is one significant alternative to this solution. The polity can begin to stay out of specific problem domains and transfer decision-making rights to actors from the respective function system and to the experts who act as their representatives or to new institutions that specialize in these problems. The decision spaces opened up in this way still remain political decision spaces as the political system transfers the right to make collectively binding decisions to specific actors and institutions of its choosing – in other words: the political system creates the rights to decide and then endows other actors with these rights. In many of these decision-making processes, the political system distributes resources acquired (via taxes) to the chosen actors and institutions. However, those charged with making the decisions have no classical political legitimacy. They are not selected via elections or (regarding institutions) created by referenda, although they are often chosen by those who owe their performance roles to success in elections and who opt for this kind of political devolution (Tucker 2019; Vibert 2007). In other cases, actors/institutions are recruited or created in self-organization processes within function systems, which are connected to the political system by these decisions and the rights to decide.

There is an increasing number of examples for this autonomization of decision-making within functionally specialized expert organizations, linking function systems among one another (see for an extensive discussion Ch. 5 in this volume). Two classic examples of this shift are central banks and constitutional courts. In both cases, the organization inhabits an intermediary position between the polity and a second function system. Further, in both cases political institutions make central decisions about personnel selection within the autonomous organization. However, these personnel decisions are often the last decisions for which political influence is seen as necessary and legitimate. Once persons have been selected, their terms of office are long (sometimes a life term as in the US

Supreme Court) and from the moment they take office they are free of outside instructions.

The interconnections of decision chains differ from function system to function system and from autonomous institution to autonomous institution. In the case of constitutional courts the distinctive novelty was the judicial review of political lawmaking, which was seen as revolutionary when it arose in the US briefly after 1800 (Wood 2009, Ch. 12). In the case of central banks, economic expertise controls economically relevant parameters (e.g. interest rates) that are perceived as instruments of the political control of an economy. Other cases involve even more complex hierarchies of decision-making, which characteristically includes making decisions about other decisions. In Germany for example, the 'Federal Cartel Office' (an autonomous expert organization established in 1958) controls business mergers; furthermore the 'Monopolies Commission' (an advisory council created in 1973) adds a general evaluation of the state of competition in Germany and in specific situations writes expert reports regarding individual cases without having decision competences. In some cases this functions as a two level structure (decision by the cartel office, recommendation by the monopolies commissions) to which a ministerial decree is added as a third level decision, which can then be examined and potentially revised by a fourth level decision by a law court.

In the 20th and 21st century, in the context of the system/environment relations between the polity and the other function systems, the emergence of autonomous expert organizations is consistent and widespread, leading to a partial shift of the responsibility for making collectively binding decisions from the political system to the respective function system: Such expert organizations include: autonomous universities that are nonetheless state universities; organizations focused on the self-steering of science; organizations that approve and regulate drugs; patent offices connecting the polity, law, science and the economy; organizations for the accreditation of schools and universities; financial auditors; even the 'International Panel on Climate Change'. In some cases final decisions are made by intermediary organizations that are staffed by an equal number of political actors and experts from the respective function systems.[1] Bridges are constantly being built between function systems, thus connecting the polity to knowledge and making the knowledge resources from other function systems available to the polity. The expert organizations that serve as bridges between

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1 This was the case in the German "Excellence Initiative" in 2019 the participating scientific organizations (National Science Council, DFG/German Research Community) and the international experts tried to reach a demonstrative consensus on the selection of universities and by doing so decisively narrowed the decision space for the final commission which had an equal number of representatives from polity and science.

function system specialize in the selection and condensation of knowledge that is useful for making decisions. The polity creates and tolerates ever-new couplings and bridges that further the access to knowledge. At the same time the polity ensures that the core of the political system is somehow free from the many types of societal knowledge; thus in the core of the system everything centers on politics, and politicians operating in this space have an opportunistic attitude toward knowledge.

VI. Center and Periphery: Structures of the Political System and the Localization of Knowledge

On the basis of the arguments of this text one can draw up a model of the relationship of political systems and knowledge. First, the center of the political system consists of communications and debates by performance roles that participate to a significant amount in the production of the collectively binding decisions that define a polity. In this center, the careers of those who compete for performance roles are structured mainly by elections and parties, and 'success' consists primarily of the ability to prevail in political parties and elections. In the center of a polity defined in this way, knowledge is not of first-order importance. The persons involved must understand parties and voters/elections, but they are mostly generalists rather than specialists, and highly specific expertise is not very helpful and is sometimes perceived as a hindrance.

Beyond this center, there are two peripheries. The first consists of the multiplicity and diversity of individuals who are included via the observer roles within the political system. These individuals either vote or abstain in elections. They are "well-informed citizens" – either by ascription of this status or by really knowing something – and they function as contributors to the public sphere. The public sphere is the biggest distributed knowledge system of a modern political system and its continuous oscillations, which are sometimes barely perceptible, are nonetheless constitutive for the evolutionary dynamics of modern polities.

The second periphery of the political system consists of a large number of experts who contribute knowledge to decision-making processes. In addition to individual experts, this group includes an increasing number of expert organizations that represent, at the boundaries of the system, the functional differentiation of society and that make visible to the polity the extremely diverse knowledge built in the function systems of society. All of these expert organizations are connected to the center of the political system via 'bridging phenomena'. These resulting bridges transport knowledge and ensure a certain amount of participation by political actors in the processes of collective decision-making, the results of which are often attributed as successes or failures to the political actors, too.

This model of a political system with a center and two very different peripheries implies a system that has almost no knowledge within its political core. However, knowledge is otherwise so well embedded in society – via observer/public roles for individuals and via institutions of expertise from multiple function systems – that the non-knowledge of the political center functions as a prerequisite for the existence of flexible linkages to extremely diverse knowledge systems in the function systems of society. The ignorance in the center of the system, which can be interpreted as an absorption by 'the political', becomes a condition for a flexible learning competence and the ongoing adaptability of the system in a society that is extremely differentiated and faces an incessantly shifting set of problems.

Bibliography

Ahlers, Anna L., and Rudolf Stichweh. 2019. "The Bipolarity of Democracy and Authoritarianism. Value Patterns, Inclusion Roles, and Forms of Internal Differentiation of Political Systems." *Sociologia & antropologia (Rio de Janeiro)* 9(3):819-46.

Brown, Richard D. 1996. *The Strength of a People. The Idea of an Informed Citizenry in America, 1650-1870*. Chapel Hill & London: University of North Carolina Press.

Clark, Christopher. 2013. *The Sleepwalkers. How Europe Went to War in 1914*. London: Penguin Books.

Ferguson, Arthur B. 1965. *The Articulate Citizen and the English Renaissance*. Durham N.C.: Duke University Press.

Garfinkel, Harold. 1967. *Studies in Ethnomethodology*. Prentice Hall: Englewood Cliffs, New Jersey.

Goldin, Claudia, and Lawrence F. Katz. 2008. *The Race between Education and Technology*. Cambridge, Mass./London: The Belknap Press of Harvard University Press.

Hallerberg, Mark, and Joachim Wehner. 2018. "When Do You Get Economists as Policy-makers." *British Jounal of Political Science*.

Lieven, Dominic. 2015. *Towards the Flame. Empire, War and the End of Tsarist Russia*. London: Allen Lane.

MacCulloch, Diarmaid. 2018. *Thomas Cromwell. A Life*. London: Allen Lane.

Mantel, Hilary. 2009. *Wolf Hall*. London: Fourth Estate.

McGann, James G. 2016. *The Fifth Estate. Think Tanks, Public Policy, and Governance*. Washington D.C.: Brookings Institution Press.

Rich, Nathaniel. 2019. *Losing Earth. The Decade We Could Have Stopped Climate Change*. London: Picador.

Schubert, Julia. 2018. *Engineering the Climate. Science, Politics, and the Career of a Plan B*. Bonn: PhD Dissertation.

Schütz, Alfred. 1972. "Der gut informierte Bürger. Ein Versuch über die soziale Verteilung des Wissens." Pp. 85-101 in *Gesammelte Aufsätze II. Studien zur soziologischen Theorie (von Alfred Schütz)*, edited by Arvid Brodersen. Den Haag: Martinus Nijhoff.

Stichweh, Rudolf. 2006. "Gelehrter Rat und wissenschaftliche Politikberatung. Zur Differenzierungsgeschichte einer Intersystembeziehung." Pp. 101-12 in *Politikberatung in Deutschland*, edited by Heidelberger Akademie der Wissenschaften. Wiesbaden: VS Verlag für Sozialwissenschaften.

—. 2007. "The Genesis and Development of a Global Public Sphere." Pp. 345-55 in *Public Spaces, Power and Communication*, edited by Edmundo Balsemao Pires. Porto: Edicoes Afrontamente.

—. 2016. *Inklusion und Exklusion. Studien zur Gesellschaftstheorie*. Bielefeld: transcript.

Tucker, Paul. 2019. *Unelected Power: The Quest for Legitimacy in Central Banking and the Regulatory State*. Princeton: Princeton UP.

Vibert, Paul. 2007. *The Rise of the Unelected: Democracy and the New Separation of Powers*. Cambridge: Cambridge U.P.

Wood, Gordon S. 1998. *The Creation of the American Republic, 1776-1787*. Chapel Hill and London: The University of North Carolina Press.

—. 2009. *Empire of Liberty. A History of the Early Republic, 1789-1815*. Oxford: Oxford University Press.

4. Political Responsiveness: The Identification and Processing of Problems in Modern Polities

Damien Krichewsky

Introduction

Modern political systems enable society to address perceived problems by formulating and implementing – more or less effectively – collectively binding decisions. Performing this general function involves highly complex processes that comprise *inter alia* the formulation of problems in political terms, their interpretation within broader meaning contexts, their processing in various policy-making bodies, and the formulation of policy decisions that are binding within the purview of a given polity. Such processes, which amount to the political identification and handling of problems, are highly selective. Only a few of the potential problems experienced and/or formulated in society find resonance in political systems. Moreover, the respective "careers" of politicized problems in the processing machinery of political systems follow contingent paths, which have far-reaching consequences in terms of policy outputs and outcomes.

The present chapter is an attempt to build on and further develop the theoretical framework of this book to account for this diagnosing and problem-solving dimension of political systems. While other chapters emphasize the formation and internal structuration of modern polities (*e.g.*, formation of citizenries through inclusion structures; horizontal and vertical differentiation; autonomous political organizations), the present chapter shifts the focus to the policy-making processes that occur within these structures. More specifically, notwithstanding feedback in the interplay between political structures and policy processes, the chapter examines how the structures of political regimes and the broader societal contexts in which they are embedded condition the operational identification and processing of problems, and thereby the relations between political systems and their societal environment. Given the scope of the topic, the goal of this text is merely to sketch new theoretical perspectives and research angles that can help advance the sociology of political regimes.

Our entry point in the argument is the concept of *political responsiveness*. Since it was introduced in democratic theory in the early 1950s, the concept of political

responsiveness has inspired a prolific stream of research on the relationship between the interests, needs and wants of citizens on the one hand, and the policies crafted by representatives and other policy makers on the other hand. This standard conception of political responsiveness is based on the classical distinction between state and society that permeates political science (Luhmann, 2010). It conceives of the political system as an autonomous entity that exerts legitimate power to order and govern society "from above". Society is envisaged from the point of view of the state, as the national collective of citizens living under its rule. In this perspective, responsiveness is understood as the realization of the democratic principle of rule of the people, by the people and for the people. Political systems are deemed responsive insofar as their policies aim to solve the problems of the "people", that is, problems experienced and expressed by citizens in the political system's environment.

As we will show, the fact that this standard approach to responsiveness embraces the political system's own perspective on a division between state and society induces several theoretical and methodological shortcomings. By revisiting the concept of responsiveness on the basis of a sociological theory of observation and functional differentiation, the chapter outlines new perspectives for the study of diagnosing and problem-solving processes in modern polities. Responsiveness is redefined as the process whereby both democratic and non-democratic political systems selectively identify and address problems that they *attribute* to "society", according to the systems' own structures, their dynamic of self-reproduction (autopoiesis), and their structural couplings with other spheres of modern society. As we will argue, while this process of attribution comprises alleged "demands" and "preferences" of citizens, it extends beyond this specific aspect of politics.

The redefinition of responsiveness proposed in the present chapter can be useful for comparative studies interested in identifying how distinct internal structures of political regimes favor different patterns of problem diagnosis and solution. In addition, the revised concept of responsiveness sheds light on core evolutionary dynamics of political systems, as patterns of responsiveness emerging from distinct structural settings can, in turn, alter political structures by inducing institutional change. Moreover, the revised concept of responsiveness can be useful for the study of relations between political systems and other functionally differentiated spheres of modern society, such as the economy, law, science, mass media, religion and morality. For instance, political responsiveness involves boundary-making processes that define the respective competencies and responsibilities of function systems for given problems (e.g., market prices vs. regulated prices; political vs. legal or religious punishment of deviant behaviors). Similarly, "structural couplings" between political systems and other function systems contribute to conditioning the circulation and translation of problem descriptions from one system to another (e.g., evidence-based policy making; political reac-

tions to mass media contents or moral scandals). Following this perspective, the study of political responsiveness can be connected to a broader sociology of the construction and processing of "problems" in a society characterized by the primacy of functional differentiation.

Standard perspectives on political responsiveness

Whom does the polity work for?

In his seminal book, *Politics: Who Gets What, When, How*, Harold Lasswell (1936) envisaged policy science as the study of the conditions that determine who can define and pursue desired goals by controlling and exerting power over others. In his view, those who can attain such *positions of influence* constitute an elite, as opposed to the masses. About two decades later, J. Roland Pennock (1952) introduced the concept of responsiveness as a "counterpart of influence", and defined responsive policy making as "reflecting and giving expression to the will of the people" (p. 790). Pennock acknowledged how difficult it is to circumscribe this term. What counts as the "will of the people"? How should a government respond to fleeting demands or to simultaneous but contradictory demands? According to Pennock, as a minimum democratic standard, "governments should be responsive to any clear and settled popular demand" (p. 791), in particular demands that have a high intensity and many supporters.

Several subsequent contributions have anchored this normative conception of responsiveness in democratic studies. In one of the most widely cited, Hanna Pitkin (1967) defined responsiveness as a key feature of political representation that complements electoral mechanisms by ensuring representation between elections: For democratic representation to occur, representatives must act "in the interest of the represented, in a manner responsive to them" (p. 209). Similarly, Robert Dahl (1971) described democracy as "the continuing responsiveness of the government to the preferences of its citizens, considered as political equals" (p. 1). More recently, G. Bingham Powell (2004) argued that democratic responsiveness occurs "when the democratic process induces the government to form and implement policies that the citizens want. When the process induces such policies consistently, we consider democracy to be of higher quality" (p. 91). While theorists of democracy generally recognize that too much responsiveness would lead to populism, the tyranny of majorities, and systemic instability (Sabl, 2015), they still consider responsiveness to be a defining component of democracy, arguing that the policy process should be oriented toward the satisfaction of the sovereign people.

This general acceptance of political responsiveness has been developed and specified in a number of theoretical and empirical contributions. For instance, in a study of the responsiveness of members of the U.S. Congress, Warren Miller and

Donald Stokes (1963) operationalized the concept in terms of the correspondence between members' roll-call voting behavior and the surveyed preferences of citizens in their respective constituencies. This operationalization of the concept of responsiveness was later criticized by Heinz Eulau and Paul Karps (1977) as being too restrictive. For the two authors, representation-as-responsiveness is about the degree to which representatives satisfy the interests and needs of the citizens they represent. In this perspective, responsiveness entails four distinct components: *i) policy responsiveness* – representatives' attempts to shape policies that serve the interests or expressed wishes of their constituency; *ii) service responsiveness* – representatives' engagement in providing particular services to members of their constituency (*e.g.*, information, advice, contacts); *iii) allocation responsiveness* – representatives' efforts to obtain public goods for their constituency (*e.g.*, infrastructure, job-creating investments); and *iv) symbolic responsiveness* – representatives' use of symbols to nurture trust and support among citizens (*e.g.*, participation in an inauguration ceremony; shaking hands at a local market). Other strands of the literature have expanded the concept of political responsiveness by examining not only the responsiveness of *elected representatives*, but also the responsiveness of *political institutions* (*e.g.*, municipal councils, parliaments, governments) and *policy outputs* (*e.g.*, levels of social welfare spending) (for reviews, see Burstein, 2010; Manza and Cook, 2002; Wlezien and Soroka, 2016).

Overall, the literature has highlighted various conditions underlying contingent patterns of political responsiveness. Unsurprisingly, policymakers are generally most responsive to popular preferences on salient issues, that is, policy issues that raise concerns among a large number of citizens or among groups of citizens who are particularly vocal (e.g. Lax and Phillips, 2009). Conversely, political responsiveness is usually lower when policy issues are technical and isolated from citizens' direct concerns, as in the case of reforms of corporate governance law (Culpepper, 2011). Social class also plays a role, as illustrated by the limited responsiveness of governments to the social spending preferences of lower and lower-middle class voters (Bartels, 2017; Elsässer, Hense and Schäfer, 2017), and an overall tendency of responsiveness in U.S. politics to be "strongly tilted toward the most affluent citizens" (Druckmann, 2015; Gilens, 2012, p. 1).

Electoral mechanisms are another key variable. For instance, Christopher Wlezien and Stuart Soroka (2012) found proportional systems to be less favorable to responsiveness than majoritarian ones. To cite another example, the responsiveness of U.S. presidents varies depending on their respective popularity ratings and the time remaining before the next election (Canes-Wrone and Shotts, 2004). The broader institutional setting of political systems, in which electoral mechanisms of responsiveness are embedded, also seems to affect patterns of responsiveness. For instance, Nada Urbinati and Mark Warren (2008) noted that in democracies, presidential regimes tend to be less responsive than parliamentary

systems. Based on a comparison between Great Britain, Denmark and the United States, Sara Hobolt and Robert Klemmensen (2008) showed that responsiveness grows with the intensity of electoral competition, but decreases with the autonomy of governments *vis-à-vis* legislative assemblies.

Other structural characteristics of political regimes matter as well. One such characteristic is federalism: According to the literature, opaque interest coalitions and the diffusion of decision making among the vertical tiers of federal systems hampers responsiveness by making it difficult for voters to hold individual politicians accountable for policy outcomes (Wlezien and Soroka, 2011; Wood, 1991). Another key variable is authoritarianism: In authoritarian regimes, election rigging and assemblies' limited influence allow a type of "bounded responsiveness", which tends to exclude thematic issues and popular demands that could undermine the regime's stability (Chen, Pan and Xu, 2016; Dukalskis and Gerschewski, 2017; Malesky and Schuler, 2010; Miller, 2015).

Limits of a fuzzy normative approach to political responsiveness

This brief review of the literature offers a sense of the standard understandings of political responsiveness. As Paul Burstein (2010) summarized, responsiveness has been constructed as a normative criterion of democracy based on the distinction "rule by the many, or rule by the few" (p. 74), and empirical studies have tried to determine whether and under which conditions political systems fulfill this criterion. While this understanding of responsiveness makes sense from the perspective of classical democratic theory, it falls short of providing an accurate understanding of the way problems and underlying preferences are identified and addressed in the policy-making process.

Firstly, standard theories of political responsiveness are not clear about *what* political systems are or should be responsive to. Some authors write about people's "wishes" or "preferences", as if these wishes and preferences were a given that politicians could translate into policy measures. But citizens' occasional wishes and preferences are generally formed in reaction to alternative policy options, whether these options are offered by the political system (*e.g.*, electoral programs and promises; policy options under discussion) or hypothesized in public opinion surveys ("Would you prefer option A or option B?"). In other words, wishes and preferences are not external to political systems, but rather are shaped by them – at least to a significant extent. Moreover, given the large volume of daily political decision making in modern states and the limited capacity of citizens to closely monitor the policy process, genuine wishes and preferences of citizens on alternative policy options are the exception rather than the rule. As a rule, "public opinion" is brought into existence by public commentators and opinion *makers*, as well as by

policy makers acting "in the name of" or "on the basis of" opinions that might not exist as such (Disch, 2012).

This discursive construction of public opinion retroacts on politics itself, as politicians try to gauge how their position and the positions of their allies and competitors resonate in "public opinion", in order to adjust their behavior accordingly. In this framework, public opinion is not a point of contact between the political system (the state) and a given environment (a national society), but rather is a kind of self-created mirror in which politics "can only see itself", including its internal description of its environment: a device that "serves the self-referential closure of political systems, the relation of politics to politics. The self-referential closure occurs with the help of an institution that allows the system to distinguish in its operations self-reference and external reference, namely politics and public opinion, and thereby to make itself a picture of the limits of its own scope for action." (Luhmann, 1990, pp. 181, 82, our translation).

Other authors define responsiveness in relation not to citizens' opinions, but to their "interests" or "needs", under the assumption that these needs and interests can be identified objectively – typically by representatives rather than by the citizens concerned. However, as for opinions, needs and interests are contingent perceptions and descriptions, and attributing needs or interests to oneself or to others is generally fraught with uncertainty (Münnich, 2011; Saward, 2006). Furthermore, the identity of those who have wishes, preferences, interests or needs is often considered an external factum, while in fact, the "people" or sub-groups of the citizenry are internal constructs of political systems (Disch, 2012; Fossen, 2019; Stichweh, 2016). In short, the literature on responsiveness tends to overlook the role of the political system in the formation of what it is supposed to respond to: The political system can only be responsive to itself.

Secondly, the very concept of responsiveness remains fuzzy. What exactly does it mean for a political system or any of its internal policy-making components (*e.g.*, elected representatives, political institutions) to be responsive? Some studies in the literature have defined responsiveness on the basis of the degree of static *congruence* or *consistency* between the behavior of a political system and what a majority of citizens allegedly wants, whereas other studies have defined responsiveness in terms of *covariation* between policy choices and public opinion (Wlezien and Soroka, 2016). Both conceptions entail difficulties regarding their operationalization in empirical research. The degree of congruence is hard to assess accurately, as measurements are fraught with conceptual and methodological biases and uncertainties (Burstein, 2010). As for the processual view of responsiveness, the assumption of a unidirectional relation of causality between movements of public opinion and a policy process that "responds" to these movements is not realistic. In practice, there is an interplay between politics and what citizens think or want. This interplay is asymmetrical, as politicians have many

resources (*e.g.*, insider knowledge, authority, privileged access to mass media) to influence people's opinions and preferences. Further, both policy orientation and public opinion can evolve in a similar direction in reaction to external circumstances, without there being a relation of causality between the two (Burstein, 2010; Eulau and Karps, 1977; Page, 2002).

A third limitation of the standard conceptions of responsiveness is their narrow analytical scope. Because the concept of responsiveness is derived from the normative idea that policy makers in democracies *should* track the preferences and interests of citizens, it focuses on the dyadic relationship between "citizens" and "policy makers", while treating other variables involved in policy making as either favorable or unfavorable external conditions. This analytical angle is adequate for research endeavors concerned with discussing and testing responsiveness as a normative criterion of democracy. However, as the next section attempts to show, much can be gained in terms of analytical scope and accuracy by freeing the concept of responsiveness from its normative background, and redefining its meaning to capture the identification and processing of problems by political systems in relation to other functional spheres of modern society.

A systems-theoretical approach to political responsiveness

Problems and responsiveness in modern society

While in standard democratic theory, political systems are – or ought to be – responsive to the preferences, demands and interests of citizens, we propose that the responsiveness of political systems is directed toward socially constructed problems, whose conditions of formation and factual content cannot be reduced to aggregates of individual preferences, demands and interests.

Problems can be defined quite ordinarily as the *observation* of discrepancies between two or more states of things, where one of these states is considered by the observer as being more desirable than the other(s). Individual human beings experience problems by observing such discrepancies in their thought processes, for instance when noticing a feeling of hunger that departs from the preferred state of feeling satiated, or when envisaging the possibility that a political party they dislike could win the next election. But for problems to exist in society, they must be observed and thereby constructed in the communicative processes of social systems. Following Luhmann's theory of society, notwithstanding extensive coupling and interaction between the individual and the social construction of problems, the two must be clearly distinguished. Problems constructed by social systems only need to be described to exist – they do not necessarily match the problems experienced by individuals. In fact, many of the problems constructed in society are attributed to individuals and groups by social systems "from the

outside", such as when climate science informed humanity there was a significant problem of global warming (Weart, 2008), or when, in February 2019, the Trump administration informed the American public about a major security threat at the border with Mexico (Baker, 2019).

Responsiveness involves not only the identification of problems by social systems, but also the processing of these problems in ways that are directed toward solutions. Once an actual or potential problem has been described, any social system that connects to this description and attempts to prevent, remove or minimize the occurrence of non-preferred states is responding to this problem – whatever the success of the attempted solution. Responsiveness is always selective. Social systems identify certain problems but not others, and then only address some of the problems described in their communicative processes. Moreover, the relationships between problems and attempted solutions are not necessarily linear. Problems can be formulated to justify the application of pre-existing solutions, whose true purposes might be to address problems other than those referenced in the official narrative (Cohen, March and Olsen, 1972; Kingdon, 2013 [1984]). For example, Trump's description of a national emergency was used to justify the construction of a wall at the Mexican border, but the described emergency was in fact directed mostly toward problems pertaining to the power relations between the Republican president and the Democrat majority in the Congress.

In modern society, the selective identification and processing of problems is conditioned in several respects by the primacy of functional differentiation. To begin with, the functional specialization of social systems focuses their attention on types of problems that correspond to their core function. For instance, because modern science specializes in the production of "truth", it is primarily responsive to problems of uncertainty, which it selectively constructs and addresses through scientific research and the publication of knowledge. The modern economy is foremost responsive to problems of needs, which it constructs and addresses via monetary transactions (investing, lending, trading, purchasing, etc.) that sustain the production and distribution of commodities. In the case of modern polities, their responsiveness focuses mainly on problems related to the self-organization of human communities, such as defining the conditions of membership, setting formal rules of behavior, policing, gathering common resources (taxation) and investing them for collective purposes (education, health, infrastructure, etc.), and managing relations with other political communities (foreign affairs). Polities construct problems by selectively identifying actual or potential problematic situations that are relevant insofar as they can be addressed through collectively binding decisions – decisions whose binding character within the community

rests ultimately on the power of the state to sanction deviance via the legitimate use of physical violence.[1]

That societal problems seem to be shared across many function systems might seem to contradict the idea of functional specialization. For instance, the global financial crisis triggered by the collapse of Lehman Brothers in 2008 was a problem, *inter alia*, for the economy, politics, law, science, and morality. Similarly, climate change concerns all functional spheres of society. However, even in these cases, problems exist in society only as descriptions within given observing systems. For scientific research, a financial crisis or climate change raises problems of scientific knowledge (*e.g.*, dimensions, causes, consequences), which are not the same as the problems that these phenomena present in other spheres: problems of payment/non-payment in the economic sphere, problems of economic or environmental policy-making for polities, problems of esteem and contempt in moral communication, etc.

The autopoietic dynamic of function systems is a further condition of selective responsiveness. Obviously, science does not identify and address every possible scientific "puzzle", but only a subset of possible research questions. Similarly, the modern economy identifies and addresses only a selected range of needs, and political regimes only devise and enforce public policies related to a selection of problems within the community under their rule. A primary driver of these selection processes is the necessity for systems to reproduce the conditions of their own existence (autopoiesis). Scientific research tackles questions with an eye on the development of disciplines, and publications usually conclude by emphasizing that the findings raise new questions and thus call for further investigation. The economy selects needs that are likely to generate monetary added value, so as to regenerate the circulation of money in the system via the payment of wages, interest rates, dividends, taxes, and other disbursements. For political systems, autopoiesis requires first and foremost formulating problems and policies that maintain or enhance the power of the state, so as to regenerate the capacity of the latter to devise and enforce collectively binding decisions in the future (Luhmann, 1988). This systemic necessity overrides both the demands raised by citizens to the state and the possibility for a political elite to rule according to its own preferences.

Furthermore, selective responsiveness is conditioned by the internal structures of social systems. As much as theories and methods direct the attention of science toward certain research questions, and price-making markets orient the

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[1] While this section focuses on polities and uses science and the economy to illustrate commonalities with and differences from other function systems, similar *modi* of specialization could be outlined for the other function systems, including law, education, health, the mass media, religion, arts, sports, and morality (insofar as morality can be considered a function system, a contentious theoretical point that is beyond the scope of the present argument).

production and distribution of commodities toward certain needs, the structures of political regimes condition their patterns of responsiveness.[2] For instance, the dynamics of electoral competition in liberal democracies have been found to influence the political construction of problems by contending parties, depending *inter alia* on their respective interests in ideological polarization or ideological consensus-building (Aragonès, Castanheira and Giani, 2015; Dragu and Fan, 2016; Odmalm and Bale, 2015). Another example is the tendency of presidential regimes to favor "urgent" crisis-like problem descriptions, which allow the president – a political role historically rooted in the figure of the monarch – to display her or his ability to lead and safeguard the nation while standing above the petty divisions of party politics (Keeler, 1993). Additional internal structures arising from the vertical and horizontal differentiation of political systems are likely to condition political responsiveness as well, such as the (de)centralization of decision-making, the distribution of thematic competences among ministries, the role of the army in the state, and the degree to which trade unions and non-governmental organizations are integrated into or kept outside policy processes (see chapter 2).

In addition to functional specialization, autopoiesis, and internal structuration, which are all internal features of function systems, interrelationships between the social systems of modern society are key determinants of responsiveness. Paradoxically, the more function systems have gained concrete operational autonomy by gradually differentiating themselves from other meaning contexts of societal communication, the more they have become interdependent (Luhmann, 2013). For instance, the formation of a world system of national constitutional states and the monetization of exchanges of goods and services have disentangled political rule and material possession from the functionally undifferentiated hierarchical structures of feudal Europe. As a result of this differentiation process, modern polities have come to depend on the economy – for instance, to generate sufficient monetary value to fund public expenses through taxation – while the economy depends on polities – for instance, to set up market-enabling institutions such as property rights or central banks, to allow private investments by reducing uncertainty through the pacification and stabilization of social relations, or to decide on public investments that markets need to flourish but cannot realize on their own.

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2 While the examples provided here focus on the structures of national political regimes, transnational and in particular global governance structures also shape patterns of political responsiveness, as illustrated by the way global political institutions (*e.g.*, World Bank, United Nations Environmental Program) have attributed responsibility for ecological problem-solving to national states and structured national environmental policies through the diffusion of policy blueprints (Goldman, 2005; Hironaka, 2014).

This twin historical evolution of operational autonomy and inter-systemic interdependencies requires function systems to be at least somewhat responsive to problems encountered in other functional spheres. For instance, because political systems rely extensively on scientific knowledge to both identify and legitimize policy options, they cannot ignore science's need for resources such as public funding to conduct research. Similarly, because political systems depend on economic growth to extract sufficient resources for their autopoiesis, they cannot ignore the need to adopt policies that sustain rather than burden economic activity. Conversely, scientific research cannot ignore research questions that are relevant for policy making, as it would undermine public funding for research. Nor can scientific research overlook the moral judgments triggered by morally contentious research activities, as moral condemnations could trigger political and legal reactions that would deteriorate the conditions for future scientific research. Economic decisions, such as closing a factory or investing in a new product, cannot fully ignore political problems such as unemployment, public health risks, or pollution, as failing to do so could trigger political dynamics leading to costly political decisions.

The necessity for function systems to be responsive to problems arising in the meaning contexts of other systems leads them to develop their capacity of "second-order observation" – the observation of observation. While first-order observation describes operations whereby social systems observe themselves and their environment as a given factual reality, second-order observation occurs when a social system observes how another system observes reality. For instance, when policy makers develop expertise or seek input from experts to evaluate the economic impacts of a given public policy, the political system observes how it is observed by the economy. A political system can also observe how scientific research impacts the economy, in other words, how the economy "observes" scientific research, so as to devise science policies that promote research projects likely to have positive economic outcomes.

Responsiveness arising from inter-systemic interdependencies and the ability of social systems to reflect on these interdependencies via second-order observation can have several types of consequences. Firstly, it can lead to self-restriction when a system foregoes operations that could disrupt its autopoiesis by disrupting the functioning of other social systems. As a typical example, a government might not address a problem by raising taxes or lowering interest rates to an extent deemed too detrimental to the ability of the economy to generate added value and address needs, because economic deceleration and/or hyperinflation would impede the ability of the regime to sustain itself. Secondly, inter-systemic interdependencies and second-order observation can lead social systems to exert a form of solidarity. For instance, political systems can adopt policies meant to help science, the economy, or any other social system address problems located in these

other spheres of society, with the hope that this solidarity will pay off in political terms. Thirdly, interdependencies and second-order observation can support the development of institutions meant to make a given social system more responsive to societal problems. For instance, political systems, law, morality, science, education and religion have participated in the institutional development of Corporate Social Responsibility (CSR), which is meant to make profit-driven economic processes more responsive to societal problems such as poverty, harsh labor conditions, human rights violations, and ecological degradation (Krichewsky, 2019). The growing institutionalization of "responsive science", which aims to harness scientific research for societal problem-solving beyond the system's autonomous pursuit of scientific "truth", is another example of such phenomena (Matthies, Simon and Torka, 2015).

Gaining a conceptual grasp on such a wide and multifaceted object as the selective identification and processing of problems in modern society requires a level of abstraction and generalization that might be frustrating for any given reader. Nevertheless, the theoretical perspectives on responsiveness outlined above help overcome the shortcomings of standard theories of political responsiveness. The formal institutions of political regimes are likely to influence the extent to which policy making responds to popular demands and preferences articulated in the public sphere. However, the focus of political systems cannot be to identify and satisfy such demands and preferences, which are largely the product of the political systems themselves. In fact, the identification and processing of problems by political systems is conditioned by social structures and processes that extend much beyond aggregates of individual preferences. The following section attempts to further specify the analytical potential of the revisited concept of responsiveness, and to sketch possible lines of research to investigate political regimes from this analytical angle.

Studying political responsiveness:
research perspectives on inclusion, values and time

The systems-theoretical conceptualization of responsiveness invites a shift in focus from the "who" to the "what". Responsiveness is not only about who or whose interests and preferences direct the policy process, but also about what problems political systems identify and address, and what consequences given patterns of responsiveness have for politics and society at large. How do problem formulations emerge in the policy process? Do structural characteristics of political regimes and structural couplings between polities and other functional spheres of society favor certain problem descriptions while making other problem descriptions less likely? How do characteristics of problem formulations condition the policy options envisaged to address these problems, and how do institutionalized

policy options condition the framing of problems in the policy process? Do problems and solutions follow typical "careers" or trajectories within the policy-making structures of political regimes? How do patterns of responsiveness within political regimes retroact on the structural features of these regimes (e.g., the institutional delineation of policy fields) and the institutional arrangements organizing relations between these regimes and other spheres of society?

To investigate these questions, scholars can draw on a rich tradition of research in political sociology regarding how problems are formulated, placed on the agenda of political decision making, and addressed by way of public policy making and policy implementation. Since the 1960s, departing from the functionalist approaches of "social problems" that view problems as ontological dysfunctions of society (*e.g.*, poverty, racial discrimination, criminality, pollution), constructivist approaches have examined how actors collectively produce and promote various – more or less competing – definitions of problems (Blumer, 1971). In this vein, classical studies have identified typical sequences through which individuals and organizations (*e.g.*, professional groups, urban dwellers, users of public services, organized interest groups, companies, NGOs, media outlets, scientific experts, consultants, elected representatives, bureaucrats) *i)* perceive situations as unsatisfactory; *ii)* define and label these situations as politically relevant problems having specific causes, consequences (*e.g.*, victims), and solution prospects; *iii)* work to put these problems and/or solutions on the agenda of policy making; *iv)* contribute to the policy making process (the "politics" of policy making); and *v)* possibly follow up on the implementation of policies to evaluate outcomes and demand adjustments (e.g. Easton, 1965; Jones, 1970; Kingdon, 2013 [1984]).[3]

Three features of this research tradition are particularly relevant for the study of political responsiveness. One is its sociological outlook on political phenomena, which departs from the focus of political science on political institutions. Unlike standard theories of political responsiveness, which focus on institutions such as citizens, elections, parliaments, and federalism, the political sociology of problems accounts for the role of non-political institutions and participants such as professions, interest groups (e.g., associations of "victims"), social movements, and scientific experts. Looking beyond the political sphere is even more important given the development of collaborative governance over the past three decades, because the formulation and processing of problems within these governance

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3 This Anglo-Saxon literature has been received and further developed in several countries, resulting in overlapping research traditions such as the German study of political planning and steering (e.g. Janning and Toens, 2008; Scharpf, 1973; Wenzelburger and Zohlnhöfer, 2015; Willke, 2014) and French studies on public policies and public action (e.g. Boussaguet et al., 2015; Lascoumes and Le Gales, 2007b; Padioleau, 1982; Zittoun, 2013).

structures rests explicitly on the involvement of a variety of public and private actors (Bartley, 2018; Fuchs, 2007; Levi-Faur, 2012; Lievens, 2015).

Another relevant contribution from this research tradition is the emphasis on contingencies in the relations between problems and solutions. Whereas standard views on responsiveness locate "problems" on the side of citizens and "responses" on the side of policy makers, the political sociology of problems and public policies emphasizes the complex and contingent character of relations between problems and solutions. Notwithstanding the heuristic idea of a "policy cycle", which evokes a clear sequence from problem identification to policy evaluation, empirical studies have shown how problems, goals, policy instruments, participating actors and opportunities for decision making meet and interact without following a rigid sequential order (Jones and Baumgartner, 2005; Kingdon, 2013 [1984]; Lascoumes and Le Gales, 2007a; Zahariadis, 2003).

Finally, while standard perspectives on responsiveness tend to assume a pre-eminence of formal political structures and processes, studies in political sociology have shed light on the role of informal arrangements. For instance, a number of empirical studies have examined the role of policy networks and related interpersonal ties, which "limit participation in the policy process; shape the behaviour of actors through the rules of the game [prevailing in the network]; privilege certain interests; and substitute private government for public accountability" (Rhodes, 2006, p. 436; see also Victor, Montgomery and Lubell, 2016). A collection of studies on informal politics in the European Union, edited by Thomas Christiansen and Simona Piattoni (2004), provide additional examples of discrepancies between the formalized processes of policy making within political institutions on the one hand, and informal exchanges among public office holders as well as between them and other actors (*e.g.*, experts, lobbyists, journalists) on the other hand.

The systems-theoretical revision of the concept of responsiveness can build on and further develop this political sociology of problem construction and policy making in a way that gives more weight to the conditioning of responsiveness by structural features of political regimes. To illustrate the analytical potential of this approach, we briefly focus on three relevant features of political regimes: inclusion structures, value patterns, and temporalities.

As outlined in the first chapter of this book, *political inclusion structures* are defining features of political regimes. By defining "public roles" (*e.g.*, national citizens, users of public services, beneficiaries of social policies, refugees) and "performance roles" (*e.g.*, presidents, ministers, MPs, civil servants), inclusion structures condition membership in a political community and its subgroups, attribute rights and other resources, formulate behavioral expectations, define the categories through which individuals and groups are addressed by the political system, and shape collective identities. Political inclusion structures also insti-

tutionalize "structural couplings" between political systems and other function systems, for instance when citizenship is coupled with inclusion in a religious or ethnic community, or when franchise or social rights are coupled with levels of economic wealth.

Standard approaches to responsiveness cannot study inclusion structures as an independent variable affecting responsiveness because they envisage inclusion as an integral part of responsiveness – indeed, responsiveness is defined as the inclusion of citizens in the policy process through the effective representation of their interests and preferences. Conversely, our revised concept of responsiveness raises the question of how various inclusion structures influence the selective identification and processing of problems in political regimes. For instance, ethnic patronage and other forms of "neo-patrimonialism" might favor descriptions of problems and policy options that support the reproduction of these bases of power, such as the attribution of causes of problems to the behavior of rival ethnic groups, or the selection of policy options that feed clientelistic systems of redistribution of goods (Bayart, 1989; Berman, 1998; Koter, 2016). Similarly, the attribution of political performance roles to religious clerics in theocracies might reinforce the role of religious criteria in the selective identification of problems and policy options (e.g. Abdolmohammadi and Cama, 2015; Brumberg and Farhi, 2016). With regard to public roles, the salience of caste identities in Indian politics illustrates how subdividing a citizenry along ethnic lines can contribute to shaping both the political construction of problems (*e.g.*, as caste injustice) and the selection of policy responses (*e.g.*, the extension of affirmative action programs to new social groups) (Deshpande, 2013; Jaffrelot, 2003; Jodhka, 2015; Michelutti, 2007).

Value patterns are another feature of political regimes with structural effects on political responsiveness. Following Clyde Kluckhohn (1951), values can be defined as conceptions of the desirable. They are the preferred sides of abstract distinctions that are attached to a preference. For instance, the value of freedom can be conceived of as desirable based on a preference for freedom as opposed to subordination or constraint. The value of prosperity can be conceived of as desirable in opposition to poverty. Knowledge is often valued as opposed to ignorance. Solidarity becomes a value by being considered preferable over egoism. Beauty is generally considered desirable as opposed to ugliness. And power can be a value because it is envisaged as better than being dominated and impotent. As emphasized by Nathalie Heinich (2017), these general and abstract values are "autotelic" principles, in the sense that they are their own end. These "value-principles" can be translated into value scales that are used to evaluate objects (things, people, behaviors, states of the world), thereby conferring value to these objects. This social production of value (from value-principles to value-objects) is embedded in cul-

tural value patterns, and it contributes to reproducing and changing these value patterns over time.

While power is a guiding value in the political sphere, inasmuch as it motivates and orients the behavior of participants who compete for the control of political power, other values can also play a structuring role in political systems. Because it is hard to disagree with value-principles (see Luhmann, 1995b), political regimes formally commit to values to legitimize their rule and elicit adherence. For instance, the preamble of the constitution of the Fifth Republic of France underscores the commitment of the regime to human rights; the self-determination of peoples and the sovereignty of nations; the tryptic "liberty, equality, fraternity"; and environmental protection as defined in the Environmental Charter of 2004. Similarly, the Charter of Fundamental Rights of the European Union is imbued with commitments to value-principles such as dignity, freedom, equality, solidarity, and justice. Political parties and politicians also make use of value commitments as a semantic device to elicit consensus and adherence among the citizenry. As Luhmann noted, values "provide communication processes with premises for which one can safely assume consensus. Values are safety posts in every political communication, especially in every political speech and controversial political argumentation. They relieve from the necessity to provide information: one does not even need to know the person one is talking with, talking to, or talking about. Surely no one will come and oppose humanity and fairness, freedom, solidarity, security, well-being, democracy, responsibility, rights, justice, and the like" (1977, p. 171, our translation).

Beyond consensual value commitments, values play a role in the political construction of problems and related policy options. Parliamentary debates, cabinet meetings, interviews given by politicians to the mass media, speeches given during demonstrations, and other instances of political communication use value scales embedded in broader cultural value patterns to evaluate things, persons, behaviors and states of the world. For instance, political communication can evaluate the rearmament policies of other states in terms of their significance for *peace* and *security*, immigration flows in terms of *social cohesion*, the composition of corporate boards in terms of *gender equality*, pesticides in terms of their likely impacts on *public health*, and so on. These myriad instances of evaluation contribute directly to the political construction of problems – discrepancies between valued states of things and actual or potential alternative states. In doing so, political communication also contributes to reproducing and changing the cultural value patterns that serve as a basis for these evaluations: Describing the composition of corporate boards as unequal reasserts the value of gender equality while undermining patriarchal value patterns.

Such processes of evaluation can be studied at a micro-sociological level, as in Sophie Schäfer's analysis of the discursive construction of "Muslims" in rela-

tion to values of religious freedom and solidarity in the German parliament (2018). However, it might also be fruitful to examine systematically how features of the value patterns that prevail in democratic or authoritarian regimes, such as their composition, their degree of heterogeneity, or their stability, induce specific patterns of political responsiveness by selectively favoring or hampering value-based problem descriptions and policy options. As argued in chapter 6, not only do democracy and authoritarianism induce different value patterns, but the role of values in the constitution and stabilization of these two types of regimes differs, with likely consequences for responsiveness. For instance, in authoritarian regimes such as ideocracies and theocracies, problems that allow the regime to mobilize the masses in the name of its core ideological or religious values have an advantage. Conversely, the formulation in political terms of problems arising from values such as free speech or multiculturalism are likely to remain confined to small circles of opponents at the fringes of such authoritarian regimes, whose legitimacy is grounded in values of conformity and cultural homogeneity (Backes and Kailitz, 2016).

Finally, the *temporalities of political regimes* are a structural variable relevant to political responsiveness. In standard scholarship on responsiveness, time is an intrinsic parameter akin to reactivity: Responsiveness implies there is a limited time between the expression of a collective preference by citizens and the production of political decisions directed towards the realization of this preference.[4] As mentioned above, studies have also examined how political temporalities related to electoral cycles impact the responsiveness of politicians and political institutions.

This latter research angle connects with other political science examinations of time in politics. As illustrated by a recent volume on political temporalities edited by Guillaume Marrel and Renaud Payre (2018), this literature examines time in three ways. One is the temporality of electoral mandates in competitive democracies, which structures political careers and confronts policy makers with trade-offs between the long-term effectiveness of useful political measures and the short-term rhythm of electoral competition. A second research angle examines the temporality of political action, such as discrepancies between the routinized and synchronized pace of public administrative work on the one hand, and the jolty temporalities of political maneuvering on the other hand. Finally, researchers have investigated time as both a resource and a constraint that political actors manipulate strategically, for instance by forcing issues and policy options onto the political agenda in the name of an "emergency", by playing with the temporality of formal procedures within political institutions, or by advancing or delaying the transmission of information to gain political advantages.

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4 Notably, French political scientists translate "responsiveness" as "*réactivité*".

Notwithstanding their relevance for research on the construction and processing of problems in democratic and authoritarian polities, these three perspectives on time focus on political *action* within the institutional setting of political systems. Understanding how systemic temporalities condition the responsiveness of modern polities requires the use of other theoretical lenses. One theoretical option is provided by Hartmut Rosa's theory of acceleration (2013). In this theory, Rosa analyses the acceleration of temporal structures (rhythms, tempos, durations, sequences) and temporal horizons (conceptions of past, present and future) in classical modern and late modern society.[5] Acceleration arises from a complex "self-propelling circular process" that extends far beyond political action within political institutions (Rosa, 2013, chapters 6-8). The concrete manifestations and effects of this process can be observed at the level of individual actors, whose daily lives and life perspectives are deeply affected by acceleration and the related requirements of synchronization. But acceleration also has far-reaching structural and cultural impacts at the level of function systems and their interrelationships.

With regard to political systems, acceleration in late modernity undermines the modern assumption that national states can steer the course of history within the frames of domestic and international politics. In liberal democracies in particular, the time required for participatory will-formation and deliberative decision-making limits possibilities of acceleration. Conversely, the growing autonomy and global scope of other function systems, such as the economy, science, law, and mass media, induces a plurality of systems-specific temporalities, whose structures depart from political temporalities. As a result of the desynchronization of politics and other function systems, "the role of politics as a social *pacesetter* that was undisputed in classical modernity has been lost [...]. *Time within politics* is becoming thoroughly disorganized and confused (*durcheinander*), and this is also bringing the classical modern conception of the role of *politics in time* [that is in history] to the brink of collapse." (Rosa, 2013, p. 262)

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5 Up to this point, our argument has focused on the responsiveness of *modern* polities, understood as national political regimes that are regional segments of a world political system that also entails global governance structures (see for instance Stichweh, 2002). With the discussion of Hartmut Rosa (2013) and other references below, in particular Ulrich Beck (2016), modern politics and society are further divided in two periods, namely the development of *classical* modern world society (from the last decades of the 18th century to the late 1970s) and the subsequent (ongoing) period of *late* modernity. The latter is characterized mainly by an accentuation of core modern phenomena, such as functional differentiation, individualization, globalization, and societal acceleration, resulting in structural and cultural changes that disrupt the classical modern order. For instance, the growing autonomy and global integration of function systems weaken nation states' modern project of organizing society within national frames, while the rise of global ecological risks such as climate change undermine the modern ideology of progress.

The rapid pace of other function systems, whose developments and problem-solving expectations often exceed the temporality of political responsiveness, puts democratic regimes under pressure: Decisions can be obsolete by the time they are made; the accelerated inflow of decisions to be made shortens the time available for each decision-making sequence; and as "the limit of the foreseeable moves steadily closer to the present [...] temporary and provisional solutions take the place of larger political design" (Rosa, 2013, p. 264). To relieve this pressure, democracies are tempted to whittle down time-consuming democratic processes such as participation, deliberation, accountability, and the judicial control of public administration. Political developments such as New Public Management, the transfer of regulatory functions from the purview of elected representatives to technocratic agencies (see chapter 5), the increasing role of self-regulation as an alternative to "command and control" systems, governments' use of executive orders as an alternative to parliamentary law-making, and the partial integration of emergency rules within constitutional normality, can be understood as attempts by democratic regimes to keep up with the accelerated pace of late modern society. While these examples suggest trade-offs between synchronized responsiveness and democracy, democratic institutions such as parliaments have also tried to adapt to the new requirements of acceleration, as Ulf Bohmann and Henning Laux (2018) showed in their ethnographic study of synchronization in the German Bundestag. These temporal and structural developments are likely to have far-reaching impacts on both the conditions of political responsiveness and the internal properties (the informational substance) of the problems and policies constructed by (late) modern political regimes.

The question of the informational substance of political problems and policies can be further examined in terms of temporal horizons. Following Luhmann (1995a; 2012 & 2013), social systems operate only in the actuality of the present, as their constitutive communicative *events* are over as soon as they occur. However, social systems also create time by generating in the present information that refers to past or future realities. Conceptualized by Luhmann as the temporal dimension of meaning, this communicative imagination of pasts (memories) and futures (expectations) is a significant aspect of political responsiveness. In particular, while economic operations (investing, saving, pricing, purchasing) are stimulated and partly directed by various imaginations of the future (Beckert, 2016), the policy process is stimulated and partly directed by various anticipations of upcoming problems and likely policy outcomes. As the case of environmental politics illustrates, the role that future outlooks play in the ongoing dynamics of political responsiveness is conditioned by structural features of political regimes. For instance, Germany's multi-party system with free and fair elections has allowed the green party *Bündnis90/Die Grünen* to promote future-oriented concerns for inter-generational climate justice in German politics (Radkau, 2011), while

populist rule under Donald Trump in the United States and Jair Bolsonaro in Brazil make the policy process more sensitive to concerns for short-term economic opportunities than to scenarios of a grand climate catastrophe (Bomberg, 2017; Escobar, 2018; Ferrante and Fearnside, 2019). As these contrasting examples make clear, while climate change and other global risks of late modern society recast politics within "cosmopolitical" horizons of references and coordinates of action, which are imbued with imaginations of a threatening future for humanity (Beck, 2016), national regimes remain key to the way these global risks are problematized and addressed in world politics.

Conclusion

Since it was introduced in democratic theory by Pennock in 1952, the concept of responsiveness has had a successful career as a normative criterion of democracy: Unlike regimes where the government controls the political agenda and dictates collectively binding decisions, liberal democracies are expected to ensure that governments translate popular wishes and interests into public policies. Despite its success, this conception of responsiveness has triggered ongoing discussions within and around the field of democratic theories, especially regarding the proper meaning and operationalization of this analytical concept.

Building on Luhmann's theory of social systems, the present chapter reviewed and extended relevant critiques of the standard conception of responsiveness, in particular critiques voiced by the constructivist branch of political theory (Disch, 2012; Fossen, 2019; Saward, 2006). While the latter remain attached to normative concerns about democratic representation within the schematic distinction between state and society, Luhmann's theory of functional differentiation drops that schema. The theory conceives of modern polities as national segments of a self-referential political system that operates within a worldwide system of communication ordered primarily along functional lines. Notwithstanding significant structural couplings and interplay with its social and bio-physical environments, the political system has no direct access to these environments: The political system can only respond to its own *representation* of its environments, which it constructs internally by way of external reference. As Thomas Fossen (2019) remarked in a recent article on constructivist approaches to political representation, representation in politics does not only mean acting for someone in the capacity of a representative (representative agency), but also "*portraying-something-as-something*" (p. 824), in other words, constructing descriptions of reality (representation-as). This emphasis on the two dimensions of representation allows a shift in focus from the responsiveness of polities to their citizenry – according to *whose* preferences and interests does the government act – to the responsiveness of democratic and

non-democratic polities to society's problems – *what* problems do polities identify and address beyond the purely self-referential problem of their own autopoiesis.

This reconceptualization of political responsiveness solves at least some of the problems posed by the standard interpretation of the term. First, the answer to the question of what polities respond to is clear: socially constructed problems. The answer to the question of what responsiveness entails is also clear: the production of collectively binding decisions intended to address these problems, that is, to reduce the observed discrepancies between a preferred state of things and actual or potential alternative states of things. Second, the reconceptualization of responsiveness extends its analytical scope beyond the normative evaluation of political systems. In fact, the approach we propose even moves beyond the widespread normative assumption that democratic problem-solving contributes to modern progress. While states accumulate and legitimize power by demonstrating efforts to identify and solve collective problems for the greater good, no normative viewpoint in society allows the discourse of progress to be considered an objective fact – all the more in late modernity, when negative side effects of progress such as climate change increasingly appear as main effects that threaten the sustainability of the modern episode (Beck, 2016).

The research perspectives brought about by this theoretical move connect, in many respects, with established traditions of political sociology, in particular the sociology of public problems and the sociology of public policies. However, while these research traditions tend to focus on the detailed conditions of problem construction and public policy making, the systemic approach outlined in this chapter offers opportunities to embed such studies within the broader analysis of classical and late modern society. To illustrate the analytical potential of this more systemic approach, we described a few research perspectives on how the inclusion structures, value patterns, and temporalities of modern society can condition the political production and processing of collective problems. This research agenda is well-suited to comparative studies on responsiveness between political regimes, either within or across policy fields; between national polities and transnational or global governance structures; or between political responsiveness and the responsiveness of other functional systems such as science, law, or the economy.

References

Abdolmohammadi, Pejman, and Giampiero Cama. 2015. "Iran as a Peculiar Hybrid Regime: Structure and Dynamics of the Islamic Republic." *British Journal of Middle Eastern Studies* 42(4):558-78.

Aragonès, Enriqueta, Micael Castanheira, and Marco Giani. 2015. "Electoral Competition through Issue Selection." *American Journal of Political Science* 59(1):71-90.

Backes, Uwe, and Steffen Kailitz (Eds.). 2016. *Ideocracies in Comparison: Legitimation – co-optation – repression*. Abingdon: Routledge.

Baker, Peter. 2019. "Trump Declares a National Emergency, and Provokes a Constitutional Clash." in *The New-York Times*. New-York.

Bartels, Larry M. 2017. "Political Inequality in Affluent Democracies: The Social Welfare Deficit." *CSDI Working Paper* 5-2017:1-74.

Bartley, Tim. 2018. "Transnational Corporations and Global Governance." *Annual Review of Sociology* 44(1):145-65.

Bayart, Jean-François. 1989. *L'Etat en Afrique : La politique du ventre*. Paris: Fayard.

Beck, Ulrich. 2016. *The Metamorphosis of the World: How Climate Change Is Transforming Our Concept of the World*. Cambridge, UK: Polity Press.

Beckert, Jens. 2016. *Imagined Futures – Fictional Expectations and Capitalist Dynamics*. Cambridge: Harvard University Press.

Berman, Bruce J. 1998. "Ethnicity, Patronage and the African State: The Politics of Uncivil Nationalism." *African Affairs* 97(388):305-41.

Blumer, Herbert. 1971. "Social Problems as Collective Behavior." *Social Problems* 18(3):298-306.

Bohmann, Ulf, and Henning Laux. 2018. "Das synchronisierte Parlament: eine differenzierungstheoretische Perspektive" Pp. 287-305 in *Soziologie der Parlamente: Neue Wege der politischen Institutionenforschung*, edited by Jenni Brichzin, Damien Krichewsky, Leopold Ringel, and Jan Schank. Wiesbaden: Springer VS.

Bomberg, Elizabeth. 2017. "Environmental politics in the Trump era: an early assessment." *Environmental Politics* 26(5):956-63.

Boussaguet, Laurie, Sophie Jacquot, Pauline Ravinet, and Pierre Muller (Eds.). 2015. *Une French touch dans l'analyse des politiques publiques?* Paris: Presses de Sciences Po.

Brumberg, Daniel, and Farideh Farhi (Eds.). 2016. *Power and Change in Iran: Politics of Contention and Conciliation*. Bloomington: Indiana University Press.

Burstein, Paul. 2010. "Public Opinion, Public Policy, and Democracy." Pp. 63-79 in *Handbook of Politics*, edited by Kevin T. Leicht and J. Craig Jenkins. New York: Springer.

Canes-Wrone, Brandice, and Kenneth W. Shotts. 2004. "The Conditional Nature of Presidential Responsiveness to Public Opinion." *American Journal of Political Science* 48(4):690-706.

Chen, Jidong, Jennifer Pan, and Yiqing Xu. 2016. "Sources of Authoritarian Responsiveness: A Field Experiment in China." *American Journal of Political Science* 60(2):383-400.

Christiansen, Thomas, and Simona Piattoni (Eds.). 2004. *Informal Governance in the European Union*. Cheltenham: Edward Elgar.

Cohen, Michael D., James G. March, and Johan P. Olsen. 1972. "A Garbage Can Model of Organizational Choice." *Administrative Science Quarterly* 17(1):1-25.

Culpepper, Pepper D. 2011. *Quiet Politics and Business Power : Corporate Control in Europe and Japan*. Cambridge: Cambridge University Press.

Dahl, Robert A. 1971. *Polyarchy: Participation and Opposition*. New Haven: Yale University Press.

Deshpande, Ashwini. 2013. *Affirmative Action in India*. New-Delhi: Oxford University Press.

Disch, Lisa. 2012. "Democratic Representation and the Constituency Paradox." *Perspectives on Politics* 10(3):599-616.

Dragu, Tiberiu, and Xiaochen Fan. 2016. "An Agenda-Setting Theory of Electoral Competition." *The Journal of Politics* 78(4):1170-83.

Druckmann, James. 2015. *Who Governs: Presidents, Public Opinion, and Manipulation*. Chicago: University of Chicago Press.

Dukalskis, Alexander, and Johannes Gerschewski. 2017. "What autocracies say (and what citizens hear): proposing four mechanisms of autocratic legitimation." *Contemporary Politics* 23(3):251-68.

Easton, David. 1965. *A Framework for Political Analysis*. Englewood Cliffs: Prentice-Hall.

Elsässer, Lea, Svenja Hense, and Armin Schäfer. 2017. "'Dem Deutschen Volke'? Die ungleiche Responsivität des Bundestags." *Zeitschrift für Politikwissenschaft* 27(2):161-80.

Escobar, Herton. 2018. "Scientists, environmentalists brace for Brazil's right turn." *Science* 362(6412):273-74.

Eulau, Heinz, and Paul D. Karps. 1977. "The Puzzle of Representation: Specifying Components of Responsiveness." *Legislative Studies Quarterly* 2(3):233-54.

Ferrante, Lucas, and Philip M. Fearnside. 2019. "Brazil's new president and 'ruralists' threaten Amazonia's environment, traditional peoples and the global climate." *Environmental Conservation* n.a.(n.a.):1-3.

Fossen, Thomas. 2019. "Constructivism and the Logic of Political Representation." *American Political Science Review* 113(3):824-37.

Fuchs, Doris. 2007. *Business Power in Global Governance*. Boulder: Lynne Rienner Publishers.

Gilens, Martin. 2012. *Affluence and Influence: Economic Inequality and Political Power in America*. Princeton: Princeton University Press.

Goldman, Michael. 2005. *Imperial Nature : The World Bank and Struggles for Social Justice in the Age of Globalization*. New Haven: Yale University Press.

Heinich, Nathalie. 2017. *Des valeurs: une approche sociologique*. Paris: Gallimard.

Hironaka, Ann. 2014. *Greening the Globe: World Society and Environmental Change*. New-York: Cambridge University Press.

Hobolt, Sara, and Robert Klemmensen. 2008. "Government Responsiveness and Political Competition in Comparative Perspective." *Comparative Political Studies* 41(3):309-37.

Jaffrelot, Christophe. 2003. *India's Silent Revolution: The Rise of the Lower Castes in North India*. London: C. Hurst.

Janning, Frank, and Katrin Toens (Eds.). 2008. *Die Zukunft der Policy-Forschung*. Wiesbaden: Springer VS.

Jodhka, Surinder S. 2015. *Caste in Contemporary India*. New-Delhi: Routledge.

Jones, Bryan D., and Frank R. Baumgartner. 2005. *The Politics of Attention: How Government Prioritizes Problems*. Chicago: University of Chicago Press.

Jones, Charles. 1970. *An Introduction to the Study of Public Policy*. Belmont: Wadsworth.

Keeler, John T. S. 1993. "Executive power and policy-making patterns in France: Gauging the impact of fifth republic institutions." *West European Politics* 16(4):518-44.

Kingdon, John W. 2013 [1984]. *Agendas, Alternatives, and Public Policies*. Harlow: Pearson.

Kluckhohn, Clyde K. 1951. "Values and Value-Orientations in the Theory of Action: An Exploration in Definition and Classification." Pp. 388-433 in *Toward a General Theory of Action*, edited by Talcott Parsons and Edward A. Shils. Cambridge: Harvard University Press.

Koter, Dominika. 2016. *Beyond Ethnic Politics in Africa*. Cambridge: Cambridge University Press.

Krichewsky, Damien. 2019. *Corporate Social Responsibility and Economic Responsiveness in India*. Cambridge: Cambridge University Press.

Lascoumes, Pierre, and Patrick Le Gales. 2007a. "Introduction: Understanding Public Policy through Its Instruments – From the Nature of Instruments to the Sociology of Public Policy Instrumentation." *Governance* 20(1):1-21.

–. 2007b. *Sociologie de l'action publique*. Paris: Armand Colin.

Lasswell, Harold D. 1936. *Politics: Who Gets What, When, How*. New-York: Whittlesey House.

Lax, Jeffrey R., and Justin H. Phillips. 2009. "Gay Rights in the States: Public Opinion and Policy Responsiveness." *American Political Science Review* 103(3):367-86.

Levi-Faur, David. 2012. "From 'Big Government' to 'Big Governance'?" Pp. 3-18 in *The Oxford Handbook of Governance*, edited by David Levi-Faur. Oxford: Oxford University Press.

Lievens, Matthias. 2015. "From Government to Governance: A Symbolic Mutation and Its Repercussions for Democracy." *Political Studies* 63(S1):2-17.

Luhmann, Niklas. 1977. "Probleme eines Parteiprogramms." Pp. 167-81 in *Freiheit und Sachzwang: Beiträge zu Ehren Helmut Schelskys*, edited by Horst Baier. Wiesbaden: VS Verlag für Sozialwissenschaften.

–. 1988. *Macht*. Stuttgart: F. Enke.

–. 1990. "Gesellschaftliche Komplexität und öffentliche Meinung." Pp. 170-82 in *Soziologische Aufklärung 5*. Opladen: Westdeutscher Verlag.

–. 1995a. *Social Systems*. Stanford: Stanford University Press.

–. 1995b. "Was ist Kommunikation?" Pp. 113-24. in *Soziologische Aufklärung*. Opladen: Westdeutscher Verlag.

–. 2010. *Politische Soziologie*. Berlin: Suhrkamp.

–. 2012 & 2013. *Theory of Society*. Stanford: Stanford University Press.

–. 2013. *Theory of Society*. Stanford: Stanford University Press.

Malesky, Edmund, and Paul Schuler. 2010. "Nodding or Needling: Analyzing Delegate Responsiveness in an Authoritarian Parliament." *American Political Science Review* 104(3):482-502.

Manza, Jeff, and Fay Lomax Cook. 2002. "A Democratic Polity? Three Views of Policy Responsiveness to Public Opinion in the United States." *American Politics Research* 30(6):630-67.

Marrel, Guillaume, and Renaud Payre (Eds.). 2018. *Temporalité(s) politique(s): Le temps dans l'action politique collective*. Louvain-la-Neuve: De Boeck supérieur.

Matthies, Hildegard, Dagmar Simon, and Marc Torka (Eds.). 2015. *Die Responsivität der Wissenschaft: Wissenschaftliches Handeln in Zeiten neuer Wissenschaftspolitik*. Bielefeld, Germany: transcript.

Michelutti, Lucia. 2007. "The vernacularization of democracy: political participation and popular politics in North India." *Journal of the Royal Anthropological Institute* 13(3):639-56.

Miller, Michael K. 2015. "Elections, Information, and Policy Responsiveness in Autocratic Regimes." *Comparative Political Studies* 48(6):691-727.

Miller, Warren E., and Donald E. Stokes. 1963. "Constituency Influence in Congress." *The American Political Science Review* 57(1):45-56.

Münnich, Sascha. 2011. "Interessen und Ideen: Soziologische Kritik einer problematischen Unterscheidung/Interests and Ideas: A Sociological Critique of a Problematic Distinction." Pp. 371 in *Zeitschrift für Soziologie*.

Odmalm, Pontus, and Tim Bale. 2015. "Immigration into the mainstream: Conflicting ideological streams, strategic reasoning and party competition." *Acta Politica* 50(4):365-78.

Padioleau, Jean-Gustave. 1982. *L'État au concret*. Paris: Presses Universitaires de France.

Page, Benjamin I. 2002. "The Semi-Sovereign Public." Pp. 325-44 in *Navigating Public Opinion: Polls, Policy, and the Future of American Democracy*, edited by Jeff Manza, Fay Lomax Cook, and Benjamin I. Page. New-York: Oxford University Press.

Pennock, J. Roland. 1952. "Responsiveness, Responsibility, and Majority Rule." *American Political Science Review* 46(3):790-807.

Pitkin, Hanna F. 1967. *The Concept of Representation*. Berkeley: University of California Press.

Powell, G. Bingham Jr. 2004. "The Chain of Responsiveness." *Journal of Democracy* 15(4):91-105.

Radkau, Joachim. 2011. *Die Ära der Ökologie: Eine Weltgeschichte*. Munnich: C.H. Beck.

Rhodes, Rod AW. 2006. "Policy network analysis." Pp. 423-45 in *The Oxford Handbook of Public Policy*, edited by Michael Moran, Martin Rein, and Robert E. Goodin. Oxford: Oxford University Press.

Rosa, Hartmut. 2013. *Social Acceleration: A New Theory of Modernity*. New-York: Columbia University Press.

Sabl, Andrew. 2015. "The Two Cultures of Democratic Theory: Responsiveness, Democratic Quality, and the Empirical-Normative Divide." *Perspectives on Politics* 13(2):345-65.

Saward, Michael. 2006. "The Representative Claim." *Contemporary Political Theory* 5(3):297-318.

Schäfer, Sophie. 2018. "Manöver im politischen Diskurs: Ein Fallbeispiel im Deutschen Bundestag." Pp. 231-64 in *Soziologie der Parlamente: Neue Wege der politischen Institutionenforschung*, edited by Jenni Brichzin, Damien Krichewsky, Leopold Ringel, and Jan Schank. Wiesbaden: Springer VS.

Scharpf, Fritz W. 1973. *Planung als politischer Prozess: Aufsätze zur Theorie der planenden Demokratie*. Frankfurt am Main: Suhrkamp.

Stichweh, Rudolf. 2002. "Politik und Weltgesellschaft." Pp. 287-96 in *Theorie der Politik: Niklas Luhmanns politische Soziologie*, edited by Kai-Uwe Hellmann and Rainer Schmalz-Bruns. Frankfurt am Main: Suhrkamp.

–. 2016. *Inklusion und Exklusion: Studien zur Gesellschaftstheorie*. Bielefeld, Germany: transcript.

Urbinati, Nadia, and Mark E. Warren. 2008. "The Concept of Representation in Contemporary Democratic Theory." *Annual Review of Political Science* 11(1):387-412.

Victor, Jennifer Nicoll, Alexander H. Montgomery, and Mark Lubell. 2016. *The Oxford Handbook of Political Networks*. Oxford: Oxford University Press.

Weart, Spencer R. 2008. *The Discovery of Global Warming*. Cambridge: Harvard University Press.

Wenzelburger, Georg, and Reimut Zohlnhöfer (Eds.). 2015. *Handbuch Policy-Forschung*. Wiesbaden: Springer VS.

Willke, Helmut. 2014. *Systemtheorie III: Steuerungstheorie*. Konstanz: UVK Verlagsgesellschaft.

Wlezien, Christopher, and Stuart N. Soroka. 2011. "Federalism and Public Responsiveness to Policy." *Publius: The Journal of Federalism* 41(1):31-52.

–. 2012. "Political Institutions and the Opinion – Policy Link." *West European Politics* 35(6):1407-32.

Wlezien, Christopher, and Stuart N. Soroka. 2016. "Public Opinion and Public Policy." in *Oxford Research Encyclopedia of Politics*, edited by John C. Courtney and David E. Smith. Oxford: Oxford University Press.

Wood, B. Dan 1991. "Federalism and Policy Responsiveness: The Clean Air Case." *The Journal of Politics* 53(3):851-59.

Zahariadis, Nikolaos. 2003. *Ambiguity and Choice in Public Policy: Political Decision-Making in Modern Democracies*. Washington DC: Georgetown University Press.

Zittoun, Philippe. 2013. *La fabrique politique des politiques publiques*. Paris: Presses de SciencesPo.

5. Expansion through Self-Restriction: Functional Autonomy in Modern Democracies

Evelyn Moser

Introductory remarks

The present chapter deals with functional autonomy, a somehow contradictory feature of modern democracies. Functional autonomy means the deliberate self-restriction of majoritarian institutions like parliaments and governments with regard to certain fields of political action. Functional autonomy entails the transfer of political decision-making authority away from those authorities that possess direct or indirect democratic legitimation to organizations that not only lack democratic legitimacy, but also largely defy public control by the *demos*. Importantly, these organizations are granted autonomy, i.e. the ability to handle their respective environmental dependencies at their own discretion. As a result, collectively binding decisions taken in functional autonomies no longer follow political criteria and considerations, but are exclusively guided by external, i.e. non-political expertise.

Functional autonomies appeared in the course of the expansion of political responsibility to more and more societal spheres. This expansion of responsibility has accompanied the differentiation process of the political system as an autonomous function system more or less from the beginning on, but gained momentum since the mid-20th century, simultaneously to the global spread of democracy. Functional autonomy, so the general thesis of this chapter, can be considered a core mechanism through which modern democracies process their various environmental relations, ensure their capacity to act (i.e., to make collectively binding decisions) in a functionally differentiated environment, and try to keep the ability of the political system to expand in this environment and deal with the various expansionary claims of other function systems.

The relevance of functional autonomy as a feature of modern democracy not only results from the obvious persistence and firm institutionalization of respective decision-making structures. Moreover, the existence of functional autonomy reflects the willingness and capacity of modern democracy to accept a significant degree of internal contradiction regarding the democratic core principle of indi-

vidualized inclusion. To put it bluntly, we can even state that functional autonomy represents a kind of autocratic implant in modern democratic regimes which is, at the same time, considered a genuinely democratic mode of coping with certain decision-making issues. In this respect, understanding the operating, the emergence, and the embeddedness of functional autonomy in democratic regimes is key to a profound understanding of modern democracy as such.

To that end, the present chapter uses a differentiation theory approach which allows to examine the political system in its societal environment, and it proceeds in three complementary steps each of which illuminating functional autonomy from a different angle: The first part of the chapter approaches the rather abstract topic in an empirical way. It uses two anecdotical incidents to highlight the diverse and often controversial system-environment aspects that are linked to functional autonomy, to underline the practical relevance of this structural feature of modern democracy, and to outline its core characteristics. The second and more theoretical part deals with the remarkable relationship between functional autonomy and democracy with particular emphasis on three aspects: the contradiction between functional autonomy and key principles of modern democracy, the review of the two main lines of argumentation in the relevant literature that try to reconcile this contradiction, and the analytical distinction between functional autonomy and the internal functional differentiation of modern politics into political action fields. The third part addresses three case studies – an independent regulatory agency, central banks, and judicial review (or constitutional courts, respectively) – to systematically trace their evolution as structural elements of the political system with particular emphasis on their analytical key characteristics.

I.   Approaching the subject matter of study

Setting the stage: Two anecdotal observations on functional autonomy and the contested retraction of majoritarian institutions

In the summer of 2016, the plans for a takeover of Kaiser's Tengelmann, a German supermarket chain with, at that time, 451 stores and roughly 16,000 employees, by Edeka, Germany's largest food retailer group (net food sales of 53 billion Euro and roughly 347,000 employees in 2015)[1], caused considerable political and public turmoil in Germany. A year earlier, in March 2015, the German Federal Cartel Office (*Bundeskartellamt*) had prohibited the merger on the grounds that it would have negative effects on the competition in purchasing and consumer markets, which, as the agency argued, would potentially affect both wholesalers and consumers (Bundeskartellamt, 2015, p. 8ff). In March 2016, the Minister of Economic Affairs,

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1   See Edeka (2015) and https://de.wikipedia.org/wiki/Lebensmitteleinzelhandel (23.5.2018).

Sigmar Gabriel, to whom both corporations had applied for support, granted a special permit that allowed the takeover under strict conditions. Gabriel justified his use of this so-called ministerial approval *(Ministererlaubnis)* by pointing to the protection of labor rights and the preservation of 16,000 jobs at Kaiser's Tengelmann that were part of the strict conditions linked to the approval.[2] By granting this special permit, Gabriel not only overruled the previous decision of the Federal Cartel Office, but also flouted a special report of the monopolies commission *(Monopolkommission)* that vehemently objected the intended merger. The positive effects on the common good that the takeover would potentially yield, the report argued, were far from sufficient to compensate for the imminent negative implications resulting from the restraint of market competition (Monopolkommission, 2015, p. 62).

Gabriel's ministerial approval had two immediate consequences: First, the head of the monopoly commission, Daniel Zimmer, a law professor at the University of Bonn, resigned his office in protest of Gabriel's decision. In public statements, Zimmer accused the minister of being driven by the strong and (some would say) irrational reflex to "save and help" as well as the intention to offer visible evidence that he was doing the best for the voters who had given him a mandate to represent their interests (see e.g. Zacharakis, 2016). Second, two of Edeka's competitors that had also been interested in a takeover of Kaiser's Tengelmann, including the second largest German food retailer Rewe (net food sales of 40 billion Euro in 2015),[3] felt unjustly removed from the process and filed an appeal against Gabriel's decision before the competent Higher Regional Court *(Oberlandesgericht)*. In July 2016, the court suspended the ministerial approval in an urgent legal procedure. According to the opinion issued by the court, there was a good reason to suspect that Gabriel's decision was biased and suffered from a lack of neutrality since the minister had allegedly made secret agreements with representatives of the corporations involved and therefore could not make an objective decision on this matter. Moreover, the court argued, the question of labor rights at Kaiser's Tengelmann did not concern the public good, and Gabriel's assumptions about the preservation of jobs were based on incomplete facts.[4] In late 2016, the conflict was settled when Edeka and Rewe reached an out-of-court agreement to divide Kaiser's Tengelmann between the two companies.

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2   See the press release of Sigmar Gabriel, Federal Ministry for Economic Affairs and Energy, Berlin, 13.7.2016, https://www.bmwi.de/Redaktion/DE/Reden/2016/20160713-gabriel-zur-entschei dung-des-oberlandesgerichts-duesseldorf-im-ministererlaubnisverfahren-edeka-tengelmann. html (31.10.2019).

3   See https://de.wikipedia.org/wiki/Lebensmitteleinzelhandel (23.5.2018).

4   See https://www.justiz.nrw.de/nrwe/olgs/duesseldorf/j2016/VI_Kart_3_16_V_Beschluss_201 60712.html (12.11.2019).

Change of scene: Almost two years later, in October of 2018, the advocate general of the European Court of Justice (ECJ) presented a public statement on the European Central Bank (ECB) and its Quantitative Easing (QE) program, under which the ECB had been purchasing sovereign bonds issued by Eurozone member states on secondary bond markets since 2015 (see e.g. Janisch, 2018). The statement referred to an emergency petition (constitutional complaint) that a group of German politicians from the conservative camp had filed with the German Federal Constitutional Court in 2015 to stop the European Central Bank from participating in the QE program. The politicians accused the ECB of transgressing its mandate. The bank, they argued, was de facto engaging in state financing without a proper mandate, and was managing public finances by money press. The advocate general of the ECJ, to which the German Federal Constitutional Court had forwarded the appeal, did not share these concerns: He suggested that the QE program was legal and justified his claim by noting that the ECB's permission to purchase sovereign bonds is restricted to the secondary market, and direct bond transactions with the issuing governments are forbidden. Moreover, he pointed to the ECB's autonomy in monetary policy, its economic expertise and its obvious success in establishing the Euro zone. The final ECJ decision on the matter is pending.

In hindsight, this episode is obviously directly related to the ECB's behavior during the height of the Euro crisis in the summer of 2012, when ECB president Mario Draghi publicly declared that "[w]ithin our mandate, the ECB is ready to do whatever it takes to preserve the euro. And believe me, it will be enough" (European Central Bank, 2012). Draghi's statement was unanimously interpreted as an indication that the bank was willing to purchase sovereign bonds from Euro member states. In September 2012, the conditions of the respective monetary policy instrument, the Outright Monetary Transactions (OMT) program, were fixed by the ECB's Governing Council. This crisis strategy had both supporters and critics: On the one hand, many economic experts trace the eventual stabilization of the Euro directly back to Draghi's decisive statement and to the existence of the OMT program, although the latter was never applied in practice to any Euro member states (Spain, Ireland, and Portugal expressed interest but did not meet the conditions). On the other hand, there was sharp criticism, especially in Germany. Jens Weidmann, chairman of the German Federal Bank, argued that the purchase of sovereign bonds would redistribute risk between tax payers from different countries (see Braunberger and Ruhkamp, 2012). Because it was matter of economic (and not monetary) policy, his argument continued, such a decision on risk distribution should rest exclusively with democratically legitimated actors such as parliaments and governments, and was clearly not covered by the ECB mandate. Several German politicians from both the left and the conservative camp followed Weidmann and accused Draghi of having used the dynamics of the

crisis to act as a minister of economic affairs without democratic legitimation and to silently expand the bank's mandate and scope of action at the expense of national governments. These concerns culminated in several proceedings before the German Federal Constitutional Court, which were eventually transferred without judgement to the ECJ. In 2015, the European Court admitted that the ECB had indeed expanded its competences during the Euro crisis, however, the court did not consider the bank's behavior illegal. The German Federal Constitutional Court followed this decision.

What is at issue?

The two episodes reviewed above – the merger of two major food retailers and the related confrontation between the Minister of Economic Affairs and the Federal Cartel Office, and the political opposition to the operations of the ECB as channeled through the German Constitutional Court and the ECJ – are telling with regard to the topic of the present chapter. Both situations included conflicts within the political system during which certain expectations and relatively well-functioning scripts that usually remain latent were articulated, openly challenged, and thus became visible. Reconstructing these conflicts from the perspective of the theory of functional differentiation reveals some common patterns and key aspects that help narrow down the subject matter. Thus, we explore three conclusions related to a theoretical point of view that we can draw from these two episodes.

First and most obviously, these situations entailed *disputes on matters of competence* between multiple institutions involved in political communication (i.e., communication directed at making collectively binding decisions). These institutions, however, differ significantly in terms of their internal configuration, their democratic legitimation, and their position within the formal institutional structure of the political system: On the one hand, both episodes were either directly or indirectly focused on authorities from the legislative and executive branches of power (members of governments and parliaments), which indisputably rest on democratic legitimation and are subject to broad mandates to shape certain policy fields for the purpose of public welfare. On the other hand, these democratically legitimated (or majoritarian) authorities engaged in conflict with organizations that were unelected and explicitly claimed to distance themselves from political matters such as ideological disputes, party competition, and the fight for electoral votes, but still participated in collectively binding decision making and exerted significant political authority. In contrast to the majoritarian institutions, however, the latter were supposed to operate within limited and clearly defined boundaries: The Federal Cartel Office as an independent regulatory agency acts on the basis of the Act against Restraints of Competition (*Gesetz gegen Wettbewerbs-*

beschränkungen), from which it derives its mandate to protect economic competition. Concretely, the agency enforces the ban on cartels, is responsible for merger control, controls any abusive practices of dominant or powerful companies, and reviews procedures for the award of public contracts by the Federation.[5] In case of the ECB, several sets of formal rules – the ECB statute, the Treaty on European Union, and the Treaty on the Function of the European Union – explicitly limit the bank's authority to monetary policy, with the primary objective of maintaining price stability within the Eurozone (i.e. annual inflation below, but close to, 2 percent). To that end, the ECB may use clearly defined instruments such as minimum reserves, standing facilities, and open market operations (European Central Bank, 2011).

Second, both episodes encompassed the *clash of different function systems and their respective expertise within the political system* and, as a consequence, interleaving operations of the systems involved, i.e. the political, the legal, and the economic system: In the Edeka-Tengelmann case, the cartel office based its ban of the intended merger strictly and exclusively on economic considerations concerning the anticipated effects on competition and power relations in the markets that would potentially be affected – a line of argumentation that follows the cartel office's formal mandate and came as no surprise. Equally unsurprising were Gabriel's explicitly broad perspective on the issue and his reasoning on the potential public welfare effects of the merger. Generally speaking, Gabriel's stance was linked to his position as a federal minister, which ideally binds him to the promotion of the public good. Because the latter is a highly inclusive concept, Gabriel is responsible for society as a whole (within national boundaries) and is prohibited from limiting his assessment of the effects of his decisions to certain parts of society while neglecting others. In the given case, the need to serve the public interest was legally codified in the instrument of ministerial approval. Not only is the use of ministerial approval strictly bound to a concrete decision (i.e., ban) of the cartel office and implemented only at the request of one of the corporations involved, but it also requires justification based on either economic effects beyond competition (in this case jobs) or the overwhelming interest of the general public in the merger. To that end, the procedure of ministerial approval must start with a report of the monopolies commission, an advisory committee to the federal government without its own decision-making power, on the issue at stake. This report not only guarantees the incorporation of economic expertise throughout the procedure, but also increases public pressure on the minister to carefully evaluate and justify his decision. The minister's decision, however, is by no means bound to the commission's advice on the takeover. If complaints against the use of ministerial

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5 See https://www.bundeskartellamt.de/EN/AboutUs/Bundeskartellamt/bundeskartellamt_
node.html (24.5.2018).

approval are raised – as was the case in the given takeover – the Higher Regional Court decides on the issue.

The situation was even more complex in the episode concerning ECB policy during and after the Euro crisis, since this scenario involved the expertise of three function systems: In terms of its (politically determined) objective to stabilize the Euro and the financial system within the Eurozone, the ECB not only made decisions based primarily on economic expertise, but also acted in the operational mode of the economic system, i.e. in the form of sovereign bond transactions that result in actual payments and are expected to affect future payments. Conversely, the bank did not act in the operational mode of the political system, i.e. by issuing sanction-based provisions and standards, which it can and does, for instance, in the field of banking supervision. The ECB's policy was challenged by the argument that the actual effects of its operations would equal economic policy decisions (e.g. regarding the distribution of risk between political collectives and the distribution of national public funds). In contrast to monetary policy, critics argued, these issues should be a subject of political expertise and decided on the basis of political standards, which implies that the respective decisions must be made by democratically legitimated authorities and must consider aspects such as equality and both economic and non-economic effects on the public good. Finally, legal expertise was involved because these concerns were not directly addressed via decrees from the respective political institutions to the ECB, but rather were articulated via the legal system. With two core institutions of the legal system – the German Constitutional Court and the ECJ – becoming involved and being expected to settle the conflict, political concerns came to have a notable impact and could not be ignored. Thus, the clash between economic and political expertise was transformed into a clash between economic and legal expertise. This transformation, however, was not uncontested: Both in media coverage and among experts, there was a contentious discussion about the extent to which legal interventions in the operations of an independent central bank were appropriate.

Third, as this latter aspect indicates, both episodes in some way touched upon the general issue of the *acceptance of political decision-making* as well as upon the question of who may and should make decisions in whose name and through which channels of influence. In this regard, both episodes vividly illustrate the dominance and obtrusiveness of non-political expertise within political communication: In the Edeka-Tengelmann case, the importance of non-political expertise is particularly evident in the fact that the head of the monopolies commission, whose advice was not followed by the minister in his eventual decision, immediately resigned from office in protest of the ministerial approval. Moreover, the tone dominating the debates that accompanied the conflict for months provides evidence that public sympathies were unevenly distributed among the parties involved. In a press release on the occasion of the withdrawal, the monopolies com-

mission bluntly rejected the minister's line of argumentation and countered with an argument using a strictly competition-based concept of the common good.[6] In the same vein, media coverage and expert statements – notably, not only decidedly liberal voices – poured scorn on Gabriel, called the court decision his personal disaster and a loss of face, and openly questioned the reasonableness of the ministerial approval (see for many Podszun, 2016; Schwenn, 2016; Zacharakis, 2016). Few appreciated Gabriel's approach (e.g. Haucap, 2016), while the independence of the cartel office remained completely untouched in the debate. Non-political expertise was no less obtrusive in the ECB episode. The perceived threat to democratic core institutions caused by a non-majoritarian organization expanding its competence at the expense of the majoritarian institution was not defeated by political means. Instead, politicians used the law as an instrument for changing policies and showing the ECB its limits (or at least trying to do so). The constitutional court acted as a channel of political influence that in the given situation was obviously considered more reasonable and promising than its purely political alternatives.

Functional autonomy as a key feature of modern democracies

These two episodes, as well as the public turmoil accompanying them, suggest that what is at stake here is not some minor detail of political institutional structures, but rather a basic pattern and key feature of modern democracies. The competence conflicts, the collision of function systems and their respective expertise, and the issue of the public acceptance of collectively binding decisions can be considered manifestations of a remarkable *simultaneous expansion and retraction of the political system*. This simultaneous expansion and retraction has been in progress since at least the mid-20th century and thus seems to go hand in hand with the rise of democracy as the sole legitimate model of political rule in modern world society: On the one hand, there has been a permanent expansion of the competencies and responsibilities of state politics. The commitment of early modern states to the promotion of the common good ("gemeines Wohl", see Stichweh [2007, p. 30]) focused on economic regulation (in particular with regard to taxes), the military (with regard to warfare and domestic security) and so-called "policey" (*Policeyordnung*), which covers various aspects of public order such as dressing, gambling, hygiene and others. Ever since, the tasks and responsibilities that nation states assume have widened significantly and continuously, over time expanding into an increasing number of societal spheres (such as education, health, science,

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6 See the press release of the Monopolies Commission, Bonn, 17.3.2016, http://www.monopol kommission.de/index.php/de/pressemitteilungen/37-ruecktritt-des-vorsitzenden-der-mono polkommission-wegen-ministererlaubnis-fuer-edeka-kaiser-s-tengelmann (12.11.2019).

etc.) and penetrating or at least touching on ever more aspects of citizens' everyday lives (Micklethwait and Wooldridge, 2014, p. 9). In turn, citizens have reacted by making more claims that tend to hold state authorities responsible for an increasing number of societal grievances. In the late 20th century, this dynamic culminated in democratic governments that presented themselves and acted as problem-solvers who take responsibility and are held accountable for society as a whole (see e.g. Greven, 1999; Luhmann, 2000; Willke, 2014). Numerous quantitative and qualitative indicators provide evidence of this ongoing trend: Around the world, public spending has increased over recent decades (e.g. Di Matteo, 2013; Gwartney, Lawson and Hall, 2014; Micklethwait and Wooldridge, 2014); specialized policy areas and the corresponding administrative institutions have steadily multiplied, which has facilitated to consider and process an increasing number and variety of topics in political decision-making (on public sector employment in the USA see Light, 1999); the number of and differentiation between categories by which states address and arrange individuals has constantly increased (for migration policy see e.g. Atac and Rosenberger, 2013; for labor market policy see e.g. Weinbach, 2014); and welfare states and their institutions have increasingly intervened in their societal environment with the explicit goal of influencing the forms and processes of inclusion into non-political function systems (see e.g. Flora and Alber, 1981; Halfmann, 2002; Marshall, 1992 [1949]).

On the other hand, this universalization of the modern political system has been accompanied by a remarkable shift in and changing character of collectively binding decision-making. In more and more policy fields, political decision-making authority has been transferred away from the core institutions of democratic regimes, i.e. legislative and executive bodies (parliaments and governments), with immediate or at least indirect democratic legitimation shifting to organizations that lack democratic legitimacy, largely defy public control, and are situated outside the hierarchies and instruction structures of the legislative and the executive powers. The most obvious examples of this shift are central banks, constitutional courts and courts in charge of judicial review, and independent regulatory institutions. Although the historical evolution of these three types of institutions followed rather different paths, they are united by the fact that their political importance peaked in the late 20th century: While the first central banks (in the form of state banks) emerged in the 17th century, the idea of independent central banks is a comparably recent phenomenon. These banks were probably the most important consequence of the breakdown of the Bretton Woods system of fixed exchange rates in 1973, and they have spread rapidly across the globe (for quantitative analyses see e.g. Crowe and Meade, 2007; for a qualitative approach see e.g. Maxfield, 1997; Polillo and Guillén, 2005; on central banks and the emergence of monetary policy see Weinert, 2002). Similarly, the concept of constitutional jurisdiction originated in the 17th century. Modern constitutional courts as independent or-

ganizations, however, appeared significantly later. Their emergence and insti-
tutionalization beginning in the early 20th century was strongly shaped by the
works of the Austrian legal theorist Hans Kelsen. It began in Western Europe and
later, i.e. after the political regimes of the Soviet Union and many Eastern Bloc
countries had collapsed, continued in Eastern Europe and beyond (Stone Sweet,
2002; see also the contributions in Tate and Vallinder, 1995a). Compared to cen-
tral banks and constitutional courts, independent regulatory agencies are a rel-
atively young institution. They first appeared in the United States in the late 19th
century, when regulatory agencies in the spheres of transport infrastructure and
trade were created by the federal government (Interstate Commerce Commission,
Federal Trade Commission, Shipping Board). While the emergence of further in-
dependent agencies was limited to the United States during the first half of the
20th century, the concept eventually took root in Western Europe in the 1970s and
1980s (beyond individual pre-existing agencies in some countries) and has since
spread across most of the globe.

We refer to these structures and organizations as *functional autonomies*, and
based on initial assessment, we contend that their diverse empirical manifesta-
tions share three core characteristics. First, functional autonomies are *political* in
the sense that they are actively and effectively involved in processes of collectively
binding decision-making. Thereby, functional autonomies are usually endowed
with a mandate to address a specific regulatory issue within clearly defined
boundaries. Second, in doing so, i.e. in dealing with their specific regulatory issue,
functional autonomies are strongly expected – and sometimes explicitly advised
– to prioritize issue-related, *non-political expertise* (from economy, law, science,
etc.). Further, these organizations are expected to both ignore political standards
such as ideology-related considerations and evade inherently political constraints
stemming from party competition, the struggle for political power, and the like.
Third, to that end, functional autonomies are granted *autonomy*, i.e. the abili-
ty to consider various environmental dependencies, including dependency on
core democratic institutions, at their own discretion in the course of operating
(for this understanding of autonomy see Luhmann, 2009 [1980], p. 155; Stichweh,
2009, p. 44). Autonomy is granted to specialized organizations, which either may
be preexisting and have a (pre)defined range of activities and competence that is
extended through the act of delegation and the concession of autonomy, or they
may be created and configured particularly for the purpose of dealing with certain
regulatory issues. Perhaps most importantly, autonomy is granted by majoritar-
ian institutions on a permanent basis. This implies that by establishing spheres
of autonomy, majoritarian institutions, and through them ultimately the people
– the *demos* – itself, deliberately restrict themselves by not only agreeing to remain
on the sidelines of selected political decision-making processes, but formally en-
suring this restriction. They commit themselves to conducting general forms of

supervision and control at most, but explicitly forego the right to control (in the sense of supervising and intervening in internal decision-making processes), or at least to ratify decisions made by those organizations to which the respective powers were delegated. Moreover, once autonomy has been granted, interventions by elected politicians in the respective spheres are usually considered highly illegitimate or even undemocratic.

This autonomy is enforced in both the social and temporal dimensions: In the social dimension, autonomy is instituted through the conditions and mechanisms used to select, appoint and remove the personnel of the respective organizations. Although elected politicians usually have the ultimate say in the selection and appointment of the leading personnel in these organizations, the selection procedures are arranged in ways that explicitly exclude, or at least reduce the importance of, political criteria such as ideological proximity, party membership, and not least personal loyalty. Instead, it is strongly expected or even formally required that the search for, and eventually the appointment of, suitable candidates will be guided by professional standards, i.e. professional qualification and expertise as well as – equally relevant – standards of personal integrity (see, as an impressive example, the recent conflict over the nomination of Brett Kavanaugh for the U.S. Supreme Court). In practice, this may be reinforced by involving experts in the appointment process, e.g. by endowing expert commissions with the formal right to propose candidates or by making expert consultations mandatory for elected politicians prior to the final appointment decision. In line with this, a public justification of an appointment decision on the sole grounds of political criteria is considered highly illegitimate (see again the example of the Kavanaugh appointment). Compared to the appointment process, the removal of the organizational leadership usually fully evades the influence of elected politicians. Appointments are usually for fixed terms of office or, in rare cases, for a lifetime (e.g. judges at the U.S. Supreme Court). The options for premature removal are usually very restricted, imposing strong justification pressure on elected politicians who wish to depart from these fixed terms and dismiss individual persons earlier. This latter aspect concerns not only the social dimension, but also the temporal dimension. Fixed office terms and limited removal power as well as the political irreversibility of decisions (*Sachentscheidungen*) and the strong restriction of political influence on agenda setting in functional autonomies facilitates a decoupling from the temporal structure of democratic politics, which is strongly marked by election periods in both social and factual respects. As a result, decisions made about and within functional autonomies usually bind not only current politicians, but also future politicians and may significantly limit their scope of action.

Taking these characteristics together, it is evident that although majoritarian institutions explicitly step back from active involvement in certain areas of decision making – or to use Luhmannian terminology, they replace action with expe-

rience (Luhmann, 1995 [1984], pp. 84-85) – these decision areas are not removed from the scope of political responsibility. In other words, functional autonomy does not imply the retraction of collectively binding decision making as such, i.e. the withdrawal of the political system from its claim to control and be responsible for certain societal fields. Rather, this type of collectively binding decision making can be considered a specific form of governing "by proxies" that is carried out by organizations that are accountable to neither voters nor elected politicians.

II.   Defining functional autonomy within modern democracies

Democratic contradictions: Contextualizing functional autonomy

To understand functional autonomy as an ubiquitous and somehow contradictory feature of modern democracy, we must start with the standard mode of democratic politics, in particular the question of how political power is commonly legitimized in democratic regimes. Following the key rationale of democratic rule, the binding force underlying political decisions for a given collective is justified by reference to *individualized inclusion*. Individualized inclusion entails the right to political participation being granted to persons solely on the basis of their individuality, while any non-political affiliations or resources (such as education, gender, wealth, religion and many more) are considered neutral. By implication, decisions that bind a certain collective are legitimate if, and only if, they are either made directly by the collective itself, i.e. through popular vote, or made by authorities that are directly or indirectly elected by the members of the collective and can therefore claim to represent the will of this collective (for theoretical reflections on representation see Pitkin, 1967; Rehfeld, 2006).

The key democratic principle of individualized inclusion and, accordingly, the radical neutralization of non-political characteristics also apply to the content of political decisions, and this means: to interpretations of the common good, which acts as the contingency formula (*Kontingenzformel*) for modern politics[7] and as the ultimate benchmark and legitimation of political power (Luhmann, 2000, p. 122; 2012 [1997], p. 282) (incidentally, this holds true for both democratic and autocratic regimes). The public good, however, is itself a fluid concept in every respect, i.e. it is an empty or "sociologically amorphous" notion (see also Offe, 2002; Weber cited in Sigmund, 2008, p. 83) that must be fixed and filled with content to be applicable and manageable in political processes. To that end, modern democracy and the principle of individualized inclusion require the *procedural determination*

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7   Following Luhmann (2012 [1997], p. 282), the contingency formulae of function systems "assert system-specific indisputability, for instance, scarcity for the economic system, limitationality for the science system".

of the common good. In practice, this occurs via public debates between political parties, associations, and other collective entities that compete for public support with their respective ideas of the common good (Münkler and Bluhm, 2001, p. 9f). Most importantly, these negotiations, which usually result in majority decisions, must be open to the participation of all members of the collective in general, even though it is rare for all members to actually claim their right to participate and no one can be forced to do so. The predominant reliance on the social dimension, i.e. on aspects of inclusion, in fixing the common good implicitly precludes any objective (external) criteria by which the outcome could be evaluated (see Mayntz (2002) and Offe (2002), who thoroughly problematize this lack of criteria). In other words, if the procedure of fixing the common good effectively meets the requirement of (direct or indirect) individualized inclusion, no externally imposed standards can legitimately be applied to assess and potentially modify the resulting interpretations of the common good, which then form the basis for concrete political measures. Moreover, in the absence of external benchmarks, almost anything can become the subject of negotiation and thus potentially be placed at disposal – with the exception, usually, but not always, of a few references or basic values such as human rights or human dignity being understood as unambiguous premises of democratic rule.[8]

Functional autonomy blatantly departs from these democratic core principles. Importantly, this departure is not an unintended side effect but rather constitutes the very core of the phenomenon. Spheres of functional autonomy are brought into being through majoritarian institutions – i.e., through decisions by executive and legislative authorities – that delegate certain well-defined decision-making powers from their own sphere of influence to organizations that lack democratic legitimation, thereby withdrawing the immediate control and influence of the majoritarian institutions (i.e. in the form of the right to ratify decisions). These organizations may be preexisting, with a (pre)defined range of activities and competence that is extended through the act of delegation and the concession of autonomy, or they may be created and configured specifically for that purpose, i.e. for making selected collectively binding decisions.

Functional autonomy, we can conclude, is part of the political system and as such dedicated to the common good, but *suspends the principle of individualized inclusion* within certain boundaries. This, in turn, implies that the definition and promotion of the common good regarding certain fields of political action is no longer proceduralized, i.e. left to pluralistic debates and consensual or majority decisions that are, in general, open to all members of the political collective. Instead, *procedural determination is replaced by substantive determination.* In this

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8 See as a counterexample some public referenda in Switzerland which are in conflict with human rights and other principles of international law.

way, democratic regimes return, within the limits of a certain field of political decision-making and action, to mechanisms that were prevalent in pre-modern politics and are currently employed in autocratic regimes. In both of these contexts, the political leadership claims the prerogative to interpret the common good and implements its concepts largely irrespective of public consent (Münkler and Bluhm, 2001, p. 9f) such that any given interpretation may be based on any political or non-political standards (e.g. individual wisdom or preferences, religious constraints, economic efficiency, and many others). In this respect, the particularity of functional autonomies lies in the fact that they replace the pre-modern sovereign ("prince") or the modern autocratic ruler with the dynamics and expertise of other, non-political function systems that the political system grants authority – or one could even say, submits itself to – within its own boundaries. To put it in provocative terms, functional autonomy means that the distinction between democratic and autocratic rule – and especially the latter's technocratic aspects – re-appears within the democratic order.

Before turning to the empirical details of functional autonomy and its concrete empirical manifestations in democratic regimes, we address two additional analytical questions about what functional autonomy is (and what it is not) in order to shed light on its position in modern democracies and introduce some order to the broad literature on the topic. To this end, we first discuss the question of whether, and if so how, the obvious contradiction between the core characteristics of functional autonomy and the main principles of democracy is justified and potentially reconciled in theory. Second, we ask how functional autonomy can be distinguished from those structures and institutions that reflect the internal functional differentiation of the political system. The latter is in many respects the closest relative of functional autonomy and represents another mode in which the modern political system attempts to expand into its (functionally differentiated) societal environment, i.e. seeks to apply its claim of control and regulation to ever more spheres of modern society.

Rational decisions and impartial representatives: Justifying functional autonomy

Reviewing the existing political science literature, it is striking that the phenomena referred to as functional autonomy here are widely discussed in different empirical contexts and within various analytical perspectives. In particular theoretical studies deal prominently with the inherent contradiction between democratic principles and the functioning of those spheres of political decision making (and the corresponding organizations) within democratic regimes that deliberately evade democratic legitimation. Attempts to justify and eventually resolve that contradiction boil down to two general lines of argument, which can be subsumed

under the terms *rationality* and *representation*. Both lead to a similar conclusion: they reconcile functional autonomy and democratic principles. However, they do so by taking different approaches and relying on divergent assumptions. Moreover, since key aspects of both lines of argumentation regularly appear in self-descriptions of democratic regimes, reconstructing them is not simply an intellectual game, but reveals much about how modern democracy conceptualizes itself and observes its societal environments.

The line of reasoning subsumed here under the term *rationality* focuses on the factual dimension (*Sachdimension*) of political decision-making and assumes objective standards of good, i.e. efficient and rational, decisions. It is most prominently linked to Jon Elster (1979; 2000), but is also reflected in the writing of Alan Blinder (e.g. 1997) and Giandomenico Majone (e.g. 1996), both of whom strongly influenced academic and political debates on non-majoritarian institutions during the 1990s. The core of the rational choice-inspired approach is simple and starts with the general mistrust directed at the members of any political collective in general, including politicians and ordinary citizens (voters) alike. For different reasons, both groups are considered unable to make sound (or rational) political decisions. To illustrate this point, Elster famously drew on the story of Odysseus and the sirens from Greek mythology. To resist the bewitching singing of the sirens and keep his boat on course, Odysseus advised his fellow sailors to clog their ears with wax and to tie him, Odysseus, to the mast until they had safely sailed through the critical passage. Under certain circumstances, Elster concluded, even the wise and strong hero must restrict himself via external forces in order to master a difficult situation and achieve the optimal outcome. Applied to the political system, self-restriction of the sovereign is necessary because the unforeseeable and distorting effects of individual passions and/or systemic irrationalities on decision processes inevitably prevent optimal outcomes from being realized. Individual passions stem mainly from the nature of human beings, which is characterized by limited knowledge, myopia, the tendency to ignore unpleasant information, and the like. Systemic irrationalities result from the basic features and structures of democratic regimes, such as party competition, lobbyism, and election cycles. The latter, as Majone emphasized, account for temporal inconsistency in political decision-making, which lowers the credibility of certain policy decisions in the eyes of voters, reduces their willingness to comply with these decisions, and probably even generates discontent with democracy as such. Majone concluded that taken as a whole, these developments eventually impede efficient governance (at least in certain policy areas) in democracies. Conversely, a welcome side-effect of self-restriction would be an increase in citizens' satisfaction with democratic politics.

Regarding the scope of self-restriction, i.e. the question of whose political capacity will be limited, Elster's original version of the argument envisioned the

self-restriction of the entire political collective, i.e. of politicians and voters, both of whom would be protected from themselves. Further versions put forward by Elster himself and others consider more thoroughly the distinction between different groups, i.e. between political performance roles and the audience, and shift the focus to the former. To identify those policy fields for which self-restriction seems to be appropriate, Majone suggested drawing on Wicksell's distinction between efficient and redistributive policies: "Efficient policies attempt to increase aggregate welfare, that is, to improve the conditions of all, or almost all, individuals and groups in society, while the objective of redistributive policies is to improve the conditions of one group at the expense of another" (Majone, 1996, p. 10). Consequently, efficient policies should be shielded from political influence in order to achieve the best results for all, while redistributive policies require legitimation through majority decision. A similar approach was used by Blinder (1997, p. 119f), who distinguished between political decisions with a universal effect, for which he recommended purely technical criteria, and decisions with particularistic effects, which must be resolved on the basis of value judgements. Notwithstanding the analytical clarity and plausibility of these distinctions, the empirical applicability seems limited for at least two reasons: First, the distinctions imply that any political issue unequivocally falls under one of these two categories, which appears highly unrealistic given the complexity of most political decisions and their potentially unforeseeable effects. Second, they implicitly require that policy issues in general have quantifiable effects and clearly identifiable beneficiaries, what in practice excludes most political problems.

The line of argumentation subsumed here under the term *representation* takes a normative stance on democracy and revolves around representation as a specific mechanism of political inclusion. This perspective was proposed explicitly and prominently by Pierre Rosanvallon (2011), but also reflects important aspects of the theory of political representation (Pitkin, 1967), especially the discussion of the "unelected" (Montanaro, 2012; also Rehfeld, 2006; 2009; Saward, 2009). Rosanvallon (2011, p. 17ff) started with the observation that participation and the rule of majority alone are insufficient sources of legitimacy for democratic regimes. Although they are key principles of democracy, he argued, neither effectively ensures the representation of the will and interests of the entire political collective. For Rosanvallon, political representation through majoritarian institutions (parliaments and governments) is distorted for at least two reasons: First, democratic majoritarian institutions fail to adequately represent two significant parts of the political collective (the people): the minority whose interests and will are factually overruled or – depending on the election system and institutional order – represented to a lesser degree than the majoritarian interests, and the members of the collective who do not vote or engage in other forms of political participation but are still subject to political decision making. In effect, the majority on

the one hand and the "invisible" or "real" people on the other diverge, with the former being represented in majoritarian politics and the latter being excluded (Rosanvallon, 2011, p. 69ff). Second, the overwhelming dominance of individual (in contrast to common) interests within society means that these interests are inevitably channeled into the political system (mainly through party competition and individual politicians), affect political decision making, and prevent true representation.

Consequently, especially in policy fields that touch upon central aspects of social life, majoritarian institutions must be complemented by mechanisms and institutions that ensure that any political decision effectively identifies with the general public, including both its active and passive parts, and not simply with the interests of the majority or of individual parties or politicians (Rosanvallon, 2011, p. 75ff). The positive equality of all members of the political collective through "one person, one vote" must be complemented by the negative equality of all, which according to Rosanvallon is expressed in and ensured by radically impartial political decision-making. This logic of impartiality is reflected in the idea of an autonomous state administration and civil service (*Berufsbeamtentum*) that are based on professional (rather than political) standards and effectively escape the influence of majoritarian institutions and political parties. The same logic, Rosanvallon continued, underlies independent regulatory institutions, whose decision-making is strictly oriented toward technical (i.e. non-political) criteria. By using these criteria, they represent the interests of the political collective as a whole because they effectively ban – or at least claim to do so – any type of individual interest. Following this line of reasoning, non-majoritarian institutions gain legitimacy through their ability to credibly reject particularity (Rosanvallon, 2011, p. 97ff).

In contrast to the rationality approach and its implicit lack of confidence in the members of the political collective, whether politicians or voters, and in their ability to distance themselves from their own passions and recognize what is actually in their best interest, the representation approach points to another type of mistrust. While the audience's – the people's – ability to recognize and articulate its interests is uncontested, serious doubts are raised whether the structures and dynamics of democracy are suited to represent these interests, i.e. to adequately handle them in the process of decision-making and to translate them into concrete policies. Thus, compared to unlimited majority rule, the restriction of majoritarian institutions produces better outcomes in terms of more appropriate representation.

Modes of political expansion: Functional autonomy vs. functional differentiation of the political system

Although quite different in their basic assumptions and underlying intentions, both the rationality and the representation arguments come to the same conclusion: In order to overcome the shortcomings inherent to democratic regimes, majoritarian institutions must be restricted in their competences and scopes of action, at least in specific respects. The resulting gap must be filled by non-political expertise, which is expected to unfold within the political system and flow easily into collectively binding decision-making. This process will guarantee either the rationality or the impartiality of collectively binding decision-making. Seen from the perspective of differentiation theory, both lines of argumentation recognize that the internal operations of the political system are interlinked with its manifold environmental relations, and describe this linkage and its consequences for political decision-making.

It is obvious, however, that functional autonomy as conceptualized so far is neither the only way that the political system deals with its environments nor the only channel through which non-political expertise finds its way into political communication. Indeed, civil servants with special expertise (and without democratic legitimation), expert commissions, and think tanks – to name but a few – are regularly and in various ways involved in collectively binding decision-making. This involvement is related to, and is a manifestation of, another fundamental feature of modern political systems, namely the internal differentiation of political communication according to factual aspects. This differentiation is reflected in the emergence of policy fields such as economic policy, education policy, science policy, health policy, and others, which are each directed toward the regulation of the respective societal sphere. As with functional autonomy, there are strong reasons to assume that the internal functional differentiation of the political system is closely linked to the expansionist tendency of the political system vis-à-vis its environments – even more so because once policy fields are established, their number rarely dwindles, but rather usually grows. In this respect, the emergence and stabilization of individual policy fields can be seen as an indicator of which societal spheres and problems the political system considers relevant, feels responsible for at a given moment and thus adopts as "political" – what, as Luhmann (2010, p. 37f) pointed out, is per se an open question.

The internal functional differentiation of the political system is clearly reflected in both the executive and the legislative branches of power: The dominant structure of national governments and also of sub- and supranational forms of political rule follows the logic of functional differentiation in the sense that governments consist of ministers who have competences related to individual policy fields and who are the heads of ministries, i.e. specialized agencies with expert

(i.e. not primarily political) personnel.[9] Similarly, in most countries a significant share of parliamentary activities occurs in cross-party committees or working groups within party factions that are formed along policy areas.

Political decision making in all these institutions often refers to complex issues and thus regularly requires the consideration of professional expertise from the respective societal sphere (or function system) in order to gather relevant information, carefully evaluate different alternatives, and assess potential consequences. Accordingly, expert advice is commonly integrated in political communication within both the executive and legislative branches in many different forms and through various channels: It may appear in the form of interaction (e.g. expert hearings) or written material (e.g. reports, position papers), on a regular basis (e.g. annual expert reports) or only on occasion, and formally (e.g. through institutionalized consultation) or informally (e.g. through networks). Further, it may either involve external experts (e.g. from research institutes, corporations, etc.) or rely mainly on specialized state agencies and similar institutions that are explicitly designed to supply political decision-makers with expertise but have no decision-making competence of their own (e.g. expert councils, supervisory authorities, advisory boards, etc.).

Despite this diversity of forms and channels through which external expertise finds its way into political communication and decisions, it is possible to draw a clear analytical distinction between functional autonomy on the one hand and the diverse manifestations of the internal functional differentiation of the political system on the other hand. As has already become clear, this distinction does not lie in the presence of non-political expertise within political communication as such, but rather boils down to the structuring of political and external expertise in collectively binding decision-making, to be precise to the question which of these is (institutionally) subordinate and which is superordinate. In this sense, we speak of *functional autonomy* if, and only if, non-political expertise acts as the ultimate and irrevocable criterion according to which political decisions are made within the boundaries of a clearly defined field of action on a permanent and formalized basis (i.e. not occasionally). This implies the (self-)restriction of the political in the sense that political criteria (like values or ideological principles) are either subordinate to certain external standards or do not surface at all during the decision-making process, and that the decision makers were selected and nominated according to professional criteria and not through majority decision.

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9 Usually, the dominance of professional standards applies to the personnel below the upper echelon of the respective institutions (i.e., ministries and other agencies). The head of the organizations and often also certain parts of the leading personnel can indeed be dismissed – or formally: assigned to non-active status – for political reasons (e.g. the respective category in German law are so-called political servants or *politische Beamte*).

Consequently, they lack democratic accountability (toward the voters or the voters' elected representatives) and they escape direct democratic control (again by the voters or elected representatives).

The *internal functional differentiation of the political system* into policy fields, in contrast, is not about deliberately shifting control from state politics to non-political expertise, but rather consists of a swelling of the political itself as a result of the internalization of external expertise into a given set of political meanings, values, and knowledge. This implies that decisions are made by politicians who are democratically elected and accountable to the people and who are strongly expected to act as representatives and not professional experts. Further, it means that any non-political expertise can only be part of the preparation stage of the political decision-making process and must be subjected to political assessment (i.e. according to ideological aspects, party commitments, coalition agreements, and the like) before being incorporated into the actual decision-making. Thus, even when non-political criteria prove pivotal for a concrete decision, this dominance of external expertise will and must be presented as the result of a political decision that was made by thoroughly considering all relevant circumstances and alternatives. Any subjugation to factual constraints or any prioritizing of non-political expertise can only be justified as an individual and temporary solution to a specific problem that may be submitted to re-examination and change. Thereby, the influence that was given to non-political expertise may be reduced at any time. In effect and in contrast to functional autonomy, legislative and executive authorities must avoid the impression of thoughtlessly relinquishing command and systematically and permanently restricting political considerations in collectively binding decision-making.

III. Exploring the subject matter: Empirical manifestations of functional autonomy

The first part of the present chapter has offered insights on the relevance of functional autonomy as an inherent and irreplaceable feature of modern democracies based on two recent episodes: a conflict surrounding the merger of two retailers and a complex dispute over the alleged transgression of competences on the part of the European Central Bank. On that basis, the second part provided a concise examination of the analytical core of functional autonomy and its relation to democratic principles: It elaborated on the contradictions between functional autonomy and the core principles of democracy (especially individualized inclusion); it reviewed the main lines of justification related to these contradictions as they can be found in previous research; and it reflected on the theoretical distinction between functional autonomy and the internal functional differentiation of the political system into policy fields. The following third and final part of the analy-

sis complements this theoretical examination by adding an important missing piece: It fleshes out the theoretical frame in empirical terms, i.e. with regard to the emergence and unfolding of concrete manifestations of functional autonomy, in order to substantiate the assumption that functional autonomy arises and reproduces itself as an internal structure of the political system and especially of modern democracies. This assumption implies that functional autonomy results from the political system's permanent interplay and confrontation with its societal environments in the course of its differentiation (*Ausdifferenzierung* or "outdifferentiation", Luhmann 2013 [1997], p. 65). It must be considered as an attempt of the political system to expand its impact on certain parts of this environment by radically subjecting its internal structures to the expertise, and sometimes even the operational mode, of the respective environmental segment.

To that end, the following section shifts to concrete examples and sheds light on specific historical processes. In doing so, the key players involved in the introductory episodes, i.e. an independent regulatory agency, a central bank, and a constitutional court, once again become the focus of the discussion. Clearly, the formal founding of these three institutions, the ways they were shaped through various reforms and reconfigurations, and the historical contexts in which they emerged have been extensively examined elsewhere and described in much more empirical detail than is possible in the present chapter. Thus, the following description does not claim to provide a comprehensive picture of any of their particularities, let alone make a singular contribution to the historical research on the subject. In line with the general objective of this chapter, however, the following discussion identifies and illuminates the major aspects and general patterns of the emergence of functional autonomy in the political system. To be more specific, it traces the evolution – what means: the sequence of variation, selection, and eventually the (re-)stabilization of new social structures (Luhmann, 2012 [1997], p. 273)[10] – of independent regulatory agencies, central banks, and judicial review with an emphasis on the elements that were identified above as constitutive for functional autonomy: (1) The identification of an issue as political, i.e. the adoption of a problem by the political system; (2) the incorporation of non-political expertise in collectively binding decision-making; and (3) the dynamics of the self-restriction of majoritarian institutions.

Importantly, the selection of the three cases is not a coincidence: Independent regulatory agencies, central banks, and constitutional courts (or more broadly:

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10 According to the Luhmannian theory of evolution (Luhmann, 2012 [1997], p. 273), variation means "unexpected, surprising communication" within a social system; selection is the choice of "meanings promising for developing structures, which are suitable for repeated use, which can form and condense expectations" while rejecting other innovations; restabilization refers to the state of the system and its environmental relation(s) after selection.

judicial review) not only represent three of the most relevant empirical manifestations of functional autonomy, but also – as an evolutionary theory perspective makes clear – they significantly vary in the process of their emergence. Their distinct trajectories indicate that the political system does not follow a fixed script in the way how it handles and shapes its environmental relations. Rather, it seems to thoroughly observe its environments and carefully react to their respective specificities and dynamics. This lack of a fixed script makes it even more striking that a common pattern – i.e. the above-described basic elements of functional autonomy – clearly emerges from these different trajectories.

Independent regulatory agencies

In many respects, independent regulatory agencies must be considered as the most obvious and purest manifestation of functional autonomy. To get a handle on the empirically diverse field and to understand their emergence, we examine the Interstate Commerce Commission (ICC) as an exemplary case. The ICC was founded in the United States in 1887 to regulate the emerging railroad system (and later also trucking, bus lines, and the telephone system), specifically with regard to pricing and safety issues. In its more or less definitive shape, which resulted from the Transportation Act of 1920, the ICC fully meets the analytical criteria of functional autonomy: It is exclusively in charge of railroad regulation and thus directly involved in collectively binding decision-making in and for this specific policy sphere. With competences including rate setting, safety issues, counteracting discrimination, and the protection of competition in the railroad sector, its operations not only affect the major players in the railroad industry, i.e. the rail companies, but also concern every individual who is in one way or another connected to the railroads, whether as passenger or client. Thus, the operations of the ICC directly or indirectly involve a large part, and likely the majority, of the population and of domestic commerce. In its decision making, the ICC is expected and was created to follow criteria that meet primarily the requirements of the objects of regulation. Vice versa, it is supposed to ignore political considerations and especially party preferences as much as possible. To that end, the members of the commission were selected based on their general professional expertise and were required to have no economic or personal links to the railway sector in order to preclude conflicts of interest. The political impartiality (which was interpreted mainly as bipartisanship) of the commission should be ensured by strict regulations of the commissioners' party affiliations. Further, majoritarian institutions explicitly restrict themselves from the commission by abandoning any claim to intervene in the ICC's operations and to overrule or negate its decisions.

To understand the emergence of independent regulatory agencies, the case of the ICC, as specific as it may appear, is instructive for at least two reasons: First,

the ICC was the earliest example of a full-fledged independent regulatory agency and as such represents something like the prototype of this specific form of political regulation. Second, the commission later became an important role model in the realm of regulatory policy which triggered the creation of similar agencies in various policy fields, through the mid-20th century in the United States (Cushman, 1941, p. 5) and mainly during the 1970s and 1980s in Western European democracies (Rosanvallon, 2011, p. 75ff; Thatcher and Stone Sweet, 2002, p. 9ff). Thus, the emergence and formation of the ICC must be considered as representative also beyond this individual case and they provide more general insights into the logic and functioning of independent regulatory agencies and into the underlying dynamic of political differentiation. Although it might appear smooth and purposeful in retrospect, the ICC's formation was uneven and continued for several decades. Major steps included the Interstate Commerce Act of 1887, which replaced state-level rules by federation-wide regulation, and the Transportation Act of 1920, which determined the definitive form of the ICC. The period before and between the institution of these two laws was characterized by intensive and controversial political debates, especially on the issues of political self-restriction and the concession of autonomy to a non-elected institution, which are worth considering in detail. [11]

Experiments on railroad regulation and the founding of the ICC

The founding of the ICC in 1887 was preceded by a period in which the railway as a new form of technical infrastructure took root and thrived and the railway sector was discovered by politics and adopted as an issue for regulation. The rise of the railway in the United States started in the early 1830s, and the expansion and relevance of the railway sector peaked during the so-called Gilded Age, the era of rapid economic growth and the fast expansion of industrialization between the 1870s and the turn of the century. The societal importance of the railroad sector arose from the fact that it was not only a key product of the technological progress of the period, but also one of the main vehicles of industrialization: the rapidly growing track network facilitated the settlement of even the most remote regions as well as the transport of passengers and freight across the country, so that it became crucial for almost any other industry (such as commercial farming, mining, etc.). At the same time, there were good reasons to consider the railroads a risky technology: the trains were driving at previously unknown speeds of more than 100 kilometers per hour, while a consistent traffic regulation (such as a signaling system) and technical assistance (e.g., through radio communication) were still lacking. During the first half of the 19th century, the intense competition among

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11   The subsequent reconstruction of the formation of the ICC is based on the detailed and extensive analysis of Cushman (1941, pp. 19–145).

the privately owned railroad companies, which was fueled not least by active political support (e.g. facilitated access to credit and land), not only increased these risks, but also had adverse effects for passenger, clients, and dependent industries, which were noticeable mainly in the rate system. Strong price discrimination against individual regions or companies and large price fluctuations put the growing number of people who were dependent on the railroads either in their everyday lives or economic activity in a difficult and sometimes hopeless situation.

The outstanding societal importance of the railroads in combination with the massive technical risks and access problems for large parts of the society inevitably forced the railroad sector into the view of the political system. By the middle of the century, the contradiction between (economic) profit seeking, which relied on the self-regulation of the market, and the (political) objective of promoting the common good stimulated the political reflection on this issue and a search for appropriate means and ways to expand into this particular part of society. The first regulatory efforts in the railroad sector and the realm of interstate commerce were made at the state (i.e. subnational) level in the middle of the 19th century in an experimental manner of "trial-and-error" (Cushman, 1941, p. 20ff). However, the unequal regional importance of the railroads, which resulted mainly from the contrast between their high practical relevance in the Midwest and their relatively low importance at the East coast, led to widely varying regulatory engagement of the individual subnational political authorities. This in turn resulted in inconsistent and heterogenous regulatory structures across the country.

Not least due to the federation-wide scope of the railroad system, the practical effects of the highly fragmented state level regulations were negligible. Instead of moderation and the mitigation of the above-mentioned problems, the 1870s and 1880s witnessed a phase of overexpansion in the railroad sector, which even intensified the adverse effects of cutthroat competition and an unreliable rate system. This, in turn, fueled public demand for federal control, which gradually found resonance with the political system. Between 1868 and 1886, approximately 150 legislative proposals were submitted in Congress, suggesting two alternative modes of regulation: either by the judiciary (which eventually became the position of the House of Representatives) or by a commission established for that purpose (the position of the Senate). To decide on this issue, the political system attempted to listen to its environment: based on talks with different stakeholders in and around the railroad sector, the so-called Cullom committee (officially, the Interstate Commerce Committee), which was created specifically for this end, issued a report in which it clearly opted for the latter proposal, i.e. the founding of a regulatory commission.[12]

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12 See also https://www.archives.gov/legislative/guide/senate/chapter-07-interstate-commerce.html (1.11.2019).

The committee's report eventually tipped the scales toward the creation of the Interstate Commerce Commission through the Interstate Commerce Act in 1887 (Glass, 2015). In its initial form, the ICC was set up to support the implementation of railroad regulations primarily through consultancy and information gathering, and was explicitly restricted from any decision-making (regulatory) competences. Importantly, the respective societal environment, i.e. the railroad companies themselves, resisted the newly generated commission. They unanimously perceived the ICC as an adversary, feared being placed at a disadvantage, and strictly refused to cooperate in the sense of providing information that would have been necessary for more effective regulation. The commission was further weakened by a series of court decisions during its first years of its existence. Consequently, the ICC's impact was limited and the social problems connected to the railroad industry persisted, while public pressure for more consistent and resolute political interventions increased.

Despite its limited effects, the ICC represented an innovative, formerly unknown mechanism that was created within the political system to act upon its environment. As Cushman (1941, p. 19) explained: "The extension in 1887 of federal regulatory power to the nation's railroads was indeed an important exercise of economic control; but it was much more than that: it was a shift in the center of control in the federal system. [...] The Interstate Commerce Commission was an innovation not because it was endowed with a new type of power, but because it represented a new location of power in the federal system". Although it did not yet represent a full-fledged functional autonomy in its first configuration and its regulatory achievements did not impress the political authorities, several key features of functional autonomies already appeared in outlines: First, the ICC arose out of the political system's reflection on the limitations of its own regulatory capacity. The conventional political steering instruments appeared inappropriate in the face of an environment that was perceived as complex, vague and highly dynamic, "so that it would be impossible to deal effectively with it by the simple and traditional mechanism of passing penal laws and enforcing them by court process" (Cushman, 1941, p. 46). Second, the political system found that distant observation was insufficient to expand into this environment, i.e. to turn this environment into an object of collectively binding decision-making. Instead, the political system clearly recognized a need for immersion in this environment to acquire the necessary expertise and integrate this expertise as a pivotal factor in collectively binding decision-making. And third, the efforts of the political system to immerse in this environment were accompanied and motivated by a vague notion of the fundamental incompatibility of three factors: political operation modes and criteria, the integration of external expertise, and decision-making structures flexible enough to meet the respective environmental requirements. In sum, the political system acknowledged the need for self-restriction. In this last regard, it

is noteworthy that early forms of political self-restriction were less concerned with the influence of political criteria as such and more concerned with impartiality as secured through strict limitations on partisanship. In a similar vein, the high salaries offered to the commission members, who were appointed by the president, were meant to attract the most competent candidates – candidates who should, as a necessary condition for appointment, lack any personal or economic links to the railway sector in order to avoid conflicts of interests. In other words: non-qualification rather than qualification was required as a condition for appointment: "Who are they [the commissioners, E.M.] to be? They are to be five gentlemen who know nothing whatever of their business. That is the first requisite; that is a qualification not to be varied from under any circumstances" (statement of a member of the House of Representatives, cited after Cushman, 1941, p. 63).

Expanding responsibilities: Amendments of the ICC in 1906 and 1910

A second stage in the formation of the ICC included two amendments, one in 1906 and a second in 1910, which can be considered as gradual affirmations of the innovation of political regulation by means of a commission. Both amendments substantiated the path that the initial version of the ICC had tentatively suggested by connecting to it and by reinforcing and stabilizing individual aspects of it.

The Hepburn Act of 1906 significantly extended the ICC's regulatory competence and strengthened its autonomy by granting it decision-making power that did not depend on the ratification by other (i.e. legislative or executive) authorities. More precisely, the ICC gained the formal authority to set and enforce rates in the railway sector. Although it was still not supposed to act on its own initiative, but solely in response to complaints from railroad corporations, the commission's provisions, once taken, were obligatory for the companies and other players involved. They could be suspended only by court order. Importantly, this new part of the ICC's competences and, by implication, its stronger autonomy from majoritarian institutions was a main issue in the Congressional debates prior to the Hepburn act. These debates evolved mainly around the constitutionality of delegating a quasi-legislative function to an authority that was explicitly meant to decide on related matters and act independently from the democratically legitimized parliament. While such delegation was eventually declared unconstitutional, Congress reconciled the enlarged competences of the ICC with constitutional provisions: Since the ICC's activities only completed goals that had been predefined by Congress ("to fix just and reasonable rates"), it was argued, the commission's function could officially be categorized as purely administrative, while legislative power rested with the parliament. As flimsy as this framing may appear at first glance, it was remarkable in terms of both its inherent logic, which literally ignored democratic inconsistencies rather than addressing them, and its subsequent impact

on political language use – this form of framing soon prevailed and revealed a decisive preference for the new regulatory mechanism over alternative solutions.

The Mann-Elkins Act of 1910 further stabilized the regulation strategy represented by the ICC as such. It enabled the commission to regulate rates proactively, and expanded its scope of responsibility to telephone, telegraph, and cable companies and thus to further essential parts of the domestic commerce infrastructure. Additionally, the act stressed the commission's autonomy vis-à-vis both the influence of executive authorities and political considerations as such: strong claims to autonomy had already dominated the Congressional debates prior to the amendment, which had centered mainly on issues of executive control. In the course of these debates, the proposal to restrict the commission's autonomy from the executive by involving the Department of Justice as a decision-making body in cases of conflict was rejected. The key argument pointed to the ability of the ICC to represent the interests of the people without distortion due to its deliberately apolitical setup and its isolation from party competition, which Congress believed should not be placed at risk: "The commission is now, and was intended to be from its organization, an independent tribunal of the rights of the people and the carriers. The Department of Justice is a political department of this Government, and its appointees who direct the policies of the department are the representatives and the supporters of the present political administration of the country" (minority report, House of Representatives, cited by Cushman, 1941, p. 100). Moreover, the alternative solution that was eventually adopted did not last: The Commerce Court, which was added to the ICC for the purpose of solving conflicts, had been abolished by 1913.

Facing and resisting political headwinds

Having gained far-reaching autonomy by 1910, the ICC proved its persistence as an integral part of the political institutional structure even when it came under significant pressure in the context of the First World War. Prior to the war, between 1911 and 1917, several minor reforms were implemented in order to strengthen the competences of the ICC and its position in the political system. Emergency measures that came into effect when the United States entered the war in 1917, however, interrupted the effect of these reforms. The Act of 1918 nationalized the railroad sector and placed it under central administration by the executive; thereby, rate setting authority as one of the ICC's key responsibilities was transferred directly to the president. Apart from that, however, the ICC was largely untouched by the radical centralization policy. It kept not only its structural form, but also the majority of its competences, most notably the authority to monitor the rates in the railroad sector in response to complaints lodged by individual companies and to ratify these rates with respect to the interests of these companies (among them mainly shippers). Remarkably, strong appeals in the legislature were pivotal to the

persistently influential position of the ICC during the war: strong arguments in favor of the persistence of the commission as an autonomous and powerful institution in the sphere of railroad regulation were raised in both chambers of Congress, which were justified primarily by references to the president, who lacked the expertise and skills that the ICC had acquired over decades: "You can not arrive at a just and reasonable rate with a hop, skip, and jump. Even the President of the United States or the Director General of Railways can not do that. No man, no bureau, commission, or other creation of the law is so qualified to fix railway rates as the Interstate Commerce Commission" (statement of a member of the House of Representatives, cited by Cushman, 1941, p. 198).

When domestic politics had returned to normal after the war, the general tendencies towards a strong and autonomous commission continued. The Transportation Act of 1920, which can be considered as a preliminary finalization of the ICC, did not only initiate the re-privatization of the railroad sector, but also further strengthened and broadened the commission's competences by including, inter alia, the monitoring of financial interrelations among railway companies, the regulation of mergers and acquisitions, and the preparation of a proposal for the consolidation of the sector. Crucially, the ICC's attitude towards its object of regulation, i.e. the railroad sector, shifted to a more constructive approach that included an increased consideration of the inner logic of the sector, the shift from negative to positive sanctions, and the involvement of a broad(er) set of stakeholders. The "old policy of restriction and discipline" was replaced by "a positive governmental responsibility to see that an efficient and self-sustaining transportation system should prevail" (Cushman, 1941, p. 115).

In subsequent decades, the ICC was subject to several minor amendments; however, these did not significantly change the commission's path. Rather, the ICC in its existing form served as a role model for similar regulatory agencies that were founded mainly during the first half of the 20th century in the United States (e.g. the Federal Trade Commission [1914], the Federal Communications Commission [1914], the U.S. Securities and Exchange Commission [1934], or the Consumer Product Safety Commission [1975])[13] and later, during the second half of the century in Western Europe (such as the National Commission for Computers and Freedom [1978] or the High Authority for Audiovisual Policy [1982] in France (Rosanvallon, 2011, p. 100f), and the Federal Cartel Office [1958] or the Regulatory Agency for Telecommunication and Postal Services [1998] in Germany [Döhler, 2002]). At the end of the 20th century, most of the ICC's functions were gradually transferred to other independent regulatory agencies, among them mainly the Federal Railroad Administration and the Surface Transportation Board. The ICC itself was abolished with the passage of the ICC Termination Act of 1995.

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13 See https://en.wikipedia.org/wiki/Interstate_Commerce_Commission (29.4.2019)

Overall, this third, stabilizing stage in the emergence of the ICC emphasizes both the extent and the effective irreversibility of political self-restriction and the concession of autonomy. It becomes obvious that once the commission had been established, its growing and increasingly specialized expertise helped it gain momentum and become autonomous up to the point where it proved superior to even the most powerful political authorities, among them the president himself. Thereby, the shift in the ICC's (self-)conception in relation to its environment emphasizes the aspect of responsivity, i.e. the anticipatory listening to and tuning into certain parts of its environment, which had appeared in outline form in the founding of the ICC in 1887 and had accompanied its development since that time. Its continuous unfolding and institutionalization provide insight into the way in which the political system expands: the self-selected responsibility of the political system is no longer restricted to the retrospective correction of negative effects that concrete economic operations have on the common good. Instead and more broadly, the political system feels responsible to prevent such effects by anticipatively changing the operational mode of the economy to increase its alignment with the political ideas of the common good.

Interim conclusions

In sum, the formation process of the ICC is a clear example for the emergence of functional autonomy from the clash of two function systems and their competing expansionary claims: On the one hand, the political system intentionally expands, extending its regulatory claim on the railroads as a newly emerging and thus unknown societal phenomenon. On the other hand, the economic system expands simultaneously with regard to the same object by subjecting it to its distinct operational mode. Eventually, this culminates in a situation in which further political expansion – in the sense of the effective realization of regulatory claims – requires a strategy that enables the political system to cope with the competing expansion of the economy. In this situation, the decisive step towards the adoption of railroad regulation as a political issue was initiated out of the general public, which expressed its dissatisfaction with the given state of affairs and addressed it to political authorities. Within the political system, it was then specified and translated into regulatory policies, initially against the fierce resistance of the railroad sector as the object of regulation.

While the adoption of railroad regulation as a political issue appears relatively clear cut, the path that led toward the institutionalized integration of non-political expertise in political decision-making and the self-restriction of majoritarian institutions was rather erratic and controversial. In this respect, the formation process of the ICC bespeaks a two-dimensional search for both the appropriate type of expertise and an adequate mode of regulation. Most obviously, the uncertainty regarding the type of expertise needed for regulation directly stems from

the fact that the railroad as such was at the time a radically new phenomenon. Effective regulation required not only a previously unknown set of expertise regarding technical, economic, and legal matters, but also a new type of expert – one that no one knew exactly how to find or recruit for the ICC, and in fact, no one could accurately describe. This uncertainty, together with the resistance against regulation in the railroad sector, pushed the political system towards a gradual and tentative path of expansion. In its search of appropriate coping mechanisms for the problem of railroad regulation, it started to reduce the initial distance to the railway sector it tried to observe. In the course of observation, the political system more and more carefully listened to and tuned into this particular part of its environment to access its functioning, and the political system sought, in a kind of trial-and-error approach, to include its findings into regulatory measures.

Concerning the mode of regulation, i.e. the inclusion of this expertise into political decision-making with regard to the implementation of regulatory acts and the compliance of the objects of regulation, it is striking that and how the general idea of political self-restriction was vaguely present from the outset. The idea appeared at an early stage of the formation process, when Congress decided to establish a regulatory commission instead of charging the judiciary with the task of railroad regulation. From then on, however, it unfolded and stabilized rather reluctantly. Initially, the newly founded ICC was only used for advice, while the majoritarian institutions insisted on their exclusive decision-making competence. The delegation of more competences to the ICC and the strengthening of its autonomy vis-à-vis parliament and government did not happen until the first regulatory efforts had proved ineffective – both due to the resistance on part of the objects of regulation (through the non-acceptance of regulatory measures), and due to the overload of the majoritarian institutions (parliament) with complexity (i.e. the inability to operate in the sense of taking decisions). And even then, self-restriction was far from self-evident, but repeatedly subject of political discussion, in which it had to be justified time and again. The parliament, i.e. both chambers of congress, seemed to literally force itself to self-restriction.

Against this backdrop, it is somewhat ironic that the specific expertise of the ICC was eventually considered so powerful and indispensable that the self-restriction and concession of autonomy, once institutionalized, came to appear irreversible to the political system itself. In times of political upheaval when the commission's autonomy was explicitly called into question, its unique and irreplaceable expertise was even raised as a major argument by those defending and maintaining the ICC's strong position in the institutional structure of the political system. Rescinding the ICC's autonomy, it was argued, would inevitably come at the cost of political expansion, i.e. it would imply the retraction of the political system from the respective sectors of its environment.

Central banks

Central banks have a long history, with their institutional core going back more than 300 years. It was not until the 20th century, however, that they spread across the globe and became an almost mandatory part of the institutional structure of nation states and an important symbol of national identity: "When a new nation state seeks to establish itself, the foundation of an independent central bank will be an early item on the agenda, slightly below the design of the flag, but above the establishment of a national airline" (Capie, Goodhart and Schadt, 1994, p. 91). While merely 18 central banks existed in 1900, their number increased to 161 in 1990 (Capie, Goodhart and Schadt, 1994, p. 6) and further to 192 in 2019.[14] This means that there are currently almost as many central banks as nation states in the world, and that, as a consequence, monetary policy, i.e. collectively binding decisions concerning inflation, money value, and often also banking system stability, is in the hand of central banks almost everywhere across the globe. Thus, although the banks differ in their concrete institutional design and their independence vis-à-vis national governments, the overwhelming majority of contemporary nation states neither chose to put monetary policy in the hands of ministries or other democratically legitimized authorities, nor did they opt to forego monetary policy and subject the issue of monetary stability and inflation to market mechanisms and the dynamics of the private banking system. Even though free banking, which leaves monetary stability to the dynamics of the financial system, never completely disappeared as a concept or economic vision, it did not gain much ground in practice at any time (apart from a few more or less marginal exceptions mainly during the 19th century) (Capie, Goodhart and Schadt, 1994, p. 85).

Central banks qualify as a form of functional autonomy in the political system in several respects: Depending on their concrete tasks and objectives, central banks usually decide upon interest rates and money supply with the direct goals of controlling inflation and ensuring monetary stability, which in turn are considered important determinants of economic prosperity. Because money acts as the reference point of economic communication as such[15] and because every citizen is usually somehow engaged in economic activity, central bank operations and decisions, by implication, affect all members of the political collective more or less directly. The most visible and immediate effects are doubtlessly on the banking

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14 See Bank for International Settlements (BIS), Central bank and monetary authority website, https://www.bis.org/cbanks.htm (31.10.2019).

15 In a systems theoretical perspective, money can be considered as the coding of scarcity which doubles the scarcity of goods. Money acts as a reference point for economic communication since the possibility of receiving payments and the open use of money render property liquid and almost universally transformable (Baecker, 2006, p. 48ff; Esposito, 2008, p. 126).

system and corporate actors, but central bank operations are not less relevant and binding to individuals – whether in their role as consumers (regarding inflation) or as depositors and borrowers (regarding interest rates).

Highly complex economic expertise is ever-present in central bank operations: It dominates individual monetary policy decision-making of both the more and the less independent banks; most central banks comprise research departments, through which they are firmly and often prominently integrated in relevant economic discourses; and perhaps most importantly, the technical expertise of central bank governors and their reputation in the financial community count as crucial factors in order to guarantee the credibility of the bank and the feasibility and effectiveness of its decisions (Capie, Goodhart and Schadt, 1994, p. 55). Further, the importance of economic expertise is reflected in the self-conception and self-presentation of central banks, which oscillate between two poles: On the one hand, many banks explicitly reference their opacity and illegibility for "ordinary" people, with the former Fed-chairman Alan Greenspan's legendary "Fed-speak" and his "mumbling with great incoherence" (Rowen, 1991) as one of the most drastic expressions (Blinder et al., 2001, p. 65ff). On the other hand, banks publicly commit themselves to more transparence and clarity in their statements, like most recently the (then designated) ECB chairwoman Christine Lagarde, who emphasized her intention to reach the "general public" instead of "traditional expert audiences" in her future communication on behalf of the bank (Committee on Economic and Monetary Affairs, 2019, p. 31).

In their operations, central banks enjoy considerable autonomy vis-à-vis governments and parliaments. Although the degree of autonomy varies across national contexts, its configuration boils down to a handful of key parameters (see e.g. Capie, Goodhart and Schadt, 1994, p. 55ff; Cukierman, Webb and Neyapti, 1992; Lijphart, 2012 [1999], p. 226ff): the formal rules of the appointment and the terms of office of the central bank governor; the content and rigidity of central bank objectives as well as the authority to issue and change these targets; and restrictions on central bank loans to governments. With regard to these parameters, central bank autonomy – and, conversely, the self-restriction of majoritarian institutions – is higher the longer the governor's terms of office, the stronger the barriers to preliminary dismission, and the clearer the focus on inflation relative to other potential objectives (e.g., unemployment or economic growth). Additionally, some authors (e.g. Cukierman, Webb and Neyapti, 1992) suggest to consider the turnover of the governor as a criterion for the practical (and not only the formal) autonomy of central banks (the lower, the more autonomy).

First steps towards monetary policy

Tracing the formation of central banks from their first appearance to their current form as key elements of modern polities and especially of democratic regimes requires beginning with a few remarks on the emergence of money in pre-modern society and its development in the transition to modernity. Both – money and central banks – have always been closely intertwined and can hardly be understood one without the other. That said, it is even more remarkable that the first form of money – coins – is inextricably linked to political power. Coins first appeared as a means of payment in the late 7th century B.C., and since that time, political rulers – mainly kings, but later also other dignitaries – have claimed the right to mint and issue them (Peacock, 2006). In the transition to modernity, the privilege of minting was transferred, largely without dispute, to the governments of the newly emerging nation states and continues to be held by governments in the present.

Thus, while coins have been "political" money from the outset, banknotes have a different history. Not only did they, once established, become much more relevant for the economic system than coins, but their relationship to the political system has been much more strongly influenced by economic and political dynamics alike. To begin with, banknotes did not appear in Europe until the 17th century and thus considerably later than coins. They were a product of the pre-modern banking system, which had evolved since the 13th century and provided the opportunity to save and borrow money against money, a function that was especially relevant to merchants. At some point, financial institutes began to issue receipts on private assets (coins and other kinds of assets) that they had taken into safekeeping. Little by little, and mainly for practical reasons, these receipts were used and circulated as means of payment. As such, they first spread in England and Sweden and later more broadly across Europe. Banknotes, we can conclude, arose from the differentiation process of the economic system in the transition to modern society, whereas coins emerged as a premodern phenomenon and were closely linked to monarchical power. In contrast to coins, the functioning of banknotes requires the existence of a banking system and thus rests on the self-referentiality of the economy (i.e. on payments that refer primarily to other payments and/or payment expectations) which gradually unfolds in the course of differentiation (Esposito, 2010; Goeke and Moser, 2018, p. 89ff). And finally, it is important to note that the emergence of banknotes was a decentralized process that occurred both outside political power and independently from territorial boundaries.

It was not until the formation of the early nation states that the territorial aspects of money – in the shape of national currencies – became an issue: The emergence of nation states since the 18th century has been accompanied by a significant expansion of political responsibility and regulatory demands. This expansion culminated in the institutionalization of sovereign rights (*Staatliche Hoheitsrechte*),

such as the right to adopt and implement laws, to levy taxes, and to set up armed forces. For different reasons – among which territorially bounded economic interests, fiscal considerations (linked to seigniorage), and the construction and strengthening of a national identity were likely pivotal (Helleiner, 2003) – the claims for exclusive sovereign responsibility expanded to money and banknotes and eventually led to the emergence of national currencies. First and foremost, this increase in political responsibility implied that money was territorialized, i.e. the validity of individual currencies was limited in spatial terms through political regulation, and the right to issue banknotes (*Notenprivileg*) was monopolized in the hands of the state. Early central banks – the first of which was the Bank of England which was founded in 1694 – evolved when this exclusive right was sold to private financial institutes, usually so states could finance wars or cover sovereign debt (Capie, Goodhart and Schadt, 1994, p. 4ff; Hutter, 2014, p. 198ff).

Considered from a differentiation theory perspective, the widening of regulatory demands on money equals the expansion of the political system into spheres of its societal environment previously untouched by (or, not an explicit object of) collectively binding decisions. In the course of this expansion, an early form of monetary policy appeared in outline and implied some structural restrictions of the economy: the issuing of banknotes was territorialized and centralized via political power and, in these respects, was withdrawn from the dynamics of economic operations. This political intervention in the economy, however, was moderate because it did not (yet) include the limitation of the amount of money, which was still left to the decision of the issuing banks.

The birth of modern central banking

The period from the mid-19th century until the outbreak of the First World War in 1914 proved crucial for the formation of central banks and for political regulation and (self-)restriction in the sphere of monetary policy. In this respect, it is important to consider the heated debate among British economists on the appropriateness and necessary extent of political influence on money and currency issues with regard to monetary stability. The debate was triggered by the rapid proliferation of banknotes as a means of payment during the early and mid-19th century, and it centered on the question of whether the supply of money should be limited by requiring the gold coverage of banknotes, or whether it should be left to the dynamics of the financial system. While the so-called currency school, with David Ricardo as its most prominent representative, argued for extensive or even complete coverage and thus for strong regulation, the banking school called for complete flexibility and the abolition of any restrictions (Herger, 2016, p. 16ff). The currency school eventually prevailed, and its ideas and principles laid the foundation for the creation of a two-tier banking system, which divided the financial system into two levels: on the upper level a central bank with a superior

status which is in charge of regulating money supply, and at the subordinate level commercial banks which are concerned with credit allocation to the private sector, deposits, and any other money-related issues. From the mid-19th century onward, this two-tier structure was adopted by more and more Western European countries, with Britain and its 1844 Bank Charter Act acting as a pioneer and role model. For several decades, the two-tier system existed in parallel with the free banking system, i.e. a much less regulated monetary regime in which banknotes are issued in a market and several issuing banks compete with one another (Herger, 2016, p. 21). Eventually, however, the two-tier system completely replaced free banking and has survived more or less unchanged until present day.

Once adopted, the two-tier banking system triggered a remarkable dynamic which, backed by economic theory of that time (especially Bagehot, 1873), further strengthened the already dominant position of the central banks, culminating in the function of so-called lenders of last resort. This function goes back to the initiative of central banks themselves – in particular, again, the Bank of England –, and basically entails the purposeful allocation of short-term loans by central banks to troubled financial institutes in order to solve liquidity problems. After it had proven effective regarding the stability of the financial system due to both its structural and psychological effects, it was gradually adopted by policy makers and integrated into political regulation. The function of the lender of last resort was made mandatory for more and more central banks and fixed legally, i.e., in terms of the conditions for application, the design of individual measures, and the scope of action (see e.g. Herger, 2016, p. 19f).

In sum, although this particular mechanism of short-term liquidity provision has always been explicitly restricted to banks with liquidity problems and unavailable to those with solvency problems, it constitutes a selected interruption of the regular financial market mechanism at a particular, clearly defined point through political regulation and thus based on political decisions. Henceforth, central banks act separately from market dynamics and the need of short-term profit-maximization. They instead assume the position of an institution whose primary function is to serve the long-term interests of the financial system, however these are then identified and fleshed out in practice (Capie, Goodhart and Schadt, 1994, p. 10ff). The economic factors behind this shift, however, are blatantly obvious: The role of the lender of last resort is rooted in a genuinely economic initiative that resulted from the (politically induced) strong position of central banks within the financial system. And it was designed according to principles that emerged from and proved themselves in the course of economic operation. Overall, it can be considered a reactive (rather than proactive) expansionary move of the political system toward the economy, which resulted from careful observation of its economic environment.

The monopolization of note issue, the introduction of a two-tier banking system, and the function of the lender of last resort, which took root during the 19th century, are usually considered key indicators for the emergence of central banks in their modern form (Capie, Goodhart and Schadt, 1994, p. 6). They were accompanied by another, no less significant change within financial system regulation: Since the mid-19th century, again with Britain, which at that time had a dominant position in the global economy, taking the lead via the Bank Charter Act of 1844, more and more nation states adopted the gold standard. They tied the value of their national currencies to a fixed amount of gold (i.e. the British Pound equaled to 7.32g of fine gold, the US-Dollar to 1.5046g) and guaranteed the respective convertibility. The gold standard was supposed to prevent the unlimited and uncontrolled increase in paper money and, by implication, stabilize the money value. Amongst others, it laid the groundwork for the idea that monetary stability should be the main objective of central banks, which was picked up and further developed several decades later, after the breakdown of the Bretton Woods system (see below). In contrast to the post-Bretton Woods system, however, the central banks under the gold standard were almost completely deprived of any significant decision-making competence. Their key responsibility was limited to guaranteeing the gold parity by mutually adjusting the supply of money and the gold reserves – a function that is today still present in the so-called "reserve banks" that were founded during this period (e.g. India, United States) (Herger, 2016, p. 26). The banks' main instrument was interest rate setting for private financial institutes, which borrowed their money reserves from the central banks. Both the position and the operational mode of central banks under the gold standard became more and more standardized until the early 20th century, including the independence vis-à-vis national governments as an increasingly important part of the self-conception of central banks (Capie, Goodhart and Schadt, 1994, p. 15).

Reflecting on the emergence of central banking from the mid-19th century until the early 20th century from the perspective of differentiation theory, at least three aspects are noteworthy: First, there was a further significant and, in retrospect, lasting expansion of the political system on economic issues, during which central banks gained shape and monetary policy was formed. The particular course of this expansion bespeaks a remarkable dynamic of mutual increase between economic operating and political observation and regulation.

Second, the strictly limited function of central banks under the gold standard, which went so far that they became factually replaceable by private financial institutions (Herger, 2016, p. 26), can be considered an early version of political self-restriction in the field of monetary policy: The gold standard not only restricted economic operating, but also delimited the leeway of political decision making by rendering monetary policy factually obsolete. In other words, by implementing the gold standard, both function systems involved in monetary issues deliberate-

ly abstained from certain possibilities for action. That said, it is no coincidence that central bank independence from politics became an issue in that period, notwithstanding the banks' limited scope of action. Moreover, the gold standard implied a common reference point of monetary issues that tied the political and the economic (financial) system symmetrically to the material ecological environment (i.e. gold deposits and discoveries) and to the technosphere (i.e. available technologies for gold mining). Both spheres follow their distinct logic and cannot be directly accessed by political or economic operations. Consequently, neither political decisions nor economic dynamics, but rather the total amount of gold, determined the price level: deflation occurred when gold mining did not keep pace with the increase in the quantity of goods, and inflation occurred as a result of unexpected gold discoveries or technological progress in the mining industry.

Third, theoretical reflections and academic debates on economic and financial market issues at the time of the gold standard, which can be subsumed under the label of classical economics *(klassische Nationalökonomie)* and was represented by Smith, Ricardo, Mill, Say, and others, appear remarkable in two respects: First, classical economics obviously played a crucial role in the formation of central banks and the structuring of the financial system. And second, its content and form offer clear evidence of functional differentiation. While preceding economic-political doctrines like mercantilism were primarily concerned with economic dynamics in view of political objectives (i.e. filling the state treasury, increasing the wealth of the sovereign), classical economics rests on the general conviction that the economy is not by itself subordinate to politics, and political intervention into economic operations, in any form, is not self-evident, but rather requires substantive economic justifications to count as legitimate.

From the gold standard to the Bretton Woods regime

The gold standard had been experiencing a global diffusion since the 1870s. It was suspended with the beginning of the First World War, when priority was given to financing government deficits and gold was withdrawn from circulation in order to pay for the war (Capie, Goodhart and Schadt, 1994, p. 15ff). Not even in the tense pre-war situation, however, did central banks surrender their independence vis-à-vis politics without resistance, as an anecdote about the Bank of England illustrates (see Capie, Goodhart and Schadt, 1994, p. 53): At the outbreak of the war, "the Prime Minister [...] invited the Governor of the Bank [...] to make a written promise: 'that during the war the Bank must in all things act on the directions of the Chancellor of the Exchequer [...] and must not take any action likely to affect credit prior consultation with the Chancellor'". The governor of the bank first refused to sign, insisting on the function of the bank. After a few weeks, however, he gave in and agreed to submit to the government – a decision that was represen-

tative for the changed position of central banks around the world on the eve of the war (Capie, Goodhart and Schadt, 1994, p. 53).

The emphasis on the primacy of politics and the reduction of political self-restriction continued during the period of war and beyond. The gold standard was resumed, albeit half-heartedly, during the inter-war period. The problematic economic effects of this strong form of economic and political self-restriction, however, were already perceptible. Its rigidity, which prevented central banks from counteracting the economic downturn by increasing the supply of money, was considered one of the main causes of the Great Depression during the 1930s, which triggered fundamental reflections on objectives of monetary policy and on the role of central banks and their independence from government. On the one hand, the conviction of the basic necessity of central banks prevailed and was even reinforced. During the post-Second World War era, not only democracy as a form of political order spread in the so-called West, but also central banks, which had started to expand since the early 20th century, became an almost indispensable part of the institutional structure of nation states (Capie, Goodhart and Schadt, 1994, p. 55). On the other hand, however, the rise of Keynesianism as economic doctrine was accompanied by strong arguments in favor of a more active state management of monetary issues (Capie, Goodhart and Schadt, 1994, p. 26). Against this backdrop, it comes as no surprise that the general approach to monetary policy became more interventionist, including, inter alia, the nationalization of many central banks and the conceptualization of monetary policy as part of a broader national economic strategy (Capie, Goodhart and Schadt, 1994, p. 54).

Remarkably, political self-restriction vis-à-vis central banks nonetheless did not disappear, but rather changed its form: In 1944, shortly before the end of the Second World War, the pure gold standard was replaced by the Bretton Woods regime, a form of monetary management among independent states that combined the gold standard with a foreign exchange standard (Capie, Goodhart and Schadt, 1994, p. 22ff; Herger, 2016, p. 39ff). The agreement provided a gold parity only for the US-Dollar, to which the other signatory states tied their national currencies in fixed exchange rates with only minor leeway for adaptions. By implication, the US-Dollar was, henceforth, the global reserve currency, and the US federal reserve bank committed itself to sell the US-Dollar against gold at a fixed price in unlimited amounts. Simultaneously, the function of the national central banks of the other Bretton Woods member states was reduced to reacting to the Fed within an extremely narrow scope of action. To ensure the smooth functioning of the entire regime, the International Monetary Fund was established as a global supervisory institution.

The abandonment of the gold standard and the transition to the Bretton Woods regime appeared to be a fundamental structural change within the economic system, and it was and is reflected as such in economic theory. The shift appears

less radical, however, from a differentiation theory perspective and with regard to the emergence of central banks as a form of functional autonomy. The symmetric self-restriction of the political and economic systems that the gold standard had initiated continued under Bretton Woods. Moreover, the general mistrust towards untamed market dynamics with regard to money and currencies, which had already been reflected in the adoption and rapid expansion of the two-tier banking system and had intensified under the gold standard, persisted. Under the Bretton Woods regime, it was reflected in the radical restriction of leeway in monetary policy by binding economic operations and political decisions alike to a common reference point. The most notable difference from the gold standard was a change in the construction of this reference point: By moving to the Bretton Woods regime, the political and economic (self-)restriction no longer referred exclusively to the technosphere and the ecological environment of the society. Rather, the reference point was at least partly shifted to political structures by supplementing gold by the (fixed) exchange rate relations between national currencies, which were the product of political reflections and negotiations.

Currency flexibilization and the evolution of the independent central bank

The Bretton Woods regime got under pressure in the wake of the global economic turbulences during the 1960s, and it was officially abandoned in 1973. Its abandonment opened the way for the complete flexibilization of exchange rates among the dominant currencies in the world (such as the US-Dollar, the British Pound, the German Mark, and several others) – in other words, it facilitated the transition to a global market regime in currency issues without permanent state intervention. The flexibilization of the global currency market led to a shift in the monetary policy focus: While the major reference point of the Bretton Woods regime were the exchange rate relations between nation states and their respective currencies, the post-Bretton Woods context, in which mandatory fixed currency relations were the exception,[16] implied the re-nationalization of currency issues and the re-emergence of effective monetary policy at the national level.

This shift, in turn, led to a fundamental change in the relevance of central banks as the key players in monetary policy, and it raised the question of how to shape their new role and responsibilities. An answer – or rather, a proposal – was provided by economic theory, which now held the conviction that inflation, rather than exchange rates and foreign trade indicators, should be considered the main factor influencing monetary stability. This, accordingly, shifted concerns about domestic economic issues instead of global imbalances in the focus of monetary

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16 Some (mostly small) countries voluntarily renounced autonomous monetary policy. They chose fixed exchange rates and tied their national currencies to one of the global lead currencies or to so-called currency baskets.

theory and policy alike (Capie, Goodhart and Schadt, 1994, p. 27ff). Three key parameters of the post-Bretton Woods conception of central banks clearly reflect this changed theoretical position: They included first price stability as the main objective for central banks and as their major performance indicator; second interest rates and money supply as the central instruments of monetary control; and third the conviction that these objectives would best be served by a radically autonomous central bank, whose operations are strictly shielded from the influence of majoritarian institutions (Capie, Goodhart and Schadt, 1994, p. 27ff; for a skeptical position with regard to the economic benefits of central bank independence see McNamara, 2002).

These developments show that although central banks had already existed as a politically and economically relevant institution for more than three centuries, and although economic historians usually identify the modern version of these banks emerging since the early 19th century (Goodhart, 1991), it was the experience of the Bretton Woods effects and the post-Bretton Wood phase that eventually produced the central bank in its current form: as an institution that is effectively and exclusively responsible for monetary policy and to that end is equipped with a large scope of action; that claims radical autonomy from democratically elected authorities; that explicitly and comprehensively relies on monetary theory and economic principles as decision-making guidelines; and that is unbound by formal decision making rules (on the global expansion of central bank independence see Crowe and Meade, 2007; Polillo and Guillén, 2005).

A comparison of the post-Bretton Woods regime to the preceding stages in the emergence of central banks highlights a fundamental change in the logic of the political regulation of monetary issues and the related forms and degrees of the self-restriction of majoritarian institutions: The formerly relatively symmetrical (self-)restriction of political and economic operations in monetary policy tipped toward the political system in the latter period. On the one hand, the guiding principle of central bank independence prompted the considerable liberalization of the financial system. The strong external limitation through the gold standard and later the Bretton Woods regime was converted into a form of economic self-regulation, i.e. the regulation of monetary issues by economic expertise, mainly in the form of monetary theory and implemented via central banks. On the other hand, the post-Bretton Woods era witnessed the increased self-restriction of majoritarian authorities vis-à-vis the central bank, whereby the reference point of monetary policy is now located in the economic system and thus completely underlies economic dynamics.

Interim conclusions

The particularities of the emergence of central banks as a form of functional auton-omy become apparent if we compare them with the appearance of the ICC. From the point of view of differentiation theory and the above discussed understanding of functional autonomy, the emergence of the ICC reflects a more or less linear and resolute process of the framing of certain dynamics in the railroad sector as a political problem, and the adoption of this problem by the political system. The straightforward initial politicization of particular societal circumstances, howev-er, went hand in hand with a high degree of uncertainty concerning both the kind of expertise that would be needed for regulation and the appropriate form and ex-tent of political self-restriction that would be necessary to ensure the effectiveness of regulation and the acceptance by its object, the railroad sector.

The emergence of central banks follows a different pattern in almost all these respects. To a certain degree, this may be due to the fact that central banks, in contrast to most other forms of functional autonomy, did not arise in the context of democratic order, but considerably earlier. Their roots go back to the late 17th century, when they first appeared as organizations. Subsequently, they unfold-ed their activities and established themselves as political and economic actors in the transition to modernity and thus simultaneously to the differentiation of the political system and the emergence of modern nation states. The latter gradually adopted them as a part of their institutional structure, usually long before these states turned into democracies. The particular pace of the adoption of monetary issues as a policy field, the perception of the need for regulation and political self-restriction, and in the institutional design of central banks and their respon-sibilities clearly reflect these contextual dynamics.

Regarding the process of the adoption of monetary issues as a political prob-lem and the formation of monetary policy, it is important to note that the first cen-tral banks were not founded as a political reaction to the observation of public dis-satisfaction, but rather as an attempt to manage governmental funding problems. Inflation and currency stability were discovered and adopted as political issues much later, but then taken as a reason for the expansion of the political system into the economic – or, more precisely, the financial – system. Thereby, economic (and mainly monetary) theory that claims to speak and act on behalf of the econo-my turned out as a major driving force in this process by actively articulating the need for regulation. And even more: in case of central banks and monetary policy, political regulation did not only occur primarily on the initiative of the object of regulation, but was also significantly shaped and (pre)defined by it. During more than 300 years of central bank history, monetary theory was more or less perma-nently coming up with concrete proposals for regulative mechanisms. The general approach and content of these proposals, however, considerably varied over time.

The outstanding role of economic theory affected both the consideration of non-political expertise in monetary policy making and the pattern of political self-restriction towards the economy. Not only the framing of monetary policy was in itself a changeful process that accompanied rather than preceded the formation and institutionalization of central banks, but also ever new coping mechanisms and processing modes for monetary issues appeared and dissolved, not least because of changes in monetary theory. These variations were reflected in the search for a reference point of monetary regulation, which should be able to purposefully restrict economic dynamics in selected respects, but at the same time neither suppress nor politicize them, i.e. completely subject market dynamics to political decisions. The reference points that were selected and institutionalized at different points in time shifted from the technosphere and ecological environment (gold standard) at least partially to the political system (Bretton Woods) and from there further to the economic system (post-Bretton Woods).

This process went hand in hand with different and changing forms of political self-restriction. Remarkably, all these forms were radical and far-reaching and, most notably, instituted without significant resistance from the affected majoritarian authorities. Since the implementation of the gold standard, it was never seriously contested that the legislative and executive authorities abandon their scope of action and delegate monetary policy decisions to central banks. At most the setup and framing of central bank activities was from time to time subject of political debate. And even more: Albeit political self-restriction in the realm of monetary policy had first occurred under non-democratic conditions, it was not seriously challenged in the course of democratization. Instead and somehow counterintuitively, it was even strengthened after 1945 and spread simultaneously to the rise of democracy in the Western world during the 20th century.

Judicial review & constitutional courts

The picture of the empirical manifestations of functional autonomy would be incomplete without considering a third prominent case: judicial review, which ensures that the decisions made by majoritarian authorities (e.g. laws, acts, governmental actions) are subject to third-party review and can be invalidated against the background of existing (constitutional) law. In practice, judicial review is exerted in democratic contexts either in a decentralized manner via delegation to the general court system and its hierarchy, usually with a Supreme Court at the highest position (e.g. United States), or – in a more recent version – in centralized form by a specialized constitutional court (e.g. Germany).

Notwithstanding these structural variants, it is obvious that judicial review as such can be considered a form of functional autonomy in several respects: Court decision have a strong political dimension since they effectively bind ex-

ecutive and legislative authorities, i.e. those authorities which plausibly claim to represent the political collective (the people). In doing so, the courts directly influence policy decisions (Voßkuhle, 2018). This influence may be exerted either procedurally or substantially (Hirschl, 2008, p. 121ff): It is exerted procedurally when the courts oversee the compliance of political decision-making with principles of equal opportunity, transparency, accountability, and the like; and when they actively intervene in case of violations by (in-)validating the concrete actions and decisions of executive and legislative authorities. Court decisions affect the substance of public policy-making when the courts themselves decide political controversies by effectively making political decisions (like, for instance, on the right to same-sex-marriage, on abortion rules, or on minority discrimination). In both respects, court decisions often do not only address current political issues and conflicts, but draw boundaries that inevitably and significantly shape future policy-making as well as the political debates surrounding it.

Thereby, it goes almost without saying that judicial review gives strict priority to legal, i.e. non-political expertise and principles. Courts claim to and must, for the sake of their credibility, permanently demonstrate that although they might indeed decide on the same issues as majoritarian institutions, they do so deliberately and solely on the basis of legal principles and not in consideration of political criteria. In other words, their emphasis is exclusively "upon the role of reason and of principle in the judicial, as distinguished from the legislative or executive, appraisal of conflicting values" (Wechsler, 1959, p. 16) (see also e.g. Cole, 2019; Vallinder, 1995). Importantly, operating according to legal principles does not only concern decision-making criteria, but also implies the adoption of two procedural particularities of the legal system: First, courts in general act only upon application. In contrast to legislative and executive bodies, courts do not choose the issues on which they decide by their own initiative, but instead react to and thus depend on the selections made by systems in their environment by which they are addressed (see e.g. Lepsius, 2011, p. 164; Voßkuhle, 2018). Second, and closely linked to the first particularity, the competence of courts concerned with judicial review is limited solely and exclusively through the mode of acting on application, what means that the scope of judicial review is by no means restricted by the substantial specification of a certain field of responsibility. Rather, as Hirschl (2004, p. 169) vividly illustrated by citing the former Chief Justice of the Supreme Court of Israel, Aharon Barak: "Nothing falls beyond the purview of judicial review. The world is filled with law; anything and everything is justiciable". Both specificities – acting only on application and the basically unlimited responsibility – are important differences from the two examples of functional autonomy discussed above, i.e. independent regulatory agencies and central banks.

Finally, the autonomy of judicial review vis-à-vis majoritarian institutions and, inversely, the self-restriction of the latter are apparent on all dimensions:

With respect to the fact dimension, autonomy consists both of the power of the courts to invalidate majority decisions and, vice versa, the inability of democratically elected bodies to overrule or otherwise bypass court decisions. Besides, it is here where the strong standing of (political) liberalism vis-à-vis democracy finds one of its most vivid expressions. Autonomy on the social and time dimensions is mainly based on the formal conditions of judgeship. The appointment procedure at least officially claims to exclude any political tactics and to focus exclusively on the professional expertise and personal qualifications of the candidates. This is not least due to the awareness that the acceptance of court decisions hinges on public confidence in "the independence, integrity and professional competence of justices serving at the constitutional court" (Voßkuhle, 2018, p. 481). If public confidence in the integrity of judges is shaken or even betrayed, the institution as such may be seriously damaged and its capacity to act might be negatively affected (as was evident in the fierce conflict over the appointment of Brett Kavanaugh as a justice of the U.S. Supreme Court). In a much more formalized manner than the ostentatious political impartiality of the appointment procedure (which is, in fact, not always fulfilled), autonomy is granted to the judges through fixed terms of office or even appointment for life, which are protected with high barriers to preliminary dismissal. Finally, autonomy is rooted in the fact that judges make their decisions free of not only intervention by elected politicians, but also of time pressure derived from urgency (Voßkuhle, 2018, p. 480). In this regard, they strongly contrast with majoritarian institutions, whose decision-making is framed by electoral terms, voter expectations, coalition agreements, and the like.

With regard to the political context of judicial review, its autonomy is usually considered crucial to modern democracy as such, not least because it sits at the very core of the self-conception of democratic regimes. This is most evident with regard to the fact that a strong and autonomous judicial review which restricts the scope of action of majoritarian institutions on the grounds of existing (constitutional) law undisputedly counts as a key feature and important stabilizer of democracy in both political theory and practice. Conversely, when legislative or executive authorities restrict the scope of action of judicial review and intervene into its competences, these actions are considered an assault on the democratic order itself.

Autonomy of judicial review, however, is also a sensitive issue beyond emergency situations and in the normal operation of the democratic polity. Notwithstanding the high public expectations, strong regulation, and ostentatious confessions of political actors concerning political impartiality, the actual or supposed effects of party affiliation or ideological preferences give rise to almost constant debates about the selection of candidates, their confirmation, which usually requires legislative majorities in some way or another, or their exercise of duty. In this last regard, the question of political-ideological interpretations of the law,

i.e. of whether judges are subliminally guided by their political preferences and values as they make decisions on constitutional issues, is among the most debated issues related to judicial review.[17]

Similar to the analyses of independent regulatory agencies and central banks, the particularity of judicial review as a specific appearance of functional autonomy becomes evident in a review of the historical conditions of its emergence and formation. Again, the focus of the following examination is not exclusively on the internal structures and operations of the political system, but also on the boundaries that separate the system from its functionally differentiated environment and the way it copes with this environment. In this respect, it is important to note that the relationship between the political and the legal systems stands out in general (i.e., with regard to other issues than functional autonomy) among the diverse environmental contexts. Under the condition of the rule of law, both the political and the legal systems find their ultimate legitimacy in each other – a matter of fact that Teubner (2015) describes as the mutual externalization of legitimacy paradoxes between both systems. Both deliberately use the respective other system and its differentiation and autonomy for their own stabilization: any form of legal regulation originates from the political system, while the polity subjects to the legal principles which it created. Consequently, the concession of autonomy towards the legal system leads inevitably to some form of self-reference. With regard to functional autonomy, this particular interrelation differentiates the law system from other function systems that also act as reference points of functional autonomy but have origins that are clearly distinct from politics.

The first occurrence of judicial review:
Ensuring the constitutionality of legislation

Judicial review has its roots in the formation of the early American state. Although historical research shows that the practice of judicial review was, in some way or other, already been known to the colonial governments (see Ginsburg, 2008, p. 82), its first instance occurred in 1803 with a decision of the Supreme Court of the United States under Chief Justice John Marshall in the famous (and complex) Marbury vs. Madison case (Vallinder, 1995, p. 17ff). Marbury vs. Madison, which was triggered by the attempted nomination of state judges during the change of presidency from Adams to Jefferson in 1800/1801, came as a sudden and unex-

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17 See most recently Devins and Baum (2019), whose empirical analysis suggests that the impact of partisan affiliation and majorities among the judges on the decisions of the U.S. Supreme Court is much weaker than usually assumed in public discourse; also see the regular efforts on the part of the German Constitutional Court and the humble self-descriptions of the constitutional judges as "servants of law" ("Knechte des Rechts"), who try to dispel the suspicion of partiality with references to the democratic "esprit de corps" of the institution itself, which allegedly transgresses individual ideological standpoints (see Beckmann, 2016; also Vanberg, 2005).

pected impulse to the young political system. It led to the decision that the Congress cannot pass laws that contradict the Constitution, and that it is up to the judiciary's responsibility to interpret what the Constitution permits.

The court decision initiated a readjustment of the relationship between the political and legal systems, which was underpinned by the general mistrust of unrestricted majority rule that had accompanied modern democracy more or less from the very outset: It had been indicated in the Federalist Papers and was shared a few decades later by political thinkers such as Mill or Tocqueville, among others, who warned against a "tyranny of the majority" as a kind of a built-in, and thus inevitable, threat in democratic regimes. The readjustment not only confirmed the autonomy of the judiciary vis-à-vis the executive and legislative power, but also established the judiciary's supremacy over parliament and government in cases of doubt, which became and remained a key characteristic of the political system of the United States (Ginsburg, 2008; Vallinder, 1995).

Examining the emergence of judicial review in the early 19th century United States and at its subsequent institutionalization in the American polity, three aspects are especially noteworthy for understanding its relevance and specificity in this historical context: First, it is important to note that not only democracy as such was an exceptional form of political rule at that time, but also the restriction on majority rule as implied by independent (autonomous) judicial review was highly unusual for the few early democratic regimes. Another important early democracy, Great Britain, firmly refused this kind of restriction and even today has neither a written constitution nor an institutionalized form of autonomous judicial review; a similar pattern is found in Sweden (Lijphart, 2012 [1999], p. 212ff). Thus, notwithstanding the popularity that autonomous judicial review gained later on in the 20th century, initially it was not uncontested and existed parallel to alternative structures, i.e. simultaneous with democratic regimes with largely unrestricted majority rule. Seen from this perspective, the situation in a way resembled the parallel existence of central banks and free banking systems in the second half of the 19th century (see above). Free banking, however, eventually proved much less persistent than polities without judicial review: it had factually vanished and been replaced by two-tier systems by the early 20th century.

Second, it is remarkable that judicial review emerged relatively suddenly and much less gradually and hesitantly than other forms of functional autonomy. Notwithstanding later changes in structural details, among them most notably the invention of the constitutional court as a designated body, the key features – the supremacy of legal expertise in a particular sphere of collectively binding decision-making, and the explicit self-restriction of majoritarian institutions – were in place immediately and have remained more or less unchanged until today.

Third, with regard to functional differentiation and especially the differentiation of the political system, the emergence of judicial review appears as an in-

herently political initiative – its first instance, Marbury vs. Madison, occurred on an impulse that emerged from the political system and the interplay of different state authorities. It thus can be considered an expression of the self-reference of the political system; initially, other function systems were irrelevant. Thereby, the liberal attitude underlying the limitation of majority rule emphasizes the individual citizen and the protection of his or her freedom vis-à-vis the state. However, while citizens are a crucial reference point, they are included less as active political participants and more as individuals who are inevitably affected by political decisions but whose activities that require and use individual freedoms are mainly directed towards other societal spheres.

The invention of the constitutional court

The 20th century witnessed an impressive quantitative expansion of judicial review across the globe (Vallinder, 1995), which is commonly traced back to the spread of liberal democracy in the aftermath of the Second World War. Additionally, it might have been underpinned by the increasing international influence of the United States in two respects: The strong position of the Supreme Court in the American polity became an important political role model for many democratization processes, and the strong international standing of American political science and its "obsession with courts and legal procedures" (Tate and Vallinder, 1995b, p. 2f) doubtlessly fostered the rise of autonomous judicial review as a key ingredient of modern democracy.

An important part of this surge was the early 20th century invention of a structural variant that soon became quite influential: Kelsen's model of a constitutional court, which entails the delegation of judicial review to a designated body standing outside the general legal system and the court hierarchy. The first constitutional court was implemented in Austria in 1920. In the aftermath of the Second World War, constitutional courts were established mainly in post-fascist countries (Germany, Italy, Portugal, and Spain), whereof the German *Verfassungsgericht* became a particularly influential model (Ginsburg, 2008, p. 85f; Müller, 2013, p. 247ff). The initial appearance of constitutional courts primarily in post-fascist contexts was probably not a coincidence, but must be considered as a reaction to those countries' experience of democratic regimes being literally beaten at their own game by systematically undermining democratic key principles – an experience which Kelsen (2018 [1929]) himself had vaguely anticipated, who as early as in the 1920s recognized democracy as the only form of government that nourishes its enemies at its own breast. Given this structural weakness, Kelsen concluded, a strong constitutional court should help prevent these enemies from becoming

superior, i.e. reaching a position which allows them to effectively undermine key democratic principles.[18]

Compared to the initial stage of the emergence of judicial review, this later stage includes not only the diversification of the structural forms, but also the pluralization of the motives and principles: First, the initial reference to liberal principles is still present, and the general idea of protecting the citizens against excessive state intervention persists, in part due to a change of the understanding of democracy in the 20th century that puts particular emphasis on liberal principles and their integration into democratic structures (e.g. Plattner, 1998) and eventually effects a tight coupling of democracy and judicial review. Second, against the backdrop of the fascist experience, the idea that citizens need protection against the state is complemented by the opposite attitude, i.e. a strong distrust in the people's sovereignty. This distrust leads to the understanding of judicial review as a protection of democratic rule against the people and the general will. It entails an emphasis on "checks and balances" as well as the relative weakening of parliaments within the institutional structures of Western European democracies, inter alia by subjecting them to constitutional courts (Müller, 2013, p. 247ff). Notwithstanding these motives, the (unelected) judiciary has gained enormous trust on the part of the general public, which – especially during this second stage – exceeded even the public trust in democratically elected bodies and/or individual politicians (see e.g. for the case of the German Constitutional Court: Vorländer and Brodocz, 2006). Third, these two aspects, which aimed at the stabilization of democratic rule by means of judicial review, were supplemented by a function of judicial review that pointed to the quality of political decision-making: improving legislation in procedural terms by introducing a strict hierarchy of legal norms that should make law making more effective. This function, which was categorically new, went hand in hand with the pragmatic and technical approach to the constitutional underpinning of the state, which was also represented by Kelsen's constitutional theory (Müller, 2013, p. 247ff; Rosanvallon, 2011, p. 138ff). It implied a new emphasis in the understanding of the constitutional court, which shifted away from the role of a watchdog over the constitutionality of laws in the context of the liberalism-democracy dichotomy and toward the role of a "negative legislator" in the context of the hierarchy of legal norms (Rosanvallon, 2011, p. 138ff). As such, the mid-20th century version of judicial review, in particular the constitutional court, claims to complement and improve parliamentary legislation. It can be considered as the attempt to extend the repertoire of mechanisms for collectively binding decision-making that occurs in the course of an overall expansion

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18 In a similar vein, Böckenförde stated a few decades later that the liberal secular state lives on premises which it cannot itself guarantee, and on this basis argued for the necessity of autonomous legal systems in democratic regimes (Böckenförde, 2013 [1967], p. 112f).

of political responsibilities. By implication, this claim shifts the focus of judicial review away from political authorities and to the objects of political regulation – and thus to those societal spheres and issues for which the political system considers itself responsible. In other words, judicial review reflects no longer merely the self-referentiality of the political system, but involves a dose of external reference. The processing of external reference, however, strongly differs from the examples of functional autonomy discussed above: In the case of judicial review and constitutional courts, non-political expertise is not used to govern or regulate the system from which it comes, i.e. judicial review must not be considered a form of indirect self-regulation of the legal system. Instead, legal expertise is employed by the political system for the regulation of other (third) function systems.

Politicization & competing expressions of the general will

Towards the end of the 20th century, a third stage of the emergence of judicial review began. Although there was no clear turning point or major historical rupture such as the Second World War that separated the third stage from the preceding one, some significant changes in judicial review are evident. Probably the most obvious change was a wave of quantitative expansion: As a consequence of the breakdown of socialist regimes throughout Eastern Europe and parts of Asia and the beginning of profound political transformation in the post-socialist countries, the mere number of nation states with judicial review increased significantly since the late 1980s. Most notably, this new wave did not just capture the newly democratizing states – or those that pretended to democratize. Instead, judicial review changed from being considered a structural option that could or could not be adopted to being considered an imperative that was addressed even to authoritarian regimes, notwithstanding its fundamental incompatibility with autocratic regime structures. As a result, by around the turn of the millennium the overwhelming majority of the nation states in the world had established some form of judicial review, at least on paper.[19]

In addition to this increase in number, judicial review experienced qualitative changes, primarily in the form of a stronger involvement in policy making. By the end of the 20th century, an increasing number of courts endowed with judicial review were no longer merely engaged with principle decisions (*Grundsatzentscheidungen*) and procedural issues of policy making. Instead, many courts had become much more directly involved in genuinely political questions, i.e. in controversies that cannot be decided by politically unbiased reference to legal norms alone, but in which any decision necessarily entails political partiality and a commitment to certain ideological principles and values (Hirschl, 2008, p. 123). In practice, this

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19 Own research based primarily on https://en.wikipedia.org/wiki/List_of_supreme_courts_by_country (11.11.2019), Maddex (2007), and various websites of national constitutional courts.

includes the whole range from seemingly small, state-level policy issues (e.g. the funding of public schools) to so-called nation-building questions "concerning the very definition, or raison d'être, of the polity as such" (like ethnic, linguistic, or religious issues) (Hirschl, 2004, p. 172; see also Tate and Vallinder, 1995b). Consequently, supreme and constitutional courts worldwide transformed into "a crucial part of their respective countries' national policy-making apparatus" (Hirschl, 2008, p. 123). An effect of the politicization of judicial review is the increasingly conflictual character of the appointment processes of judges, which Devins and Baum (2019) observed especially for the U.S. Supreme Court: Until the 1990s, the mandatory approval of candidates by the Congress was largely unanimous, and even the rare cases of rejection were supported by both parties and caused little controversy. Since the early 2000s, in contrast, the hearings and confirmation of judicial candidates have become a highly contested issue that has provoked fierce conflict between Republicans and Democrats.

The relevant literature discusses several drivers of this trend toward the judicialization of politics, most notably institutional political factors such as federalism, constitutional characteristics, and the number of parliamentary chambers (for an overview and critical discussion see Hirschl, 2004, p. 31ff). Most interesting from a differentiation theory perspective are those factors that can be subsumed under the label "judicialization from below" (Hirschl, 2008, p. 130) and that directly point to political inclusion: First, the broad public awareness for and the firm societal standing of human rights at least since the 1970s have encouraged and mobilized movements to use constitutional rights litigation as a mechanism to advance political change (Eckel, 2009, p. 458ff; Moyn, 2010, p. 176ff). Second, courts have been increasingly considered an alternative mechanism to conventional decision-making procedures in everyday politics and in the struggle between government and opposition. Especially oppositional actors both within and outside the parliament have (often successfully) tried to achieve their policy goals outside the majoritarian decision-making institutions via judicial review (Hirschl, 2008, p. 130; Michelsen and Walter, 2013, p. 40ff). Overall, the effects of these changes on political inclusion – or more specifically, on participation – perfectly fit to Rosanvallon's (2011, p. 138ff; also Rosanvallon, 2012) interpretation, who considers (constitutional) courts and their activities an important mechanism of expressing the general will. As such, they complement and compete with legislative and executive authorities and in doing so eventually increase citizens' influence on political decision-making.

Interim conclusions

The examination of the emergence of judicial review from a differentiation theory perspective adds some important aspects to our understanding of functional autonomy: First, the formation of judicial review and of constitutional courts as

its special organizational manifestation inverted the general pattern that was evident in case of independent regulatory agencies and central banks. In contrast to the latter, the emergence of judicial review did not begin with the politicization of a problem outside the political system, i.e. an issue which the political system detected in its environment, for which it assumed, for whatever reason, responsibility, and to which it reacted with internal structural changes (such as the establishment of an organization). Instead, the emergence of judicial review was triggered by an inherently political conflict, namely irritations regarding the balance of power and the separation of political authorities. This internal struggle resulted in the strengthening of the supreme court and thus factually in the establishment of a powerful institution, which was primarily meant to use legal expertise and procedures to stabilize democracy itself.

Second, the reference to other function system, i.e. to the environment of the political system, occurred much later when judicial review (and constitutional courts) factually turned into authorities for the regulation of other societal spheres by the end of the 20th century. Importantly, this shift was not so much the result of formal planning. Rather, one key driving force behind the changing role of judicial review was its use and effects in political practice and the manner in which actors applied to the courts both from within the political system (e.g. in the case of legislative and executive authorities, oppositional parties, and the like) and from outside. Much in line with this evolutionary and audience-driven development, this process did not occur as a consecutive replacement of individual structures and functions, but rather as a form of overlaying and interplay.

Third, the emergence of judicial review entailed, from the beginning on, as a constitutive feature the clear-cut and radical self-restriction of majoritarian authorities. Moreover, the basic form of judicial review had appeared in more or less a single step and has remained largely unchanged since that time, i.e. it was not subject to significant variation. Instead, in case of judicial review and constitutional courts, the variation or search process obviously set in after the initial emergence of judicial review and did not primarily concern its institutional core.

In sum, the emergence of judicial review can be described as a search for how a given structure and firmly institutionalized legal expertise could be used in the political system with regard to collectively binding decision-making. In the course of this shift that legal review experienced, there was a transition from the self-reference of the political system to external reference and thus a transition from an institution that was expected to reflect on and supervise collectively binding decision-making to an authority that is directly involved in collectively binding decision-making with regard to the regulation of other function systems and/or societal spheres. In other words, in the case of judicial review, it was not the institutionalized form as such and the self-restriction of majoritarian authorities that emerged gradually and hesitantly, but rather its orientation to the external

environment of the political system. This relates to and aligns with the expansion of the political system, but it does so differently than other functional autonomies: Judicial review is not a mechanism for the self-regulation of the system of law, but rather a new mechanism to regulate other, or third, function systems. Internally, it provides the political system with new structures to cope with complexity, which is constantly increasing due to expanding political responsibilities. Externally, judicial review helps to pluralize the opportunities to participate – the opportunities to raise one's voice – and to enhance the acceptance of political decisions by those who are subject to political regulation. In this last respect, the process of the emergence of judicial review also illustrates how the gradual transition from self-reference to external reference goes hand in hand with the shift from passive consideration to active inclusion of citizens.

Concluding remarks

The present chapter shed light on the phenomenon of functional autonomy, which is an essential structural feature of democratic political rule in modern society through which the political system expands into its environment by deliberately restricting majoritarian institutions and the applicability of political standards and expertise. To enhance our understanding of functional autonomy, the chapter offered a concise theoretical definition, which boils the phenomenon down to three key elements: First, functional autonomies are political in the sense that they are actively and effectively involved in processes of collectively binding decision-making. Second, in doing so, i.e. in making decisions on their specific issues, functional autonomies are strongly expected – and sometimes explicitly advised – to prioritize issue-related, non-political expertise. Third, functional autonomies are granted autonomy vis-à-vis majoritarian institutions and principles, i.e. they are able to consider various environmental dependencies, including the dependency on core democratic institutions, at their own discretion in the course of operating.

Importantly, this theoretical and somehow abstract definition is not an end in itself. It rather allows us to identify a broad spectrum of – at first sight – diverse structural elements of modern democracies as different manifestations of functional autonomy and to relate them to each other. In this regard, the theoretical definition was applied to three of the most prominent and representative empirical manifestations and their formation processes: the ICC as an example of independent regulatory agencies, central banks, and judicial review. The examination of the emergence and structural configurations of these empirical cases from this specific theoretical perspective illustrated and substantiated the assumption that functional autonomy is an important mode through which modern democratic regimes deal with the complexity of their functionally differentiated

environment. Thereby, all three cases show important similarities: the close in-terrelation between the formation of functional autonomies and the emergence of new policy fields; the recognition in the political system that specific external expertise is needed to effectively handle the respective regulatory issues; and, fi-nally, the radical incorporation of this external expertise into collectively bind-ing decision-making that goes hand in hand with the (more or less controversial) self-restriction of majoritarian authorities.

At the same time, however, the empirical examples reveal that and how the similar patterns are the result of rather different paths of emergence. Tracing these paths from the perspective of differentiation theory does not only high-light the different schemes of emergence, but also underlines that each scheme entails a considerable degree of contingency, i.e. left much leeway for variations and junctions that might have become starting points for the development of al-ternative structures. These variations were obvious in several respects: regarding the politicization of societal issues, the modes of processing external expertise within political communication, and the role that majoritarian institutions as de-cision-making authorities themselves assumed.

Against this background, the fact that a common and clearly identifiable struc-tural pattern nonetheless appeared and stabilized can be taken as evidence that functional autonomies are the outcome of the deliberate self-restriction of major-itarian institutions with regard to maintaining the ability of the political system to operate, i.e. to make collectively binding decisions with reference to its societal environment. In other words, self-restriction appears as a form of self-assertion. Its institution followed the distinct rationality of the political system, which must not be understood as the purposeful pursuit of optimal decision-making or most efficient regulation in the narrow sense of these concepts. Instead, it can be con-sidered as the striving for self-reproduction in a complex, uncertain, and dynamic environment through the permanent and careful listening to this environment and the ongoing adaptation to environmental changes without abandoning the own (i.e. political) function under the condition of democracy. Vice versa, there is not much evidence for the interpretation of the modern democratic polity as a defenseless entity that is overpowered by its environment (or by certain environ-mental segments) and unable to oppose this external attack.

That said, it is important to emphasize that the present chapter did not aim to provide a definitive and all-embracing analysis of functional autonomy, but rather an attempt to narrow down a wide and complex topic in theoretical and empirical respect. After having done this, various follow-up questions arise, whereof two shall be mentioned in conclusion because they appear especially relevant with re-gard to the overall focus of the book: First, notwithstanding the fact that function-al autonomy is an important structural feature of democratic regimes enabling them to cope with their environments, it would further deepen our understand-

ing of modern democracies to systematically explore the question which environmental segments and which kind of external expertise most likely trigger the formation of functional autonomy as a mode of political regulation (e.g., instead of inducing further internal functional differentiation of the political system). Second, with regard to the dichotomy of democratic and authoritarian forms of political rule, further research could investigate which equivalent structures appear and stabilize in autocratic regimes that fulfil the function of dealing with complex and uncertain societal environments and facilitate political regulation under the condition of functional differentiation. This issue is all the more important because totalitarian regimes that are based on the more or less complete suppression of functional differentiation (like the Soviet regime, see Moser [2015; 2016]) factually disappeared. Since the late 1990s and early 2000s, they have been replaced by a new form of autocracy which not only accepts, but even tries to use functional differentiation for its own purposes, what, in turn, makes the tension between autocratic rule and (functional) autonomy and the need for appropriate control mechanisms obvious.

References

Atac, Ilker, and Sieglinde Rosenberger. 2013. "Inklusion/Exklusion – ein relationales Konzept der Migrationsforschung." Pp. 35-52 in *Politik der Inklusion und Exklusion*, edited by Ilker Atac and Sieglinde Rosenberger. Wien: V&R unipress.

Baecker, Dirk. 2006. *Wirtschaftssoziologie*. Bielefeld: transcript.

Bagehot, Walter. 1873. *Lombard Street. A Description of the Money Market*. London: Henry S. King & Co.

Beckmann, Andreas. 2016. "Zur Geschichte des Bundesverfassungsgerichts." in *Deutschlandfunk*. Köln. Available online at https://www.deutschlandfunk.de/karlsruher-republik-zur-geschichte-des.1148.de.html?dram:article_id=351327 (24.11.2019)

Blinder, Alan. 1997. "Is Government Too Political?" *Foreign Affairs* 76(6):115-26.

Blinder, Alan, Charles Goodhart, Philipp Hildebrand, David Lipton, and Charles Wyplosz. 2001. *How Do Central Banks Talk?* Geneva: International Center for Monetary and Banking Studies.

Böckenförde, Ernst-Wolfgang. 2013 [1967]. "Die Entstehung des Staates als Vorgang der Säkularisation." Pp. 92-114 in *Recht, Staat, Freiheit. Studien zur Rechtsphilosophie, Staatstheorie und Verfassungsgeschichte*, edited by Ernst-Wolfgang Böckenförde. Frankfurt a.M.: Suhrkamp.

Braunberger, Gerald, and Stefan Ruhkamp. 2012. "EZB-Staatsanleihenkäufe: Bundesbank kritisiert Beschluss offen." Available online at https://www.faz.

net/aktuell/wirtschaft/wirtschaftspolitik/ezb-staatsanleihekaeufe-bundes
bank-kritisiert-beschluss-offen-11881725.html (24.11.2019).

Bundeskartellamt. 2015. "Beschluss in dem Verwaltungsverfahren B2-96/14."
Available online at https://www.bundeskartellamt.de/SharedDocs/Entschei
dung/DE/Entscheidungen/Fusionskontrolle/2015/B2-96-14.pdf?__blob=pub
licationFile&v=3 (24.11.2019).

Capie, Forrest, Charles Goodhart, and Norbert Schadt. 1994. "The development
of central banking." Pp. 1-231 in *The Future of Central Banking. The Tercentenary
Symposium of the Bank of England*, edited by Forrest Capie, Charles Goodhart,
Stanley Fischer, and Norbert Schadt. Cambridge: Cambridge University Press.

Cole, David. 2019. "Keeping Up Appearances." *The New York Review of Books*
LXVI(13):18-21.

Committee on Economic and Monetary Affairs. 2019. "Draft Report on the Coun-
cil recommendation on the appointment of the President of the European
Central Bank." Brussels: European Parliament.

Crowe, Christopher, and Ellen E. Meade. 2007. "The Evolution of Central Bank
Governance around the World." *The Journal of Economic Perspectives* 21(4):69-90.

Cukierman, Alex, Steven B. Webb, and Bilin Neyapti. 1992. "Measuring the Inde-
pendence of Central Banks and Its Effect on Policy Outcomes." *The World Bank
Economic Review* 6(3):353-98.

Cushman, Robert E. 1941. *The Independent Regulatory Commissions*. New York: Ox-
ford University Press.

Devins, Neal, and Lawrence Baum. 2019. *The Company They Keep: How Partisan Di-
visions Came to the Supreme Court*. Oxford: Oxford University Press.

Di Matteo, Livio. 2013. *Measuring Government in the 21st Century. An International
Overview of the Size and Efficiency of Public Spending*. Vancouver: Fraser Insti-
tute.

Döhler, Marian. 2002. "Institutional Choice and Bureaucratic Autonomy in Ger-
many." *West European Politics* 25(1):101-24.

Eckel, Jan. 2009. "Utopie der Moral, Kalkül der Macht. Menschenrechte in der
globalen Politik seit 1945." *Archiv für Sozialgeschichte* 49:437-84.

Edeka. 2015. "Zukunft gestalten – erfolgreich handeln. Unternehmensbericht
2015." Hamburg: Edeka AG & Co. KG.

Elster, Jon. 1979. *Ulysses and the Sirens: Studies in Rationality and Irrationality*. New
York: Cambridge University Press.

—. 2000. *Ulysses Unbound. Studies in Rationality, Precommitment, and Constraints*.
Cambridge: Cambridge University Press.

Esposito, Elena. 2008. "Die normale Unwahrscheinlichkeit der Medien: der Fall
des Geldes." Pp. 112-30 in *Was ist ein Medium?*, edited by Stefan Münker and
Alexander Roesler. Frankfurt a.M.: Suhrkamp.

—. 2010. *Die Zukunft der Futures. Die Zeit des Geldes in Finanzwelt und Gesellschaft.* Heidelberg: Carl-Auer.

European Central Bank. 2011. *The Monetary Policy of the ECB.* Frankfurt a.M.: European Central Bank.

—. 2012. "Speech by Mario Draghi, President of the European Central Bank at the Global Investment Conference in London,26 July 2012."

Flora, Peter, and Jens Alber. 1981. "Modernization, Democratization, and the Development of Welfare States in Western Europe." Pp. 37-80 in *The Development of Welfare States in Europe and America*, edited by Peter Flora and Arnold J. Heidenheimer. New Brunswick: Transaction Books.

Ginsburg, Tom. 2008. "The Global Spread of Constitutional Review." Pp. 81-98 in *The Oxford Handbook of Law and Politics*, edited by Keith E. Whittington, R. Daniel Kelemen, and Gregory A. Caldeira. Oxford: Oxford University Press.

Glass, Andrew. 2015. "Senate investigates interstate commerce, March 17, 1885." Available online at https://www.politico.com/story/2015/03/this-day-in-politics -march-17-1885-116106 (24.11.2019).

Goeke, Pascal, and Evelyn Moser. 2018. "The complex market: Communication of exchange, observing competitors, and prices." *Sociologica. International Journal for Sociological Debate* 12(1):81-99.

Goodhart, Charles. 1991. *The Evolution of Central Banks.* Cambridge, MA: MIT Press.

Greven, Michael Th. 1999. *Die politische Gesellschaft. Kontingenz und Dezision als Probleme des Regierens und der Demokratie.* Opladen: Leske + Budrich.

Gwartney, James, Robert Lawson, and Joshua Hall. 2014. *Economic Freedom of the World: 2014 Annual Report.* Vancouver: Fraser Institute.

Halfmann, Jost. 2002. "Der moderne Nationalstaat als Lösung und Problem der Inklusion in das politische System." Pp. 261-86 in *Theorie der Politik. Niklas Luhmanns politische Soziologie*, edited by Kai-Uwe Hellmann and Rainer Schmalz-Bruns. Frankfurt a.M.: Suhrkamp.

Haucap, Justus. 2016. "Hier ist Politik wirklich gefragt." Available online at https:// www.zeit.de/wirtschaft/unternehmen/2016-08/edeka-tengelmann-fusion-ministererlaubnis-sigmar-gabriel/komplettansicht (24.11.2019).

Helleiner, Eric. 2003. *The Making of National Money. Territorial Currencies in Historical Perspective.* Ithaca und London: Cornell University Press.

Herger, Nils. 2016. *Wie funktionieren Zentralbanken?* Wiesbaden: Gabler Verlag.

Hirschl, Ran. 2004. *Towards Juristocracy. The Origins and Consequences of the New Constitutionalism.* Cambridge, MA und London: Harvard University Press.

—. 2008. "The Judicialization of Politics." Pp. 119-41 in *The Oxford Handbook of Law and Politics*, edited by Keith E. Whittington, R. Daniel Kelemen, and Gregory A. Caldeira. Oxford: Oxford University Press.

Hutter, Michael. 2014. "Die Bande der Finanzwelt." Pp. 193-206 in *Bonds. Schuld, Schulden und andere Verbindlichkeiten*, edited by Thomas Macho. München: Wilhelm Fink Verlag.

Janisch, Wolfgang. 2018. "Keine Einwände gegen Anleihekäufe der EZB." P. 1 in *Süddeutsche Zeitung, 5.10.2018*. München: Süddeutsche Zeitung.

Kelsen, Hans. 2018 [1929]. *Vom Wesen und Wert der Demokratie*. Stuttgart: Reclam.

Lepsius, Oliver. 2011. "Die maßstabsetzende Gewalt." Pp. 159-279 in *Das entgrenzte Gericht. Eine kritische Bilanz nach sechzig Jahren Bundesverfassungsgericht*, edited by Matthias Jestaedt, Oliver Lepsius, Christoph Möllers, and Christoph Schönberger. Berlin: Suhrkamp.

Light, Paul C. 1999. *The True Size of Goverment*. Washington D.C.: Brookings Institution Press.

Lijphart, Arend. 2012 [1999]. *Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries*. New Haven: Yale University Press.

Luhmann, Niklas. 1995 [1984]. *Social Systems*. Stanford: Stanford University Press.

—. 2000. *Die Politik der Gesellschaft*. Frankfurt a.M.: Suhrkamp.

—. 2009 [1980]. "Machtkreislauf und Recht in Demokratien." Pp. 148-58 in *Soziologische Aufklärung 4. Aufsätze zur funktionalen Differenzierung der Gesellschaft*, edited by Niklas Luhmann. Opladen: Westdeutscher Verlag.

—. 2010. *Politische Soziologie*. Frankfurt a.M.: Suhrkamp.

—. 2012 [1997]. *Theory of Society, Volume 1*. Stanford: Stanford University Press.

—. 2013 [1997]. *Theory of Society, Volume 2*. Stanford: Stanford University Press.

Maddex, Robert L. 2007. *Constitutions of the World*. Washington D.C.: CQ Press.

Majone, Giandomenico. 1996. "Temporal Consistency and Policy Credibility: Why Democracies Need Non-Majoritarian Institutions." Florence: European University Institute.

Marshall, Thomas H. 1992 [1949]. *Bürgerrechte und soziale Klassen. Zur Soziologie des Wohlfahrtsstaates*. Frankfurt a.M.: Campus.

Maxfield, Sylvia. 1997. *Gatekeepers of Growth. The International Political Economy of Central Banking in Developing Countries*. New Jersey: Princeton University Press.

Mayntz, Renate. 2002. "Wolfahrtsökonomische und systemtheoretische Ansätze zur Bestimmung von Gemeinwohl." Pp. 111-26 in *Gemeinwohl und Gemeinsinn (Band 2). Rhetoriken und Perspektiven sozial-moralischer Orientierung*, edited by Herfried Münkler and Karsten Fischer. Berlin: Akademie Verlag.

McNamara, Kathleen. 2002. "Rational Fictions: Central Bank Independence and the Social Logic of Delegation." *West European Politics* 25(1):47-76.

Michelsen, Danny, and Frank Walter. 2013. *Unpolitische Demokratie. Zur Krise der Repräsentation*. Berlin: Suhrkamp.

Micklethwait, John, and Adrian Wooldridge. 2014. *The Fourth Revolution: The Global Race to Reinvent the State*. New York: Penguin.

Monopolkommission. 2015. *Sondergutachten 70. Zusammenschlussvorhaben der Edeka Zentrale AG & Co. KG mit der Kaiser's Tengelmann GmbH.* Bonn: Monopolkommission.

Montanaro, Laura. 2012. "The Democratic Legitimacy of Self-Appointed Representatives." *The Journal of Politics* 74(4):1094-107.

Moser, Evelyn. 2015. *Postsowjetische Transformationen in der Weltgesellschaft. Politische Dezentralisierung und wirtschaftliche Differenzierung im ländlichen Russland.* Bielefeld: transcript.

—. 2016. "The Logic of the Soviet Organisational Society. Political Control, the Soviet Village, and World Society." Bonn: Forum Internationale Wissenschaft.

Moyn, Samuel. 2010. *The Last Utopia. Human Rights in History.* Cambridge, MA: Harvard University Press.

Müller, Jan-Werner. 2013. *Das demokratische Zeitalter. Eine politische Ideengeschichte Europas im 20. Jahrhundert.* Bonn: Bundeszentrale für politische Bildung.

Münkler, Herfried, and Harald Bluhm. 2001. "Einleitung: Gemeinwohl und Gemeinsinn als politisch-soziale Leitbegriffe." Pp. 9-30 in *Gemeinwohl und Gemeinsinn (Band 1). Historische Semantiken politischer Leitbegriffe*, edited by Herfried Münkler. Berlin: Akademie Verlag.

Offe, Claus. 2002. "Wessen Wohl ist das Gemeinwohl?" Pp. 55-76 in *Gemeinwohl und Gemeinsinn (Band 2). Rhetoriken und Perspektiven sozial-moralischer Orientierung*, edited by Herfried Münkler and Karsten Fischer. Berlin: Akademie Verlag.

Peacock, Mark. 2006. "The origins of money in Ancient Greece: the political economy of coinage and exchange." *Cambridge Journal of Economics* 30(4):637-50.

Pitkin, Hanna Fenichel. 1967. *The Concept of Representation.* Berkeley: University of California Press.

Plattner, Marc F. 1998. "Liberalism and Democracy: Can't Have one without the Other." *Foreign Affairs* 77(2):171-80.

Podszun, Rupprecht. 2016. "Die Ministererlaubnis – Einbruch der Politik ins Recht der Wirtschaft." *Neue Juristische Wochenzeitschrift* 69(9):617-19.

Polillo, Simone, and Mauro F. Guillén. 2005. "Gobalization Pressures and the State: The Worldwide Spread of Central Bank Independence." *The American Journal of Sociology* 110(6):1764-802.

Rehfeld, Andrew. 2006. "Towards a General Theory of Political Representation." *The Journal of Politics* 68(1):1-21.

—. 2009. "Representation Rethought: On Trustees, Delegates, and Gyroscopes in the Study of Political Representation and Democracy." *The American Political Science Review* 103(2):214-30.

Rosanvallon, Pierre. 2011. *Democratic Legitimacy. Impartiality, Reflexivity, Proximity.* Princeton: Princeton University Press.

—. 2012. *Counter-Democracy. Politics in an Age of Distrust.* Cambridge: Cambridge University Press.

Rowen, Hobart. 1991. "Mumbling with great incoherence." in *The Washington Post.* Washington D.C.

Saward, Michael. 2009. "Authorisation and Authenticity: Representation and the Unelected." *The Journal of Political Philosophy* 17(1):1-22.

Schwenn, Kerstin. 2016. "Finger weg von der Ministererlaubnis." Available online at http://www.faz.net/aktuell/wirtschaft/wirtschaftspolitik/gabriel-und-die-supermarktfusion-14395027.html (24.11.2019).

Sigmund, Steffen. 2008. "Ist Gemeinwohl institutionalisierbar? Prolegomena zu einer Soziologie des Stiftungswesens." Pp. 81-103 in *Soziale Konstellation und historische Perspektive. Festschrift für M. Rainer Lepsius,* edited by Steffen Sigmund, Gert Albert, Agathe Bienfait, and Mateusz Stachura. Wiesbaden: VS Verlag für Sozialwissenschaften.

Stichweh, Rudolf. 2007. "Dimensionen des Weltstaats im System der Weltpolitik." Pp. 25-36 in *Weltstaat und Weltstaatlichkeit. Beobachtungen globaler politischer Strukturbildung,* edited by Mathias Albert and Rudolf Stichweh. Wiesbaden: VS Verlag für Sozialwissenschaften.

—. 2009. "Autonomie der Universitäten in Europa und Nordamerika: Historische und systematische Überlegungen." Pp. 38-49 in *Die Illusion der Exzellenz. Lebenslügen der Wissenschaftspolitik,* edited by Jürgen Kaube. Berlin: Wagenbach.

Stone Sweet, Alec. 2002. "Constitutional Courts and Parliamentary Democracy." *West European Politics* 25(1):77-100.

Tate, C. Neal, and Torbjörn Vallinder (Eds.). 1995a. *The Global Expansion of Judicial Power.* New York: New York University Press.

—. 1995b. "The Global Expansion of Judicial Power: The Judicialization of Politics." Pp. 1-10, edited by C. Neal Tate and Torbjörn Vallinder. New York: New York University Press.

Teubner, Gunther. 2015. "Exogene Selbstbindung: Wie gesellschaftliche Teilsysteme ihre Gründungsparadoxien externalisieren." *Zeitschrift für Rechtssoziologie* 35(1):69-89.

Thatcher, Mark, and Alec Stone Sweet. 2002. "Theory and Practice of Delegation to Non-Majoritarian Institutions." *West European Politics* 25(1):1-22.

Vallinder, Torbjörn. 1995. "When the Courts Go Marching In." Pp. 13-26, edited by C. Neal Tate and Torbjörn Vallinder. New York: New York University Press.

Vanberg, Georg. 2005. *The Politics of Constitutional Review in Germany.* Cambridge: Cambridge University Press.

Vorländer, Hans, and André Brodocz. 2006. "Das Vertrauen in das Bundesverfassungsgericht." Pp. 259-95 in *Die Deutungsmacht der Verfassungsgerichtsbarkeit,* edited by Hans Vorländer. Wiesbaden: VS Verlag für Sozialwissenschaften.

Voßkuhle, Andreas. 2018. "Constitutional Court: The Dilemma of Law and Poli-
tics." *Osteuropa Recht* 64(4):480-82.

Wechsler, Herbert. 1959. "Toward Neutral Principles of Constitutional Law." *Har-
vard Law Review* 73(1):1-35.

Weinbach, Christine. 2014. "Moralische Personenkategorien als Transformation-
smechanismus in politischen Dienstleistungsbeziehungen: Das Beispiel Job-
center-Interaktion." *Zeitschrift für Soziologie* 43(2):150-66.

Weinert, Rainer. 2002. "Geld und Politik: Autonomisierung und Funktionswandel
von Zentralbanken." Pp. 327-50 in *Die gesellschaftliche Macht des Geldes*, edited
by Christoph Deutschmann. Wiesbaden: Westdeutscher Verlag.

Willke, Helmut. 2014. *Demokratie in Zeiten der Konfusion*. Berlin: Suhrkamp.

Zacharakis, Zacharias. 2016. "Total verrannt." Available online at https://www.zeit.
de/wirtschaft/2016-07/sigmar-gabriel-edeka-tengelmann-gericht-entschei
dung (24.11.2019).

6. The Bipolarity of Democracy and Authoritarianism and Its Societal Origins

Rudolf Stichweh and Anna L. Ahlers

I. Individuality and Collectivity in Democratic and Authoritarian Systems

In a functionally differentiated society the political system is responsible for the societal production of collectively binding decisions. There is no other function system in society that can do something similar. If someone tries to solve societal problems and wants to claim bindingness for the solutions finally found, the respective actor will have to transfer the problem to the political system and work toward the making of binding decisions there.

In this functional description of the political system there is no preconception of either the form of government or the form of political regime implied. The idea of the polity as a system specialized on collectively binding decisions is compatible with autocracies, democracies, monarchies, aristocracies and other government and regime types as long as they reliably fulfill this function of the polity. But one must know the constitution of the collectivity that is supposed to be bound by the collective decisions. How does the collectivity come about? What does its internal social structure look like? Why and how does it accept the decisions that are produced? And what does 'acceptance' mean?

Societal modernity has one of its origins in a fundamental transformation of the collectivities on which political systems are based. A person is no longer a member of the respective political collectivity via inclusion in the estates and strata of pre-modern (European) society. It is no longer membership in social categories (nobility, peasantry, bourgeoisie, clergy) that guarantees inclusion in the political system. Instead membership is based on individuality, which means it is based on a paradoxical property: Individuality is something everyone shares with everyone else because all humans are individuals and no exceptions are imaginable; however, individuality distinguishes each individual from every other individual who realizes its individuality in a different way and who must be different as an individual in order to be an individual at all (Ghosh 2013; Simmel 1890; Simmel 1917). This paradoxical structure of individuality seems to guarantee both the

unity and the internal diversity of a political system and it generates these two effects via the same institution: the individual as a core institution of modernity (Bourricaud 1977; Dumont 1991; Durkheim 1893; Durkheim 1898; Parsons 2007b). Interpretations of individuality arise in all the other function systems of modern society (education, science, economy, religion). These function systems are all based on the inclusion of individuals. At the same time, each of the function systems has a completely different perspective on individuals.

Political systems invent new terms or redefine old ones to describe themselves as an inclusive collectivity of individuals: The 'people' and the 'nation' are the most prominent of these terms. Both concepts refer to collectivities that may include a significant number of individuals, millions of individuals or even a billion of them (in the case of the Chinese or the Indian people or nation). What distinguishes the two semantics is that 'people' is more clearly dominated by its popular origin, meaning only the simple, unrefined people who have no claim to a relevant social status. In contrast, 'nation' for centuries was an elite term, referring to the cultivated social strata. While both terms are used to describe a unified political and social community, 'people' signifies a unification from below whereas 'nation' implies a unification from above. The convergence of these movements from above and below reveals the strongly egalitarian character of the modern political community, although it can also be understood as indication of the tensions inherent in these processes of forming a unified political community.

Both terms – nation and people – are egalitarian in contemporary society and as egalitarian terms they formulate a semantics of inclusion. Everyone is part of the people and everyone is part of the nation. But both terms are not necessarily tied to democracy as a political regime. They can also be prominent and decisive terms in a monarchy or in an authoritarian system. It is possible that someone (an authoritarian populist) governs who says: This is my people, this is my nation. The prominence of these two terms is one of the many indicators that reveal the shared semantic basis of modern democracy and modern authoritarianism. Democratic and authoritarian regimes typically claim to be based on such an inclusively interpreted collectivity. *In the case of democracies this takes the form of self-government by the people, in monarchical/authoritarian systems it takes the form of government for the people, for the welfare of the people, and in the best interest of the people, and in all these authoritarian variants we observe more indirect forms of the representation of the people and the nation. The study of these forms is the study of authoritarianism in modernity.*

There is a bipolar structure inherent in all contemporary political systems: On the one hand the individualization of inclusion in the political system, on the other hand the different collectivities to which all included individuals belong. Democracies typically focus on the individual pole of this bipolar structure and must emphasize the individual exercise of participation in political processes, whereas autocracies typically accentuate the collectivities, which are the contexts

of the belongingness of the individuals, and they claim the exercise of authority in the name of the collectivity. In autocracies, there will be someone outside the collectivity who will be the bearer of authority over the collectivity (a hereditary monarch, an irreplaceable party, a charismatic personality with innate qualities, a cleric from a religious role structure, a military officer). In democracies, all leadership roles are completely derived from the self-organization of the collectivity as a collection of individuals. In a democracy there is no individual in the collectivity who could not be thought of as being potentially able to take the most powerful political roles in a political system. In sum: Both types of regimes realize a universal inclusion of all members of society in some types of participation and in participation roles in the political system ('public roles'); however, only in democracies there is a complete inclusion of everyone in the possibilities of taking even the highest political roles in government ('performance roles'). (Stichweh 2016)

It is instructive to look more closely at differences between 'people' and 'nation' as the two major terms for the modern political collectivity based on inclusion. From the point of view of a theory of inclusion, 'people' signifies an inclusion from below. People were originally the ordinary, simple people who had no claim at all for a privileged place in society. If in the current times 'people' becomes a universal term that includes everyone in 'the people', this means the inclusion of the higher strata in a collectivity to which for centuries they never would have wanted to belong. With 'nation' it is exactly the other way around. Its original usage primarily meant the higher strata of society, as in 'Holy Roman Empire of the German Nation', where clearly the 'nation' only referred to those who were part of the politically independent estates of the empire. In this case inclusion was from above. The concept of the nation expanded and ever more people from ever more social strata and stations became part of the nation, and finally the idea of the nation became a kind of political program that sought to include ever more persons.

Another dimension of the distinction is related to scope. In many cases 'nation' is a universalizing and globalizing term. Inclusion in the nation is then the inclusion of regions, provinces, and other smaller groups and units in an encompassing concept of the nation (Weber 1976). There are other cases, in which the usage of 'nation' is particularizing. In these cases, it is claimed that a smaller part of a social whole is a nation of its own. Sometimes such a claim prepares a political secession. To speak of 'the people' or simply 'people' does not point to transregional or global circumstances but is much more closely tied to locality and local circumstances.

We mention a last aspect: exclusion. The two core concepts for the modern political collectivity (or 'community'), 'people' and 'nation', are both clearly linked not only to ideas of inclusion (mainly the complete inclusion of all individuals) but also to ideas of exclusion. There is again an asymmetry. In the case of the semantics of 'people' exclusion is comparatively rare. A person can become an 'enemy' of the people or may be a 'stranger' to the people. In the latter case he or she probably

belongs to another people. From the perspective of 'nation' exclusions are much more likely. In a political system (democratic or autocratic) it may be declared that someone lacks properties that are deemed to be constitutive of the nation (ethnic, religious, linguistic). And then these persons or groups may become excluded from the respective political system.

II.   Functional Differentiation

One of the major commonalities of democracies and autocracies is that both types of regimes arise in and are an adaptation to a functionally differentiated world society. Political systems cannot escape functional differentiation. It is a world structure that requires a response and an adaptation. Different political regime types differ in their responses and adaptations and these differences generate the distinction of democracy and authoritarianism.

We claim, therefore, that the most important societal circumstance that determines the careers, of both democratic and authoritarian regimes, is the functional differentiation of society, which after 1750 finally takes over as the primary differentiation of world society. In contrast, in premodern stratified societies the 'polity' or 'the state' was the instrument by which the most important stratum of society (the nobility or other elites in a structurally equivalent position) exercised its dominance over all the other societal groups. The preponderance of the state as a functional institution goes easily hand in hand with the stratification of society, as a hierarchy of groups into one of which everyone is born and that predetermine the entire life course of individuals.

In a functionally differentiated society, the state is no longer the apex of society. The state is only the 'political system', i.e. the state becomes one function system among numerous other function systems. The conditions for inclusion in a political system are clearly different from the conditions of inclusion in a premodern state. Starting with the inclusion of elites that was characteristic of premodern states there has been a slow shift towards universal inclusion. The two premodern collectivities of 'nation' (elites) and 'people' (everyone, the 'plebs') have converged, creating a situation in which everyone is both a member of the nation and a part of the people. These two collectivities, nation and people, are now understood as political collectivities, i.e. collectivities that define one function system in society, but do not constitute 'society' and are not a 'societal community' in the understanding proposed by Talcott Parsons (Parsons 2007a). It is difficult to identify a societal community in the Parsonian understanding of this term, and society and polity have become separate from one another in global modernity, and as a consequence the political system is only one function system among a significant number of other function systems (law, economy, religion, etc.) and

has its own collectivities that differ from the communities underlying the other function systems.

It is this enormous societal transformation that finally produces the bipolarity of democracy and authoritarianism. Democracies are based on the complete breakdown of stratification as a form of political domination. They constitute an egalitarian, self-organizing democratic collectivity that includes everyone in society on the same terms and concedes to everyone the same rights of participation, first via numerous forms of participation and second by the principal possibility of acceding to the highest political offices. This principal possibility is not limited by professionalism or educational demands. There is no 'political profession' in the same way as there is 'the profession of medicine' (Freidson 1988) and there is no characteristic and indispensable education for the political system aside from being active and taking roles and thereby building a career in the respective political system.

From the perspective of the self-organizing democratic collectivity, it is easily to be seen that there are similar egalitarian communities based on universal inclusion in all the other function systems. These communities have internal social structures that differ from the internal structures of the political collectivities. Often there is a split between professionals/performers and amateurs/clients. Nonetheless, however, all the function systems are based on universal inclusion. Of course, the professional/performer statuses are not ascribed statuses, but are, in principle, accessible to everyone. There are no constraints built into the structure of society which make it impossible that a student of sociology becomes a successful opera singer.[1] In all of the function systems there are some passageways that may allow the amateurs to perform together with professionals or even to compete with them (the cup tournaments in soccer are one of many examples and there are many other practices and institutions of permeability in all of the sports). *If, from the perspective of the democratic collectivity of the political system, one observes the inclusion communities of the other function systems in society and their internal structures there is no reason the democratic collectivity should legitimately claim somehow to 'govern' the inclusion communities of the other function systems. From a democratic point of view it would be much more plausible to postulate that if the self-organization of the democratic collectivity is the core structure of the 'radicalism' of the democratic revolution (Wood 1998), then for the other function systems in society the idea of the self-organization of their constitutive communities should be a self-evident insight.*

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1   One of the authors of this chapter was surprised by one of his students to whom after finishing his diploma thesis fifteen years ago he offered a position in a DFG research project but who declined the offer and said he was going to switch to professional singing and had already been accepted by a teacher in a 'Musikhochschule'. This former student is today a well-known performer of operas and of the German tradition of 'Lieder'.

From this argument it follows that a built-in feature of modern democracy is an inherent acceptance of both functional differentiation as the fundamental structure of society and a tendency towards the self-restriction of the decision space that a political collectivity claims as its own. Democracies do not tend toward an expansion of the political decision space. Rather, they should and do prefer self-limitations of the political domain induced by respect for the self-organization of the other function systems.

This argument highlights how authoritarian systems differ from democracies. Whereas democracies rest on the complete breakdown of the domination by ascriptive elites, most autocracies have their basis in either the continuity or the new emergence of elites who claim a stable political authority and power on the basis of their elite status. As elites, they typically perceive themselves to be irreplaceable. This irreplaceability may be postulated with respect to elite parties (fascist, communist, socialist, and other ideologies), a religious clerisy (any religion), the military, a traditional or newly emerging kinship group (Saudi-Arabia), a tribal or ethnic elite that distinguishes itself from other ethnic groups in the same country, or even an elite of socio-economic modernizers (although elite consistency and stability will be difficult in this case). The elites of authoritarian countries mostly accept, indeed must accept, an inclusive collectivity of all others (all those who are dominated by the elite). Thus, these countries often have elections, parties, parliaments and other institutional aspects characteristic of democracies. However, there are always sharply drawn boundaries that demarcate the space where the domination by the elite begins and limits the participation and potential influence of all others.

The political system of an autocracy is in some (often in many) respects a specialized function system of society, as is the case for democracies. The autocratic political system must accept its partiality resulting from functional specialization. But there are limits to this acceptance. The elites who control an autocracy have an ingrained distrust of the self-organizing autonomy of the communities of the other function systems. Therefore, one of the major differences between democracies and autocracies consists in the completely different relationships to functional differentiation. Democracies must accept the plurality of function systems because they perceive the autonomy of the other function systems as something similar to the way a democratic polity itself establishes and defends its autonomy. This could be described as a kind of solidarity among the function systems and their respective demands for autonomy. The elites of autocracies, in contrast, will observe elites in other function systems as competitors in the struggle for power and domination. Therefore, autocratic elites often try to establish an extensive political control of other function systems.

III. Values

A further way to distinguish between democracies and autocracies is by looking at values and value patterns. Values are socially institutionalized preferences. They are only preferences. They do not dictate social choices. But they point to certain directions. In an understanding proposed by Clyde Kluckhohn and Talcott Parsons, values are "conceptions of the desirable type of society" (Kluckhohn 1951; Parsons and White 2016). What are the constitutive values of contemporary world society and how do they allow observers to distinguish between democracies and authoritarian systems?

First, there is individuality, which may be called the constitutive value of modern society. It is important for functional differentiation because it allows to understand how the functional autonomy of global communication systems is based on the potential universal inclusion of every individual in the possibilities of participation in the respective system. Participations are nearly always individualized: there are individual votes in elections, individual consumer choice and individual entrepreneurs that are responsible for innovation in the economy, individual conversion as the major goal of many religions, individual evaluation in educational institutions, individual responsibility in legal systems, individual publication in science (with the strange effect that there are sometimes hundreds of individual names on scientific papers), the individual attribution of works in the art system (even films have 'auteurs'[2]), individual partner choice, and individualized dying in war and even genocide (with a tendency towards a reconstruction of the circumstances of death of every single individual, and individual burying and individual honoring of the dead). This is an impressive balance sheet of the relevance of individuality as the core value of world society, although individuality is hedged by numerous countervalues in different world regions, for example the relevance of social conformity and responsibility, which seems to be an especially strong value in East Asia.

In addition to individuality, which obviously must be honored by democracies and autocracies alike – although they differ in the way they institutionalize individuality – there are human rights that are often both values and norms (because they are enforceable, which is not true of values) and are constructed as a kind of protective core around individuality. Some might argue that the system of human rights defines democracy, that democracy is somehow the exercise of human rights. But that would not be a correct interpretation. Human rights define limitations that democracies must accept. They are adopted and codified in the constitutions that most democracies and autocracies create at some point in their histories, often as a foundational act. As such constitutional rights, human rights

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2 https://indiefilmhustle.com/auteur-theroy/.

are constraints. They circumscribe the powers of political systems. At their core, they describe the interrelations of the political system with the other function systems in society by making clear what a polity should not do in infringing on the territory of other function systems (Luhmann 1965). This can easily be studied in the 'Bill of Rights', which was ratified as the first ten amendments to the U.S. Constitution (in December 1791, four years after the Constitution). In the Constitution you first find a preamble to the 'Bill of Rights' (agreed in March 1789) that declares the document's intention: "A number of the states ... expressed a desire, in order to prevent ... abuse of its powers, that further declaratory and restrictive clauses should be added."(Constitution 2017, p.27) Two years after the preamble was written, the ten amendments were adopted; the first of them begins: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press ..." (op.cit. 29). Of course, the framers of the U.S. constitution had no concept of functional differentiation. But the 'Bill of Rights' focuses on (among other things) the freedoms and autonomies in which a democratic polity should not intervene – and these are the freedoms at the basis of the other function systems emerging at that time (mass media, religion, art, science, higher education, and so on).

The institution of individuality and the supporting core of human rights determine a certain number of values that a democratic polity should not interfere with. These could be called the values of functionally differentiated world society, and the corpus of these values has evolved in sync with the emergence of world society. These values constitute a very general value system that is a highly generalized complement to the increasing internal differentiation of world society into global communication systems, many of which are organized around one of the freedoms postulated in the various catalogues of human rights that have been written since 1789.

A democratic polity is bound by these values. But otherwise it is free in defining, debating and even creating societal values. Political processes and the decisions that are their final outcomes are not only about societal problems the polity considers as part of its domain. Of course, this is what political systems do: Identifying, defining and trying to solve societal problems. But in discussing problems and developing problem solutions, the political debate is always about societal values, as well. Values change and evolve, together with societal practices, institutions and norms. Many of these value changes in society never touch the decision space of the political system. If, in society, an informalization of behavior emerges as a very general societal trend, then the polity probably will be part of this trend and will be changed by it. However, the polity will never decree about it. It is different for other values. If values regarding family, marriage, sexuality, drug use, privacy of information, the use of artificial intelligence, and the manipulation of the genome of plants, animals, and humans – and many other values – change,

political decisions will at some point ratify or condemn these value changes. However, the polity will never do it directly in decreeing about values. It will always do it indirectly, by creating institutions and norms based on these respective values.

Autocracies seem to have a wholly different relationship to values. *Whereas democracies are value-receiving and value-processing political systems and are thereby very active (although somewhat secondary) participants in societal value change, autocracies are either value-free or value-controlled.*

Value-free autocracies are those that consist of a governing group or stratum that is focused primarily on the private use and acquisition of resources that become accessible on the basis of control over governmental institutions. This type of regime has often been called a "kleptocracy". It consists of corrupt practices that are found in all political systems, even and sometimes extensively in democracies. Identifying these practices is not easy because there is not always a sharp boundary between the privileges for elites in stratified systems – which are often seen as part of the symbols and rituals that legitimize power – and the illegal acquisition of public resources for private uses. One possible interpretation is that in democracies kleptocratic practices are a kind of deviance, tied to individual actors who over the years of officeholding grow a feeling of being entitled to take and to claim gifts.[3] Kleptocratic regimes do not consist of individual deviants or criminals but rather of gangs that establish systematic control over a territory (a city, a state) and that always compete with other gangs. The endemic succession problems characteristic of autocracies are in the case of kleptocracies usually managed by a transition of power from one 'gang' to a different 'gang'. This interpretation allows us to specify the 'value-free' character of kleptocracies. Kleptocrats possess some values, but these values are mostly 'gang' or 'mob' values.[4]

Most autocracies are probably not value-free but rather are *value-controlled*. This means that there is not only an elite group or stratum that establishes political domination over the modern inclusive community of all members of a polity. These elite groups are mostly built around value systems that guarantee the status of the elites and at the same time are incessantly renewed and stabilized by the activities of the elites. Among such value systems are political ideologies (communism, fascism), religious belief systems, ethno-historic or ethno-religious narratives, technocratic ideologies of learning and effectiveness, and ideologies of order and control. There may be other candidates for autocratic value systems.

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3 One could produce a very long list of names on which Ryan Zinke and Benjamin Netanjahu might be some of the recent additions.

4 One of the fascinating aspects of the Trump government is that it shows many of the properties of a gang. And the language that comes to Trump naturally is the language of a Mob boss, interesting McCabe 2019. This interpretive perspective helps to explain why Trump as a politician is only superficially connected to political values.

Very often these value systems are based in cultural traditions which belong to one of the function systems of modern society. In this case, the autocratic polity establishes autocratic political domination for a function system other than the polity (e.g. religion, religious law, economy, science). Further, all these value systems are interpreted as consisting of non-contingent values. There is always a kind of fundamentalism implied (Stichweh 2010), there are always ideas about the purity of value systems that must not be endangered by dissenting opinions and the passing of time. This heterogenesis of values and the accompanying non-contingency of values are two major reasons that most autocratic regimes do not accept functional differentiation.

Because functional differentiation is a world structure and because autocracies cannot escape from world society, they must live with and to a certain extent affirm functional differentiation. However, there is always a tendency and a temptation to make use of the foundational value systems to control the operations of function systems other than the polity. One can study this phenomenon in looking at present-day People's Republic of China. The country seems to affirm the principles of liberal world-trade and to accept other aspects of a non-politicized world economy. But at the same time China tries to establish ever more strict mechanisms of ideological control of science (censorship of foreign publications; establishing journals in formal cooperation with Western publishers but managing these journals from China on the basis of the political acceptability of content; restricting theory building in the humanities and social sciences from an idiosyncratic, regime based interpretive perspective, called 'theory with Chinese characteristics'). Interestingly, this is not a retreat from world science. Indeed, China wants to establish its science system as a central part of world science, which means that its ideological projects, in the end, might aim for an ideological transformation of world science in the service of autocratic ideologies. Again, a refusal to accept functional differentiation underlies this strategy. For a value-controlled authoritarian political regime such as China's (the highest value of the regime is the supremacy of the Communist Party) there are two options for dealing with science. The country can opt out of science and close universities (which China did for a number of years during the Cultural Revolution) and opt out of other academic institutions. However, this option is more hypothetical than real as no country can opt out of doing and using science, in the current era. The other alternative is to accept the major institutions of science and to buy into them, but to hope to change them over the years towards conformity with the value imperatives of the Communist Party regime. The idea of seeking to change the value imperatives of science will only arise in a country like China where a presupposition that it might become the center of world science in the near future is not

completely unrealistic, but it will probably not become the center of world science as long as it is an autocracy[5].

IV.   Decisions and Time

The most important elementary communications of which political systems consist are (collectively binding) political decisions. When individual citizens vote for candidates or parties select the candidates they nominate for elections, when members of parliament or cabinet members vote after deliberating alternative courses of action, these communications and many other communications are decisions that – once they have been made and have been aggregated to a majority decision and minority vote – become binding for a certain collectivity that is part of the respective political system.

Decisions are never the final communications in a political system, and, of course, there are actually no final communications in an autopoietic system. From decisions, there always arise further questions and problems: First, are decisions consistent and compatible with earlier decisions and with other interests one pursues? Second, is the decision one has made a well-informed decision or did the deciders overlook an important piece of information or knowledge? Third, how good are the reasons to believe that the collectivity that is meant to be bound by the decision is willing to accept the bindingness and what are the motives behind this acceptance and how stable are they? Of course, these questions of acceptance are especially urgent for those who did not agree to the decision and who nonetheless as members of the respective collectivity are thought to be bound by the collective character of decision-making. Fourth, and perhaps most important, how long does bindingness last and how soon is it possible to change decisions? The consistency problem, the information problem, and the social acceptance problem related to binding decisions can probably best be addressed when political systems have the liberty to change decisions as soon as reasons for doing so become visible and have been communicated by participants. This question of the principal reversibility of all decisions seems to be of strategic relevance especially in democratic systems. Participants can accept defeat in a political deliberation and subsequent vote if they know they will get a second chance at some point. These attitudes of acceptance are further supported by time limits and term limits. Participants know there will be new elections at regular intervals and know that some of the powerful persons will have to leave office anyway after a certain time, which in a modern political system normally is specified in advance.

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5 Cf. on this the recently established research group "China in the global system of science" at the MPIWG and "The Merton Project" as a part of this research group: https://www.mpiwg-berlin.mpg.de/research/departments/lise-meitner-research-group.

The relevance of the reversibility of decisions has been impressively made clear by the Brexit drama that has been playing out in the UK for years and has been intensifying since the beginning of 2019. Even before the referendum of 2016, there was a fear that a decision by a narrow majority might suffer from insufficient legitimacy, and there existed at that time a motion by Brexiters demanding a second vote if the first vote was not supported by a majority of at least 60:40. Further, there were problems with (intentionally) false information being used as propaganda in the referendum campaign.[6] In 2019, three years later, the legitimacy of a second vote, either confirming or reversing the first vote, became ever more hotly debated. Some pleaded for irreversibility, interpreting it as the respect for a decision once made by the people, while others pointed to the Brexit process and the information that had been generated in it since 2016 and to the incessant change in the composition of the voter base (more than two million new young voters since 2016). In March/April 2019 the Brexit process went on by ever new votes in Parliament and in debates in the parties and in the form of petitions to the UK Government that tested decision alternatives: Recall the prime minister; revoke article 50 and remain in the EU; leave the EU without a deal; organize a second referendum – and so on. In July 2019 the UK got a new prime minister (Boris Johnson) whose instauration was not based on procedures one would call 'inclusive' and whose agenda was mostly focused on the postulated 'irreversibility' of the Brexit referendum of 2016. With the very simple position "Get Brexit done" Johnson finally won the parliamentary election in December 2019, and on this basis the UK has left the EU on January 31, 2020. Of course, the result could have been different, if the supporters of a second referendum had been better organized and had been able to communicate their pro-reversibility arguments in a more plausible way. A split in the Labour Party and a temporary hybris of the Liberals, who proposed to voters to annul the referendum result without a second vote, made this impossible.

What is never in doubt, in principle, in all these processes is that a democracy is a political regime that makes decisions that are reversible. Members can change laws, replace the government, and reverse a popular vote, at least after some time and on the basis of new information. Therefore, the combination of decisions (1) being binding even for opponents and (2) being reversible after some time is one of the core institutions of democracy.

Authoritarian political systems do not differ with respect to the fundamental relevance of collectively binding political decisions. In this regard, it is difficult to observe differences. However, autocracies differ regarding the reversibility of decisions. Whereas in democracies there is nearly always a mechanism to replace

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6 This is considered a fundamental problem in other contexts: On April 10, 2019, the Swiss Federal Court cancelled a referendum result from 2016 because voters had received wrong and insufficient information at the time of the vote.

the personnel in all performance roles (resignations, dismissals, motions of no confidence, impeachment), to renew parliaments (dissolving the parliament), and to change or cancel laws (constitutional law review, amendments), few of these mechanisms exist in autocracies. In an authoritarian system, reversing important decisions is usually seen as a significant crisis. Therefore, autocrats try to prevent such reversals, or they make every effort to frame them as a sort of sophisticated adjustment to altered, exogenous circumstances – without conceding that they came to see their earlier decision as inadequate or ineffective. One of the most critical questions in autocracies is succession. Most autocracies never succeed in establishing a relatively well-ordered mode of succession for the core performance roles. Even China, a country which seemed to have managed this, because the party is so much more important than any person representing it, now seems to be retreating from ordered succession rules.

Regarding policy programs and legislation there is an interesting alternative to reversibility that can currently be observed in China (cf. Ahlers 2014). This alternative consists in adopting laws and political programs that are formulated in a highly generalized language. When these generalized programs and laws are implemented in the many regions and provinces of China there emerge numerous local and regional specifications, which can legitimately be interpreted as concretizations or specifications. This legislative strategy can meaningfully be interpreted as experimental or evolutionary policy-making, and therefore as a policy process that demonstrates flexibilities and possibilities of learning from multiple experiences, which are not available in the policy processes of democratic countries.

V.   Social Control by Law

In political systems it is possible to reverse political decisions by deciding the same question a second time. Another possibility is to control political decisions by law. Control by law is a way of examining the consistency of decisions by comparing them to the corpus of other decisions that have been made at earlier times in the same or other relevant political systems. Currently, systems can often control decisions not only by comparing them to national law, but also by comparing them to rules and statutes in international law and then appealing to international courts to right wrongs.

In democracies, this practice of controlling decisions and normative structures by law has expanded in the last few decades. The practice is no longer used only by political institutions and legal specialists and constitutional and other courts as a mechanism of control. Instead, the practice is increasingly used by individual citizens and NGOs who, as activists, fight for political changes, and who make use of law as one instrument among others to effect sociopolitical change. In many countries – the United States perhaps more than others – litigation has

become a strategy for trying to effect political change in fields (e.g. arms control) where legislative reform strategies have often failed.

The possibility of making use of the law as an instrument to control the legal exercise of political power demands the establishment of a judiciary that is an autonomous institution in itself and is no longer a political institution. The increasing autonomy of the judiciary was an important part of the democratic revolution which began late in the eighteenth century (Wood 2009 Ch. 11). The genesis of an autonomous judiciary is compatible with the political selection of judges, but after having been selected these judges should be able to serve for life and there should be no possibility of recalling them (besides impeachment). This is a very sensitive point and it is easily observed that in most recent cases of authoritarian populists trying to restrict the legal control of the exercise of political power, the respective regimes have tampered with the selection and the terms of office of judges (cf. numerous examples in Levitsky and Ziblatt 2018).

Authoritarian regimes mostly differ in regard to the point made above. In the relevant respects (selection procedures, terms of office, appellate procedures), they do not have an autonomous judiciary. Instead the judiciary becomes a part of the power of the executive. The law and the judiciary are still an instrument of social control (cf. Hurst 2018). But they do not primarily control the legality of the use of power, they are an instrument for controlling citizens, distinguishing between law-abiding and non-law-abiding citizen members. This kind of control is clearly used everywhere and the question of citizens following the law is an important aspect of democratic orders, too. However, in autocratic regimes the control of citizens often becomes the primary function of law and establishes asymmetries between those actions routinely controlled by law and actions that are nearly uncontrollable, asymmetries that shape the autocratic character of authoritarian orders.

VI.   Variants of Democracy

1.   What is Democracy and what are its Eigenvalues?

A democracy is an autonomous political sphere founded on its Eigenvalues and based on individual political inclusion more than on collective political inclusion. In addition to having Eigenvalues, a democracy tolerates and even adapts to extra-political or non-political values (e.g. economic values, religious values) located in the other function systems of society. We discussed this topic earlier (part III of this chapter): A democracy is a cognitively open, value-receiving and value-processing system. It is a system observing society, with a tendency towards non-intervention in the diversity and conflicts in other function systems (e.g. religion, education), but otherwise formulating problems perceived as political and

political tasks and creating legal norms on the basis of changes in other function systems (e.g. intimate relations, families).

But what are the democratic Eigenvalues? We know from the history of other function systems, such as art and science, self-referential and tautological value formulas such as 'l'art pour l'art' (first use by Benjamin Constant in 1804, cf. Wilcox 1953) or "science for science's sake" or "pure science" (Stichweh 2007). These tautological Eigenvalues have always been controversial because many observers interpreted them as celebrating self-sufficiency without societal relevance. However, these value statements often established and affirmed the functional autonomy of a societal sphere at the historical beginning of functional differentiation in the late 18th and early 19th century society. As far as we are aware, no similar tautological Eigenvalue (but cf. Sen 1999 on democracy as value principle) has been in use in the history of democratic political systems. Since the beginning of modernity, being actively involved in politics has not typically been understood as an inherent value in itself (the situation was different in the aristocratic systems of premodern Europe, Pocock 1975). This understanding likely exists because the tautological self-affirmations of emerging function systems mostly formulate elite values. But a democratic polity is not an elite system. The democratic polity is completely derived from the self-organization and self-determination of the democratic political collectivity, which is based on the universal inclusion of all the members of the people/nation. These terms are probably the central political Eigenvalues and it is this claim of social universality that dominates politics instead of the self-absorbed immersion into political life as a total way of life. Total immersion into political life is a pre-modern social value and is not compatible with the diversity of engagements in a functionally differentiated society.

There is a certain tension between this diversity of engagements under conditions of functional differentiation and universal inclusion in a democratic polity. For the polity, universal inclusion must be 'real'. It is not sufficient for this inclusion to be a hypothetical or distant possibility that is rarely realized. Nor can inclusion be an obligation. People, on the other hand, must be free to trust a democracy and to do so without casting their vote in an election. Democratic order is a liberal order that is not supposed to discriminate against those who have other priorities at this moment.

2.   Practicing Democracy

Members are not obliged to participate in the institutions and processes of a democracy but can opt in and decide to participate at any time. This is what is meant by 'practicing democracy' – that besides the Eigenvalues and permanent institutions and processes, there is always the possibility of switching from passive citizenship to active involvement (cf. Anderson 2000). In some respects, there is

no 'cumulative advantage' for those who have been participants for a long time (on 'cumulative advantage' see DiPrete and Eirich 2006). In practical respects, advantages based on experience and the number of 'social ties' an individual has collected undoubtedly exist. However, these advantages are not supported by norms, and the history of populist newcomers demonstrates how fast individuals can enter a democratic system and gain influence under certain circumstances. In addition to these social and temporal aspects that demand that anyone can enter and intervene in a political system at any time, there is the substantial or material aspect implying that any subject or matter or social problem can become the object of democratic practice. This condition concurs with the argument that there are no societal problems that are inherently political, but rather there is a situational-historical logic which incessantly transfers social problems to the political system and parallel to these expansions depoliticizes other themata that are left to other organizations and function systems in contemporary society. There is, finally, a learning aspect to the practice of democracy. Individuals learn what democracy is by doing democracy. They must be creative, not only with regard to policies and suggested solutions, but also with regard to working and arguing for points of view for which they want to mobilize influence. Democracy is an experimental undertaking, and it is experimental with respect to initiating new political processes as much as with respect to substantial matters that are dealt with in processes.

3.   Contingency and Democracy

One of the most unequivocal identifiers of democracy is contingency. In a democracy (nearly) everything can be changed. All decisions on structures are contingent, including even the very basic structures of a democracy (e.g. the change from a parliamentary to a presidential regime). In addition, one can change norms and values and it is possible to replace persons in elite positions. Only the Eigenvalues (self-organization, self-determination, universal inclusion) must remain the same. This radical contingency of democracy is the reason democracies are always at risk. In both historical as well as contemporary situations, it is normal for democracies to coexist with perhaps 20-30% of the electorate being aligned with movements and parties which are radically anti-democratic (very interesting Levitsky and Ziblatt 2018). Further, in a democracy one must always be cooperative, has to accept compromises, and work with parties one does not like, and at the same time one has to know intuitively where to draw the demarcation line by saying: "We will never compromise and cooperate with the political party XYZ because XYZ is a party that endangers democracy itself." There is no absolute certitude about these decisions, only the knowledge acquired by having been a practitioner of democracy for a long time and having learned by this participation where

to draw the demarcation line, where to be unwavering even though one must so often be willing to compromise.[7]

4.   The Space of Social Systems — the Space of the Polity

To explore the varieties of democratic and authoritarian political regimes in the early 21st century world, we will use an analytical tool from the AGIL paradigm of Talcott Parsons (Parsons 1967; Parsons 1977; Parsons 1978; Parsons and Platt 1974). We do not intend or need to make strong claims for the universality of AGIL as the underlying logic of all social systems. Rather, we introduce this analytical tool as a heuristic instrument to help us structure and understand the varieties of and alternatives in contemporary democratic and authoritarian regimes.

Latent Pattern Maintenance — the Culture of the System L	Integration of the Collectivities I
Active Adaptation to Environmental Demands A	Goal Attainment — Selection and Mediation Among Diverse Interests G

Figure 1: Four Functional Demands in Political Systems

For any political system and the institutions and processes that constitute it, there are at least four functional demands that invariably must be met. First, the system must *adapt* to environmental demands (A-function). This is, as has always been pointed out by Talcott Parsons, about an active mastery of the environment that presupposes a problem-defining capacity in the respective political system. 'Environment' is a generalized concept that includes societal environments of the polity, such as the economy, as well as non-social natural environments. When a political system is defined by 'responsiveness', this concept primarily refers to a focus on the A-function.

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7 A good illustration of such a decision occurred on April 25, 2019, when, in announcing his candidacy for the U.S. presidency, Joe Biden, explained his motivation by pointing to the day in 2017 (August 27) when Donald Trump defended a demonstration of white supremacists in Charlottesville, Virginia.

The second function, for which Parsons coined the term *'goal-attainment'* (G), is somewhat in the center of what is understood as 'politics'. There are plural interests and plural interest articulations, and as a G-system a polity selects among these plural possibilities articulated by participants and moves from deliberating about alternative possibilities to making collective decisions. The classical political concept of 'representation' is closely related to this understanding of the G-function.

In a third respect, in every country there is a plurality of linguistic, ethnic, religious, regional or status (e.g. castes in the Indian case) communities. The coordination and integration of these diverse and often conflicting communities cohabitating in the same country can, in one respect, be seen as a core task of the political system. Parsons called this function *'integration'* (I), and this is a third potential focus of the institution building and processes in a political system.

Fourth, there is the question of values and culture functioning as highly generalized patterns that instruct and shape the genesis of more concrete norms and institutions. These values and cultural semantics likely have a different life cycle than the more fluid elements of social structure. They may even continue and survive when one might have the general impression that they are no longer visible in the daily occurrences of a political system. This persistence is the reason why Parsons spoke of *latency* and *latent patterns (L).* For the polity (as for other function systems), values and culture normally function as a background that may not be easily identifiable in everyday events.[8] However, there are obviously other cases of political systems in which the maintenance of these latent patterns is somehow the focus of political actions and institution building. As long as this is the case we can speak of the primacy of the L-function in the respective political system.

Our interpretation of this four-function paradigm follows Parsons in postulating that all of these functions are relevant at any time in any political system. The substantial respects formulated by the four functions are so fundamental that they will never completely lose relevance in any political system. However, there are changing primacies among these four functions and these shifting primacies are a good instrument for studying the differentiation of types of democratic regimes and the differentiation of types of autocratic regimes.

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8   The concept of 'truth' in science, rarely mentioned in everyday communications today, is a good example of a latent pattern and value.

5.   Variants of Democratic Regimes

When one applies the Parsonian paradigm presented above to democratic regimes in the contemporary world, a pattern of four variants emerges that, at a first approximation, seems sufficiently heterogeneous with some clear-cut boundaries becoming visible.

L	I
democracy based on Eigenvalues, direct democracy, democracy based on constitutional order (rule of law and constitutional court)	multicultural democracy (mutual integration of the collectivities that are part of the political system)
democracies oriented toward policies and toward efficiency in pursuing policies (responsiveness and expert cultures) **A**	liberal democracy (representation of multiple diverging interests, organization of selectivity that prepares collectively binding decisions) G

Figure 2: The Four-Function Paradigm for Types of Democratic Regimes

Policies are a very prominent feature of the contemporary political world, and the preference for policies over ideologies often extends across the boundary that separates democratic from authoritarian regimes. Policies are adaptive. They attempt to solve a problem that politicians perceive as being related to environmental demands and necessities. One can work on policies one after another without needing an encompassing vision. Policies and the diagnoses on which they are based can be particulate. Policies need experts and policy-intense regimes are typically steeped in expert cultures. On the democratic side, the Scandinavian polities can be understood as being near to this adaptive quadrant of the space of political variants (Sejersted 2011).

An alternative understanding of the primary task of a political system is that it is a kind of decision machine. There is an immense diversity of interests in a modern political system in which every individual and group is free to articulate its interests. Then the major task of the political institutions is to function as a selector by identifying the options and then making decisions and finally sequences of decisions that command the broadest support and satisfy a majority of inclusion addresses in the respective political system. In a political system that operates in this way, a key question will always be: How are the interests of the minorities taken

care of? In a sufficiently diverse society, the answer should normally be that one is part of a minority only for certain questions and that in respect to other policy questions one will belong to a majority whose demands are satisfied. Another possibility is that the interests of minorities are somehow protected. However, there are limits to doing this. A decision will always privilege some participants and groups, even if aspects of compromise are built into it. There is no solution that is equally satisfying to all sides. The fatal Brexit decision has been made in looking at the form of participation of the UK in the EU as a majority/minority-decision (and not as the choice of ever new policies). Under such premises there will always be winners and losers – these are the inherent costs of a democratic political system that opts for the primacy of the G-function.

The third democratic option is multicultural democracy (primacy of the I-function). If one prefers the I-function, one will understand the political collectivity (nation, people) as consisting of a plurality of sub-communities (religious, ethnic, etc.) and one will create institutions that integrate the separate communities with one another. This integration does not dissolve differences and boundaries – and does not want to do so – but rather seeks integrative ideas and structures. Integration normally means that one accepts a certain reduction in the space of the behavioral alternatives one claims in order to make one's own alternatives compatible with the behavioral spaces of the other communities/participants (Luhmann 1987). An I-democracy does not necessarily produce 'losers' in the way the primacy of the G-function does. However, one of its disadvantages is, that – to a certain extent – it confines or even locks up participants in communities that they would probably prefer not to be exclusively connected to. Therefore, this option is not entirely in step with the individualistic culture of modern democracy. Instead, there is a certain collectivism inherent to this option, and with collectivism comes an affinity to authoritarianism. Therefore, as is true in different ways for each of the four alternatives, there is a probability of transitioning from a multicultural democracy to an autocracy located in the same quadrant (in this case, the I-quadrant).

The last type we propose is an L-democracy. The constitutive values or Eigenvalues of a democracy are of paramount importance for this type. There are several variants of an L-democracy. One is 'direct democracy' which prioritizes the individual right of participation in every decision and the 'self-organization of the democratic collectivity' and thus binds nearly every decision of some significance to the possibility of a popular vote. The political system of Switzerland is the paradigmatic example in our days. A certain anti-legalism may arise in a direct democracy that seeks to base every decision on the will of the people (often documented via a popular vote). The popular vote is allowed and considered valid even if it overrides human rights or the law of nations. There are Swiss examples for this (e.g. the popular vote on minarets which conflicts with the freedom of religion).

In addition, direct democracy may further right-wing or left-wing populism and the authoritarian tendencies inherent in populism. The rise of the SVP (a right-wing populist party that approaches a 30% share of votes in national elections) in Switzerland is a good example of this effect.

The other variant of an L-democracy is based in the legal or constitutional interpretation of the constitutive principles/Eigenvalues of a democracy. In this case the foundational principle that is taken to the extreme is not the direct will of the people but rather the legal thinking behind the constitutive principles. Countries that have very strong constitutional courts, such as the United States and Germany, can potentially tend toward this direction. In the United States there have been remarkably intense fights for the chance to nominate Supreme Court judges for the past 200 years. This began in 1801 when, after the election of Thomas Jefferson as the first 'Republican' president of the United States, the Federalist majority in Congress reduced the number of Supreme Court judges from six to five to deny the incoming President the chance to nominate a judge of his choice (Wood 2009).[9] A similar episode occurred in 2016 when the Republican majority in Congress refused to begin the process of examining Merrick Garland, who was nominated for a free Supreme Court position by Barack Obama at a time when Obama had only ten more months in office (Levitsky and Ziblatt 2018). In some respects, a Supreme Court judge who is called for life has a stronger power position than the president, who serves a maximum of eight years, although this argument can only be true when there is a strong claim for the foundational relevance of the interpretation of the US constitution. However, exactly this claim is shared by a number of observers who sometimes define the presidency as the right to select Supreme Court judges. Behind this argument is a kind of value fundamentalism. Such a fundamentalism, however, is real in terms of a definition of a situation.

VII. Populism, Personalism, and the Transition to Authoritarianism

In all democratic regimes – we have made this abundantly clear – there is the implied risk of a transition to an authoritarian variant. There is an authoritarianism of effectiveness that has no respect for those who are not knowledge elites; there is an authoritarianism of political majorities who no longer want to compromise with the divergent preferences of minorities; there is an authoritarianism of dominant groups who no longer seek balances in a multicultural situation; and there is an authoritarianism of democratic value principles that are interpreted in

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9   The other Federalist strategy was to claim the Common Law as the valid federal law of the United States although US Congress had never legislated on it. If this Federalist claim had been ruled valid, the status of law would have been independent from political institutions, and it is not by accident that the Jefferson Republicans called the Federalists 'Monocrats' and 'Autocrats'.

a fundamentalist manner. One democratic principle that is often interpreted in a fundamentalist manner is the concept of the 'people'.

One political ideology that introduces a fundamentalist interpretation of the concept of the people is 'populism'. If the distinction between 'the individual' and 'the people' is a core distinction of modern political systems, populism is clearly based on a preference for the people and for a specific concept of the 'people'. The 'people' of the populist is not a population of individuals with different and divergent interests and opinions. It is not the richness of the diversity of opinions that inspires the populist to find a convincing synthesis that balances this multiplicity. Instead, populists understand the people as having spoken with one voice and perceive it as a homogeneous people with no significant internal diversity. In addition to the people, there are elites who, at some point, will be left behind. They are, in a polemical formulation to be heard in German politics, "die Altparteien" ("the old parties"). The elites are not part of the people. Indeed, populists often see the elites as traitors who operate against the interests of the people.

The strong belief in a kind of primary unity and truthfulness of the people that does not need education or information but has a spontaneous and adequate consciousness of what it wants and needs is well articulated in a passage from Simon Bolivar that Hugo Chavez cited frequently, among other occasions in his inaugural address from 2007:

> "All individuals are subject to error and seduction, but not the people, which possesses to an eminent degree the consciousness of its own good and the measure of its independence. Because of this its judgment is pure, its will is strong, and none can corrupt or ever threaten it." (Hawkins 2010, 60)

In addition to the people, which populism understands in an essentialist manner, there is a necessary complement: the populist party or populist leader who articulates the will of the people. There is a certain logic to the populist leader not being a party with diverse interests and tendencies but rather being a single person who represents the presumed unity of the people in the unity of his/her consciousness. The leader may nonetheless be a leader of a party. However, in most cases, the leader is not chosen in a pluralist competition within the respective party but is the only person considered as a possible leader of the party. The leader is often a newcomer with no anterior political career or a convert from a different party whose claims for the status of the leader are based in a conversion experience. The absence of political experience and a political career does not count against the leader. In fact, it is often considered an asset. The newness of the leader guarantees that he/she is not weighed down by the failures of the old parties. The leader is often a member of the societal elites but likely the elites of other function systems (e.g. economy, education, religion) rather than politics.

For the reasons just mentioned, populism is often coupled with personalism. The best populist leader is a charismatic personality whose extraordinary qualities consist of experiencing and representing the unitary will of the people. The role-interpretations for the leader vacillate between sacrificing him-/herself for the people and at the same time being a political actor of extraordinary effectiveness and capability. Both qualities can be combined in the same person.

What is the structure of the social space between the populist leader and the people? Perhaps the best term to describe this structure is 'disintermediation' (on the concept of disintermediation, see Berghel 2000). This means that there are almost no 'media' or 'mediators' between the people and the populist leader: Populists are not in favor of parliaments, they are against experts, they fight against traditional media and the news communicated by the media, they prefer unitary interests to 'interest groups', they favor referenda over other forms of decision-making, and usually do not like administrations and autonomous expert organizations. However, they often have a strong affinity for digital media because the format allows direct, unmediated contact between the populist leader(s) and the people. Donald J. Trump is the best illustration of this modern type of populism – he has a direct, disintermediated relationship to his 76.3 million followers on Twitter (on April 10, 2020). His style of government and campaigning is to a significant degree government and campaigning by Twitter (Shear et al. 2019).

The hypothesis of disintermediation makes a clear path from populism to authoritarianism visible. Populist regimes and their followers have strong motives to weaken and sometimes abolish intermediary institutions. These motives are easily observed in the Trump administration. In this case, there has been a hollowing out of administrations, a weakening of expert organizations such as the EPA or the FBI, a denigration of science, a disrespect for diplomatic competencies, a contestation of the legitimacy of democratic elections, and a massive fight against critical news media.

These events and transformations that occur within individual democracies are small steps. The transition from democracy to populism to authoritarianism is, in most cases, a slow process in which the first events and impressions of observers may point in directions that are not pursued in the end. In a long-term perspective, the reversal of these developments may be the most probable outcome. The United States are – one may hope – a good candidate for this optimistic hypothesis. The personalism of most populist regimes makes it probable that the succession problem for the populist leader will result in the disestablishment of the populist regime. There is a very big difference between the transformative steps that lead to a populist regime and the demands that have to be met for the long-time stability of an authoritarian regime. We explore this gap in the next step of our argument.

VIII. Variants of Authoritarianism

1.   What is Authoritarianism?

Authoritarianism mostly means the prevalence of institutions and values that are non-negotiable. Such institutions and values exist in democracies, too. But in democracies they are primarily procedural – which means they are open in the results they produce – whereas in autocracies, system-defining institutions and values close spaces of possibility. Democracy could be defined as the daily exploratory practice of its institutions and values; in contrast, authoritarianism is about the affirmation and stabilization of its underlying principles tied to institutions and values. This does not exclude the possibility that an autocracy can be much more flexible in continuing current policies and introducing new policies than many democracies are able to do. The reason for this is that autocracies may succeed in decoupling their institutions and values from their policies whereas democracies must find and establish policies under the premises defined by their institutions and values.

We have discussed five major points important for the comparison of authoritarian systems and democracies: In autocracies, inclusion is (1) realized much more than in democracies via collectivities and the position of individuals partially given to them by their collectivities. The political community of an autocratic system (including all the collectivities and individuals) has a tendency (2) either to claim the subordination of the constitutive communities of other function systems or alternatively to act in service of another function system that is considered even more important than the polity. Authoritarianism has an inherent tendency to postulate asymmetrical, hierarchical relationships between function systems. There are (3) often values in authoritarian systems that are non-contingent and non-negotiable and they very much define the respective system. In a democracy, this position of central values is mostly claimed by the procedural values of democracy and by human rights that are the rights of inclusion in function systems and the rights of compatibility between and non-intervention in the different function systems. In an authoritarian system, (4) the decisions made have a tendency to be irreversible (otherwise the reputation of the decider might be weakened), whereas in a democracy the possibility of reversibility is always implied and is a proof of an incessant search process. The possibility of reversibility extends to decisions about the selection of persons for performance roles. Anyone can be revoked in a democracy. In authoritarian systems, (5) the law is seen as a tool polities use to control individuals and collectivities. In contrast, democracies accept the autonomy of law (as well as the autonomy of other function systems) and thus law is perceived as a welcome mechanism for controlling the exercise

of power. Law is not primarily an instrument of power, but rather a limitation of power.

2.   Variants of Authoritarian Regimes

The general picture of an authoritarian system that we have painted thus far becomes much more differentiated and probably more interesting when we introduce the Parsonian AGIL-paradigm into the analysis of authoritarianism, too. The analysis of authoritarian regimes is based on the same four functional alternatives we have used to analyze democracy. This decision seems plausible. In both cases, we must consider the same global function system, which we call 'World Polity' (cf. Meyer 2010). The world polity is differentiated into national states that are characterized by either democratic or authoritarian regimes. Functional differentiation is the macrostructure for both democratic and authoritarian polities. The functional characterization of the two types of regimes – the polity as a system that specializes on making collectively binding decisions and uses power as its symbolically generalized medium of communication – does not differ between the two regime types. Therefore, it is not at all surprising that the two types move in similar spaces with regard to the organization of differences.

L	I
precedence of ultimate value statements pointing to (quasi-)religions (religion and other teleological world interpretations) – Theocracy, Environmental Authoritarianism –	precedence of one community over all other communities that are part of the same polity (precedence of an ethnic group, but also precedence of collectivity over individual)
prevalence of knowledge types that are supposed to be decisive for the adaptive capacities of a polity – Expertocracy, Technocracy, Meritocracy, Bureaucracy – **A**	prevalence of a special competence for taking decisions: ascriptive (Absolute Monarchy, Aristocracy), or based on presumptive will of the people (Authoritarian Populism/Personalism), or on structures of military command **G**

Figure 3: The Four-Function Paradigm for Types of Authoritarian Regimes

Many of the authoritarian regimes we observe are based on the prevalence of values. This is a general difference between authoritarian and democratic regimes that authoritarian systems, which – besides some of them being value-free sys-

tems – mostly are value-controlled systems, can more consistently be characterized by the differences in the values that are of foundational relevance for them.

There are first A-autocracies, i.e. adaptive authoritarian systems that build their foundation on knowledge systems that they believe are decisive for their adaptive capacity. The belief that they possess a superior learning capacity or adaptive capacity is, to a significant degree, defining for these authoritarian systems and instills in them a feeling of superiority relative to democratic systems – China and Singapore are good examples of these aggressively self-confident authoritarianisms – whereas democratic polities are forced to give the same relative weight to all democratic systems, independent of the kind of knowledge available in them. The knowledge systems favored by adaptive autocracies are diverse but there is a certain preference for forms of scholarship/learning and science, especially for the knowledge systems of engineers and economists. This adaptive quadrant of the political space is almost never claimed by sociopolitical ideologies. On the other hand, the preference for knowledge systems and knowledge elites has a more ideological bent in authoritarian systems than it will likely ever have in democracies. Democracies focus – as we argued above – on policies and on the multiplicity of policies and have a more pragmatic attitude toward the knowledge needed to invent and realize the respective policies.

Whereas a G-democracy is a system that does not primarily seek well-founded policies but always attempts to find majorities and minorities and then makes decisions that are supported by a majority, G-authoritarianism is a system built around strong positions and roles, and the competence to make collectively binding decisions is entrusted to those in these positions and roles. There are no shifting majorities that change from policy question to policy question and from one election to the next, but there are strongly established positions for deciders who possess the right to make collectively binding decisions as their exclusive privilege. The ultimate decider may be an absolute monarch or quasi-monarch (Saudi-Arabia, North Korea), a populist leader basing his/her decisions on the presumptive will of the people (Venezuela, Philippines, Turkey), the head of a party in a monopolistic situation (China, Cuba, Vietnam), a military leader who grabs or receives the power from civil institutions (Egypt, in earlier decades Latin America and Turkey), a person in a core performance role of another function system, a function system that is seen as so important that the final decision competence in the polity is given to a representative from this other function system (Iran).

A G-authoritarianism can clearly be coupled to an A-authoritarianism (China). An important implication of the Parsonian paradigm is that the orientations of the regimes/systems in the four-function space are only primacies. That is, the characterizations of political systems in this paper are about primacies. Any political system necessarily involves all four functions. However, there are historical

tendencies in political systems that in most cases allow them to gravitate toward one (or sometimes two) of the functional orientations.

The I-function creates the structural possibility of a third type of authoritarianism. We noted earlier that an I-democracy is a system that integrates a plurality of communities in a single multicultural democratic polity. Even in democracies this implies a certain tendency to move toward collectivism (and the weakening of individualism) and therefore a slight affinity to authoritarianism. This tendency is strengthened significantly as soon as the interrelationships between the (ethnic, religious, regional, linguistic) communities shift toward a hierarchical and discriminating interpretation in which one or several of these communities are perceived as nearer to core values of the polity than the other communities. This type of hierarchical interpretation leads to significant political inequalities among communities that are not compatible with universal and equal inclusion in public roles and performance roles and, in turn, foster a strong movement toward an authoritarian regime. In our days, this scenario raises a very important question: What consequences will result from the tendency of well-established democracies such as India and Israel to reinterpret their respective political communities in an ethno-religious understanding?

The last type of regime to consider is an L-authoritarianism. Whereas a L-democracy seems not to be very probable because the ultimate dominance of a value complex or ideology has limited compatibility with the pragmatic and experimental spirit that can be considered characteristic of the democratic tradition, the situation is different on the authoritarian side. There are religions and ideologies that serve as teleological interpretations of the world. If these thought systems are understood as ultimate value statements and become influential and even dominant in societal and political communication, and institutions are built around these thought systems, an autocracy controlled by ultimate value statements may emerge.

Of course, the development of such ideologically controlled autocracies (ideocracies, see Backes and Kailitz 2015) may follow very different trajectories. In some cases the dynamics has ideological origins, while in other cases authoritarian systems are built on other foundations (for example, a communist party and a family dynasty as is the case in North Korea), and the ideology (Juche in the North Korean case, Fifield 2019) is then appended as a strategic instrument of the stabilization of the regime.

IX.   The Future of Democracy and Authoritarianism in World Society

In the current world situation, the distribution of autocracies and democracies is nearly balanced. The number of states that can be seen as democracies is approximately the same as the number of states that can be called autocratic, and the

share of the world population governed by each regime type is around 50%. Looking at the two most populous countries in the world, one is a stable autocracy (China), and the other has been seen for a long time as a successful democracy (India). However, the Indian democracy seems to be endangered by Hindu nationalism, which could push this I-democracy toward becoming an I-autocracy.

The present-day distribution of democracies and autocracies does not reveal any trends or tendencies. There is no longer a democratic wave to be identified, there are no more Springs or Color Revolutions. However, there is an ascendancy that is not obvious in the distribution of democracies and autocracies: *the ascendancy of right-wing nationalist populisms*. Not all of these are anti-democratic, not all will succeed and become stable autocracies. Nonetheless, as long as this is the significant trend in the present-day world polity, one prognosis seems plausible. Some of these right-wing populisms will succeed and some of those that succeed will undergo a transition to authoritarianism. Therefore, at this moment it is somehow plausible to predict a shift toward more autocracies.

What is driving this trend? A review of the current collection of urgent and unsolved world problems offers an idea as to why authoritarianism seems ascendant. There are three world problems that might be considered the most urgent world problems of the current era: Climate change, inequality, and migration. All three potentially increase the tendency of countries to move toward right-wing nationalism. Climate change policies are costly and demand sacrifices, including calls for a regulation of individual consumption and mobility preferences. They are world policies and only have a chance of succeeding if all countries consistently handle them as such. However, they clearly provoke nationalistic backlashes that propose to discontinue national participation in global climate policies and seek national advantages. The governments of Trump (in the United States) and Bolsonaro (in Brazil) are obvious examples.

The growth of inequality in many nations across the world since the 1970s and 1980s is a second important trend (Atkinson 2015; Milanovic 2016; Piketty 2014). This shift has induced political polarization between those whose lives and economic situations consistently improve and those who have been losing ground for decades in relative economic terms and often in absolute terms as well. The disfavored groups can be expected to shy away from policies that require national sacrifices to achieve climate change goals.

Third, world migration, induced in part by economic inequality and the oppression of social groups by autocratic regimes, is currently a major issue. If migrants arrive in countries that are already experiencing rising inequality and increasingly strict climate change policies, their arrival will further strengthen populist, nationalist, and autocratic trends.

There are other world problems that do not have the same universality but are also genuine world problems that are relevant in many countries and regions of

the world. These include religious fundamentalism, which breeds religious intolerance and enmity and motivates the persecution of religious minorities. This situation induces autocratic tendencies in countries that privilege a specific religion and then put at a disadvantage and exclude members of other religions.

Yet another world problem is the cycle of drug uses, the rise of gangs and terrorist groups whose economic success rests on drugs, and the strong tendency toward physical violence among drug-related groups. Countries with society-wide drug problems experience one of two scenarios: 1) the rise of political regimes that are neither democratic nor autocratic but are better described as big gangs, – or 2) the emergence of law and order autocracies that derive their autocratic legitimacy from the fight against drugs, gangs, and drug related terrorist groups.

There are also some potentially benign social forces in present-day world society that can contribute to a strengthening of democracies. We would like to point to three of them. First, there is the classical circumstance underlying the rise of democracies, namely economic growth. Even if inequality persists, economic growth allows for the improvement of the situation of even disfavored social groups. A second potentially benign force is the combined influence of education and technology. Technology encourages economic growth and, in the 20th century, consistently produced ever-new occupational groups and sectors and thus offered the possibility of participating in occupational transformations and gaining income from these new sectors. However, technology demands the incessant expansion of education (Goldin and Katz 2008). Otherwise people will not be able to participate actively in the technological transformation of society. The third benign force is the potential worldwide rise of gender equality, especially the participation of women. Gender equality can be a strong force towards democratization. At the same time, resistance to gender equality is often a strong factor in the rise of right-wing populism. Thus, these benign forces can be a source of sociological ambivalence (Merton 1976). The same sociological ambivalence affects education, which can and will contribute to political polarization and economic inequality if there are significant groups who do not participate in educational expansion.

These concluding remarks are far from an exhaustive analysis. But even they may already make visible how demanding political action in 21st century world society is. Political action has to deal with all these problems, and if democracies are preferred, there is no easy answer how to advance this agenda. But there is at least one answer obviously suggested by this incomplete list of problems and tendencies: One will have to work on all the world problems (from climate change to drugs) listed above and there are some benign, although ambivalent, forces and strategies of which one can make use, hoping that they may contribute to solving world problems and at the same time will make the survival and efflorescence of democracy more probable.

Bibliography

Ahlers, Anna L. 2014. *Rural Policy Implementation in Contemporary China: New Socialist Countryside*. London: Routledge.

Anderson, Margaret Lavinia. 2000. *Practicing Democracy. Elections and Political Culture in Imperial Germany*. Princeton, N.J.: Princeton University Press.

Atkinson, Anthony B. 2015. *Inequality. What Can Be Done?* Cambridge Mass.: Harvard University Press.

Backes, Uwe, and Steffen Kailitz (Eds.). 2015. *Ideocracies in Comparison. Legitimation – co-optation – repression*. London: Routledge.

Berghel, Hal. 2000. "Predatory Disintermediation." *Communications of the ACM* 43(5):23.

Bourricaud, Francois. 1977. *L'individualisme institutionnel. Essai sur la sociologie de Talcott Parsons*. Paris: Presses Universitaires de France.

Constitution, The. 2017. *The Constitution of the United States*. London: Penguin Random House.

DiPrete, Thomas A., and Gregory M. Eirich. 2006. "Cumulative Advantage as a Mechanism for Inequality." *Annual Review of Sociology* 32:271-97.

Dumont, Louis. 1991. *L'idéologie allemande. France-Allemagne et retour (Homo Aequalis, II)*. Paris: Seuil.

Durkheim, Émile. 1893. *De la division du travail social*. Paris: P.U.F. 1973.

—. 1898. "L'individualisme et les intellectuels." *Revue bleue* 10:7-13.

Fifield, Anna. 2019. *The Great Successor. The Divinely Perfect Destiny of Brilliant Comrade Kim Jong Un*. New York: Public Affairs.

Freidson, Eliot. 1988. *Profession of Medicine. A Study of the Sociology of Applied Knowledge*. Chicago and London: University of Chicago Press.

Ghosh, Cyril. 2013. *The Politics of the American Dream. Democratic Inclusion in Contemporary American Political Culture*. London: Palgrave Macmillan.

Goldin, Claudia, and Lawrence F. Katz. 2008. *The Race between Education and Technology*. Cambridge, Mass./London: The Belknap Press of Harvard University Press.

Hawkins, Kirk A. 2010. "Who Mobilizes? Participatory Democracy in Chávez's Bolivarian Revolution." *Latin American Politics and Society* 52(3):31-66.

Hurst, William. 2018. *Ruling Before the Law: The Politics of Legal Regimes in China and Indonesia*. Cambridge Cambridge University Press.

Kluckhohn, Clyde. 1951. "Values and Value Orientations in the Theory of Action: An Exploration in Definition and Classification." Pp. 388-433 in *Toward a General Theory of Action*, edited by Talcott Parsons and Edward A. Shils. New York: Harper & Row.

Levitsky, Steven, and Daniel Ziblatt. 2018. *How Democracies Die*. New York: Broadway Books.

Luhmann, Niklas. 1965. *Grundrechte als Institution. Ein Beitrag zur politischen Sozio-logie*. Berlin: Duncker & Humblot.

Luhmann, Niklas. 1987. Die Autopoiesis des Bewußtseins, in: Ders., Soziologische Aufklärung 6. Opladen: Westdeutscher Verlag 1995, 55-112.

McCabe, Andrew G. 2019. *The Threat: How the FBI Protects America in the Age of Terror and Trump*. New York: MacMillan USA.

Merton, Robert King. 1976. *Sociological Ambivalence and Other Essays*. New York: Free Press.

Meyer, John W. 2010. *World Society. The Writings of John W. Meyer*. New York: Oxford U.P.

Milanovic, Branko. 2016. *Global Inequality. A New Approach for the Age of Globalization*. Cambridge, Mass.: The Belknap Press of Harvard University Press.

Parsons, Talcott. 1967. *Sociological Theory and Modern Society*. New York: Free Press.

—. 1977. *Social Systems and the Evolution of Action Theory*. New York: Free Press.

—. 1978. *Action Theory and the Human Condition*. New York: Free Press.

—. 2007a. *American Society. A Theory of the Societal Community*. Boulder and London: Paradigm Publishers.

—. 2007b. "Individuality and Institutionalized Individualism." Pp. 424-59 in *American Society. A Theory of the Societal Community*, edited by Giuseppe Sciortino. Boulder and London: Paradigm Publishers.

Parsons, Talcott, and Gerald M. Platt. 1974. *The American University*. Cambridge/Mass.: Harvard University Press.

Parsons, Talcott, and Winston White. 2016. *Values of American Society*. Zürich: LIT.

Piketty, Thomas. 2014. *Capital in the 21st Century*. Cambridge Mass.: Harvard University Press.

Pocock, John G.A. 1975. *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*. Princeton: Princeton University Press.

Sejersted, Francis. 2011. *The Age of Social Democracy. Norway and Sweden in the Twentieth Century*. Princeton and Oxford: Princeton University Press.

Sen, Amartya. 1999. "Democracy as a Universal Value." *Journal of Democracy* 10(3):3-17.

Shear, Michael D., Maggie Haberman, Nicholas Confessore, Karen Yourish, Larry Buchanan, and Keith Collins. 2019. "How Trump Reshaped the Presidency in Over 11.000 Tweets." in *The New York Times, November 2, 2019*.

Simmel, Georg. 1890. "Über sociale Differenzierung. Sociologische und psychologische Untersuchungen." Pp. 109-295 in *Georg Simmel Gesamtausgabe, Vol. 2*, edited by Heinz-Jürgen Dahme. Frankfurt a.M.: Suhrkamp 1989.

—. 1917. *Grundfragen der Soziologie*. Berlin: Walter de Gruyter.

Stichweh, Rudolf. 2007. "Einheit und Differenz im Wissenschaftssystem der Moderne." Pp. 215-30 in *Zwei Kulturen der Wissenschaft revisited*, edited by Jost Halfmann and Johannes Rohbeck. Weilerswist: Velbrück Wissenschaft.

—. 2010. "Weltgesellschaft und Fundamentalismus." Pp. 177-94 in *Der Fremde. Studien zu Soziologie und Sozialgeschichte*. Berlin: Suhrkamp.

—. 2016. *Inklusion und Exklusion. Studien zur Gesellschaftstheorie (2. erweiterte Auflage)*. Bielefeld: transcript

Weber, Eugen. 1976. *Peasants into Frenchmen: The Modernization of Rural France, 1870-1914*. Stanford, Cal.: Stanford U.P.

Wilcox, John. 1953. "The Beginnings of L'Art Pour L'Art." *The Journal of Aesthetics and Art Criticism* 11(4):360-77.

Wood, Gordon S. 1998. *The Radicalism of the American Revolution*. New York: Random House.

—. 2009. *Empire of Liberty. A History of the Early Republic, 1789-1815*. Oxford: Oxford University Press.

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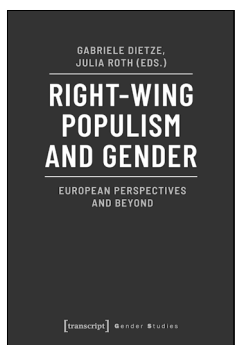
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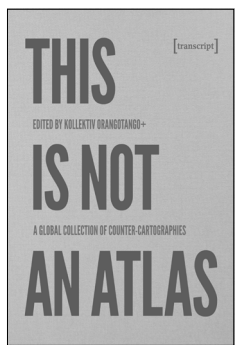
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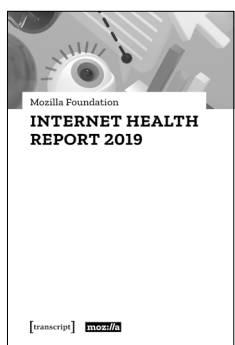**This Is Not an Atlas**
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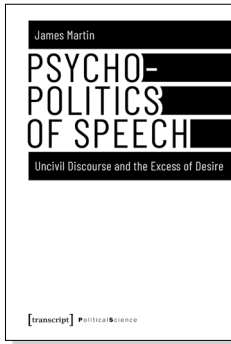35,00 € (DE), 978-3-8376-4980-2
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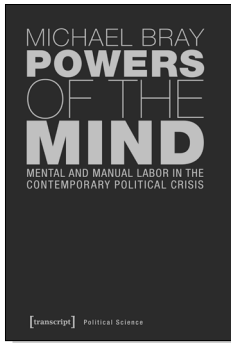are available in our online shop www.transcript-verlag.de/en!**

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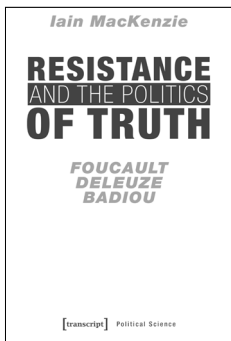**Uncivil Discourse and the Excess of Desire**

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