

COMPARISON OF DIRECT DEMOCRATIC AND REPRESENTATIVE PARTICIPATION – CAUSES OF AND RESPONSES TO THE CRISIS OF REPRESENTATIVE DEMOCRACY

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At the present time, the debate about the difficulties being encountered in connection with communicating and implementing government policy is not only intensifying but also gaining increasing attention, as regards the alleged deficits of representative democracy that are becoming evident in the Federal Republic of Germany. The debate also raises the question whether this development could be alleviated by allowing more direct democratic forms of participation or whether, in fact, they would hinder innovation. The controversial Stuttgart 21 railway project is but one example that illustrates the issue being discussed; whereby it needs to be noted that the debate extends into the parliaments as well. With the aim of gaining more in-depth understanding, the different lines of reasoning on representative and direct democratic forms of participation are compared. Furthermore, the question whether modernization of the government would be a step in the right direction is discussed. All in all, it would not be productive to change the course simply to adopt a different system variant. Nonetheless, the question remains as to how such large-scale government projects as Stuttgart 21 can be managed better in future. Academic research provides answers to this question.

Key words: direct democracy; representative democracy; liquid democracy; referendums; political participation; government modernization policy.

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1 CONTEXT AND RESEARCH QUESTION

It is entirely possible that a wave of modernization is on the horizon - more precisely, a phase, in which multiple aspects of political representation and legitimation, communication or design of government policy will be scrutinized and may lead to contemplation of moving away from representative systems toward direct democratic forms of representation. This opinion could be embraced when one studies the development history of one of the most prominent examples of a large-scale government infrastructure project in Germany, namely the Stuttgart 21 railway project, and the controversies that arose in connection with it. The incidents that accompanied the project are exemplary because they illustrate the issue being discussed in a special way: the impact of the protest was not limited to Germany but extended beyond the country's borders. Moreover, multiple representative organs - from the municipal to the European level - extensively concerned themselves with the protest.

Hence, the research question is whether the realization of large-scale political projects would be smoother if they were based on direct democratic decision-making processes. The debate also regards the discourse on decentralization and the concept of subsidiarity. Hence, a key question in this connection is: Do referendums matter? To put it differently, can forms of direct democracy be taken as instruments of control or as a means to initiate policy and innovation and, thus, to enrich political competition; or, by contrast, should they actually be viewed as instruments of persistence, incrustation and hindrance to innovation (Luthardt 1994, 23-26; see Box-Steffensmeier, Brady and Collier 2008; Martini 2011; Hornig 2011, 475-492; Keil and Thaidigsmann 2013; Gabriel 2015, 87-113; Kerstin 2015, 304-334; Merkel and Ritzi 2017; Qvortrup 2018). It seems that the legitimation of direct democratic processes runs counter to the capacity for exercising control and solving problems. The empirical example given above shows that more grassroots democracy tends to prolong processes without promoting the realization of projects per se. In any case, critical discussion about how large-scale projects can be realized effectively in future will be necessary.

The demonstrations in Stuttgart never were only about a railway station, the northern or southern wing of the railway station, the trees that had to be felled, the mineral springs, the topography or geologically demanding subsoil that may prove problematic in connection with the underground construction work. It goes without saying that these kinds of issues lend themselves to creating uncertainty and, thus, mobilizing the masses. They basically can be understood as symbols that point to the actual heart of the matter: Many of the people protesting the project aspired to change the structure of power and gain more co-determination in politics. Basically, parts of the population used the protests as a venue for expressing their demand for more direct forms of democracy because they believed that the established political forces were failing (see Arnim von 2000; Geissel and Newton 2012; see Ness 2009).

Parties seem to be less and less able to manage social problems at the political level. In the meantime, a crisis of representation is being conjured up time and again (see Ohme-Reinicke 2012; Merkel and Ritzi 2017). Accordingly, civil movements that run counter to the logics of parties are on the rise. This can be ascribed to the circumstance that parties are subject to the rationale of continuously gaining more power, which is why individual contextual issues primarily are dealt with under the aspect of attaining not only the majority but the highest possible number of votes.

Direct parliamentarism, participatory democracy or liquid democracy refer to a concept that maintains that a mixture of representative and direct democracy would be suitable for solving our problems of government (Aden 2004; Jabusch 2011; see Gabriel 2015, 87–113; Kersting 2015, 307–334). At the same time, so-called interactive democracy has been the subject of debates with the objective of assessing the influence of the Internet as a medium of communication and regarding promoting current trends since the new media have proven their worth as a significant catalyst (Leggewie and Bieber 2001, 37–45; Perlot 2008). Take for example a message posted on Twitter shortly after the incident on 30 September 2010 in Stuttgart that became known as Black Thursday. The tweet claimed that police had set up a water cannon again when, in fact, it later turned out that opponents to the project had refurbished a water cannon as a reminder of Black Thursday. Nevertheless, the tweet compelled thousands of protesters to gather in the Schlossgarten. As helpful as new media may be to reach many people it is equally questionable when you call to mind that incorrect or incomplete messages may initiate mobilization effects that can only barely be controlled and, above all, generate a feeling of being able to do it better than the established political forces. The large amount of information supplied by the media lets people believe that they are informed and should have a voice. However, this assumption is erroneous and may be deceptive. As a matter of fact, more quantity – which frequently may be in inverse proportion to quality – demands that a critical attitude be adopted towards the information provided and calls for high selection quality. In the end, excessive information causes a drift into a zone of uncertainty, because highly complex information meets with a society that is becoming increasingly more complex. It stands to reason that perceived uncertainty generates a wish for change.

The deficits of democracy are being invoked repeatedly, not only in Germany, and this involves criticism of the institutional representative form of politics. Since the 1990s, many citizens have been turning away from the dominant actors in the political system. As a result, apathy towards parties and democratic politics as well as erosion of the political party system has become apparent (Arzheimer 2002; see Huth 2004). Accordingly, this is evidenced by declining voter turnout, a more critical public and protests. Amongst other things, the discussions show that direct democratic forms of participation are en vogue: apathy towards politics and politicians frequently is not brought about by increasing disinterest in politics or a general attitude of refusal; in fact, these kinds of mechanisms reflect a demand for other forms of political participation (see Schiller and Mittendorf 2013).

As a result, demands calling for more participation are voiced, and this in turn sparks debate over whether the causes and deplorable situation are the fault of the actors or the system itself, whether direct democratic elements could help solve prevailing problems or whether such instruments would create new irreconcilable problems. Basically, a normative analysis of representative or direct democratic forms of participation would help to ascertain whether our systemic framework conditions still suffice or whether, in the meantime, a governmental modernization gap needs to be closed and how this could be achieved. The discussion may be old, but, at the same time, it is more relevant than ever before. This is demonstrated by one of the most incisive examples in recent times, namely Stuttgart 21. The course of events is taken up in the prevailing theoretical discussion to determine why it proved so difficult to change the processes. Moreover, if a reorientation toward other system variants does not seem productive, academic research has answers to the question as to how such projects ultimately can be accomplished in a better way.

2 COMPARISON OF DIRECT AND REPRESENTATIVE DEMOCRACY

Today, the right for referendums has been established in all German states; however, at the federal level, the Basic Law – with one small exception – has remained hermetically abstinent from referendums, even though appropriate amendments to the constitution have been adopted (Luthardt and Waschkuhn 1997, 59–87). In this respect it should be kept in mind that, when comparing the state of Baden-Wuerttemberg to the federal level, it becomes apparent that Baden-Wuerttemberg, more than any other German state, takes an approach like that of the federal government because the quorum for direct forms of participation is comparatively high here. Therefore, in this respect, note should be taken that such instruments could be watered down to a theoretical factor in political decision-making processes (constitution of the state of Baden-Wuerttemberg 2020).

One argument in favour of expanding the possibilities of participation is that democracy must not be understood as being limited to elections, with citizens taking on the role of bystanders at all other times. Citizens must be given the opportunity to participate. By its nature, democracy is committed to establishing a relationship between those who govern and those who are governed. Therefore, a state can only be considered democratic in the true sense of the word if as large number of its citizens as possible is involved in the decision-making process and, basically, each and every citizen is given an equal opportunity to do so. On the one hand, it is frequently argued that one can hardly speak about democracy when the people are limited to selecting representatives. On the other hand, it is asserted that citizens (citoyen) are by no means relegated to passivity after elections but can exert influence in myriad ways in representative systems (Kornelius and Roth 2004; see Rehmet and Wunder 2018; Rehmet 2019).

With respect to the concept of participation, it can be proposed that referendums contribute to more legitimacy and to the stability of the system because they provide a differentiated basis of legitimation. The distance between the political classes and citizens could be alleviated by instituting referendums between elections. As a result, these instruments could be used as channels of transmission, so to speak, between citizens and the functional elites and, thus, render political decisions transparent within the framework of a communicative democracy (Steffani 2013).

This would be accompanied by another functional attribution: Referendums serve as sources of information and articulation in connection with forming the political will of citizens and decision-makers. At the same time, this process has the advantage that it could be used implicitly as a mechanism to integrate protest and social views. As far as political issues are concerned, protest potential could be included in different dimensions and at different levels of the decision-making process. In addition to these aspects, the attribution is significant for another reason, namely about control, balance and veto functions (Luthardt 1994, 158–159). Referendums are interpreted as being a constitutional counterweight and adopted as a means to balance and control the power of the parties in a democratic manner (see Gabriel 2015, 87–113; Kersting 2015, 307–334).

Another argument, one that takes a decision-theoretic approach, assumes of increasing complexity. In view of the ever-growing amount of data, better and more rational methods of processing and collecting information are urgently needed. Planning procedures can only be carried out in a meaningful and targeted manner if the needs of the persons concerned are known. Theories with a normative orientation claim that forms of direct democracy can promote the differentiation between democracy and the institutional structure. In this connection, it is assumed that not only greater and more intensive participation will be achieved but, moreover, that the output will be better than that gained through representative political decision-making processes (see Merkel and Ritzi 2017).

By implementing representative elements, it would be possible to overcome institutional obstacles, carry issues into the legislative arenas and achieve the goal pursued thereby. Accordingly, instruments of direct democracy are considered instruments that tend to promote participation, control and issues in the decision-making process. Hence, the proposition normatively proceeds from the input side. A structural expansion on the input side leads to functionally positive results on the output side. Referendums have the capacity to resolve blockades because they enable optimal integration and correction. Theoretically, a significant point in this respect is that direct democratic forms are legitimated through the dictum of the sovereignty of the people. This can be countered with the argument that participation as such certainly does not a priori lead to a better result. The relevant point is the quality of the participation, which ultimately can contribute to the objective of taking a good and justifiable decision. Then again, participation, or more participation, may possibly complicate the forming of the political will and the decision-making process. Consequently, it can be stated that meaningful participation of the citizens, even if it is rightly considered a positive element of democracy, requires a minimum of defined rules and formalities. Then again, they should not be so complicated as to render an objectively optimal result impossible from the outset (Sontheimer 1988, 6; see Geissel and Newton 2012; Merkel and Ritzi 2017).

Luthardt takes a maximum position and concludes that, although a high degree of participation is a distinct feature of direct democratic processes, there are no grounds for asserting that direct processes lead to more legitimation and better results than representative decision-making procedures when one looks at the political reality and the mode of operation of our institutions in the context of complex democracies. From this standpoint, any form of direct democracy is considered an instrument that causes political blockades and delays in the political decision-making process. Accordingly, the productive aspect connected with participation would, in fact, have a restrictive effect. Sceptics fear that direct forms of participation would lead to the erosion of representative political contexts (Luthardt 1994, 164–165).

The aspects stated above indicate that more direct participation does not necessarily improve the results achieved by politics. The theory of institutional democracy adds another aspect to the debate about the challenges arising in connection with more participation, complexity and difficulty of control. Whether tasks can be accomplished primarily depends on the prevailing form of democracy. A state having a well-established tradition of referendums, such as Switzerland, is better equipped to deal with petitions for more intensive participation than a state organized as a representative democracy under a dominant constitution. In connection with a purely representative constitution, the participatory revolution inevitably entails an increase in non-conventional political participation and, most certainly, a higher probability that conflicts will

escalate, something that is not necessarily the case in a direct democracy with referendums. However, as is illustrated by Switzerland, more responsiveness comes at the price of high decision-making costs, above all high consensus-building costs, and a higher probability of processes being blockaded (see Gabriel 2015; Kersting 2015, 307–334; Merkel and Ritzi 2017).

Accordingly, a central argument is that direct democratic decisions cannot process the political complexities sufficiently and adequately; therefore, they run counter to any means of control. This problem is substantiated by arguing that the logic of decisions based on democratic referendums amounts to a negation of compromises. Such decisions would thwart the decisions of representational institutions (Luthardt 1994, 159–160). Using referendums to verify the decisions taken by parliaments means strengthening the power of persistence because any compromise between the parties involved would be excluded, as Weber noted (1976).

In this respect, the formula "more direct democracy = more sovereignty of the people" is striking and alluring but possibly too simple. It is explained that, when proposed as the alleged "royal road of democracy," it is way too undifferentiated and by no means appropriate in the face of the complexity of the problems connected thereto. The emphatic use of the comparative form is devoid of theoretical background and lacks practical relevance: not only is it overly simplistic but, in addition, it underestimates conflicts or shifts in power. All generalizable experiences gained in clearly weakening democracies based on proportional representation or consociational democracies, particularly in Switzerland, show that plebiscitary democracy always is accompanied by retardant aspects and elements that stunt innovation and that processes are prolonged to an unjustifiable extent (Luthardt and Waschkuhn 1997, 60; see Kersting 2015, 307–334).

Another aspect that is brought forward is the lack of responsiveness of direct democratic decisions. They are not associated with an identifiable person, party or institution, which assumes responsibility for the result (Luthardt 1994, 60). From a theoretical standpoint, the decision behaviour is diminished in connection with substantive decisions. It follows a simple yes-or-no logic (Bobbio, Griffin and Dellamy 2014, 117; Luthardt 1994, 160). Yes-or-no decisions "do not include the opportunities of a critical evaluation of multiple individual preferences based on argumentation and discourse" (Windhoff-Héritier 2019). For this reason, the issue whether democracy can come to terms with increasing participation, growing complexity and massive limitations of political control or whether it is unable to cope with these circumstances as such is all the more decisive. The different opinions expressed in this regard by the various families of democracy theory range from a continuum of positive valuation up to rather pessimistic conclusions.

From the point of view of political theory, the arguments seem to be well-balanced. Diverse patterns of reasoning are used in arguing for or against direct democratic decision-making processes. Luthardt and Waschkuhn state that the topoi that are embedded in the concepts of democracy, legitimation and participation theories primarily refer to the relation between political elites and non-elites, representation, possible devaluation or revaluation of the parliament, the significance of political leadership and the extent of political involvement in a mass democracy, which excludes an assembly democracy. To put it in a nutshell: According to the authors, the issue is whether the structural pattern of socio-political mediation processes should take the form of a grassroots (bottom up) or elitist (top down) democracy. They cogently cite the essential pros and cons of

a referendum democracy (Luthardt and Waschkuhn 1997, 60–61; see Geissel and Newton 2012, Gabriel 2015, 87–113; Kersting 2015, 307–334; Merkel and Ritzi 2017).

On the one hand, emphasis is placed not only on such aspects as reinforcing the sovereignty of the people as the supreme source of political legitimation, realizing the postulate of democracy, and accentuating the potential arising from factoring in values and interests as well as the possible conflict potential but also on the counter principle to spectator democracy. Direct democracy ensures more participation, more fully taps the human potential as well as the social capital of the polity both individually and collectively. These kinds of processes generally ensure more transparency, resolve fundamental controversies and lead to high acceptance and legitimation of the decisions. Finally, direct democracy promotes political socialization as well as education for maturity and responsibility, reduces phenomena of alienation and allows any driving forces taking a stand against the arrogance of the political class to be released in a productive way (see Geissel and Newton 2012; Kersting 2015, 307–334; Merkel and Ritzi 2017).

On the other hand, it may well be that direct democracy is only suitable for political-territorial units that are modest in size. The complexity prevalent in industrial societies excludes broad-scale direct democratic processes since they may ask too much of the citizens, who on average do not have expertise or knowledge regarding the matter concerned. For this reason, it would be unreasonable to expect all citizens to continuously occupy themselves with public matters; instead, competent political leadership is needed. Votes affected by coincidental constellations and mood swings often tip the scales in direct democratic processes and, thus, do not imply decision-making rationality. Reducing the response behavior to "all or nothing" is far too simple and does not leave room for intermediary solutions and compromises. Moreover, the people as such can only take selective decisions; in many instances, issues are pursued only by interested minorities and, therefore, the results are not coherent to a large extent. Ultimately, such processes require a lot of time and frequently hinder innovations. Therefore, it is doubtful whether conflicts would be defused. Accordingly, as far as the perspectives of the formal participation of the citizens is concerned, scepticism, at best acceptance, is called for based on the observations made above (Kitschelt 1996, 17–96; see Geissel and Newton 2012; Kersting 2015, 307–334; Merkel and Ritzi 2017).

Experiences gained at the municipal level largely confirm the statements. Sontheimer (1988) already remarked that the representative structure of the governmental system stipulated by Germany's Basic Law was widely accepted before demands for more participation were articulated and discussed more emphatically. The participation of the people in elections was considered both an imperative as well as adequate form of participation. The act of voting itself certainly is the decisive act of legitimation; however, it is not the same as participating in a political decision about a concrete issue. It is but an expression of support for one side. Thus, representative democracy may need to be supported by participatory elements, without there having to be a debate about replacing it. A feeling of uneasiness regarding the representative structure has been prevailing in Germany for a while now, and this feeling was reanimated in connection with the Stuttgart 21 project. Accordingly, the highest possible degree of participation is considered the prerequisite for good and just politics.

The arguments speak for and against implementing or expanding direct democratic elements. Although it is claimed that direct democracy cannot work in Germany, it is indisputable that the possibilities created by our constitution

have reached their limits and that the demands for more direct participation are justified. It needs to be noted that the representative variant does not work perfectly either because the globalized world is subject to fast-paced changes and political attitudes, as it were, change quicker than was the case in the 20th century. More than ever, the actual issue is: Do referendums really matter? It is evident that any one-dimensional explanations need to be rejected. After deliberating the issue dialectically, a normative interim conclusion can be reached: more direct formal participation leads to more legitimation of decisions at the expense of the ability to steer and find solutions to problems. Problems are not significantly reduced by more direct democracy. Instead, it seems that new problems arise and stand in the way of innovation.

When this maximum diametrical position is taken, any discussions about our system are not productive as such. For all that, it is obvious that there is a pertinent modernization gap. This is illustrated very clearly by way of the empirical Stuttgart 21 project. So, if a reorientation to fundamentally different systemic prerequisites is not productive, then careful thought must be given to how such projects can be handled better in future. Accordingly, it may prove helpful to briefly look at the course of the project, in particular at the crucial period of time, and why it proved so difficult to alter.

3 COURSES OF THE PROJECT

The Stuttgart 21 project, which involves construction of an underground train station, was announced to the public as early as 1994. At the end of 1995, the state of Baden-Wuerttemberg, the city of Stuttgart and the surrounding region reached a basic agreement with Deutsche Bahn AG and the Federal Government to realize the project. Subsequently, financial arrangements were explored. In 2001, the planning approval procedure was initiated, and the decision to adopt the urban land use plan was taken in February 2005. In April 2003, an inquiry procedure began, during which the Regional Administrative Authority of Stuttgart examined more than 5,000 objections submitted by private persons. In April 2006, the Higher Administrative Court of Baden-Wuerttemberg rejected several actions filed by opponents of the project (Der Spiegel 2007a).

In June 2006, the project partners agreed to decide about the project and the funding, since this had not been completely clarified yet at the time. One of the main points of dispute was that the cost estimates had increased drastically since the 1990s (State Parliament of Baden-Wuerttemberg 2009). In addition to the Federal Government, whose contribution, amongst other things, was supported by EU funds, Deutsche Bahn AG would bear the major share of costs. Baden-Wuerttemberg would fund a comparably smaller share, and even less costs would be borne by the city, the airport and the region of Stuttgart (Kefer 2012, 8–21). In view of the increase in costs, Deutsche Bahn decided to scale up their funding.

A look at the decisions taken by the land of Baden-Wuerttemberg shows that the approval of the project was carried by 115 "Yes" votes to 15 "No" votes, which were cast by the Alliance90/The Greens parliamentary group in October 2006 (State Parliament of Baden-Wuerttemberg 2006). In July 2007, the project partners agreed on the distribution of costs (Der Spiegel 2007b). The financing agreement was finally signed in April 2009 (Der Spiegel 2009). The parliamentary group of The Greens in the State Parliament of Baden-Wuerttemberg submitted a request to the Bundestag demanding that a

moratorium be imposed on the project. On 16 December 2009, the Traffic Committee of the German Bundestag recommended that the request be rejected, and the plenary session followed this recommendation on the next day (German Bundestag 2009).

In November 2007, a petition for a referendum signed by more than 60,000 persons (in fact only 20,000 signatures would have been required) was submitted to the mayor of Stuttgart. The petition's ultimate objective was to force the city to withdraw from the project. The request for allowing a referendum was denied by the city's municipal council with 45 "No" and 15 "Yes" votes on the grounds that it was legally inadmissible. The Regional Administrative Authority of Stuttgart and the Administrative Court of Stuttgart rejected the objections. Ever since the approval of the project, many protesters has been gathering at the weekly Monday Demonstrations (Die Zeit 2010). On 30 September 2010, the protests the preparatory work being undertaken in the Schlossgarten park escalated and up to 400 persons were injured (Focus 2010).

To break the deadlock, Heiner Geissler was called in to arbitrate negotiations between advocates and opponents of the project in eight meetings scheduled to be held from 22 October to 27 November 2010 (Frankfurter Rundschau 2010). On 30 November 2010, Mr. Geissler announced his arbitration decision, which, although it basically was in favour of the project, did propose numerous changes (S 21 Plus). The arbitration also declared that any decisions regarding any proposals that were made with the aim of increasing the station's capacity would be taken after a stress test, the results of which would be presented in July 2011. According to the results of the stress test, the underground through station would be able to handle 30 percent more train arrivals at peak times (Frankfurter Allgemeine Zeitung 2010).

Following the state election and change in power in March 2011, Alliance 90/The Greens and the SPD party drew up their coalition agreement and agreed to hold a referendum on the Stuttgart 21 project (Alliance 90/The Greens). At the end of July 2011, the draft of a law regarding the exercise of termination rights in connection with the Stuttgart 21 project (S21-Kündigungsgesetz) was brought before the state parliament; however, it was rejected by the state parliament on 29 September 2011. This decision paved the way for the referendum that was held on 27 November 2011. Voters were asked to decide whether the state was to exercise the termination rights provided in the financing agreement and withdraw its funding for the project (Ministry of State of Baden-Wuerttemberg 2011). The majority of the voters, namely 58.8 percent, voted against the government's obligation to exercise its termination rights and thereby dissolve the state's contractually agreed financing obligations; 41.2 percent voted for this option. Voter turnout was 48.3 percent (Statistical Office of the State of Baden-Wuerttemberg 2011; see Haug 2012, 446–466).

The material point is that a referendum is decided by the majority of valid votes. Accordingly, the law would have been adopted if at least one third of the eligible votes had decided in favour of it (constitution of the State of Baden-Wuerttemberg). This highlights a sensitive issue of democracy theory. In the end, the referendum brought about a situation that pacified the opposing sides (advocates of the project were the majority). However, even if the opponents had been in the majority and, moreover, the necessary quorum had been achieved, this still would not have inevitably meant the end of Stuttgart 21. Why? Simply because the decision that was taken did not concern the project as such but only the share of funding that was to be borne by the state. If, in this case, the state had withdrawn from the project, substantial payments for claims for damages

would have arisen. Even though the project partners would have been able to uphold the project from a legal point of view, it would have been a highly controversial matter to assert such a project politically against the will of the people, who had clearly spoken out against the concrete question of the funding, and it would have provoked further protests. The most problematic constellation would have arisen if the opponents had achieved the majority; however, without the required quorum. At that point at the latest, the issue no longer would have been the train station at all; instead, it would have concerned questions of insufficient possibilities of direct participation at the state level. Then associated aspects would have become the concrete and central issue of the debate. Following the referendum, construction work gradually began and continues to this day.

4 NEO-INSTITUTIONALIST OBSTACLES AND OPPORTUNITIES BASED ON LEARNING THEORY

The project has gained more institutional validation since the referendum. However, it would have proven very difficult to stop it even before the referendum. At the most, the variant described last would have been an option, at least theoretically. Various approaches provide ample evidence in support of this, particularly such neo-institutionalist concepts as historical and actor-centered institutionalism (Reiners 2008, 319–320; see Hall and Taylor 1996; Kaiser 2001; Capoccia and Ziblatt 2010; Schmidt 2008; Mahoney and Terrie 2008; Mahoney and Thelen 2009).

The approaches underscore that institutions form preferences and that such preferences definitely are not predetermined exogenously. The objectives and choice of the means are shaped by the surroundings; however, this occurs without determination, because the perception and interpretation of the actors comes into play between the institution and action. Historical institutionalism emphasizes that institutions evoke path dependencies. Accordingly, this explains why the preferences and voting actions of the actors are pre-structured by long-term institutional channels. They move within a path and the margins of manoeuvre herein are defined by the structures that were formed and behavioural patterns that were practiced in the past (Steinmo, Thelen and Longstreth, 1992; Thelen 2001; see Thelen 2002; Lindner and Rittberger 2003; Pierson 2004; Peters, Pierre and King 2005; Shu-Yun Ma 2007; Capoccia and Kelemen 2007; Peters 2019, 63).

The actor-centered variant basically follows the question as to the results of action embedded in institutions and, although it points out a certain scope of autonomy, it states that the role of institutions is to limit or promote action as well as to influence the interests and perception of the actors (Mayntz and Scharpf 1995, 39–72; Scharpf 2000; see Benz 2001, 75–76; Ostrom 2005, 819–848). A cursory study of the variant shows that it is about how control systems influence the orientation of action, perception or preferences and resources of actors as regards their behaviour and forms of interaction. All in all, the power of institutions to shape action is decisive because it can promote a stimulating or restricting context and, hence, define courses of action. In this connection, it is also noteworthy that the actors are part of an interacting complex constellation of actors; and, therefore, it is improbable that one actor alone would be able to decide the results (Kaiser 2001).

Taking the prior theoretical knowledge gained from neo-institutionalism into consideration, it becomes evident that a reversal of the Stuttgart 21 project had been improbable for a long time. Overall, the institutional patterns of practiced political processes that are rooted in history, various fixed points in the progression of the project and the ensuing path dependencies, which structure the preferences of the actors and, as such, leave barely any room for manoeuvre, have a substantial impact. Termination of the project is rendered illusory, amongst other things, by the decisions taken starting in 1995, the official planning procedure that started in 2001, the relevant decisions taken since 2006, the ensuing contracts and project-related agreements as well as the associated court rulings and, accordingly, the institutionally restrictive context of action in this case. For this reason alone, the arbitration proceedings were merely symbolic. Only the referendum, if it had given an unequivocal signal, could have influenced the project. In this specific case, the context of action forms a highly restrictive clasp around the orientation of the actors, their voting behaviour and resources. Thus, the interaction promoted by the arbitration proceedings did not lead to any substantial new or different results.

Moreover, when the question is raised as to how the design of such projects could be improved in political processes in future, the answer, almost inevitably, turns to premises based on learning theory (Bandelow 2014, 341–370; Reiners 2016; Reiners 2019; see May 1992; Bennet and Howlett 1992; Knoepfel and Kissling-Näf 1998; Sanderson 2002; Stone 2002; Grin and Löber 2007; Dunlop and Radaelli 2013). Change – meaning change to other democratic forms, whatever form that may be – frequently is triggered and supported by factors that affect learning. They are based on qualitative changes in the collective structure of reality and relationships and, hence, a new order of structural factors (Nagel 2001, 56–57).

New social practice is learned, in other words invented, and agreed implicitly or explicitly when it proves to be better, more appropriate or meaningful. Accordingly, learning impulses can be explained by deviances from the customary course of an interaction or a disruption of such. This, however, raises the issue as to why systems do not learn. Non-learning and resistance to change (towards more direct democracy) approximates the behaviour of a system. Systems don't learn because they either do not recognize change, dismiss it as being irrelevant and evade it, or redefine the situation in such a way that they can hold onto the established patterns of interpretation (Schreyögg and Noss 2000, 33–62; see Sabatier and Jenkins-Smith 1993; Dolowitz and Marsh 1996; Messeguer 2005; Rose 2005; Freeman 2006; Kerber and Eckardt 2007). In terms of the logic of the system, these kinds of mechanisms are rational because the system reproduces the system mode that is familiar, well-rehearsed and ensures safety; namely, the mode which the actors follow and in which they have proven themselves. Processes of change, therefore, entail focusing on the systemic reproduction tendency and the awareness that many changes can only evolve into a learning process when the designers of the social world are aware of their own (re-) design accomplishment and, hence, the complex and dynamic-recursive correlation between their actions and the structures (Nagel 2001, 61).

In any case, social action goes hand in hand with power relationships. No intervention in existing conditions is possible without power. To all intents and purposes, you can only set those goals, for which you can mobilize sufficient agency. However, social change in this respect must not be understood as enforcing a model that was defined by just a few actors. Social change needs to be understood as a collective process, during which many members learn and/or define new ways of proceeding in regard to social cooperation and conflict; that

is, a new form of social practice is adopted. The only alternative to top-down authoritarian forms is free and unforced expansion and progressively generalized social experimentation; more precisely, collective and institutional learning. It is not a matter of deciding in favour of a new model, rather the point is to initiate a process of change that calls for and involves actions, reactions, negotiations and cooperation. The point at issue is that it is not a project that represents the will of one group, but rather reflects the ability of the various groups involved in a complex system to reach consensus. Accordingly, change cannot happen by simply replacing one condition with a new one. The preconditions for success arise from collective processes which mobilize or create the resources and capabilities of the persons involved that are needed to establish the new circumstances. To be able to develop or define a new (collective) model, it is necessary to break with interests, power relationships, affective mechanisms of protection and intellectual models, as Crozier and Friedberg already pointed out (1979, 18–20 and 246–248).

By no means is change illusory. In view of numerous events, and not least because of the controversy surrounding the Stuttgart 21 project, we already are during a relevant debate – at least in so far as a systemic adaptation is concerned – and usually any change originates from interaction. Learning theories contribute to this process because, contrary to neo-institutional theories, they tend to concentrate even more on the actors. For this reason, continuous and incremental steps most likely will bring about successful implementation; specifically, measures that are backed by overwhelming acceptance, measures exhibiting a distinct policy of information and (at least perceived) participation. In this context, it may be important to actively involve all actors in the envisaged objectives, letting them contribute in a formative manner to the attainment of the goals (Müller and Hurter 2021, 1–54).

Overall, the process showed that the actors had to inevitably submit to a learning experience. By the same token, the mega-project disclosed that the enormous conflicts were significantly weakened during the project: for one, because of the increasing participation of human capital and, for another, because more consideration was given to values. Transparency gave rise to more acceptance and legitimation and, ultimately, fundamental controversies were solved and alienation phenomena were reduced. Nonetheless, it became evident that the gradual increase in participation made the process even more complex, considerably delayed the duration of the project and most likely also increased its costs.

Accordingly, research and empiricism also provide indications as to how such projects could be handled more smoothly in future. In fact, the source of errors can be found in the practical implementation; however, it has been clear for a long time that all changes, and such large-scale projects, induce resistance per se – a commonplace occurrence, so to say. To believe anything else would be unrealistic because it always needs to be borne in mind that nothing is more difficult to carry out than to initiate a new order of things, as Machiavelli already proposed (quoted in Fisch 2000, 117–166). Changes are accompanied by a zone of uncertainty that needs to be overcome (Reiners 2012). This can be achieved in different ways. Nonetheless, a high degree of information and participation most likely is indispensable in connection with such projects.

5 CONCLUSION AND OUTLOOK

It is essential that democracy and emancipatory discourses be continued and commented critically. In so doing, it would be expedient to determine whether advocating for more elements of participation makes sense because, in fact, a higher degree of democratic media-based communication in the public sphere is noticeable and is accompanied by faster access to manifold and extremely complex information that may be difficult to process. However, holding formal referendums on their own seems arguable. Notwithstanding, other participatory procedures could be institutionalized, for example, a more comprehensive information policy and/or diverse mediation processes in the run-up to large-scale projects to ensure, so to say, legitimation regarding the subsequent formal procedures. The instrument offered by referendums could be used in connection with substantial decisions – simultaneously and in due time – because it seems that a window of opportunity for involving the people directly in such projects in future may have opened in southwestern Germany. Or perhaps not: Presumably other referendums would not attract as much participation. Moreover, it is difficult to delimit a large-scale project and a substantial decision. In addition, there is the risk of becoming lost in endless discussions, also about where such lines need to be drawn exactly. As a result, the relevant areas of discourse would be pushed to the background and, consequently, states may possibly develop more and more into incapacitated "discussion democracies."

It may prove helpful, for example, to survey public opinion in advance of major projects; specifically, to complement the parliamentary procedure by possibilities of participation if there still are alternatives that need to be discussed. Nonetheless, some aspects need to be considered: Usually only certain interest groups become involved in discussions. That is why the opinion of the people is not represented and why any discussion of the actual circumstances is only supported in part. Furthermore, the prevailing mood plays a part, and it changes continuously. Once again it becomes evident that there is still ample room for scientific research and debate.

From the point of view of political theory, such options seem questionable too: Their strengths in this regard tend to be more symbolic. It seems inevitable that politics will have to apply itself to this learning process from now on. Empiricism will show whether such procedures provide effective help unless this has been demonstrated elsewhere. Nonetheless, significant scepticism will persist. And yet, it is indisputable that the formation of opinion through party channels has suffered over the years and that the political class is increasingly drifting away from the public. Perhaps it would already suffice if the citizens (symbolically) felt that they were being considered and perceived in the political process. The times of top-down politics are over. Accordingly, it may be time to creatively think about alternative ways of political opinion formation in future – without carrying on a general debate about our time-proven system – because the debate will not be rendered moot by the start of construction of the large-scale Stuttgart 21 project. And simply demanding the formalization of referendums will not prove helpful in connection with large-scale projects either. In conclusion, it needs to be pointed out that highly legitimated direct participation counteracts the capacity for exercising control and solving conflicts and, if anything, blocks innovations.

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PRIMERJAVA NEPOSREDNE DEMOKRATIČNE IN PREDSTAVNIŠKE PARTICIPACIJE – VZROKI IN ODZIV NA KRIZO PREDSTAVNIŠKE DEMOKRACIJE

V zadnjem času se razprava o težavah pri komuniciranju in izvajanju vladne politike ne samo stopnjuje, temveč dobiva vse več pozornosti glede domnevnih pomanjkljivosti predstavniške demokracije, ki postajajo očitne v Zvezni republiki Nemčiji. Razprava postavlja tudi vprašanje ali bi ta razvoj lahko omilili z dopuščanjem bolj neposrednih demokratičnih oblik sodelovanja ali pa bi te dejansko ovirale inovacije. Kontroverzni železniški projekt Stuttgart 21 je le en primer, ki ponazarja obravnavano vprašanje, pri čemer je treba opozoriti, da razprava sega tudi v zvezne parlamente. V članku z namenom poglobljenega razumevanja primerjamo različna razmišljanja o predstavniških in neposrednih demokratičnih oblikah participacije ter ob tem obravnavamo vprašanje, ali bi bila modernizacija vlade korak v pravo smer, pri čemer ne bi bilo produktivno spremeniti smeri delovanja zgolj zato, da bi sprejeli drugačno različico sistema. Kljub temu ostaja vprašanje, kako je mogoče v prihodnosti bolje upravljati tako obsežne vladne projekte, kot je Stuttgart 21. Akademске raziskave dajejo odgovore na to vprašanje.

Ključne besede: neposredna demokracija; predstavniška demokracija; likvidna demokracija; referendum; politično sodelovanje; politika modernizacije vlade.