

Note

1. Perry Anderson, 'The Affinities of Nberto Bobbio', *New Left Review* 170 (July/August 1988), p. 36.

An Institutional Critique of Associative Democracy

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Joshua Cohen and Joel Rogers articulate a vision of associative democracy that aims to fuse democracy and group representation. They hope to overcome current problems of political malaise and policy ineffectiveness by drawing on the strengths of these forms of representation without succumbing to their weaknesses. These comments focus on two issues which I believe to be central to their program: the role of political institutions in creating a framework for associative democracy and the dilemmas inherent in setting limits to the scope of representation.

Associative Democracy and Territorial Political Representation

As Cohen and Rogers recognize, territorial political representation is critical to the process and outcome of interest representation. But in enumerating the artifactual aspects of groups, their essay could further develop the implications of links between interest group organizations, the process of interest group negotiation and what one could call the more 'standard' political system – that is, representative institutions and the ways in which they function in practice.

As I understand the argument, Cohen and Rogers view arenas of political deliberation and interest group negotiation as complementary. The party system is to provide constraints on associative democracy by constituting an alternative channel of participation that citizens can use to protest any excesses of associations – a substitute for pluralism's 'potential interests'. In addition, deliberative institutions are to be used to discuss explicitly the rules of the game for the associative negotiations – the groups that are to be included in the associative system, the accountability of the leadership of the groups, the policies

that are to be delegated to associations – and to evaluate the substantive results of associative policy-making and implementation. The essay also notes the more indirect and less explicit impact of political institutions and policy choices on the structure and organization of groups, as the conditions for group formation 'are themselves in part a product of opportunities and incentives that are induced by the structure of political institutions and the substance of political choices, and so can be changed through public policy'.

Thus the political system is to exercise three separate functions in their scheme: it serves as a counterbalance to the interest group system; it sets the conditions for group representation and evaluates the results of group negotiations; and it subtly shapes the background conditions for the organization of interests and their expression in politics. This third aspect – the ways in which political institutions and policy choices shape associational life – indicates interaction rather than complementarity, however. These interactions should be explored in more depth because they could inadvertently undermine associative democracy in practice. The implicit effects of political institutions could even countermand the explicit decisions taken within those same institutions.

Political institutions are important not just for establishing the contours of associational representation, but they also affect the behavior of associations during negotiation processes. The willingness of association leaders to cooperate and their ability to impose compromises on their membership (more broadly, the ability of both leaders and members to see the interdependence of their interests on those of others) depend on the availability of alternative channels of political influence that can be used to overturn the decisions made by association negotiations. That is, if interest groups can veto the results of negotiations at a different point in the system, they will not be predisposed to cooperate during the negotiations. Moreover, as the results of negotiations will not be final, the negotiation process itself will lose credibility.

For example, in the United States the courts provide this kind of veto opportunity. This is one of the factors that has hampered the effectiveness of the Occupational Safety and Health Administration (OSHA), to name but one example. Legal recourse has slowed the process of setting standards, has considerably raised the requirements of scientific proof necessary to establish a standard and has exacerbated the effects of US adversarial industrial relations. Because neither employers nor unions have faith that regulation is imminent or will be enforced, neither is particularly cooperative during the negotiations

and hearings that are already part of the OSHA standard-setting process.¹ Given that cooperative negotiation requires association leaders to impose significant costs on their members, increasing associative democracy in this area will not work unless territorial or other political institutions (1) provide positive pressure to ensure that agreements are reached (such as a time-limit on negotiation, after which an arbitrary standard will be used), and (2) do not provide associations with the hope of later veto of the negotiated outcome.

The impact of political institutions on associative democracy is not uniform across issue areas, however. For instance, although the courts have constrained OSHA, they have broadened environmental protections, thereby aiding the work of the Environmental Protection Agency (EPA). Moreover, even within the area of occupational health and safety, the threat of legal action on the part of employees has undoubtedly improved workplace conditions independently of OSHA.

Thus the exact effects of political institutions on associative democracy are complicated. Nevertheless, the point here is that the institutions cannot be put to the side for the moment because they may determine the extent to which associative democracy will bring positive results.

In working out the necessary institutional conditions for associative democracy, two subsidiary points should be kept in mind. (Both are standard criticisms of civic republicanism.) First, in the essay a great deal of weight is given to the party system. It is equally important to consider the interrelationships among and between different political arenas and different levels of government. The party system means very different things at the local, state and federal levels, and the impact of political parties is constrained by interactions among the executive, legislative and judicial branches. Second, as the party system is riddled with interest group influence, supervision of associational life by the party system may reinforce rather than provide a counterweight to the problems of faction. The same considerations apply to the other political institutions that various advocates of civic republicanism stress as the locus of deliberative decision-making, such as the Congress or the courts.

Inclusiveness of the Group System and Conditions for Cooperation

The impact of political institutions on associational democracy is one aspect of the more general problem of how to combine democratic

systems with effective decision-making. Institutions that guarantee access to decision-making protect citizens from injustice, and notably, they protect minorities from domination by majorities, but they may also create policy stalemate. Similarly, broad access to group negotiation may conflict with the effectiveness of these negotiations. Thus the conditions for effective/efficient policies pose problems for the democratic/participatory aspects of associative democracy.

Most basically, associative democracy strives to forge effective policies through the cooperation of groups. Cooperation in turn depends on ruling out the ability of any one group to veto policy outcomes unilaterally. From this proposition, one could set out three conditions for successful (in terms of solving policy problems) associative democracy: (1) there must be a lack of alternative arenas for vetoing proposals; (2) the number of groups must be sufficient to allow groups to balance one another, yet not so large so as to produce a 'joint decision trap'; and (3) negotiations must be ongoing and repeated (iterative).²

These conditions, however, imply some limits on the inclusiveness of associative democracy – both in terms of the number and range of groups that are included and in terms of the scope of the issues that such negotiations can consider. Although Cohen and Rogers provide evidence from democratic corporatist systems to show that the tradeoff between the policy aims of associational negotiation and democratic norms can be overcome, these systems also illustrate some of the difficulties that associative democracy might encounter.

In my view, democratic corporatist systems owe at least part of their success to their exclusion of some interests. Not necessarily because of associational monopoly, but by working with a restricted number of interests, the political agenda has been reduced to a more manageable number of problems, and interests not willing to go along with the overall consensus have been ignored or defeated. The Swedish example is a case in point. During the entire post-World War II period, the input of certain interests was minimized: small businesses, craft unions and professional organizations were under-represented in a system of representation that emphasized the three main producer organizations (LO, TCO and SAF). Policy-making contained in executive procedures with little scope for parliamentary changes allowed social democratic politicians to impose policies agreed on by the three main organizations on more recalcitrant groups. In health policy, for example, fee controls could be imposed on the medical profession, and the medical association was often not even represented on government health insurance commissions. Recently, however, there has been a kind of

'return of the repressed', with small business, professional and consumer mobilization against the emphasis on class-based representation.

More generally, arrival at consensus on the public good means that some interests may not be accommodated. What can be done about those interests? Cohen and Rogers suggest several mechanisms by which associative democracy might integrate opposed interests, thereby encouraging members of particular groups to view their interests as interdependent on the well-being of others. Relying on overarching groups and engaging a broad variety of groups in ongoing negotiations would facilitate relations of trust, compromise and reconciliation.

But each step toward integration is difficult. The larger and more encompassing the representative association, the less sensitive will be the leadership to demands from particular subconstituencies. Consequently, particular interests may resist representation by broader associations. Ethnic minorities will not necessarily feel adequately represented by wage-earner associations; doctors would most probably not want to be represented by a general union of health workers; members of particular trades or industries may prefer their trade association to a general employers' association. Thus the freedom of individuals to choose their own representatives may hamper effective negotiation.

In addition, leaders of organizations are often more ready to acquiesce than their members, yet democratic norms eschew oligarchy. Officials engaged in ongoing negotiations are more likely to think in terms of policy packages (the interdependence of interests) than are their members, but when decisions go back to the rank and file (just as when they go to alternative political arenas), the policy issues can become unbundled again. In the recent catastrophic health insurance debate in the United States, for instance, organizations representing the aged were willing to finance better health insurance coverage through income-based contributions paid by retired persons. These representatives accepted the congressional logic that as social security had been relatively sheltered from budget cuts, new benefits should be financed by the beneficiaries themselves. By contrast, individual, relatively wealthier older persons did not accept this package and protested directly to their congressional representatives, which ultimately led to the recall of the bill.

There is also the problem of 'maverick' groups. The relative lack of interest, information and expertise of the majority of associations in particular areas – typically agriculture, for example – tends to leave a

few associations isolated and ruthless in their demands. There would be a strong temptation to silence these groups by agreeing to give them free rein over their own domain if they stay out of the bargaining in other areas. Yet such deals would undermine the balancing effects of broad representation.

Moreover, even the representation of a wide variety of groups is problematic. Aside from the obvious risk that the more people you include, the harder it is to reach agreement, the inclusion of too many groups may overburden the negotiations by widening the agenda to include conflicts that are extremely difficult to reconcile. Representation of agricultural and social welfare groups in negotiations over employment, incomes policies and social wages would invite discussion of the large socioeconomic inequalities between urban and rural workers, the employed and unemployed, as well as inequalities of race and gender. While this is precisely the point of associative democracy, consensus bridging such a broad issue space will be difficult to achieve. Resolution of conflicts of religion, language or ethnicity – the identities that have been termed cultural cleavages – pose an even greater challenge to associative democracy than do distributional issues. Certainly, corporatist bargaining institutions do not attempt to span such divides.

To conclude, the idea of using political means 'to secure an associative environment more conducive to democratic aims' holds promise for addressing a number of policy problems and increasing meaningful and responsible political participation. Involvement of associations in productive decision-making could even rejuvenate groups that are losing their constituencies by updating their mandates to engage in new issues that directly concern their potential members, thus encouraging a more deliberative form of public participation than electronic democracy. However, attention needs to be paid to the impact of the larger political and institutional framework on these procedures for interest negotiation and to the difficulties of balancing democratic concerns for broad representation with pragmatic considerations about effective negotiation.

Notes

1. See Steven Kelman, *Regulating Sweden, Regulating America: A Comparative Study of Occupational Safety and Health Policy*, Cambridge, MA: MIT Press, 1981.
2. On the problems of joint decision-making, see Fritz W. Scharpf, 'The Joint-Decision Trap: Lessons from German Federalism and European Integration', *Public Administration* 66 (1988), pp. 239–78.

Social Groups in Associative Democracy

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The collapse of Communism in Eastern Europe and the end of the Cold War and other worldwide economic and political changes have made an important opening and need to reform and experiment with political and economic institutions. This historical opportunity for trying new things, unfortunately, has not been accompanied by any significant institutional imagination, especially in the United States, where leaders consider its current political and economic institutions to be the Promised Land toward which reformers in other parts of the world should aim. Thus Cohen and Rogers's proposal for alternative political institutions in the United States is greatly needed. Some people will and should disagree with aspects of either their theoretical framework or their practical model. But at least the essay is imaginative and can shake up our political and institutional complacency. Cohen and Rogers's model of associative democracy offers political theorists and activists in any part of the world where there now exist liberties of association, assembly, movement and free expression something substantial to chew on. In so far as it puts forward both a framework of normative principles of democracy and draws a fairly detailed picture of some practical means for how reformed political institutions in the United States might better instantiate those norms, the essay can serve as a model for how to fuel the institutional imagination.

Alternative institutions cannot be made out of air. Both imagining and enacting alternative institutions must begin with some elements of existing social life; as Marx said, the new society comes out of the womb of the old. Theorists of more democratic alternative political institutions thus should look around our societies to find undervalued or underused democratic forms, which we propose to deepen, extend and radicalize. I interpret Cohen and Rogers's model of associative democracy as doing just this. It excites my imagination to see new