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ASPECTS OF DEMOCRACY

Four articles in this issue are, in one way or another, connected to the character and problems of modern representative democracy. Glen Newey reflects on the fact that democratic citizens frequently hold that political decisions are wrong, stupid, or unjust, and sometimes results of a procedural failure. And yet they have no means of effectively challenging the legitimacy of these decisions. Newey analyzes such situations as the cause of resentment among citizens, pointing out that this is a resentment of peculiar character. It does not follow from a clash between two or more individuals, but from a collision between the citizens and an institution which gets its legitimacy from the fact that it is seen as an embodiment of their personal liberty. Newey sees no way out of this resentment, rejecting both Rawlsian theories about a perfectly just society sanitized from all questions concerning power and the real life achievement of political goals and libertarian claims about the harmonic coexistence of individuals in some non-political sphere. Rousseau's corporatist idea of the General Will gets a more serious response, since it acknowledges that, outside the democratic procedure, individual moral judgements can have no political authority. Yet, Newey does not end up maintaining that we should or could avoid political resentment by holding that our real freedom consists of agreeing with the outcomes of democratic decision making irrespective of their content. Instead, we should accept resentment as "our democratic destiny". This attitude is, in Newey's view, compatible with a vigorous critique of political decisions and

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procedures as well as with the traditional worries about the fate of minorities in a democratic polity. Yet, it should safeguard us, he hopes, from the fruitless construction of political fantasies disinfected from the effects of power and the pursuit of political ends.

Even those who follow Newey in accepting resentment as the destiny of democratic citizens may be tempted to read Kari Palonen's article on the parliamentarisation of elections as an attempt to offer means of diminishing the frustration caused by current electoral practices. After all, Palonen expresses his own annoyance by describing elections of today as a major commercial and media event in which "the by-products" are more important than "the debates over political alternatives and the choice between the candidates." Yet, Palonen insists that he is not making any suggestions about changing the voting and electoral process, but merely offering us a thought experiment the aim of which is to construct "unrealized possibilities as a precondition for the proper understanding of realized ones." Palonen finds a similar approach in Max Weber, who defended parliamentary politics by offering speculations about the negative consequences of non- or anti-parliamentary democracy. It should be noted, however, that while Weber's speculations were aimed at defending prevailing practices against anti-parliamentary critique, Palonen describes the virtues of parliamentary procedures and their applicability to electoral processes in a manner which strongly suggest that the extension of parliamentary principles into electoral procedures would be a positive change. This makes Palonen's distinction between suggesting changes in electoral procedures and offering a thought experiment somewhat difficult to sustain, though his speculations certainly help us to understand how much the procedures of parliamentary elections differ from those followed in parliamentary politics.

If Palonen is speculating about the possibility of expanding the use of parliamentary procedures, Patricia Mindus explores the constitutional methods by which representative democracies prepare themselves for restricting the scope of representative politics in cases of emergency. Instead of elaborating one more time on Carl Schmitt's all-too-well-known remarks on the issue, Mindus uses a taxonomic framework for analyzing the various methods democratic constitutions cope with in emergency situations. The aim of this comparative exercise is to "enable us to identify different levels and kinds of problems that are currently being indiscriminately mingled into the

'constitutional emergency' discourse. Mindus's meticulous exegesis on different elements in constitutional emergency rules, both old and present, demonstrates the complexity of the topic and the sophistication of some of the constitutional procedures. In fact, she ends her inquiry with the reassuring remark that "our inability to anticipate the exigencies of any particular emergency is often overstated." Mindus even hints at the somewhat surprising possibility that after further work by legal and political scholars we may achieve constitutional settlements by which those who use emergency powers can be held in check through legal means under any kind of circumstances, irrespective of all "extra legal pressures".

Finally, Hubertus Buchstein introduces us to the life and works of Arcadius R.L. Gurland, a political theorist and scientist who is relatively unknown even in his native Germany, despite his association with Horkheimer's *Institute for Social Research* in 1940-45. Here, the link to democracy is Gurland's post-war interest in connecting theoretical reflection with empirical research on power structures in West Germany and Berlin. Buchstein situates Gurland's post-war work at the crossroads of German critical theory and political science inspired by American models, finding here both the reason for Gurland's marginal position in the historiography of these two disciplines and a motive for taking a fresh look at his work "as an alternative approach within the newly founded discipline." Historically fascinating is Gurland's disagreement with the grand theoretical pessimism of Horkheimer and Adorno. Relying on his empirical research on anti-Semitism in the US labour movement, Gurland refused to accept the idea that capitalism is inevitably heading for authoritarianism and anti-Semitism, a refusal which seems to have made him a *persona non grata* in the eyes of the authors of *Dialectic of Enlightenment*.

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