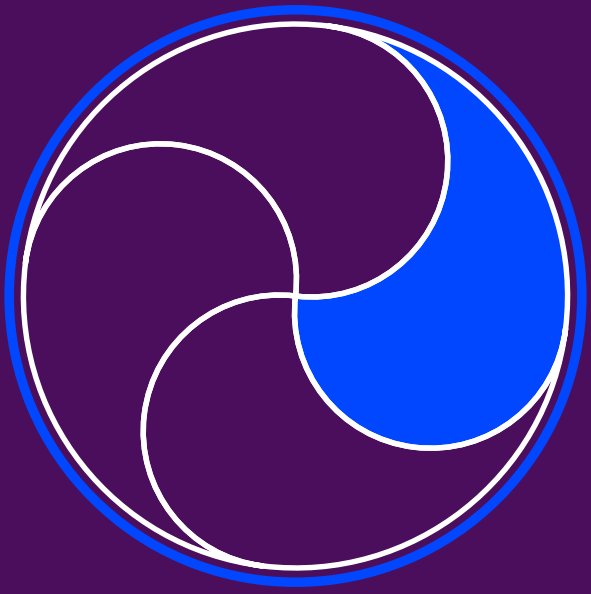


Value-Levels-Democracy

The Reflection-System-Theory of Four-Segmentation

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About the Author

Johannes Heinrichs was born in 1942 in Rheinhausen (today part of Duisburg). As a Jesuit he studied philosophy in Pullach and Munich. In 1972 he received his doctorate in Bonn with *Die Logik der Phänomenologie des Geistes*; in 1975 he completed his habilitation in Frankfurt.

In March 1975, in Paris, he found the four stages of reflection that carry his entire work. In more than forty books he has developed from them a theory of action, a five-volume philosophy of language, a reflexive systems theory of society, the proposal of a democracy with four sub-parliaments and, most recently, a philosophy of nature.

In 1977 he left the order because of his fundamental criticism of the institutional Church, and thereby gave up his chair. From 1998 to 2002 he was visiting professor of social ecology at the Humboldt University in Berlin. Since then he has concentrated on writing.

He lives in Duisburg and Berlin. Most of his essays are freely available at johannesheinrichs.de.

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Preface

In this book, Johannes Heinrichs offers a "real utopia". His theory of democracy is as fundamental as it is subversive and necessary. It is fundamental because it rests on an elementary anthropology, namely his social theory of reflection. It is subversive because it disputes the ideology of the party state. It is necessary because the freedom of humanity is the vision of the Enlightenment and the goal of all politics.

Heinrichs' oeuvre teaches revolution in its proper sense, that is to say: as the liberation to law and humanity of all people.

Johannes Heinrichs is moved by the conviction that the party state cannot be the answer to the big question of the Enlightenment, indeed of humanity: the question of the good life for all. His proposal makes sophisticated distinctions, but it gives democracy a real chance for the first time.

Heinrichs conceives a four-chamber parliament with independent tasks, independent responsibilities, and independent personnel: a parliament of fundamental values, a culture parliament, a political parliament, and an economic parliament. The laws passed by these parliaments are all binding. This requires clearly defined limits of the powers of each parliament and an order of priority between them.

Aside from the four-segmentation of the system, fundamental values, culture, politics, and economics, Heinrichs conceives of a further structural dimension: the trinity of state, private and public.

While already practiced today, this trinity is not yet supported by an adequate legal order. Like the four-segmentation of parliament, it is a structural element of the separation of powers, systemically justified here for the first time.

Johannes Heinrichs is the best expert in contemporary social philosophy. He knows of his responsibility for our republic and submits a well-reasoned proposal for human life in all states of the world.

Heinrichs' work is a great contribution to political philosophy and to democratic theory. I will help to lead his revolution to victory.

From the preface to "*Revolution der Demokratie*" (2003)

by Karl Albrecht Schachtschneider
Professor Emeritus for Public Law at the
University of Erlangen-Nürnberg

CHAPTER
1

Preliminary remarks

A specter is haunting Europe (and more and more in the whole world) – the specter of the rejection of democracy. Until now, it was veiled in the term "political apathy". This is an obfuscation, for it is a particular kind of politics that is at stake, and it cannot be captured or identified by such generalizations.

"Party-political apathy" comes closer to the heart of the issue, but politicians who like to polemicize over "political apathy" would not name it such: it cuts too close to the bone.

"Democracy" was one of the biggest slogans of the 20th century. With hindsight, it may come be thought of as the biggest and most central keyword of the past century, like "progress" for the 19th, and "Enlightenment" for the 18th century. Perhaps, though, one fact stands in the way of such a development: the slogan "democracy" has remained an unfulfilled promise; even in the democratic countries, we live in semi-democracies at best. More accurately, we will have to speak of *quarter-democracies*. Alas, popular discontent cannot express itself with such precision.

Before reading on, dear reader, ask yourself this, honestly and without inhibition: do you still "believe" in our contemporary democracy? Does the state of public affairs in the western democracies come close to the idea of democracy?

Let us briefly define this idea as **the self-government of the people,** with as widespread participation as possible. Evidently,

there is a difference between supporting this idea of democracy and considering our present state of public affairs to be fully or at least satisfactorily democratic.

This manifesto, like my other, more extensive book on democracy, is aimed only at those who genuinely support the idea of democracy. That should suffice to prevent misunderstandings by extremists, of the Left or the Right. I do not wish for their company – unless they change their extremist attitudes. I believe all reasonably intelligent people are capable of changing their views and attitudes at any time. Nobody should be denied that opportunity.

For reasons of precaution, there are no official surveys on the question raised above, or rather these two:

- Do you believe that we live in true, satisfactory democracy?
- Do you believe in the idea of democracy?

The result would doubtless be sobering, indeed devastating. You can verify this, now more easily than ever, with a simple private survey of your own, among your acquaintances – provided you do not move chiefly among the so-called "political class", which continues to delude itself by claiming to represent the people. But to represent the people, it is not enough for a politician to join the odd protest against welfare cuts when it is politically opportune. We are yet to see a member of the political class carrying placards such as "revolution of democracy instead of treatment of symptoms".

Therein lies all the subtle difference. Now, a number of people, and not just in the political class, hesitate when answering the first question, because they want to be "realistic".

For those influential and very respectable realists, some of whom I suspect among my readership, I should like to briefly discuss the following prejudices or half-truths:

1. **Democracy is the worst form of Government except for all those other forms that have been tried from time to time.… (Churchill's dictum)**

To that I reply: there is indeed no better form of government than democracy, in the sense of our preliminary definition – an approximate identity of the governing and the governed. The only flaw: to this day, democracy has neither been thought through nor realized. Instead, there is too much infatuation with incompleteness; usually laziness disguised as wisdom or realism, or opportunism of the well-off.

2. **Political science shows: people are by and large content with democracy as it is.**

But the large majority of political scientists lack the courage to admit the extreme dissatisfaction with really existing democracy, and the fact this dissatisfaction is warranted. Moreover, political science is practiced by people who are not exactly far removed from the political class, but rather mostly, beyond a professorship and corresponding salary, wish to be a part of it – if only to escape a feeling of the ivory tower. The only mitigating circumstance regarding this conformism of the academy: there are no alternatives in sight, bar the hitherto unconvincing movement for direct democracy. (The question of science and academic freedom will prove to be one of the most difficult in our democratic theory.)

3. **We can't change much anyway, least of all our constitution.**

To argue in such a way is to have lost the fight for democracy already. For now, we can change as much as we appreciate – though it will not be that way forever. The German constitution still openly invites a new constitution (Article 146 of the "Grundgesetz") – even if the European covenant once again failed to take a great democratic opportunity when referendums on the new European constitution were regarded as troublesome interference of the people. An occasion for embarrassing debate on fundamental principles, for which we quite simply lack the appropriate institutions.

4. **As incomplete as it may be, there is no alternative to our "learning democracy" that improves gradually in small steps.**

The fact we live in semi-democracies at best is rarely expressed but well-secured popular knowledge. The political class and those who profit from the status quo want to ignore this and prevent the discussion of constructive proposals of alternatives. Ostensibly, there is no alternative. Those who present them, be it only for limited sections, is considered a theoretician by those experts in the business of politics. They may even be decried as "populist", meaning, we assume, a questionable alliance with the people at large. The people, "that giant lout" (Heinrich Heine) is deemed in need of educating, and in no way mature or responsible.

As to small steps, those we are presently taking – following the example of American terrorism hysteria – tend to be backwards, not forwards. Yet the structural alleviation of justified democratic, that is, party-skepticism inevitably requires larger steps, leaps even. What is more, decisive change both towards genuine democracy and social justice would constitute much better terror prevention, tackling the roots of the problem.

5. We can only start with ourselves.

Everybody must indeed start with themselves, but with a view to practice and the community. Thus the individual moves out of private impotence into public efficacy.

Structural understanding and education on processes and interconnections is the first duty of democracy. Contrariwise, appeals to the morality of the individual – as if structural deficits depended on them – constitute a fatal distracting ideology. It is common wisdom that moral resolutions and appeals are the stones that pave the way to hell. The questionable boom of ethics, as I called it twenty years ago, carries out such roadworks perfectly. Such democratic theory from below is popular not just with those high up, but also their "alternative" auxiliaries.

Distraction succeeds so perfectly because nobody can disagree with the suggestion that people need to improve. Yet here is what the moralizers neglect: the individual – an "ensemble of social relations"

(Marx) – has a moral repertoire at their disposal. The crucial question is what part of this repertoire is mobilized *precisely by these social relations*. Have conformism and opportunism, decisive during Nazi rule in Germany, simply disappeared? In my view, they simply hide behind more modern and fashionable masks. The moral responsibility to create social relations that elicit the best in humanity arises from this human tendency for opportunism and conformism. Appeals to morality have never been sufficient here. Humans are neither good nor bad by nature, but by nature prone to social temptation. The half-truth that all must start with themselves ignores the nature of society and the social nature of man – unless it is understood as a call for Enlightenment in the sense of thinking for oneself and a critical stance with regard to some social institutions all too easily accepted as natural.

6. Social reality can only be constructed spontaneously from below.

The powers of spontaneous association from below cannot flourish without consideration of the societal framework, of the whole. The Weimar Republic serves as the perfect example of numerous valuable, hopeful reformist departures from below (so-called "life reform" in the aftermath of the Youth Movement). All these good initiatives, now returned in the form of the green movement, were proven at the time to be nothing but parlor games on the sinking Titanic, because they did not take the wider political climate seriously enough. And because they never properly adopted democracy.

This should have happened in a specifically German manner, developing classical German philosophy (including Marx), to which Heinrich Heine ascribed world historical significance, both before and after the failed bourgeois revolution of 1848. The German authorities ignored this and built their Empire on power and the industrial revolution: the German division of power and spirit. In its wake, the majority of German intelligentsia refrained from politics and declined the Western democratic offer. "The German spirit is apolitical and will

always remain thus." (Thomas Mann, Reflections of a Nonpolitical Man, 1918). Meanwhile, a revolution, proletarian and downright nasty to the aesthetically-minded bourgeois, "had to" be crushed in 1918/19. Here were at least two spontaneous movements from below that lacked something to be succeed against the power of the existing order – and against violence.

Today, 70 years after the end of the war, aren't we called upon to contribute to the development of our second, imported democracy, rather than passively decrying the dangerous growing democratic decadence of the former example across the Atlantic. That which is justified in the demand for the spontaneous From-Below is taken up by the principle of subsidiarity in chapter eight.

But one must not confuse the prerogative of the lower, smaller social units with supremacy. Said prerogative requires conscious protection by way of thinking the whole.

7. Thinking is no use, everything has long been discussed.

But practice-oriented thinking changes attitudes and aims for the whole, for holistic action. Such thinking and rethinking of structures have already been discussed in the previous two points. Against the prejudice of the impotence of thought, we may add that the thinking referred to here is a qualified consideration of social structures – a social theory that grasps reality.

By contrast, free-floating debate, the intellectualist back and forth, constitutes an improper form of half-thinking. Our contemporary political philosophy and science have indeed thoroughly destroyed trust in the world-changing power of thought that was proper to classical German philosophy.

The '68 movement's "critical theory" showed, on the one hand, how strongly fundamental philosophical reflection is able to intervene in politics. But this intervention was almost entirely negative and critical. Much dust was whirled up from underneath the gowns, as the famous slogan went. But it soon settled. A constructive critique would have already been necessary at the time. Even more so now, after the

washout of a now completed "long march through the institutions". There is only one credible form of critique: constructive suggestions of alternatives as to how to clear the "dust" permanently. Hence why such suggestions are feared and often decried as "utopian", "dogmatic" etc – not least from those public servants of enlightenment whose failure is made all too obvious by them.

8. On a global level, we could be glad if all countries shared the kind of democratic problems we are worrying about.

Viewed from a global perspective, those of us living in semi-democracies (if we allow this flattering term for now) have the great responsibility to make democracy more attractive to developing countries, not least the Arab countries. As long as we do not clarify the legitimate place of religiosity in our seemingly enlightened democracies, as long as we offer obscure state religion as the icing on a commons determined entirely by economics, our democracies are neither credible nor attractive.

For instance, China, the upcoming global power, will eschew this kind of "capitalist democracy" presented alongside western capitalism. As long as we in the West offer only convincing technology, but no convincing social and democratic blueprint, this decisive future power will rightly recoil. Particularly since the much-vaunted human rights are indivisible: one cannot separate the right to free speech from the effective freedom of the press (including freedom from the dictates of the market), or from the right to work, that is, the right to economic relations that are capable of integrating all willing and able to work equally into the social process.

9. The ecological question is the most urgent for now.

For the past forty years, eco-alarmism has increased civilizational stress without, in the absence of adequate structures for political action, contributing to a genuine solution. Do the existing ecological insights stand a chance in our parliaments? What appear as ecological problems are in fact huge problems of society and democracy.

We need institutions – parliaments – in which ecological questions can be discussed competently, transparently and with legal effect.

Even from ecologically committed parliamentarians I hear:

"The fact is that markets are now irrevocably global, while the supposed regulative framework and its corresponding parliaments have remained national. To exaggerate somewhat: the world's governments take their assignments not from their peoples, but rating agencies, pension funds, analysts and economics editors who follow them. They do so under the correct assumption that their country and their people would be even worse off were their "location" eschewed by investors. And they let their parties sign off their actions in a formally democratic manner." (from a letter by Prof. Ernst Ulrich von Weizsäcker, Member of the German Parliament, to the author, 9.2.2004)

Here the question of national sovereignty and globalization poses itself, in addition to the ecological-economical problem. If the above description is accurate, national democracies are finished. Could an international, global democracy be built on their ruins?

10. The most urgent problems we currently face are those of economic policy, the welfare state, and social policy: unemployment, taxes, pensions, health provision etc.

Yet it is precisely these issues of the welfare state that bring the problem of democracy into sharp relief: the party system is systemically incapable of objective policy. Even the best official approaches are drawn into the suffocating logic of the party strategist, asking only: what advantages, what disadvantages will the governing party have if the opposition agrees with its policies? An opposition that agrees with a program of government will not be elected by those who protest it. But will it need those protestors for a change of government?

As we can see, there are interesting times ahead for our democracy, if not particularly critical. But will we take the chance of this crisis to adequately address the deeper problem of democracy as rational

beings? Or will we only use the scorn and threats from Left and Right only to continue along the old, ostensibly “golden” path, skidding down the mendacious “middle way” a little while longer? By now, “democracy”, once a slogan of hope, has become a dubious, emotive term. How long can we carry on like this? Are there any proposals for solutions emanating from the moneyed citadels of social science?

CHAPTER
2

Historical orientation: Yesterday's democracy

Democracy: a work in progress

On the one hand, in the context of human history, modern democracy is so young it cannot be considered fully-formed. It is engaged in an arduous adjustment process that has barely lasted two hundred years! This realization serves as a significant corrective to democratic triumphalism.

Democracy is everywhere an incomplete process.

Not to admit this is deception, in the active or passive sense.

For example: Universal suffrage including women was only introduced in England in 1930, and in 1971 in Switzerland! If we take the criterion of universal suffrage, it becomes clear that democratic theory and practice are in a state of tender adolescence, a fact obscured by much of the literature on democracy that makes our bookshelves creak. The sense of democratic optimism that was widespread at the end of the Second world war and in 1989 (especially in Germany, though sadly short-lived), belies this fact.

Neither is American democracy as clear-cut an affair as it appears in the self-representation of the victors. The partisanship that dominates American politics has long been incomprehensible to Europeans. Their doubts increased after the incorrect vote count in Florida that ensured George W. Bush's election, and the ensuing dubious war in Iraq, not to mention the election of the raging populist Trump and its