

Chapter 11: Democratic Legitimacy Criteria in Interactive Governance and their Empirical Application

Erik-Hans Klijn

This is published as:

Klijn, E.H. (2011), Democratic legitimacy criteria in interactive governance and their empirical application in J. Torfing and P Trianfilieu (eds.). Interactive policy making, meta governance and democracy, Colchester. ECPR press: 205-226

Introduction: Governance and Democracy

Whatever ‘governance’ is, it is certainly aimed at involving stakeholders. The literature gives various reasons for the necessity of involving stakeholders and thus why (interactive) governance can be more effective than more classical forms of steering. In general, they fall into three categories (see for instance Kooiman 1993; Kickert *et al.* 1997; Pierre 2000; Sorensen and Torfing 2007):

1. stakeholders have to be involved because governments are dependent on their resources (‘veto power’ argument);
2. stakeholders are involved because they have specific knowledge and can enhance the quality of the problem definition or even more so the quality and innovative character of the solutions (‘quality’ argument);
3. stakeholders have to be involved to enhance the democratic quality of decision-making in modern network societies (‘democratic legitimacy’ argument)

Governance and Representative Democracy: Friends or Enemies?

The fact that governance processes involve a plurality of value judgments of many involved actors is almost undisputed (Osborne 2010).¹ This means that governance processes are also (but not only) forms to reconcile value differences, which inevitably connects them with the classical democratic institutions that are traditionally thought of as the institutions to carry out this function. A substantial part of the governance literature takes the value problem and the relation (or tension) between governance processes and democratic institutions as one of the core subjects (Hirst 2000; Klijn and Koppenjan 2000; Fung and Wright 2001; Sorensen 2002; Edelenbos 2005). Generally, many authors recognise tensions between the idea of representative democracy, with its more vertical accountability structure, and governance processes, which have a more horizontal and

¹ Governance networks will be used here as an indication of *more or less stable patterns of social relationships (interactions, cognitions and rules) between mutually dependent public, semi-public and private actors, that arise and build up around complex policy issues or policy programmes*. Governance, then, refers to the interaction processes that take place within those networks.

less clearly accountability structure. This tension is confirmed by empirical research (Klijn and Koppenjan, 2000; Edelenbos 2005, Skelcher *et al.* 2005).

In the literature, we find four main positions about the relationship between governance processes and representative institutions (Klijn and Skelcher 2007):

1. *Incompatible position:* classical representational democracy is incompatible with governance processes because these are a threat to the position of democratic institutions. The authority of democratic institutions is 'hollowed out' by the involvement of other stakeholders. This position is found especially in more classical political science literature.
2. *Complementary position:* governance processes provide for additional links to society and can perfectly co-exist beside classical democratic institutions. They provide elected officials information, and accountability is shared, but political officeholders retain an important position.
3. *Transition position:* governance networks offer greater flexibility and efficiency and will gradually replace representative democracy as the dominant model in the network society.
4. *Instrumental position:* governance networks provide a means for democratic institutions to increase their control in a situation of societal complexity. By setting performance targets, elected office holders secure a dominant position.

The second and the fourth positions could be said to consider governance and democratic institutions as friends, while positions one and three consider them as enemies, or at least as opposites.

Interactive governance: democratic?

When it comes to interactive governance, the question of whether the processes are democratic is an important one. On the one hand they can clash with the classical institutions of representative democracy, but on the other hand the processes themselves should be democratic. This is the question of the democratic legitimacy of interactive decision-making. Criteria are required to evaluate the democratic character (or the 'democratic anchorage', see Sorensen and Torfing 2007) of decisions made in interactive processes

Democratic Legitimacy: Towards an Analytical Framework

Determining those criteria that make decision-making democratic is more difficult than it appears because we can identify different models of democracy.

Models of Democracy

MacPherson puts forward four different models of democracy, in the history of political philosophy, each stressing different core elements of democracy (MacPherson, 1979):

1. *Utopian model*: in which democracy is the will of the people expressed by the people. Democracy is the best way to serve the common purpose (by means of participation of individuals in the government) and the best way to develop individuals. Rousseau with his 'general will of the people' and Jefferson provide examples of this model.
2. *Protective model*: in which democracy is mainly understood as a protection of citizens by their governments. Important institutional features protect the freedom of individuals and their freedom against the state. Individual votes in this liberal model are an effective expression of the citizens' wishes. James Mill and Jeremy Bentham are proponents of this second model;
3. *Developmental model*: stresses the participation of citizens as both a good way to organise democracy, and develop and actively enhance the freedom of citizens. John Stuart Mill is the leading exponent of this model
4. *Competitive model*: in which democracy is a mechanism for decision-making where political leaders compete to gain votes. One of the most prominent authors of this model is Schumpeter (1943).

Schumpeter criticised the classical model for holding unrealistic demands on participation and the way citizens are informed. His now famous definition of democracy is: 'that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote' (Schumpeter 1943: 269). This idea of competition is later taken further by the pluralists (Dahl 1956; Truman 1956) who see democracy as a plurality of groups struggling for power. Downs (1956) presents the image of democracy as a marketplace where voters act rationally and choose a political leader and a programme, and parties and leaders try to maximise votes. Legitimacy in this model is connected to the procedure that is followed (the voting) and the fact that political office holders are accountable and can be dismissed at the next election.

If we look at MacPherson (1979), his model of democracy provides two competing ideas: the idea that democracy is an arrangement to reach (efficient) decisions and protect individual freedom and the idea that democracy embodies normative ideas and rules about how we should organise our society. This is a society where people actively take part in decisions, developing themselves and the society as a whole. He calls the two competing models 'protective' and 'developmental' democracy.

The same distinction is emphasised by Pateman (1970), who compares some of the classical theorists on democracy. Pateman mentions elections and responsiveness of

political leaders to citizens, political equality and participation as major characteristics of democracy (Pateman 1970: 14). These characteristics can also be found in the four different models of MacPherson, although they receive different emphasis.

More recently, models of ‘deliberative’ democracy (Dryzek 2000; Hirst 2000; Held 2006) add other characteristics, especially the idea of open debate among involved stakeholders about solutions (see also Fisher 2003). The key to deliberative models of democracy is: ‘the transformation of private preferences via a process of deliberation into positions that can withstand public scrutiny and test’ (Held 2006: 237). Essential to most forms of deliberative democracy is that preferences are not fixed, but can change in a debate, or as Dryzek tells us: ‘The only condition for authentic deliberation is then the requirement that communication induce reflection upon preferences in non-coercive fashion’ (Dryzek 2000: 2). But then for this deliberation to be successful, another kind of core characteristic of democracy is introduced, which could be described as ‘openness’ or at least it has to do with a number of rules and practices that all are connected to the process of discussion, information, plurality of values, etc. Deliberative models of democracy stress that besides the fact that officeholders are accountable and can be replaced (the core of the protective models of democracy) and that democracy is about participation in decisions being made (the core of the developmental models of democracy), democratic legitimacy can come from the characteristics of the process (openness, flow of information, argumentation process, etc.).

Sources of Democratic Legitimacy

Democratic legitimacy could be said to originate from three sources, which, of course, are related, but which receive different emphasis according to model (Skelcher and Sullivan 2007):

1. *Accountability*: this is strongly emphasised by the more protective models of democracy whereby office holders are accountable for decisions and for the decision-making process. The office holders (is it clear who is accountable?) and the procedures that hold them accountable (voting to get them in and, more importantly, the means to get them out of office) and various rules that protect citizens are stressed.
2. *Voice*: how are citizens able to exercise voice and influence decisions? In this source of legitimacy, it is not the passive influence that is important, but rather the active ways in which citizens can participate in concrete decisions and the processes by which these are achieved that are emphasised. From the participation literature (Arnstein, 1971; Berry 1993; Young, 2000), one can make distinctions such as the depth of participation (the intensity and the influence of stakeholders) and the width of participation (how many stakeholders are allowed to participate (Berry *et al.* 1993), or one could distinguish levels of participation (Arnstein 1971).
3. *Due deliberation*: this source of democratic legitimacy is strongly connected to how the interaction and deliberation process is organised. Democratic legitimacy arises out of a deliberative process, guaranteed by fair procedures and agreement between actors, where they share knowledge, explore possible solutions and exchange value judgments. This does not require something like a power-free dialogue (compare

Habermas (Habermas, 1981 and his '*herrschaftsfreie* discussion'). Dryzek (2000) tells us that people who would favour the Habermas ideal speech situation would be very vulnerable to criticism from a number of theoretical insights. He tells us: 'In a pluralistic world, consensus is unattainable, unnecessary, and undesirable. More feasible and attractive is workable agreements in which participants agree on a course of action, but for different reasons (Dryzek 2000: 170). Interestingly, this very much resembles ideas in the literature on governance networks on outcomes, packages of goals, etc. (Koppenjan and Klijn 2004). It is the institutional characteristics, such as fair entry, reciprocity, freedom of coercion, open information access and lack of manipulation, that are important here, but also the empirical manifestations of these principles.

Democratic Legitimacy in Governance Networks

The first step has now been taken in our attempt to define some of the, more or less, accepted norms for democratic legitimacy. These norms are in general derived from the wide variety of democratic models that exist and are discussed by authors in the field. But the next point to address is how these norms or principles apply to governance networks.

Because in network-like situations we come up against some problems these principles are applied to 'measure' democratic anchorage. The first obvious problem is that there is no clear demos defined (Sorenson 2002). Networks often stretch themselves over different governmental layers (municipalities, countries or even national governments) and include several functional actors.

This certainly holds true in recent policy-making processes on water management – a case we examine below. Networks pose multilevel problems because rivers, safety problems and environmental issues are not restricted to one governmental level, which may result in a collision of authority between various groups among the 'demos'. That makes it difficult to establish the 'will of the people' within these networks (or what constitute the 'demos' to phrase it differently) (Sorenson 2002).

At the same time, we see a wide range of organisational and institutional arrangements that are added or partly replace the classical mechanisms of representational democracy (Skelcher *et al.* 2005). These mechanisms are aimed at increasing effectiveness (and thus increasing output legitimacy) by involving actors who have important resources and can provide knowledge and solutions, or they have to obtain support for solutions before they can be implemented.

Interactive governance thus asks for a reinterpretation of the classical criteria for measuring legitimacy. Sorenson and Torfing (2005), for instance, pose four questions that look at the democratic quality of networks:

1. Are networks controlled by democratically-elected politicians?
2. Do networks represent the interests, preferences and opinions of members of the different groups that are part of the network?
3. Are networks accountable to the territorially-defined citizenry?

4. Do networks follow democratic rules, i.e. a specific set of rules for conduct?

If we compare the four criteria of Sorenson and Torfing with the three sources of legitimacy elaborated on above, we see that number four very much resembles the source of good procedures, number two is related to what we have termed ‘voice’ (who actually participates) and numbers one and three are strongly related to what we have called accountability.

Others stress process rules (the fact that networks have open access, that decision procedures are known and clear, etc.) as important to the judgment how well networks are in terms of democratic anchorage (Koppenjan and Klijn 2000). This resembles some of the ideas from deliberative democracy models. The process rules could also include arrangements how to involve representational democratic institutions more explicitly in the decision-making in networks (Klijn and Koppenjan 2000). Table 11.1 gives an overview of the three proposed sources of democratic legitimacy and the differences in a representational context and a governance network context.

Table 11.1: Three principles in representative democracy and governance networks

	Classical representational democracy	Governance networks
Accountability	Accountability is simple and clearly demarcated (elected office holders).	Accountability is diffuse and spread among different actors (even if formal elected bodies are present).
Voice	Voice is clearly arranged by fixed procedures of voting (elections) or maybe formal participation processes (arranged by law and regulations). In general, active possibilities of voice are not that large in pure representational democracy.	Voice is complex because many actors involved and clear rules often are lacking. In principle, there are many opportunities for voice in networks, especially when actors use their dependency relations. Actual voice possibilities related to.
Due deliberation	Representational democracy is characterised by a limited set of clear developed rules for procedures. Even in the case of more deliberative democratic procedures, with instruments like referenda and citizens juries, these rules are clearly set out.	Networks are characterised by a wide variety of institutional rules coming from various sources (various public authorities, self-made rules, informal rules, etc.), and it is a crowded institutional space.

As can be seen from Table 11.1, most of the sources of democratic legitimacy in representative democracy are far more straightforward than in governance networks, where there is more uncertainty about how to use the sources of legitimacy. Part of the problem is that in governance processes, the *process* is very important and many different decisions are taken over a long period of time during which arguments and choices change. So, democratic legitimacy is a characteristic that can change during time of the process.

Parameters for democratic legitimacy in networks

We have to translate existing criteria for legitimacy to judge the nature of legitimacy of network governance. The three elements of accountability, voice and good procedures remain in function but have to be reinterpreted or given new meanings to apply them in the situation of governance networks. Actually, most of these refinements will appear similar to the ideas suggested in the literature on deliberative democracy because, in essence, interaction processes in networks are discussions about values between different actors who are interdependent and need each other for achieving solutions. So although governance networks are not a demos or city-state in the classical sense of the word like a 'polis', they are a sort of community made up of interdependent relationships. The only difficulty is that they do not have such clear procedures and authority positions as the classical demos.

In classical democratic theories, most of the legitimacy stems from input notions such as: if you arrange the positions and accountabilities in advance, it does not matter much how the process afterwards is organised. Scharpf already argued that one can make a distinction between output and input legitimacy (Scharpf 1997: 153–54). Others such as Easton (1953), who understood politics as the authorised allocations of values, also emphasises the throughput of a system. This fits the idea of governance as a process that also needs legitimacy during that process and not only at the start (input) or at the end (output). From this perspective, we derive a third notion of legitimacy: the notion of throughput legitimacy. Actually the deliberative democracy idea already introduces more throughput-like sources of legitimacy in the discussion. And this throughput seems an interesting thought in the context of networks in which the emphasis is on the complex decision-making and interaction between the involved actors.

So we can distinguish between input, throughput and output legitimacy (Bekkers and Edwards 2006). When we combine the three elements of legitimacy (accountability, voice and due deliberation) with the three types of legitimacy (input, throughput, output), legitimacy questions for governance networks are formulated as in Table 11.2.

Table 11.2: Indicators of legitimacy

	Input legitimacy	Throughput legitimacy	Output legitimacy
<i>Accountability</i>	<p>Who is accountable for the process to come to decisions? How are interactions between the participatory process and representational institutions secured?</p> <p><i>Indicators:</i> formal authority of representative bodies and organised interfaces at the beginning</p>	<p>How is feedback in the process between process interactions and the actors that are accountable arranged?</p> <p><i>Indicators:</i> arranged/organised feedback moments to formal representative institutions</p>	<p>Who is accountable for the final decision? How are representational institutions involved in the final decision-making stage?</p> <p><i>Indicators:</i> formal organised authority for decision, actual involvement at the last stage</p>
<i>Voice</i>	<p>How is the involvement of stakeholders arranged at the beginning of the process? What are the depth and width of voice possibilities?</p> <p><i>Indicators:</i> regulations on entry stakeholders, possible subjects stakeholders have a say about and level of decisions</p>	<p>What opportunities do actors have to participate in the actual process?</p> <p><i>Indicators:</i> opportunities for voice (organised and invited) and actual participation (number of stakeholders, and intensity of participation)</p>	<p>In what way can participants' contributions be traced in decisions? Do the stakeholders involved support the decisions?</p> <p><i>Indicators:</i> correspondence proposals with ideas stakeholders, satisfaction of stakeholders with result</p>
<i>Due deliberation</i>	<p>Is there equal access to information, debate, etc.? Are the procedures transparent, clear and understandable?</p> <p><i>Indicators:</i> entry possibilities and limitations (and regulations about that), clear procedures</p>	<p>How are procedures applied during the process? Are actors satisfied with the transparency of the process? What is the quality of the debate?</p> <p><i>Indicators:</i> satisfaction of actors with transparency, range of arguments brought forward (wide or narrow)</p>	<p>Are participants satisfied with the quality of the process? Are actors satisfied with the quality of the debate of the (end) proposal?</p> <p><i>Indicators:</i> overall satisfaction actors with process, judgement of argumentation</p>

We use this typology in the analysis of an example of complex decision-making that involves water management problems, in the case study of the Zuidplaspolder.

Interactive Governance: Zuidplaspolder

The area called the Zuidplaspolder, between the cities Rotterdam, Gouda and Zoetermeer, in the west of The Netherlands came to existence in the 19th century when it was laid dry. Until then it was a polder filled with water. The initiative came from King Willem I who also arranged the financing of the operation. Pumping out the water started in 1828 and was completed in 1839 when 4600 hectare new land was realized.

Until the 60ies of the twentieth century the main function was agriculture. But after that greenhouse culture became very important, but the area also urbanized stronger as result of extensions of especially the cities Rotterdam and Zoetermeer.

And recently also water management problems are becoming more pressing. Partly as result of global warming discussion (and the need to be prepared for more quantities of water), partly as result to growing need to store and transport water the need for an integral water management and the creation of more wetlands is put on the political agenda.

At the same time environmental groups complain about the ongoing industrial and urban activities which result in a slowly, incremental loss of the (green) characteristics of the original polder

So the problems in this area typically have the character of a wicked problem (Ritter and Webber 1973): there is more than one problem at stake and these problems are connected to each other but also conflict with each other. There are many actors involved (both as problem owners and/or actors with indispensable resources) who not only have different perceptions of the problems but also of the desirable solutions. And in a media driven world many of these actors try to get involved in the decision-making process and thus these decision making processes are really a struggle about which values should prevail in public policy (environmental values, transport values, urban extension, etc) and different actors represent these different values at stake (Klijn, 2008).

Governance Network and Rounds in the Decision-making Process

Under the initiative of the province, a governance network formed itself around the issue of reconstructing the polder The province deliberately and actively tried to attract all the main stakeholders from the start in 2002. In that sense, the case is clearly an example of interactive governance. A large group of twenty-three stakeholders was involved in the decision-making process by means of a steering committee. There were actors from a number of environmental groups and agricultural organisations (and especially from the greenhouse firms that are present in the Zuidplaspolder) together with the involved municipalities and several central government departments (Ministry of Transport, Ministry of Housing and Ministry of Agriculture).

If we look at the decision process from 2001/2002 through to 2009 we can see three rounds in the decision-making process. Table 11.3 provides an overview of the process.

Table 11.3: Rounds in the decision-making process on the Zuidplaspolder

	Round 1: exploring a content (2001–2004)	Round 2: elaborating in a smaller arena (2004–2006)	Round 3: working to an implementation programme (2006–2009)
Involved actors	Wide group of actors, province of South Holland initiator and network managers	A smaller core of main actors (the ‘steering group’ that includes municipalities and province) and a wider group of actors (called the ‘forum’) less intensively involved	Same as round 2
Character of decision-making process	Strong exploring character, looking for innovative content ideas that can satisfy stakeholders’ demands and create support for the project	More focused interaction in which the ideas of the first round are developed and specified	Emphasis on translation of ideas to formal legally-binding documents, less interactive character of the process and increasing of conflicts (because costs and benefits have to be finalised)
Important decisions	Start: initiative from central government and province for area. End: producing a main policy document (ISV, integrated structure vision), which sets the main goals and desires for the area	Realising more elaborated and specific policy documents (especially ISP) that operationalises the ideas in the ISV	Working on formal municipality planning and zoning documents (the so-called <i>bestemmingsplannen</i>) that have legally-binding status
(Network management) strategies	Open, aimed at searching content, looking for wide support and trying to combine different values. Management strategies aimed at exploring content and connecting actors	Open, strong attempt to guide and organise process (steering group, project group, many meetings and conferences) – securing support by maintaining connections and communicating ideas	Maintaining coalition but emphasis on possibilities to implement; lobbying for greater involvement of central government, more dominated by formal legal requirements of the process
Content choices	Attempt to combine need for more dwellings (urban expansion) with need to secure green areas, restructuring greenhouses and water management problems	Working out the possibilities for extra dwellings (which make the plan economically viable); at the same time, look more closely at possibilities of water storages and green areas	More emphasis on economic and political feasibility; stress on possibilities for implementation

First round: exploring the possible options

The first round is very interactive. The process began in January 2002 with a large working conference, where all the stakeholders were present at the negotiating table. A covenant is agreed upon (signed on the 27th of February) in which the main goals for the area are mentioned, including the restructuring and, if possible, the replacement of the greenhouses.

This interactive character is reinforced by a document from the province (at the beginning of 2003), the initiator of the process, in which the communicative and participative character of the process is stressed and the importance of all stakeholders having equal access to all information and knowledge. Using the idea of the participation ladder, the document identified for each target group the means of involvement and the communication activities.

The actors work on a joint ‘area map’ in which for every sub-area the possibilities and impossibilities are shown. The main conclusions regarding the activities (completed in the autumn of 2003) were:

- new dwellings are possible, but not everywhere in the polder;
- a logical green structure is very important;
- use the cores of the old villages of the small municipalities in the Zuidplaspolder;
- improvement of the infrastructure is important to realise the ambitions;
- there is a need for new places to store water (retention areas).

Based on the area map, actors interact further and also discuss the establishment of a ‘Land Bank’ that buys strategic parts of the area for development. At the same time, however, private actors (developers) also buy significant sections of land (mostly from farmers) to provide themselves a strategic position in the decision-making process. The Land Bank is established in July 2004 and at the end of 2004 the involved actors agree on a first policy document (ISV), which contains:

- a new build environment – the ISV states that there is room for 15,000–30,000 new dwellings, 150–350 commercial areas and 200 hectares of extra greenhouses
- a division of the area of the polder into three parts – a northern area suited for new dwellings and greenhouses, a southern area to be developed as green area (with some small areas for dwellings) also suitable for retention area and water storage, and a middle area where ecological and recreational functions would be established

At the end of 2004, the project bureau organised a large working conference to discuss the main ideas of the ISV. All of the stakeholders attended, which was one of the explicit functions of this large conference. Over the following years, the project bureau uses large conferences to inform stakeholders, present the latest ideas and generally communicate with stakeholders.

Second round: refining the plan

The second round commenced with a large number of information meetings to communicate the ideas in the ISV to all stakeholders, but also to the citizens of the municipalities in the area.

At the same time activities proceeded to develop the preliminary ideas of the ISV in a more operationally-led way in a new document that had to function as the basis for the legally-binding documents that will be made by the municipalities (in the third

round). The steering committee was reduced to the core actors (municipalities and province), while the other actors are a little less involved, but still active, in the process.

In June 2005, the project bureau again organised a large two-day conference in which the latest developments were discussed. On the first day, mostly citizens were contacted and on the second day it was politicians of the municipalities and province. The new document ISP (inter-municipal structure plan) was completed at end of 2005. The documents built on the three zones in the area and for the northern area there was a new development of greenhouses and development of infrastructure. The middle area also saw new dwellings projected and also a new green area was added. The south area was reserved for nature development and a limited number of high quality dwellings in green areas. The number of dwelling in this document was slightly reduced to 15,000 dwellings (compared with a maximum of 30,000 dwellings). The ISP was discussed in all the municipal councils and did not meet much resistance. Most of the comments have to do with the emphasis on a good infrastructure, the economic perspectives of farmers (being a significant voter group in some of the municipalities) and remarks about the financing of the whole project.

Third round: working to an implementation program (2006–2010)

From 2006, the project bureau and involved actors in the network dedicated themselves to elaborate the ideas in the implementation plans and legally-binding zoning plans (the so-called *bestemmingsplannen* that have to be made and authorised by the municipalities). In March 2006, the first ideas for revising the province's legal plans were presented. To prepare the discussion, provincial council members visit the area and are informed of the project. On 22nd June 2006, another large conference took place. Besides information sharing and a discussion about the green character and condition of the development of the area, several covenants between various partners were officially signed, giving the day a symbolic meaning.

At the end of the year, several plans and environmental studies were presented, especially about which of the southern part of the area should become a green area. Then another large meeting was held by the project group, which was dedicated to new innovative ideas (especially about environmental-friendly developments of the area). At the beginning of 2007, there was a political disturbance at the central government level (an MP in the national parliament criticised the development of the area because, geographically, it is one of the lowest points in the Netherlands), but the project group effectively disarms this. The remainder of 2007 was characterised by pressure-cooker decision-making about a number of documents and studies that are obliged before plans can receive a legal status at all. The new Minister of Housing and Environmental Affairs (a new cabinet was installed mid-2007) visited the area and gave support for the development.

At the end of 2007, central government, which was charmed by the ideas and the pace of the decision-making, was encouraged by the actors of the Zuidplaspolder to include the project in the Randstad Urgency project, a central programme of important projects that have special interest and support of the central departments. The Ministry of Housing and Environmental Affairs became the coordinating ministry and took a seat on

the steering group of the project to show its interest and involvement. There was a discussion again about the number of dwellings to be realised in the area and the compromise is that the development started with 7000 new dwellings. The project bureau explicitly stated that this was only the first phase and that more could be built later. The new involvement of central government led to a promise in 2008 of 100 million euros for investment in the infrastructure and in environmentally-friendly projects.

Most of the legal documents were realised and accepted by the municipal councils in 2008 and the beginning of 2009. There was much attention paid to the organised sessions to inform citizens of the formal zoning plans (*bestemmingsplannen*). In general, there were few complaints and legal objections. There was the first agreement with private developers to start building dwellings in 2010. These activities proved to be slightly difficult in 2010 owing to less favourable economic times and discussions about the amount of money to be reserved for environmental goals in the project. It was crucial to retain the support from various environmental groups for the development.

Democratic Legitimacy in the Zuidplaspolder

How was democratic legitimacy achieved in the case of Zuidplaspolder? We deal with the three forms of legitimacy: accountability, voice and due process before we formulate a conclusion.

Accountability: Securing Democratic Legitimacy by Connecting Democratic Institutions

Table 11.4 shows that the representational institutions are intensely involved in the process of democratic legitimacy, mainly because the project bureau arranged it. It is especially the ‘throughput legitimacy’ that is important here. By means of special organised meetings, providing information and reports, the project bureau attempts to tie the municipal councils and provincial council close to the project’s development. The ‘output legitimacy’ is mainly secured by classical forms of accountability because the councils have to agree on the documents. The ‘input accountability’ is slightly more complicated. Of course, in the first place we have the normal accountability rules of the politicians who initiate the process and are controlled by their councils. This is nothing new. But the involvement of the steering group with all the different stakeholders complicates matters, since these members can be held accountable for the actions of their organisations. An example is the agreement about environmental greenhouses. In the process, the province and the farmers’ organisation (especially the greenhouse farmers) had to agree on realising environmentally-friendly greenhouses (using more sun heat, using additional energy for other purposes, etc.). Members of the farmers’ organisation were especially keen on this, but it had to be acknowledged by organisation itself. Covenants were laid down to finalise the agreement and these could be seen, in turn, as means to create output legitimacy. Of course, these covenants in the main do not have any legal basis, which means that trust between actors is very important.

Table 11.4: Parameters for legitimacy in governance networks and interactive decision-making

	Input legitimacy	Throughput legitimacy	Output legitimacy
Accountability (How accountability is arranged, who is held accountable and, especially, how the connection to classical representational institutions is arranged)	<ul style="list-style-type: none"> • decision to start is mainly made by city aldermen and province, formal accountability, aldermen controlled by councils – classic • involvement of other stakeholders makes them accountable, if not formally then empirically • members in steering group accountable for their organisations’ decisions 	Feedback secured by: <ul style="list-style-type: none"> • regular meetings (twice a year) of municipal councils and province council • regular information provided by the project bureau • information trough studies and reports <p>Conclusion: active feedback to and organised information to city and county councils (+)</p>	<ul style="list-style-type: none"> • municipal and provincial councils have to accept all main documents (ISV, ISP, and formal zoning plans) • using covenants as mutually-binding documents between actors <p>Conclusion: classical forms of legitimacy well established (+, +/-)</p>

Voice: Involvement and Support of Stakeholders

In general the involvement of various stakeholders is fairly intensive. Citizens were more involved on an ad hoc basis, in the sense that the participation process was more geared towards (well) organised interest groups such as environmental and agricultural organisations. The covenants functioned as binding decisions between actors and as a communication of decisions to formal political institutions.

Table 11.5: Parameters for legitimacy in governance networks and interactive decision-making

	Input legitimacy	Throughput legitimacy	Output legitimacy
Voice (how participation of stakeholders is arranged)	<ul style="list-style-type: none"> • wide definition of stakeholders (width is large) • not all stakeholders are involved in the same intense way (citizens less so than some of the core interest groups such as environmental and agricultural organisations) • participation secured by steering group (well organised interest) and large conference and interactive sessions (generating ideas, criticisms and comments) 	<ul style="list-style-type: none"> • stakeholders explicitly invited to participate (most strongly in first round) • involvement of stakeholders connected especially through documents (formal documents, but also through covenants and agreements that are made public) <p>Conclusion: fairly intense interaction (+)</p>	<ul style="list-style-type: none"> • many contributions, both from the area guide and in terms of general ideas – in what way can participants contributions be traced in decisions • stakeholders in general are satisfied about their participation possibilities <p>Conclusion: much support from stakeholders for both process and content (+)</p>

This results in fairly strong support from most of the stakeholders for both the process and the content of the decision-making process. This can be clearly demonstrated by an event in March 2007 when the process was suddenly in the media spotlight. A Member of Parliament voiced strong criticisms against plans to realise 7,500 to 15,000 new dwellings in the area. A greenfield development building houses at the lowest point of the Netherlands made no sense, according to the MP, and should be reconsidered; the area should retain its green and agricultural character. The (national) newspapers immediately picked up the issue and the otherwise relatively technocratic project suddenly found itself under full public and media scrutiny. However the project organisation could by now draw on considerable support. Several actors involved in the Zuidplaspolder project countered these criticisms in unison, and said the MP was talking nonsense. These included the province (the project leader), the representative from the environmental movement (surprising, given that the MP was arguing *against* building new houses on agricultural land) and the chair of the water management board (*Dijkgraaf*), who would normally be quite sympathetic to some of the MP's arguments.

The responsible project leader of the province told the newspapers: 'Miss Vermeij [the MP objecting to the project] can of course say what she wants, but it would have been wiser if she had looked at the history of the project. If she had done that, she would have seen that the developments in the Zuidplaspolder take the future climate changes into account' (Cobouw, 24th March 2007). The representative of the environmental organisation voiced her discontent even more strongly: 'The past years everywhere greenhouses and dwellings have been added incrementally. I rather prefer an integral plan than this unnoticed messing up of the area ... The past years we have been seriously engaged with this polder. Voicing protests now without knowing anything about the project is cheap politics' (Trouw, Thursday 29th March 2007).

Due Deliberation

In general, the process fulfilled most of the requirements of due deliberation, although this held more for the involved stakeholders in the steering group than affected citizens in the various municipalities, who were clearly less involved and had less access to the information. Discussion and debate were encouraged through a large number of meetings and gatherings that proved to be of a fairly high quality, which meant the project group had a significant advantage over other actors because of greater access to information.

Table 11.6: Parameters for legitimacy in governance networks and interactive decision-making

	Input legitimacy	Throughput legitimacy	Output legitimacy
Due deliberation (how debate and argumentation process is structured)	<ul style="list-style-type: none"> • process relatively open for new arguments and information. Content was relatively open at the beginning • mostly equal access to information for stakeholders involved in steering group, less so for interested citizens <p>Conclusion: good conditions for open dialogue (+)</p>	<ul style="list-style-type: none"> • debate encouraged by wide arrangement of seminars, conferences and information collection (like the area guide), but also by formal requirements (e.g. environmental impact assessment) • quality of the debate relatively high. Much information available (through many studies are a guide, etc) through many conferences and seminars relatively much discussion about options <p>Conclusion: adequate (+/-)</p>	<ul style="list-style-type: none"> • participants are satisfied about the process quality • argumentation – strong emphasis on combining different values, area should be global warming proof (with good water quality storage and management), high quality dwellings and green areas, and restructuring of greenhouses. In general, much support and appreciation for the content of the plans <p>Conclusion: relatively high output legitimacy (+)</p>

This results in a fairly high output legitimacy in general there is strong support for most of the content of the policy from almost all the actors who also are fairly satisfied with the way the process and the argumentation

Conclusion: Interactive Process with Intensive Involvement of Democratic Institutions

In general, there was a fairly open process, with a high quality of dialogue. If we use the criteria developed in the second section most of the criteria receives a positive score. One can say that the general participation was fairly intense, while the involvement of representational institutions was high and the quality of the debate was good. This resulted in strong support from the main stakeholders, even those who would normally be critical, such as the environmental groups. One can say that the consideration given to the three aspects of legitimacy – accountability, voice and due deliberation – in both input and throughput phases resulted in strong output legitimacy.

Conclusions: Creating Legitimacy and the Effects on Outcomes

Governance processes try to find solutions that satisfy various values that are at stake and represented in the governance network as seen in the case study. Creating democratic legitimacy is a crucial element of the governance process. That much attention is given to this dimension of governance must be seen as a very positive development.

In this chapter, we advanced criteria to judge that democratic legitimacy and applied them to a specific case. We developed criteria from the democracy discussion and the various types of democracy that emerged. But, of course, there can be debated whether these criteria represent the full range of possibilities. And depending on the preference for a specific conception of democracy, people will probably favour different criteria as important.

That also means that the criteria of democratic legitimacy can be used in a normative sense (these are the criteria that should be met) or as an empirical tool (which of the criteria are met and what are their effects). Normatively speaking, one can prefer one type of legitimacy, for instance the classic parliamentary accountability criteria, over others. That also means that one would judge them to be more crucial empirically than the others. However, one could also approach this problem empirically and ask which of the legitimacies, if present, contribute most to good outcomes (which can be measured by the time it takes to make decisions, the quality and innovativeness of decisions, etc.). This approach is a quite different from the preceding one. Given our earlier findings that stakeholder involvement is more important for reaching good outcomes than political involvement (Edelenbos *et al.* 2010), the expectation may be that the last two forms of legitimacy contribute more to outcomes in interactive governance than the first one. Interestingly, the criteria can fulfil a good function in both discussions.

And last but not least, the case study shows that democratic legitimacy in each of the three dimensions is primarily reached through very active network management. Even the classical representational accountability criteria were greatly enhanced by actively informing and involving elected politicians in the process. This seems to point at a more peaceful co-existence of representational democracy and networks than we often find in the literature. This also means that it is important to look at the design of decision-making in governance networks and secure rules that enhance democratic legitimacy in those networks. The criteria also provide a guideline to which type of legitimacy one can and would like to enhance. Agency is crucial also for democratic legitimacy.

References

- Agranoff, R. and McGuire, M. (2003) *Collaborative Public Management; new strategies for local governments*, Washington DC: Georgetown University Press.
- Arnstein, S. R. (1971) 'Eight rungs on the ladder of citizen participation', in Edgar S. C. and B. A. Passett (eds), *Citizen Participation: Effecting Community Change*, New York: Praeger Publishers.
- Bekkers, V., Dijkstra, G., Edwards, A. and Fenger, M. (2007) *Governance and the democratic deficit; assessing the democratic legitimacy of governance practices*, Aldershot: Ashgate.
- Berry, J. M., Portney, K. E. and Thomson, K. (1993) *The Rebirth of Urban Democracy*, Washington DC: The Brookings Institution.
- Dahl, R. A. (1961) *Who governs? Democracy and Power in an American City*, New Haven: Yale University Press.
- Downs, A. 1957 *An Economic Theory of Democracy*, New York: Harper.
- Dryzek, J. S. (2000) *Deliberative democracy and beyond; liberals, critics, contestations*, Oxford: Oxford University Press.
- Easton, D. (1953) *A systems analysis of political life*, New York: Wiley.
- Edelenbos, J., B. Steijn, B. and Klijn, E. H. (2010) 'Does democratic anchorage matter?', in *American Review of Public Administration*, vol. 40 (1): 46–63.
- Edelenbos, J. and Monninkhof, R. A. H. (eds) (2001) *Lokale interactieve beleidsvorming*, Utrecht: Lemma.
- Habermas, J. (1995 (german:1981), *The theory of communicative action* Cambridge: Polity Press
- Held, D. (2006) *Models of democracy*, Cambridge: Polity Press.
- Hirst, P. (2000) 'Democracy and governance', in J. Pierre (ed.) *Debating Governance; authority steering and democracy*, Oxford: Oxford University Press.
- Kickert, W. J. M., Klijn, E. H. and Koppenjan, J. F. M. (eds) (1997) *Managing Complex Networks: Strategies for the Public Sector*, London: Sage.
- Klijn, E. H. (2008) 'Governance and Governance Networks in Europe: An Assessment of 10 years of research on the theme', *Public Management Review*, vol. 10 (4): 505–25
- Klijn, E. H. and Koppenjan, J. F. M. (2000) 'Politicians and interactive decision-making: institutional spoilsports or playmakers', *Public Administration*, vol. 78 (2): 365–87.
- Klijn, E. H., Skelcher, C. K. (2007) 'Democracy and governance networks: compatible or not? Four conjectures and their implications', *Public Administration*, vol. 85 (3): 1–22
- Koppenjan, J. and Klijn, E. H (2004) *Managing Uncertainties in Networks; a network approach to problem solving and decision-making*, London: Routledge.

- Lowndes, V., Pratchett, L. and Stoker, G. (2001) 'Trends in public participation: part1 – Local government perspectives', *Public Administration*, vol. 79 (1): 205–22.
- MacPherson, C. B. (1979) *The Life and Times of Liberal Democracy*, Oxford: Oxford University Press.
- Osborne, S. P. (ed.) (2010) *The new public Governance; emerging perspectives on the theory and practice of public governance*, London: Routledge
- Pateman, C. (1970) *Participation and democratic theory*, Cambridge: Cambridge University Press.
- Pierre, J. (ed.) (2000) *Debating Governance; authority steering and democracy*, Oxford: Oxford University Press.
- Scharpf, F. W. (1997) *Games real actors play. Actor-centered institutionalism in policy research*, Boulder: Westview Press.
- Schumpeter, G. A. (1943) *Capitalism, Socialism and Democracy*, London: George Allen & Unwin.
- Skelcher, C., Mathur, N. and Smith, M. (2005) 'The public governance of collaborative spaces: Discourse, design and democracy', *Public Administration*, vol. 83 (3): 573–96.
- Sørensen, E. (2002) 'Democratic theory and network governance', *Administrative Theory and Praxis*, vol. 24 (4): 693–720.
- Sorenson, E. and Torfing, J. (eds) (2007) *Theories of democratic network governance*, Cheltenham: Edward Elgar.
- Wälti, S., Kübler, D. and Papadopoulos, Y. (2004) 'How democratic is “governance”? Lessons from Swiss drug policy', *Governance*, vol. 17 (1): 83–113.
- Young, I. M. (2000) *Inclusion and Democracy*, Oxford: Oxford University Press.