

# Electoral Democracy and its Rivals

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Electoral democracy is in trouble. Elected politicians are maligned and despised. Short-termism rules. Interest in alternatives has never been as high. Two among them stand out and are discussed in this volume: deliberative assemblies with randomly selected citizens and bottom-up citizens' initiatives. I have sympathy for both, and indeed I followed closely and with great interest one paradigmatic instance of each. On the one hand, I attended as one of the "experts" the G1000 event that took place in Brussels on the 10th of November 2011 and followed both its preparation and its sequel. On the other hand, I attended on the 26th of January 2012 the launch event of the European Citizens' initiative opened by European Commission Vice-President Maros Sefkovic and followed from the beginning to the end the European initiative on an unconditional basic income organized within this framework. I shall turn to these instructive experiments shortly and spell out some of the conclusions I drew from having seen both types of alternative at work. But I want first to present what I see as the three key virtues of electoral democracy and its three most fundamental deficiencies.<sup>12</sup>

## **Educational, civilizing, disciplining: electoral democracy's chief virtues**

What is it that justifies a presumption in favour of electoral democracy, understood as a mode of collective decision-making that relies ultimately on free elections, universal suffrage and some form of majority rule? There are three basic justifications for this presumption. The first two focus on the expected quality of the collective decisions, and the third one on the cost of enforcing them.

Why should the democratic nature of a collective decision-making process increase the probability that the decisions it generates will be good decisions? A first reason is rooted in the educational force of vote casting. This cognitive or epistemic virtue of democracy was neatly highlighted by Josiah Ober's (2008) analysis of ancient Greek cities. In a despotic regime, political leaders can stay in power even if they know little else than what their courtiers or bureaucrats bother to tell them. In a democracy, by contrast, the need to be elected and re-elected forces political leaders to reach out and listen, to gather valuable but widely scattered knowledge from all those on whose vote they depend: about their situation and their

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<sup>12</sup> A version of these first two sections appears in Van Parijs (2014), where it is offered as a foundation for an outline of how the European Union's political institutions should evolve.

problems, their fears and their hopes. And decisions that are guided by better information about those affected also tend to be better decisions.<sup>13</sup>

The second reason for expecting democratic decisions to be better decisions derives from what Jon Elster (1986) aptly called the civilizing force of hypocrisy. This reason holds because the democratic process does not reduce to voting, to the aggregation of preferences. If it functions properly, it also involves deliberation, the formulation and discussion of arguments. It must therefore give a key role to the conversation that precedes elections, particularly during the electoral campaign, and to the conversation that follows them, especially in the parliamentary assemblies. In the conversations induced by the democratic process, aspiring political leaders of all persuasions and temperaments tend to develop a discourse that appeals to some notion of general interest, or of fair treatment of the interests of all those present in the electorate or represented in the assembly, or of concern for the fate of the worst off among them. Whether sincere or not, this discourse ends up having some impact on their acts. The need to sound good in the deliberative forum civilizes not only their words, but also their policies.

The third basis for a strong presumption in favour of electoral democracy resides in the disciplining force of self-infliction. What is being presumed is that the democratic nature of the process increases the probability that the decisions will be willingly complied with by the individuals and bodies subjected to them, whether or not they think these decisions are good. Any political entity will work more efficiently if the enforcement of its decisions does not require an expensive and intrusive repressive apparatus. Enforcement is easy and cheap if those subject to the decisions and rules regard them as legitimate. This can be because they happen to believe they are good (this is the so-called output legitimacy). But for a political entity to function smoothly, voluntary compliance must also be prompted in the overwhelming majority of cases in which many of those expected to comply with the decisions either believe these to be bad or have no idea about whether they are good or bad. This can happen as a result of people recognizing that the decision makers were entitled to make them (this is the so-called input legitimacy). Very schematically, in earlier times, such recognition could be achieved thanks to enough subjects believing that God had endowed their monarch with the appropriate authority. In modern societies, such authority may occasionally be bestowed upon charismatic leaders perceived as incarnating the nation for the better or the worse (Adolf Hitler, Fidel Castro, Nelson Mandela?) or upon wise old men believed to combine unflinching competence and impeccable integrity (a national “government of technicians” formed in a crisis situation, a European Commission whose members are bound by an oath of impartiality, the venerable leaders of the Chinese Communist Party?). However, the most general and safest way of making decisions acceptable to individual citizens and subordinate political entities irrespective of their content is to let them decide freely who can decide on their behalf, i.e. to give citizens the power to choose their rulers and to get rid of them through a fair democratic process. The higher probability of voluntary — and hence cheap — compliance secured in this way provides a third ground for a strong presumption in favour of democracy.

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<sup>13</sup> Drèze and Sen's (1991) famous analysis of the difference between China's and India's responsiveness to the outbreak of famines can be interpreted along these lines.

All three justifications, not only the last one, could be said to derive ultimately from one feature of electoral democracy famously emphasized by Karl Popper (2000): “Democracy is all about throwing out the rascals.” But for the first two justifications to work, it is those affected by the decisions who need to have the ability to help sack the “rascals”, whereas for the third one to work it is those who need to comply with the decisions who need to possess this ability.

### **Short-termism, cross-border impacts, media addiction: electoral democracy’s failures**

In so far as the presumption in favour of democracy hinges on the first two justifications, it is clear that it loses much of its force when a large proportion of the people affected by the decisions are not entitled to vote. This is the case, even with universal suffrage and high voting turnout, if decisions taken in one country impact significantly what happens in another and/or if decisions taken by one generation impact significantly the fate of later generations. What electoral democracy throws out is the unpopular. But the unpopular need not be rascals. They can also be high-minded advocates of the interests of the aliens or of the unborn. This generates the two most fundamental problems for electoral democracy.

Firstly, when there is a major impact on younger or future generations — for example through the effect of our life style on climate change or through the effect of current public spending and retirement rules on future tax liabilities —, even the best democracy remains a dictatorship of the present. For this reason, a “democratic deficit” can be a major advantage as regards the quality of the decisions taken, as soon as a fair treatment of the young and unborn is given due weight in the specification of this quality. Greater intergenerational justice may be achievable only as a result of some sovereignty being transferred to a less democratic level, with key decisions being taken by institutions and individuals more immune to electoral pressures. Unpopular injunctions on carbon emissions or pension reform by an electorally unaccountable (or less accountable) European level could therefore lead to better decisions than if policies in this area were left to electoral democracy, i.e. to national political leaders structurally scared of being thrown out.<sup>14</sup>

When there is a major impact on people who belong to the current generation but live beyond the borders of the entities at the level of which democracy operates, the problem is not as fundamentally intractable by electoral democracy as it is when the impact is on unborn generations. But it constitutes nonetheless a second serious challenge to electoral democracy. It is in part in order to deal with cross-border externalities of this sort that the European institutions were created and developed, but the volume of these externalities was massively swollen as a result of this very development, not least as a result of the adoption of a common currency by a subset of member states. But it is not sufficient to form a common political entity. In addition, the democratic process must be designed in such a way that both the

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<sup>14</sup> This argument is strengthened by the increasingly sophisticated nature of the knowledge needed to take good decisions, especially when long term effects are involved. This implies both that the educational force of the electoral pressure is less effective at inducing the collection of all relevant information and that lifting the decision power to a larger entity has the advantage of generating economies of scale in enlisting reliable expertise. See Bourq (2013) for a persuasive argument about the systemic shortcomings of democracy in today’s ecological and technological context; and, along the same lines, Lamy & al.’s (2013: 44-47, 58) plea for “creating institutions that are somewhat insulated from short-term political agendas or electoral terms”.

educational force of vote fishing and the civilizing force of hypocrisy can do their job on the appropriate scale, i.e. in such a way that European political decision makers are induced to gather knowledge from all the people affected by their decisions and to develop a discourse that commits them to pursuing fairness between all of them. One reform that would go some way towards addressing this concern is the introduction of a pan-European electoral constituency for part of the seats of the European Parliament, with the result of the election in this constituency determining the choice of the president of the European Commission. However, even with the best designed electoral system and even with a European executive whose composition depends tightly on the outcome of the elections, each of the EU's (around) 400 million potential voters will unavoidably have only a very limited sense of being able to affect the determination of who is in power. This can be expected to depress the proportion of those bothering to vote and even more the proportion of those bothering to investigate the relevant issues and the positions adopted by the various candidates. This can (in part therefore) also be expected to depress their ability to "throw out the rascals", and hence to debilitate the operation of all three mechanisms mentioned above to justify electoral democracy. Thus, the second fundamental problem takes the form of a dilemma: either electoral democracy excludes many of the people affected by the decisions taken at the level concerned, or the impact of each voter on the outcome of the election is dissuasively small.

To these first two problems, one may add a third one, which is arguably gaining so much in importance that it may soon overshadow the first two. Our European medias changed a lot in the course of the last hundred years or so, first from the dominance of a partisan printed press to the dominance of public radio and television, and now to an increasingly segmented electronic landscape. One may rejoice at the increasingly bottom up and diverse nature of the supply of observations and arguments. But the very openness of the new media world triggers a proliferation of unreliable information and biased analyses, eagerly disseminated by those whose emotions or prejudices they match. Moreover, competition for attention amongst a plethoric torrent of information gives a premium to snappy tweets, theatrical appearances, random mishaps, personal revelations and clever sound bites relentlessly spread by YouTube or FaceBook. These are clearly not the only opportunities opened by the irreversible dominance of the internet. But these trends are certainly present, and the stronger they are, the less the people elected and the policies adopted will be enlightened by information patiently gathered from the electorates and by arguments appealing to their general interest.

This leaves us with the following predicament, which I view as the most fundamental root cause of the malaise of electoral democracy. Firstly, in a context in which current decisions have ever weightier long-term impacts, the unavoidably short-termist responsiveness to today's electorate can become a major defect rather than a virtue. Secondly, in a context in which decisions need to be taken on an ever larger scale because of massive cross-border externalities, the three virtues of electoral democracy lose much of their force. Thirdly, in a context in which volatile electorates are becoming more and more responsive to unchecked rumours and simplistic messages reaching them through an increasingly segmented system of electronic channels, the election process becomes more and more erratic and its propensity to educate and civilize those who want to be elected and reelected is accordingly much weakened.

Can alternative forms of democracy do better, in particular deliberative assemblies with a random sample of citizens such as the G1000 and bottom-up collections of signatures such as the European Citizens Initiatives?

### Deliberative assemblies

My observation of the G1000 process led to two main surprises. What most surprised me was first, that about 50.000 phone calls were needed in order to end up with 700 odd people actually turning up in Brussels on the 11th of November 2011; secondly, that what emerged to the outside world as the tangible outcome of the event reflected only to a minute extent the discussions on which the day was spent. Neither of these facts destroys the relevance of the experiment. But each invites to modesty as regards its potential.

The first surprise highlights an important limit of this form of democratic process, with which I believe we can live. I did expect that there would be a significant gap between the number people the agency entrusted with the recruitment tried to reach and the number of people who agreed to come and actually came. But I did not expect it to be that huge. Even before the agency started the phone calls, there was the bias involved in the possession of a phone. This was combined with the bias involved in happening to be reachable when the call was made. Then there was a cascade of self-selection processes: those who listened to more than the first sentence, among them those who understood what this was all about, among these those who really considered spending a long day in Brussels, among these those who agreed to be contacted again about a possible participation, among them those who agreed to be there (over 3000), among these those who confirmed a few days before the event that they would attend it (well over 1000), and among these those who actually turned up (704) and stayed all day.<sup>15</sup>

Even though a serious effort was made to get the right balance of genders, ages and provinces, this process can hardly be expected to yield a representative sample of the Belgian population. For example, one major factor of acceptance and attendance seems to have been that the person contacted had heard of the G1000 before the phone call, which supposes some degree of in-depth exposure to the quality press, not exactly a feature randomly distributed in all layers of the population. Is this a fatal defect? It would be if the aim were to get a snapshot picture of the population's opinion at a particular time. But the purpose of the exercise is rather to shape opinion through deliberation, and that you can — and arguably must — only do with people sufficiently interested and motivated to listen, think and form their own judgment. Is it then pointless to make 50.000 phone calls at great expense, rather than simply issue a call for volunteers? Not quite. For while representativeness is far off and anyway unnecessary, diversity matters and it was certainly far greater than it would have been among volunteers. At the G1000 event, the usual suspects

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<sup>15</sup> As explained by Caluwaerts and Reuchamps (2014: section 5.1), an attempt was made to correct this self-selection event by recruiting 10% of the people from under-represented categories (such as homeless people and recent immigrants) via organizations dealing with them. Along other dimensions than those explicit in the definition of the categories, however, it is most likely that these 10% were less diverse than the randomly selected remaining 90%.

were gravitating around the tables, carrying instructions and serving coffee, not deliberating at the tables with fellow random recruits. Such diversity is undoubtedly valuable for a deliberative exercise.

My second surprise related to the design of the day and the outcome it yielded. The bottom-up spirit of the whole initiative led to a selection of four themes that emerged from a prior online consultation, and on each of these four themes discussed in succession at the meeting, each group of ten people was asked to make concrete proposals. After some filtering to avoid overlap and privilege convergence, a selection of 36 proposals was submitted to the vote of the whole assembly. And the result of this vote was then presented and picked up by the press and the outside world as what emerged from this first major deliberative assembly with a random sample of Belgian citizens.<sup>16</sup> This was no doubt an effective way of coming up at the end of the day with some “deliverables”, but also a serious misrepresentation. For most of the proposals had been discussed, or even just mentioned, only at a minority of the tables, often a small minority. And the plenary vote on the proposals therefore hardly differed from one that could have taken place at the start of the event.

The lesson to be drawn seems to me obvious: if some aggregate outcome is expected from this sort of event, its focus in terms of proposals to be discussed must be significantly narrowed down from the start, and its design therefore made more top-down than it was on this occasion. Once this is realized, the modesty of what could be achieved by deliberative exercises of this sort should be obvious. I was greatly impressed by how much effort was put by David Van Reybrouck and his team of volunteers into the preparation and organization of the event, and not least into the indispensable fund raising for all the expenses that came on top of massive volunteering and various donations in kind. For example, all G1000 participants had to be provided with two meals and have their travelling costs refunded. The effort involved in this civil society initiative was so daunting that one can safely bet that it will never be replicated, at least of anything like this size. Moreover, as mentioned earlier, an increasing number of decisions needs to be taken today on a much larger scale. James Fishkin, one of the main propagators of deliberative assemblies worldwide did organize such an assembly at the European Parliament on 12-14 October 2007, with 350 people flown in from 27 countries. As one might expect, the expenditure on travelling, accommodation and interpreting was phenomenal, compared to the comparatively modest G1000 — which did not need to cover hotel rooms and only provided Dutch-French interpretation by volunteers for 30 out of the 100 tables. One may reasonably wonder whether the outcome is worth the expenditure. Even if one thinks that it is, the conclusion is clear: such assemblies on a European and even on a national scale can only be organized for a very tiny subset of the questions to be settled every year in our democracies.

My two surprises and the conclusions I draw from them do not annihilate the interest of deliberative assemblies of the G1000 type, as lucidly spelt out in Caluwaerts and Reuchamps' (2014) essay. But they make modesty inescapable: no claim to representativeness can be made, and only a tiny subset of the

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<sup>16</sup> The list of proposals and the outcomes of the votes feature in Appendix B of Caluwaerts and Reuchaps (2014), who mention that this “made the results of the discussions very tangible to the participants”. See also the final report, where the votes on these 36 proposals are presented as “preliminary conclusions from a full day of deliberation” (G1000 2012: 45-47).

issues a polity needs to address can be handled by them. Both these objections to the relevance of deliberative assemblies are in some sense pragmatic. But there is a more fundamental objection to the idea that they could — even if statistically representative and affordable — provide a substitute for electoral democracy. In a nutshell: it is better for the people that rulers should be chosen from among them by them rather than from among them by a lottery. And the reason for this resides in the three forces — educational, civilizing and disciplining — triggered by electoral democracy and switched off by random selection. True, advocates of random selection generally propose them for assemblies rather than for executives. But precisely, this is why it could only fulfil a marginal function in supplementing electoral democracy, rather than provide a truly alternative paradigm.

There is, however, one set of issues for which I believe it has special relevance, precisely the set of issues for which electoral democracy's three mechanisms cease to be virtuous. Whenever decisions need to be taken that deeply affect future generations, it may make sense to rely on assemblies whose members do not need to be obsessed by how well they and their parties will fare at the next election. As regards Belgium, Kris Deschouwer and I argued over ten years ago in favour of “a senate without senators”, with the staff and premises of the senate being used for organizing and hosting deliberative assemblies consisting of a balanced set of citizens particularly qualified by their engagement or competence to discuss the long-term questions on which the elected Parliament (the *Chambre/Kamer*) wants to be advised.<sup>17</sup> In his recent book, David Van Reybrouck (2014: 139-150) makes a related “temporary plea for a bi-representative system”, with the member of the senate chosen by lottery for three years. Why not? But the best formula may not be to go for three-year terms: knowing the rate of (unavoidably very biased) self-selection for a single GI000 day, we can imagine what it would be, and what the rate of attrition would be, when it becomes a matter of giving up three years of one's life. A more promising (and cheaper) formula would consist in recruiting citizens randomly for shorter sessions on a specific theme. These ad hoc assemblies may conceivably include in addition elected politicians from the regional parliaments and representatives of the organized civil society, providing the meetings are managed in such a way that the randomly chosen citizens keep the upper hand. Being less prejudiced than the lobbies active in relevant areas and their experts, and less tied by party lines and electoral fears than politicians, randomly selected citizens, once well informed and given the time to reflect, have a better prospect of being guided by fairness towards future generations. At the European level, once all routine activities of the European Parliament will be transferred to Brussels, a similar role could be given to Strasbourg: focused sessions with the participation of members of national parliaments, experts and randomly selected citizens. At both level, this assembly does not need to the final word, but with an appropriate framing, the conclusions it reaches should have a major impact on what the elected authorities will end up deciding.

## Citizens Initiatives

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<sup>17</sup> Deschouwer and Van Parijs (2003).

Could Citizens' initiatives, insightfully analysed by Kristof Jacobs (2014) play a more important role? To help us reflect on this question, it is instructive to contrast two initiatives that were happening at about the same time on the same subject. In Switzerland, the possibility of popular initiatives at the federal level was introduced in 1848. According to today's constitution, if a federal popular initiative gathers at least 100.000 signatures from Swiss citizens entitled to vote in at most 18 months, Switzerland is obliged to organize a national consultation on the proposal as an addition to the Swiss constitution within the next two or three years, unless the federal government or the federal parliament make themselves an alternative proposal with which the initiators of the proposal agree. In the last 50 years, more than 160 initiatives were launched, more than 100 gathered the required number of signatures, and 13 gathered the support of a majority of the voters and a majority of the cantons, thereby becoming part of the Swiss constitution. In April 2012, a federal popular initiative was officially launched proposing to add the following article to the Swiss constitution: "1. The Confederation introduces an unconditional basic income. 2. The basic income must enable the whole population to live a dignified life and to participate in public life. 3. The law will determine the funding and level of the basic income." On the 4th of October 2013, the initiators handed in over 127.000 signatures to the federal chancellery, thereby triggering a process that should lead to a national referendum at the latest in 2016.

The Lisbon Treaty of December 2007 introduced for the first time the possibility of a form of direct democracy at European level: the European Citizens Initiatives. To be acceptable, a European Citizens Initiative needs to be initiated by seven EU citizens living in seven different member states. It must consist in a proposal that belongs to a domain in which the European Commission has the power to propose legislation, and it must not be "manifestly abusive, frivolous or vexatious" nor "manifestly contrary to the EU values". To be successful, it must gather at least one million signatures from EU citizens entitled to vote for the European Parliament in at most 12 months, while reaching a threshold number of duly validated signatures in at least seven member states, a threshold that is proportional to the number of members of parliament from each state and hence proportionally less demanding in more populated countries than in less populated ones. Successful initiatives are entitled to an official response by the European Commission and to a hearing at the European Parliament. It took a while for the various logistic conditions for the scheme to get sorted out, in particular reliable and uncomplicated validation procedures in each of the member states, but in April 2012, the procedure was operational.

One of the first initiatives to be submitted, on the 8th of July 2012, was entitled "Universal Basic Income" and phrased as follows: "Gain support for the introduction of a universal, individual, unconditional basic income to ensure a life in dignity and participation in society within all member states of the EU". On the 6th of September 2012, the Commission replied that this proposal was not acceptable as a European Citizens Initiative because it did not fall within the legislative powers of the European Union. The same initiators then proposed a watered down version of their proposal: "Asking the Commission to encourage cooperation between the Member States aiming to explore the Universal Basic Income as a tool to improve their respective social security systems". It was officially accepted by the Commission on 14 January 2013, and the collection of signatures started immediately. Twelve months later, 285.000



signatures had been collected, most of them online (278.000), from all 28 member states, with the threshold reached in six of them (Bulgaria, Slovenia, Croatia, Belgium, Estonia and the Netherlands). This was not an insignificant number, but hardly more than a quarter of what was needed, and a far lower percentage of the potential signatories than in the case of the Swiss popular initiative on the same topic. Had the proportion of signatures been the same among the 500 million European citizens as among the 6 million Swiss citizens (not Swiss residents), the European initiative would have gathered about 10.300.000 signatures and not less than 300.000.<sup>18</sup>

Why such a huge difference regarding a proposal that one has no reason to expect to be more popular in Switzerland than in EU countries, in particular in Switzerland's four EU neighbours, none of which reached the threshold? Plausible causes are not hard to identify. Firstly, there is the difference between on an age-old institution to which the Swiss population is accustomed at every level of government and an institutional innovation, particularly unfamiliar in those EU member states in which direct democracy is completely unknown whatever the level of government. Secondly, the EU initiative had to cope with some teething problems with the registration system and a shorter time to collect signatures (12 months instead of 18 in Switzerland). Thirdly, because of the European Commission having no direct competence in matters of social policy, the phrasing of the proposal was much weaker — and hence less exciting — in the EU case than in the Swiss case. Fourthly, what would be triggered in case of success was far less than an EU-wide consultation with a binding impact on the EU's fundamental law: just a letter from the Commission and some Committee time at the Parliament, both of which may turn out to be no more than polite formalities. Finally, while the linguistic challenge is not insignificant in Switzerland, it is daunting at the level of the Union. The seven initiators of the basic income initiative had no language in common which they all understood, the volunteers involved spent a lot of time on translations, and the coordination meetings were hampered by the need for expensive and stiffening interpreting services, the slowness of consecutive translation and/or the misunderstandings of broken English.

Does this mean that the European Citizens Initiative is a hopeless avenue, a gadget more than a real democratic instrument? Not necessarily. But further inspiration should be drawn from the Swiss case in order to determine what can be reasonably expected from it. One crucial function popular initiatives play in the Swiss context is, as former Swiss president Micheline Calmy-Rey put it, that they are what turns the Swiss into “un peuple”, “ein Volk”, “un popolo”, despite all the cleavages, cantonal, linguistic or religious, that divide Swiss society. Several times every year, Swiss citizens talk and discuss with one another at the same time about the same issues across all internal boundaries, and this is what makes them one people,

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<sup>18</sup> The “Right2Water” initiative (“The EU legislation should require governments to ensure and to provide all citizens with sufficient and clean drinking water and sanitation.”) was the first one to reach the one million threshold. It was launched on 10 May 2012, was financially supported by the European Federation of Public Service Unions, gathered 1.659.543 signatures in 12 months and satisfied the threshold condition in 13 countries. It was therefore the first to receive a response by the European Commission, in the form of an extensive official communication: <http://ec.europa.eu/citizens-initiative/public/initiatives/finalised/details/2012/000003>. At the time of writing, only one more initiative reached the threshold: “One of us” (“Juridical protection of the dignity, the right to life and of the integrity of every human being from conception in the areas of EU competence in which such protection is of particular importance.”), financially supported by the Italian Foundation Vita Nova.

one demos.<sup>19</sup> In addition to these consultations triggered by citizens' initiatives and within the same spirit, the Swiss people also have the possibility of "referendums" in the strict sense, which enables them to cancel what was decided by their government or their assembly. This can be viewed as the corollary, for the sake of democratic legitimacy, of the so-called "magic formula", the customary proportional composition of the federal government. As there is no alternation possible between government and opposition and hence no way of "throwing out the rascals", the decision structure retains legitimacy in the people's eyes because of their power to throw out what their government decided.

It is worth thinking about an analogous set up for the European Union, bearing in mind the massively higher cost of organizing popular consultations with nearly 100 times more potential participants. Firstly, there is the demos-creating impact in a highly segmented polity. In Switzerland, average participation in consultations and referendums is not far from 50%. This is way beyond the meagre 0.25% of the EU citizenry required for a successful European initiative. For direct democracy to have in the EU the sort of demos-creating effect it has in Switzerland, real EU-wide consultations would need to be triggered, with significant legislative consequences, and not just collections of signatures. In this far more ambitious institutional context, even campaigns that do not gather the required number of signatures would make significant contributions to demos creation by linking citizens across all cleavages. Secondly there is the contribution to the perceived legitimacy of decisions taken by an executive that cannot really be "thrown out" by the people. The fact that the Swiss federal executive includes in a roughly proportional way all the main political forces reduces the likelihood of acute crises with cantonal governments. For analogous reasons, there may well be wisdom in having a European executive that is not the emanation of a parliamentary majority but includes all the EU's main political forces. For the sake of perceived legitimacy, the impossibility of "alternance" arguably needs to be compensated, as it is in Switzerland, by another mechanism: the vulnerability of the executive's decisions to a hostile referendum. This suggests a second specific reason for introducing a strong form of direct democracy in a highly segmented polity such as the European Union. Even more than the first one, it only kicks in if far more significant consequences are attached to a successful European citizens' initiative than is the case under the present scheme. But the latter can be viewed as a first experimental step in that direction.

It is of course also possible to think about strong forms of direct democracy in less segmented national and sub-national levels. But the possible indirect impact on government formation needs to be reflected upon.<sup>20</sup> And so must the risk of consultations being hijacked by local lobbies, often denounced in California, as well as the likelihood of voting fatigue: close to 20% of the Swiss citizens entitled to vote (in addition to the 20% of non-citizen residents) practically never take part in the Swiss votations, and the turn

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<sup>19</sup> Meeting with Micheline Calmy-Rey and her team, Ministry of Foreign Affairs, Bern, 19 January 2011. See also Stojanovic (2009) and Lacey (2013) for analyses of the Swiss system that stress this aspect.

<sup>20</sup> In Switzerland, the perpetuation of the "magic formula" (i.e. essentially a proportional representation in the executive (the Federal Council) of the parties represented in the assembly (or National Council) is by no means the automatic outcome of the voting procedure: as the seven members of the Federal Council are elected sequentially under a simple majority system, a party coalition that includes more than 50% of the members of parliament could elect an executive drawn entirely from its ranks in a constitutionally impeccable way. It is rather the fear of hostile popular initiatives that would keep stalling the political process that dissuades parliamentary majorities from evicting other parties.

out at the national elections is lower than anywhere else in Europe. Moreover, while there is a large consensus on imposing some limits on what can be submitted to a popular consultation, it can be tricky to specify them. To take two questions raised by some recent Swiss consultations: should the European Court of Human Rights be consulted prior to the vote if there is a possibility that the proposal could be interpreted as a violation of human rights; and are international treaties untouchable, or touchable only in their entirety rather than clause by clause?

In all cases, popular consultations can only avoid the risk of doing worse than representative democracy if there is a sufficiently well educated and well informed public opinion with the will and the time to listen, think and talk about the issues under discussion, and not just with the likes of them. This requires a quality press that is widely read or viewed and that makes room for diverse views in an intelligent and intelligible way. This cannot be taken for granted even in the most formally “democratic” of countries, and when these conditions are not present, a popular consultation is no better than an opinion poll that records prejudices, short-term interests and the impact of recent sound bites. It is then better to stick to the place where deliberation — and hence the civilizing force of hypocrisy — is more likely to find the competence, interacting diversity and time it requires: elected — and possibly also partly unelected (see *supra*) — assemblies entrusted with this specific task.

### **A healthy electoral democracy**

In light of the previous discussion, it is pretty clear that both deliberative assemblies and citizens’ initiatives can and must be given only a relatively marginal role in the functioning of our democracies, relative to the electoral process. Given the crisis, or at least the deep malaise of electoral democracy mentioned at the start, this may sound like a disappointing conclusion. I do indeed believe that there is no big alternative to electoral democracy. There is no alternative set up that could be reasonably expected to be better at producing collective decisions well informed about and fair to the legitimate interests of all the people affected by them, while not being worse at commanding voluntary compliance with these decisions by all those to whom they apply. However, there are thousands of ways of refashioning electoral democracy so that it could perform better in these respects. But the guiding principle should not be accountability to the voters but justifiability to all those affected.

This might involve, for example, extending the vote to all minors with a proxy for their parents.<sup>21</sup> It should certainly involve extending the suffrage to all permanent residents within a particular territory, for example by giving a vote at the regional elections to over a third of the Brussels adult population currently deprived of it because of not having Belgian citizenship. It should involve lifting powers to an entity operating on a larger scale — for example the EU — because of the magnitude of cross-border externalities. It should involve designing the election of both the assembly and the executive so as to secure (through quotas or other means) a sufficient degree of diversity along various dimensions that may prove particularly

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<sup>21</sup> See Van Parijs (2011: chapter 4) for a discussion of “the children’s vote and other attempts to secure intergenerational justice”.

significant and so as to ensure as much as possible that the electorate the key players are responsive to includes the bulk of the people affected by the decisions they will have to make. Finally, it may also involve, as suggested above, the creation of ad hoc deliberative assemblies dealing with long term issues and including some members chosen by a lottery rather than nominated by parties and pressure groups, and the possibility of popular initiatives or abrogative referendums both to oblige the legislators to pay attention and to help strengthen a common demos in segmented polities.

Moreover, irrespective of where the real decision-making power is located — in an elected parliamentary majority, in a proportional government relying on consensus, in ad hoc assemblies, in agencies entrusted with specific mandates, or indeed in lobbies or other private actors —, transparency is crucial. But what is transparency? Obviously not that the people in power should be able to see everything the citizens do and think. But nor that the citizens should be able to see everything the people in power do and think. Why not? In part because protecting the private lives of people with public mandates is essential to prevent reducing even further the pool of competent people willing to fulfil public functions. In part because public exposure of every conversation, of every negotiation, of every communication between people in power will hinder the development of indispensable trust, solidarity and capacity to make compromises among representatives of different parts of the population concerned. And also because identifying the ultimate motives and deepest thoughts of those holding or wanting to hold power is not required for the effectiveness of both the educational force of vote fishing and the civilizing force of hypocrisy.

Nonetheless, transparency is essential. Transparency in the sense that decisions by the authorities and proposals pushed by significant actors should be made visible and hence in need of a justification. Transparency in the sense that the information and analysis which is used to justify these decisions and proposals must be made explicit, publicly and cheaply available — a possibility massively enhanced by today's technology —, so that they can be checked and challenged on the basis of further information and closer analysis. Seeing everything, however, is seeing nothing. The information publicly available must be fairly selected, highlighted and made intelligible. This requires, in particular, that what is being done and the effects of what is being done must be made susceptible of evaluation thanks to reliable data allowing meaningful comparisons across places and times. This duty falls partly on those who provide the information, partly on a trustworthy quality press, and partly on a socially responsible academic profession. A socially responsible academic profession is one that does not insist on remaining confined to its ivory tower, one that does not shy away from speaking out beyond the narrow boundaries of its highly specialized expertise. Socially responsible academics must view participation in the public debate as part of their core business, with an intransigent commitment to telling what they believe to be the truth on the basis of a critical synthesis of scientific knowledge generated not just by themselves nor only by their discipline, and with a willingness to move from analysis to recommendation in the light of value judgements they must be prepared to reflect upon and spell out. The complex, always imperfect, process of transparency so understood should help the decisions made by those authorized to make them to be not only rhetorically justified but, to the best of our n-knowledge, really justifiable. This is quite different

from accountability to the voters in a sense that could be better approximated, say, by imperative mandates, revocability at any time, or taxation ear-marked for purposes chosen by the taxpayer-voter.

Does the untouchable centrality of the electoral process entail that that electoral politics is the only significant avenue for political action? Not at all. There is an ever greater role to be played by civil society, even in the form of civic disobedience, but these other forms of action will and must remain parasitic on the electoral process and, to be effective, judiciously articulated with it. Thanks to e-mail, websites, facebook etc., lots of initiatives can be organized bottom-up without relying on the resources of politically controlled public administrations or big organizations. Indeed, the G1000 and the first European citizens' initiatives provide spectacular illustrations of how this new potential can be mobilized. Even with the help of these new tools, such initiatives required a huge and prolonged effort by hosts of selfless volunteers. Without that help, they could not have hoped to achieve even a fraction of what they achieved and, anticipating this, they would not even have tried. But whether or not they will have a lasting impact depends crucially on whether the pressure they generate on electoral democracy is strong enough, sharp enough, timely and justifiable enough for the people in power to take notice.

Another instructive illustration, far more modest in its scope, but probably more conclusive in its impact, is "Picnic the Streets", an unauthorized mass picnic that took place on 10 June 2012 at the Place de la Bourse, across the whole width of Brussels' central boulevards. It called for the making this portion of the boulevards car-free and more broadly for a vigorous rehabilitation of Brussels' public spaces in order to make a better life possible for all city dwellers even in the absence of growing material consumption.<sup>22</sup> The action could not have succeeded, thousands of picnickers would not have had the courage to sit down across the street, had it not been for the three facebook event groups being launched on the very day the first call was made. And it would not have had the impact it had, had it not be justified by a persuasive analysis that appealed to the general interest in a way that drew the media's sympathy. But no doubt a key factor of its (expected) success in terms of impact on the ground is that it took place shortly before the municipal elections. This is why prominent members of all parties showed up at the picnic, why most parties took up the pedestrianization in their electoral programmes, why the majority agreement made after the election included a firm commitment to doing what previous legislatures had repeatedly failed to do, and why less than two years after the picnic a detailed plan for making a significant part of the central boulevards car-free was unanimously approved by the municipal council. Had "civil society" not taken action, had the public interest argument not been strong, had it not been supported by a fairly independent press, this result would not have been achieved. But no less crucial was that the movement could weigh on electoral democracy sufficiently to make it overcome the resistance of vocal short-termist local lobbies.

More than ever, a good democracy requires an active, imaginative, intelligent civil society. More than ever, civil society possesses the tools for effective action. The realization of many good and important ideas is thereby made politically feasible. But civil society also generates many crazy or selfish demands.

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<sup>22</sup> See Van Parijs (2012a, 2012b).

The best filtering mechanism remains the requirement of justifiability before all that is inherent, however imperfectly, in the public debate induced by a healthy electoral democracy.

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