

Pirates and Democracy anno 2012

A hundred years before the French Revolution, the buccaneer companies were run on lines in which liberty, equality and fraternity were the rule. In a buccaneer camp, the captain was elected and could be deposed by the votes of the crew. The crew, and not the captain, decided whether to attack a particular ship, or a fleet of ships. (source: wikipedia)

DEMOCRACY SQUAD



Direct Democracy

What is direct democracy?

DEMOCRACY = legislative power of the people

The people are **SOVEREIGN**

In a true democracy there is no authority above the people.

DIRECT means without intermediary, or **forced delegation**

What we usually call democracy is in fact **PARTICRACY**



Sovereignty

What is **SOVEREIGNTY** ?

In the “parliamentary democracy” of the UK

SOVEREIGNTY is described as follows:



The principle of Parliamentary sovereignty is the unshakeable keystone of Britain’s judicial system; it guarantees the continued supremacy of parliament.

A codified constitution, which in many other countries restricts the powers of government, does not exist in Britain.

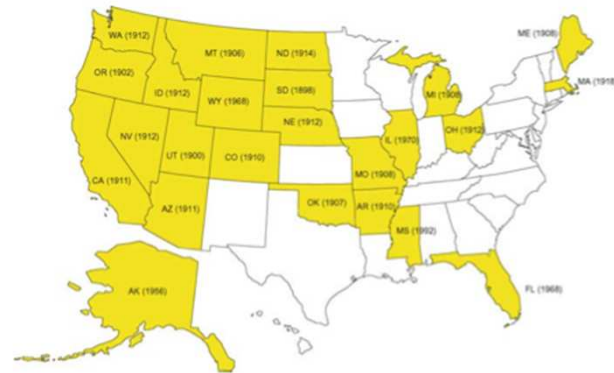
Thus the only check on the power of Parliament is the sovereignty of future parliaments – legislation can always be overturned, treaties can always be broken and participation in the European Union is never truly binding.

In the “direct democracy” of Switzerland sovereignty belongs to the citizens

Direct Democracy

There are many examples

Around half the US states
Germany (states and communes)
Venezuela (*consejos comunales*)
Brazil
Italy (federal and local)
Latvia, Lithuania, Slovakia (referendum)



but in a way, they all have their differences ...

Representative systems

- NON PARTISAN (Nebraska,..)
- SINGLE DOMINANT PARTY
- TWO POLITICAL PARTIES
- MULTIPLE POLITICAL PARTIES

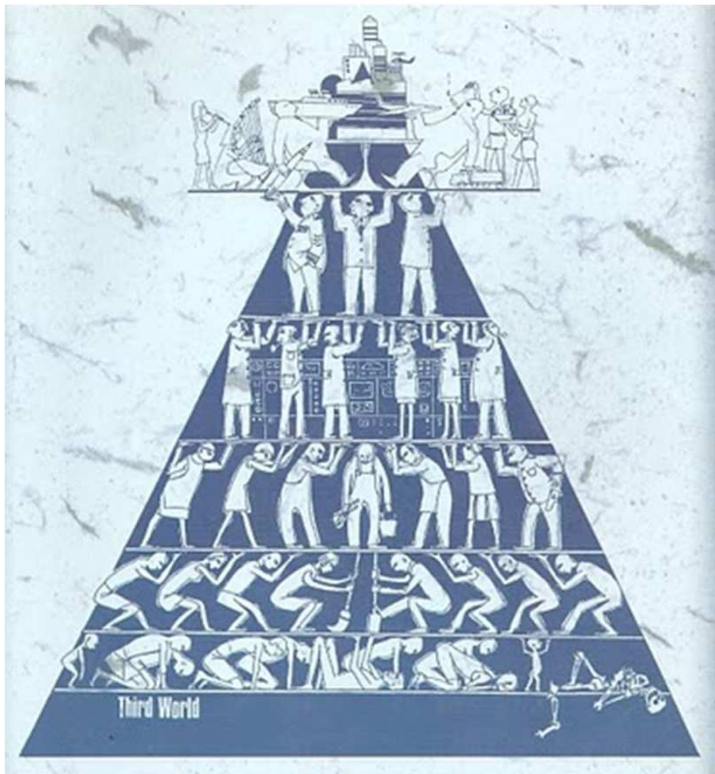


Main characteristics are :

FORCED DELEGATION
PARTICRACY

Power tends to corrupt...

Modern representative democracies



Power rests effectively with a small number of people

They tend to be always the same

This is the definition of oligarchy (rule by few)

Power tends to corrupt...

The structures of institutions lead to abuses of power

Roberto Michels, 1911



Mission drift: preservation of the organization itself

The iron law of oligarchy

Power tends to corrupt...

Social psychology

Thirst for power is correlated to other personality traits (*Bennett J. 1988*)

- **Machiavellianism:** tendency to deceive and manipulate other people for one's personal gain.

"Never tell anyone the real reason you did something unless it is useful to do so"

- **Arrogance**
- **Low conscientiousness**



Power tends to corrupt...

Why elections in a Particracy invariably lead to **oligarchy**?

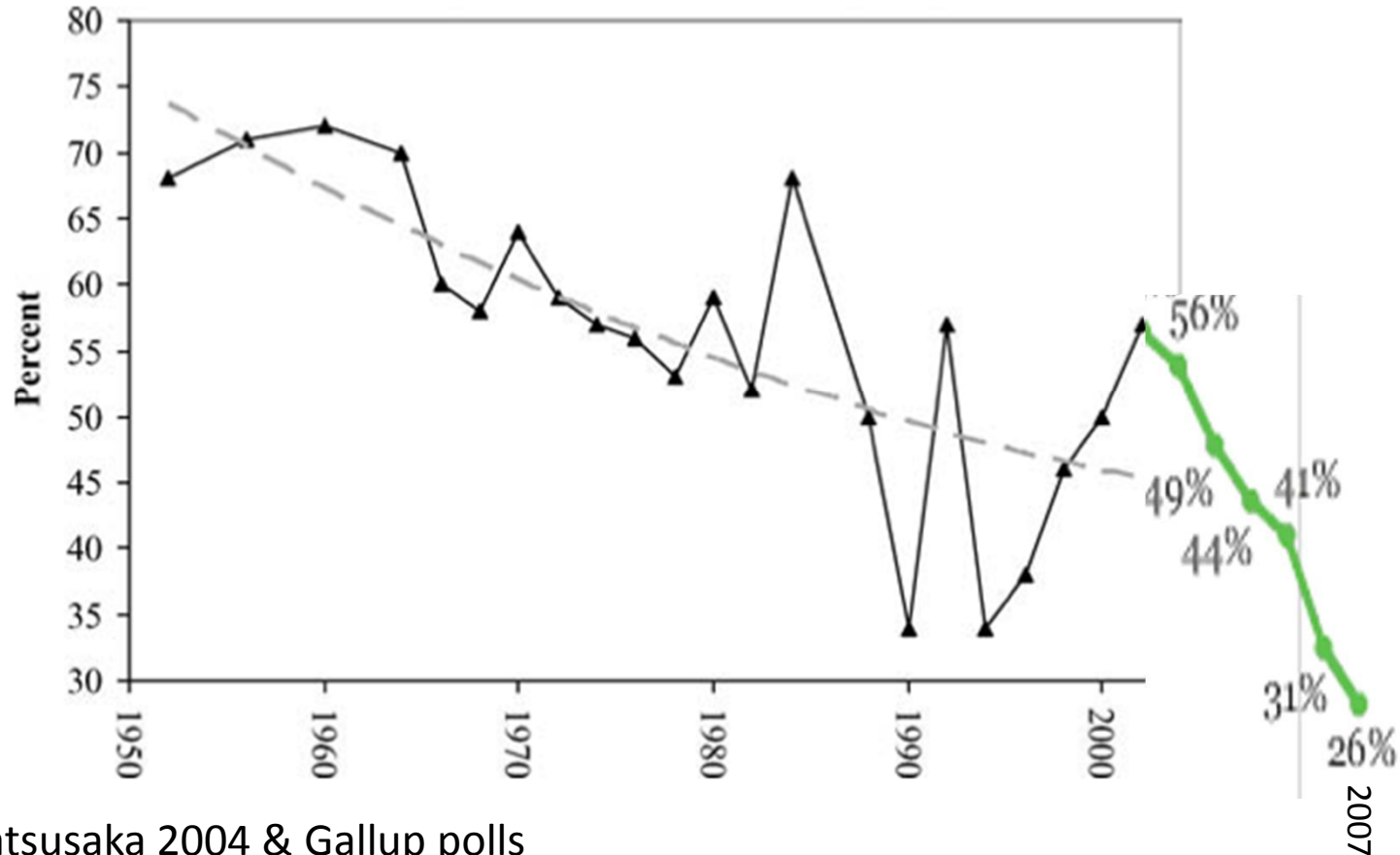
We **don't really have a choice**: there is little difference between the viable candidates

- **Parties make deals** influencing their program after elections to form majorities
- Our power is extremely **limited in time**: every 4-5 years and nothing in between -> no intervention possible
- **Money influences the result overwhelmingly**: campaign contribution, media ownership, lobbying : EU 2008 - lobbies spending from 50 biggest corporations: 13.351.000 - 14.501.000 Euro + undeclared amount!
- The **choice is difficult**: an enormous amount of variables to take into account, including psychological variables (e.g. "Is he trustworthy? Is he lying?, etc...")

Power tends to corrupt...

Things do not tend to get better

Percent agreeing that “people have a say in what government does”



Matsusaka 2004 & Gallup polls

Politicians: a necessary evil?

Every elites in history have used “**myths**” to **justify their power**



Today, the representative political system is based on the idea that people are not able to govern themselves, that **they need elites to decide what's good for them**

Is it really so? **Are politicians a necessary evil?**

Politicians: a necessary evil?

Counter-example



In **Switzerland**, people have been governing themselves for 150 years.

The consequences are not exactly ruin and chaos as we are told.

Their governing system is called **DIRECT DEMOCRACY**

Views on Direct Democracy

- **Libertarian** : democracy, if necessary at all, is only acceptable at the lowest juridical level, municipality, neighborhood, ...
Direct Democracy is viewed as dictatorship of the majority.



- **Constitutional** : democracy has to be limited by a constitution, a social contract, divine law, ...

- **Populist** : there is no authority above the people.

Direct Democracy is not perfect, it is a continuous learning system (source IRI Europe)

Higher Justice

Invoking a “Higher Justice” is a high risk for any type of democracy.

- International law :
 - Human rights : which ? defined democratically ?
- Natural law : reason and revelation
 - Liberal natural law (Locke, ..)
 - Devine Law (Inquisition, Sharia,..)

The imposition of a “higher justice” holds the danger of an exceptional and persistent tyrannical dictatorship.

In most cases this “higher justice” is characterised by granting privileges to a very limited group, .. Law interpreters, some categories of citizens, high priests ...

It is not the “Law” that imposes problems but the “interpretation” and enforcement of that interpretation by a powerfull elite, in some cases even appointed or paid by that same elite (for example the constitutional court in the US).

Direct Democracy and his limits

As an example we can look at the suggestions of the Social threefolding (source wikipedia)

They distinguished three realms of society:

- **The economy**
- **Politics and human rights**
- **Cultural institutions including science, education, arts and religion.**

They suggested that the three would only function together harmoniously when each was granted sufficient independence. This has become known as "social threefolding".

Examples: A government should not be able to control culture; i.e., how people think, learn, or worship. A particular religion or ideology should not control the levers of the State. Pluralism and freedom were the ideal for education and cultural life. Concerning children, all families, not just those with economic means, should be enabled to choose among a wide variety of independent, non-government schools from kindergarten through high school.

Direct Democracy



Why?

Solution against the abuses of power

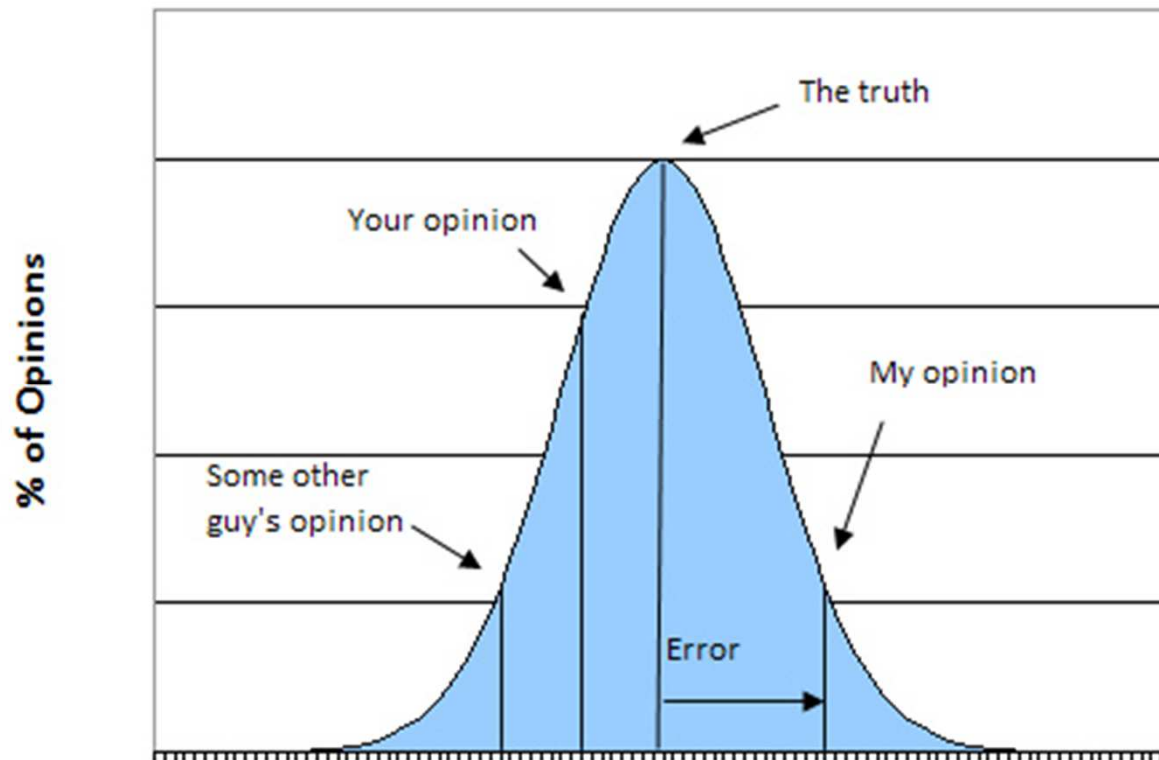
Real representation:

the point of view of each citizen is taken into account
in each single decision, if they want to

Efficiency: wisdom of crowds

Direct Democracy

The wisdom of crowds



Averaging people's opinions may allow to reach better decisions

Direct Democracy



Major types

Direct: California,

No interference of elected representatives

Indirect : Switzerland,

Elected representatives can launch a counterproposal

This possibilities becomes part of “tactics” that can be used.

- Citizens are launching an initiative
- Representatives are launching a counter proposal
- Citizens have the right to redrawn their proposal or stand by it
- Citizens have the right to launch a referendum on the counter proposal

This means that there is a possibility that citizens have to vote on three proposals about the same issue.

In case of acceptance of two or three of the proposals the proposal with most yes votes wins.

Direct Democracy

Swiss Direct Democracy

The **backbone**:

Referendum:

vote on politicians' law proposals

obligatory or **citizen-initiated** (plebiscite is not allowed)

Initiative:

law proposals submitted by citizens

Recall:

end the mandate of elected representatives

Mandatory vote on budget at local level

Free participation : delegation from non voters to voters

The result is binding !

Direct Democracy in Switzerland

Role of the parliament:



Proposed laws are submitted to referendum either
obligatorily (constitutional changes)
or through **citizen choice** (signature gathering)

They are **revocable** (cantons)

Their **budget is voted on** (cantons)

They can make **counter-proposals** on initiatives

Direct Democracy in Switzerland

The Swiss system of Direct Democracy is a balance between different views on democracy



- **Libertarian** : democracy starts at municipal level and free associations are formed bottom-up.
- **Constitutional** : Switzerland has a constitution.
- **Populist** : The citizens can change their constitution if they want to.
A change of the constitution needs a “double majority” of the cantons and the people.

Politics without politicians

Tribute to Akiva Orr (b. 1931):
the only way to a real Democracy is to

Abolish Power.

Today, technological revolution makes it possible to
govern without Politicians.



How to go from here to there?

Politicians **don't want** Direct Democracy and will do everything they can to prevent it from happening

The Trojan horse

brings Direct Democracy from **within** the representative system



E-voting

E-voting has been used successfully in official elections:

Estonia

Switzerland

UK



E-voting



Pros and cons

Speed

Potentially the fastest means of policy decision-making

Could potentially be too fast
=> prevents thorough debate

Cost

Potentially the cheapest method

Campaigns needed to explain and convince could be expensive

Representation

Maximum representation if citizens participate directly and vote via **delegates**

Could exclude people that don't have easy access to computers

Reliability/security

Can allow real auditability

Still some security concerns at the level of personal computers

Trust

Can be fully open and accessible to anyone's scrutiny

People might not trust something they don't clearly understand

Voting by Proxy

Voting by proxy (delegation)

It is recommended that voting by proxy (delegation) be allowed whereby a citizen may cast a vote on behalf of another citizen, as long as there is an official and public (or accountable) agreement between the citizens, ensuring maximum participation.

The direct Member's vote can always override the delegate's vote and a Member can change their delegate at any time.

Any citizen has the right to become a delegate.

= Liquid democracy

How to go from here to there

Transitory state

Allows to adjust the system smoothly

Allows to make people know about direct democracy and how it works

Allows to bring DD without the need for the approval of the representative system or a revolution

Ultimate objective

Introduce a democratic system that
has the approval of all citizens

THE DEVILISH DETAILS

Experiences with referenda



Participation quorum

If the quorum is too high a quorum results in a boycott action

- unfair against the people who make the effort to vote.
- no theoretical justification whatsoever
- no comparable rule in the representative system

Therefore

We support the principle of the free mandate:
everybody may vote if he wishes to do so, or give delegation
to those who vote.

Adjourn a decision

The fact that a citizens initiative can't adjourn a political decision is very discouraging.

-> leads to a massive aversion of politics and politicians (Paust)



No exclusion of subjects

- In almost all “Länder” (Germany) the council decides if a referendum is allowed. A lot of subjects are excluded by law => this procedure is not objective (Paust).

Therefore

All the subjects who can be treated by representative democracy must be allowed in Direct Democracy

Publication

- A legally arranged publication by the government, with an equal opportunity to express the arguments of all parties involved, is indispensable.
- The use of public money for unilateral propaganda must be prohibited.
- The brochures, like they exist in Switzerland and California, can stand as a model.

Also the Oregon type of information provision is a good example.

<http://www.healthydemocracyoregon.org/cir>

OTHER TRICKS



Ratification

- The hold off of ratification or conversion into law, after a successful binding referendum, is another example of political tactics.
- There must be a strict ruling about timing and automatic consequences if not respected.



Counter Proposal

- If the government has the right to propose a counter proposal to an initiative that got the signature threshold, this counter proposal must be delivered within a limited time frame.
- At this moment (2011) the Swiss government is using his right to propose a “counter proposal” to stall an initiative, successfully launched in 2008.

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CONCLUSION

In a true democracy there is no authority above the people.

They decide by themselves, whenever they think it is necessary.

This includes the right of secession and free association in a "bottom up" organisation

Questions to debate

- Do you believe we need to keep some sort of representative system? Do we need politicians?
- Is the trojan horse strategy a viable approach? Which obstacles do you anticipate?
- Would you propose another strategy to evolve to a real democracy?