

## **No Time for Castles: From Closed to Open Democracy**

**Article by H el ene Landemore**

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For proponents of deliberative democracy, today's representative regimes offer nothing more than illusion. Real democracy means people's power, and achieving it requires out-of-the-box thinking. We spoke to political theorist H el ene Landemore about her proposed alternative of open democracy and what this would look like at local, European, and global levels. As citizens' assemblies in France and Ireland offer valuable lessons, and with events from Brexit to the pandemic expanding the horizons of what is possible, there is no time like the present for utopian thinking.

***Green European Journal: Voting, elections, and parliaments are universally considered symbols of democracy. But amid the wider debate on the crisis of democracy, you argue that the problem is the system of representative democracy itself. Can you explain?***

**H el ene Landemore:** It helps to go back to the history of representative regimes in Europe. They originate in what historians call "representative government": governments where the law is made by elected legislators. These forms of government only began to be called democracies as of circa 1830 in the US and France, and 1870 in Great Britain. But the reality is that they were designed as an alternative to democracy as much as to monarchy. For their founders, democracy meant mob rule. It was chaotic and overly direct. Fear of the people characterises representative democracies from the outset. Yes, they were built on principles of popular sovereignty and consent - but that isn't sufficient for them to qualify as democracies. The everyday law-making process was carried out by elected aristocracies with the best and most virtuous at the helm and the people as a silent sovereign occasionally nodding from afar.

Throughout the 19th and 20th centuries, the franchise was progressively expanded to include non-propertied males, black people, and women. The one person, one vote principle helped us convince ourselves that we live in democracies, but this is still only the democratisation of the right to choose our rulers. The people never get to actually rule. Democracy, people's power, is about exercising power, not just consenting to it. It is about deliberating, shaping the agenda, and deciding outcomes ourselves.

***So the problem with representative democracy is that it excludes ordinary people from power?***

The model is fundamentally flawed. It gives too much power to too few people by design - not by mistake or accident. Even if the problem of money in politics was fixed, the system would still select representatives in an insufficiently democratic way and fail to tap into the diversity and wisdom of the larger public. This system disincentivises most people from

getting properly informed and voting in educated ways – in the end, it will be others doing all the work.

The solution is decentring electoral institutions. Even under ideal circumstances – a perfectly egalitarian society – elections rely on human choice which is inherently biased towards certain traits: charisma, social standing, height, and so on. Elections systematically cut off access to power for people who are too ordinary or shy to stand up in front of others. No amount of periodic renewal of elected representatives can change this fundamental fact.

**From what you describe as a closed system, you call for a paradigm shift for the 21st century: open democracy. What is open democracy?**

Open democracy is a system in which power is equally distributed, or equally accessible at the very least, to ordinary citizens. Everyone gets a chance to directly exercise legislative power – to define the laws that govern ourselves and others. Not all at once, but by representing and being represented in turn. The key body in an open democracy would be the open mini-public: a large body of citizens gathered for agenda-setting and law-making. Random selection would distribute the chance of participating equally and reproduce the diversity of the larger group. The mini-public should be connected to the larger public, receptive to their input, and capable of engaging in deliberative exchange. If it is secretive and closed off, it reproduces the problems of the old system.

Five institutional principles guide the idea of an open democracy. First, participation rights: putting power in the hands of citizens. The right to vote, but also the ability (with enough signatures) to put items on the agenda of an open mini-public (a citizens' initiative) or to recall an unpopular law (the right of referral).

*Democracy is about exercising power, not just consenting to it.*

Second, deliberation. According to the theory of “deliberative democracy”, laws are only legitimate to the extent that they pass through a deliberative exchange of arguments among free and equal citizens. Deliberation gives people a voice and a chance to agree or disagree with a law, contributing to making better decisions by tapping into the collective intelligence.

Third, majority rule. When there is no consensus, the only democratic way to reach a decision is to go with the larger number. Fourth, democratic representation. Representative structures are necessary because we don't know how to deliberate in the millions, and we can't always make decisions en masse. Open democracy is structured around democratic representation through random selection or self-selected representation, both of which allow equal opportunity of participation. Finally, transparency. Any political system can tend towards closure and the formation of in-groups. As an essential accountability mechanism, transparency prevents this by allowing people to see what representatives are doing in their name.

What would open democracy look like in practice? It is not a case of abolishing all elected institutions, but some of them, such as upper chambers like senates, could eventually be

replaced with randomly selected assemblies. Other reforms should aim to make our systems more participatory, deliberative, majoritarian, and transparent. Open democracy is a constitutional reform agenda.

**So this would be a gradual paradigm shift where representative and open democracy coexist as we move towards openness?**

I don't imagine any kind of revolution. Revolutions are bad in general; they are risky. The most probable way forward is a temporary cohabitation between electoral and open democracy until the latter becomes increasingly central. It would be a hybrid system for a while, which may be unstable or fail. But it could also lead to new, unpredictable institutional equilibria more favourable to the interests of ordinary citizens. In several countries, the power shift is already happening. Take the Citizens' Convention on Climate in France. At the beginning, it was a completely unknown body of 150 randomly selected citizens tasked with making proposals for curbing greenhouse gas emissions in a spirit of social justice. Little by little, those involved became empowered, organising local meetings, and the word began to spread. The French president met the Convention halfway through and towards the end ministers and parliamentarians were publicly engaging with its proposals. Within a year, the Convention had become a new political actor in the French system.

**How does the Convention sit with France's other political institutions?**

The balance is still fragile. Initially, the Convention's legitimacy came mainly, but not exclusively, from the "will of the prince" – that is, President Macron. After the *gilets jaunes* protests of November 2018, a "Great National Debate" was organised throughout France in 2019. During this debate, 12 of the 18 randomly selected regional assemblies converged on the idea that a new form of democratic governance was needed on climate and environmental issues.

President Macron promised that the Convention's recommendations would be passed "with no filter": straight into regulation, a parliamentary debate, or a referendum. Parliament, already sidelined in France's hyper-presidential regime, felt that its prerogative to legislate was being further undermined and questioned the legitimacy of the Convention. Some parliamentarians even called it "anti-democratic". This raised the question: who has the right to make the law on climate issues? The legitimacy of the elected chamber came into conflict with the fragile legitimacy of this group of 150 people nobody chose. I would argue that the Convention, being randomly selected, can claim to be more democratically representative. It can also claim procedural legitimacy because it was authorised by the president. But in a system where legitimacy is associated with elections, the Convention's proposals would probably only be granted full legitimacy if they were approved by French citizens in a referendum. And it might still happen – in the case of a proposed constitutional amendment, for example. Better still, however, would be a constitutional moment where the institutionalisation of recourse to random selection is debated and put to a referendum.

**For many, the Convention was a disappointment because some proposals – such as the mandatory deep renovation of buildings by 2040 – were not taken on board. Isn't it risky to tell people "you decide what needs to be done" and then ignore the parts of the answer you don't like?**

The French case is a recent and promising example of what an open democracy could look like, but it's not the ideal. In practice, the old system will of course try to co-opt democratic innovations to keep things exactly the same. It recalls [the Italian writer] Lampedusa's famous line: "Everything needs to change, so everything can stay the same."

*Instead of seeing this assembly as a threat, as some members of the French Parliament saw the Convention on Climate, Irish politicians viewed it as an opportunity.*

It is tempting for those in positions of power to use participatory experiments to legitimise the system while leaving the existing decision-making power structure untouched. It's a form of participation-washing whereby power tries to regain legitimacy in a period of crisis by appearing to listen to the people. This is a very dangerous move because the tacit or sometimes explicit promise of impact that goes with democratic participation cannot go unfulfilled for very long. It risks throwing frustrated people into the arms of the far right. Though not a very well-designed exercise with minimal uptake by government, the Great National Debate brought a moment of social peace after the *gilets jaunes* protests and temporarily improved Macron's popularity. People are willing to give participatory experiments a chance, but you cannot disappoint them repeatedly.

### **Have some places got it right?**

Ireland moved towards more participation progressively, first trying a pilot citizens' assembly and then a hybrid format. In 2012, there was an assembly around marriage equality that was composed of 66 selected citizens and 33 politicians, plus a chair. For several months, politicians and ordinary citizens worked together. It reconciled politicians to the process and, after marriage equality was passed in 2015, they decided to hold another citizens' assembly on the decriminalisation of abortion. In this one, 99 citizens were chosen at random. Instead of seeing this assembly as a threat, as some members of the French Parliament saw the Convention on Climate, Irish parliamentarians and politicians viewed it as an opportunity. The referendum decriminalising abortion eventually passed in 2018 with 66.4 per cent approval.

**Deliberative democracy is often criticised for focusing on rearranging the institutional furniture. Isn't the essence of democracy found in society? It's in the trade unions, the press, the social movements, the political parties - not procedures and voting systems.**

The associations that form civil society are essential. They are the software of democracy. But the hardware of democracy, which for me consists of the institutions structuring political power, is crucial because it shapes the incentives. Open democracy is about a set of institutional principles that, once implemented, form structures that can host this rich ecology of groups and social movements. Our democracies should be structured to be as open and porous as possible so that social movements can pour in, occupy the space, and express themselves.

Movements like Black Lives Matter have certainly managed to shape the agenda despite unrepresentative electoral politics, but look at the cost of doing things this way. Similarly, how many *gilets jaunes* had to be badly injured in protests for the government to listen? Rather than having social movements breaking democracy open by smashing things, we should make democracy open from the outset and invite people in. It is pre-emptive design: if you build a fortress, people must climb the walls and break windows to enter and exert influence, and bad things will happen at the margins. If you build a welcoming space, where people know they will be listened to, respected, and taken seriously, it's a completely different story.

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**There is a parallel with trade unionism. It's not uncommon to see French trade unionists rioting in the streets, but this doesn't tend to happen in Germany, because structurally they have a say.**

I am convinced that open democracy is not meant to apply just to government, but also to the governance of firms. Instead of a conflict between bosses and workers, with unions fighting from the outside so to speak, it's better to have something closer to the German model that grants workers structural power. They can influence business and strategic decisions not just in an ad-hoc way or because they have enough strength to apply pressure at a particular conjuncture, but because they have an official, permanent seat at the table with representatives on the board of directors.

**To return to the climate, does the scale of the ecological crisis demand this kind of open process for a democratic society to really take up the challenge?**

I am not sure it is about the scale so much as how climate is currently a very prominent issue. I was actually sceptical when I first heard about the French climate convention. It seemed an odd choice of topic – climate change is a highly technical, scientific, and global issue, surely requiring international summits between big polluters like China, the US, India, and Brazil rather than at the level of France, which is responsible for 1 per cent of emissions.

But no, climate issues are deeply connected to social justice locally and it's really important that people can tackle them at every level. Many of the Convention on Climate's discussions went beyond climate change: they talked about biodiversity loss, the disappearance of arable land, and the state of forests and the countryside. Essentially, environmental justice. From the global concept of climate change, the conversation moved to what this means personally, in terms of the air you breathe, the water you drink, and access to nature. Climate speaks to citizens' needs in a very fundamental way. The same could be done for other topics. Immigration is a taboo issue in many countries but in time, and through deliberation in mini-publics, the discussion would likely become much more practical, nuanced, and based on common-sense solutions than at present.

**Across the world, globalisation has reduced the power of national governments. Part of the rationale for the EU is to reclaim that power. Could open democracy contribute beyond the national?**

Absolutely. I recently wrote an essay having fun with the idea of a House of the People as a permanent institution of the European Union. I imagine a body of 499 randomly selected citizens from all over Europe. Angeliki, a Greek woman who barely makes ends meet running a bed and breakfast in Athens, suddenly gets a letter inviting her to spend the next three years in Brussels. She is excited because it represents a chance to shape the future of the whole European Union together with people from all over the continent, to make connections, to develop new skills, and to discover something new.

The European Union must recognise that it needs to introduce more participatory rights in order to become more democratic. Because good luck trying to put something on the agenda of the EU institutions as they are now! There are citizens' initiatives, of course, but they have many technical restrictions and require a huge number of signatures.

The EU also needs more deliberation – real and visible deliberation. That probably means giving much more power to the European Parliament, but it also means allocating resources for new forms of deliberative spaces.

In addition, the EU needs majoritarian decision-making. It is too often paralysed by unanimity requirements. If we are a European people, to solve disagreements, at some point we must go with the majority. Finally, the EU needs greater transparency. The European institutions are bureaucratic, opaque, and incomprehensible. For me, the Brexit vote was an explicit denunciation of the undemocratic nature of the European Union. I am not sure it was the right move, but I think that the diagnosis was correct.

**How might open democracy work at the global level?**

Imagine a random group of 1000 selected citizens from all over the world, gathered to deliberate issues such as climate change or global economic justice. Is it possible? Won't there be cultural misunderstandings? Should difficulties dissuade us from trying? I don't think so – we are only beginning to scratch the surface of what's doable. NGOs and academics are currently putting together the first global climate assembly to take place in the margins of the COP26 climate conference in Glasgow. It's already happening.

When I started writing my book *OpenDemocracy* a few years ago, some colleagues saw it as extremely radical, utopian, philosophical, and not tethered to reality. But a few years on, reality is catching up. The financial crisis, the election of Donald Trump, Brexit, and now the pandemic have all exploded the status quo and expanded the realm of what is conceptually imaginable. We lived in an era of narrow-mindedness with very little thinking outside of the box. It was capitalist social democracy with elected representatives and globalisation as an unconditional, unquestionable constraint. But now, fiscal constraints, balanced budgets, minimal state interference – all that has gone out of the window. If we can do anything at this point, why not an open democracy?

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