

New Answers to Old (and New) Criticisms

Source: Budge, I. (1996) *The New Challenge of Direct Democracy*, Polity Press, pp. 59–83.

3.1 Families of Arguments

Although a lot of specific points can be made for and against direct democracy, these tend to be particular applications of general lines of argument, and thus to have a generic resemblance to each other within broad family types. Table 3.1 attempts to classify all the arguments used in this book, not just in this chapter, so we have encountered and discussed the first two (consent and feasibility) already. Similarly we do not discuss the last two sets of arguments – on the position of minorities, and the international context – but take them up later (chapter 6).

Thus the main discursive families of arguments we deal with in chapter 3 are (3) the question of the coherence and fairness of policy-making under a popular majority; (4) the capacity of ordinary people to understand, let alone decide on, complex policies; (5) the consequent need for balance between popular consent and professional expertise; and (6) a new line of argument deriving from recent rational choice analyses, that voting in any collectivity has a high probability of leading to arbitrary and unfair outcomes, which legislatures may be better able to cope with than the mass population.

These types of argument are presented in a form critical of direct democracy, because they have been developed essentially as objections to any political move in that direction. The counter-argument favouring direct democracy, or at least rebutting the criticism, is put in the second column of the table. Essentially the case against direct democracy can be summed up as saying that ordinary citizens have little political sagacity or prudence, so that they will tend to make decisions hastily but also to be unreasonably attached to them. This will result in popular majorities being intolerant and tyrannical, a situation which can only be remedied by restricting and balancing their authority. Majority rule is also suspect because many decisions might have been different had they been voted on differently or at another time, or under different procedures which might have created an alternative majority.

The counter-arguments also group together into two or three types of rebuttal of these criticisms. A very general 'criticism of criticisms' is that they are not just against direct democracy but against democracy as such. Why consult the people at all, even to choose representatives, if they are short-sighted, unintelligent and overbearing? Is there not a likelihood that elected assemblies will share these characteristics?

Another line of reply related to this is that direct democracy may suffer from such defects but these are equally present in representative democracy – so other things being equal we would not be worse off from adopting it as a system. To this one can add that in certain ways mass participation might actually solve or ameliorate problems which afflict representative democracy, so to that extent the latter is not to be automatically preferred.

Looking at the generic lines of argument helps us see the wood before venturing into the trees. One cannot properly consider the case for and against direct democracy

without going into specifics, however, so we now consider the particular arguments one by one.

Table 3.1 Main types of arguments for and against direct democracy

<i>Against</i>	<i>For</i>
<p>1. <i>Consent and participation</i> Elections under representative democracy already allow citizens to choose between alternative governments and programmes.</p> <p>2. <i>Feasibility</i> It is not possible to have direct debate and voting in modern mass democracies.</p> <p>3. <i>Tyranny of shifting majorities</i> Without intermediary institutions (parties, legislatures, governments) no coherent policies will emerge — there will be instability, chaos and collapse of democracy. Direct democracy undermines intermediary institutions including parties.</p> <p>4. <i>Capacity of ordinary citizens</i> Ordinary citizens do not have the education, interest, time, expertise and other qualities required to make good political decisions.</p> <p>5. <i>Balance</i> The system most likely to produce good decisions is one where popular participation is balanced by expert judgement. This is representative democracy where citizens can indicate the general direction policy should take but leave it to be carried out by professionals.</p> <p>6. <i>Inherent structural problems of voting</i> All collective decision-making can be shown mathematically to lead to arbitrary decisions in a high proportion of cases.</p>	<p>Democracy rests on the active involvement of citizens in each major decision, which is promoted to the fullest extent by direct democracy.</p> <p>Electronic media (TV, telephone, radio, computer) allow interactive debate and voting among physically separated citizens.</p> <p>Direct democracy does not have to be unmediated. Above all, parties and governments could play much the same role as in representative democracies today.</p> <p>Professional politicians do not have a monopoly of expertise and interest. In any case they could play an important part in a direct democracy through political parties and other institutions. Participation also educates and expands citizens' capacities, which are not so limited anyway. Citizens currently do spend a lot of time informing themselves about politics through TV and radio current affairs/news.</p> <p>Expertise is important but not infallible. In any case it can be used to inform popular decisions. Present systems of representative democracy are heavily <i>imbalanced</i> against popular participation.</p> <p>The problems are generic to voting procedures, so afflict representative democracy as much as direct democracy. Certain features of decision-making may, however, reduce their probability of occurrence under both systems.</p>

<p>7. <i>Minorities</i> Those who vote against a particular decision cannot be said to give their consent to it, particularly if the same group(s) are always in the minority.</p> <p>8. <i>International context</i> More widespread citizen participation within States cannot affect the decisions of non-accountable bodies such as multinational corporations or world markets, which may have more important consequences for citizens than an individual government's policy.</p>	<p>Again the problem is certainly not worse under direct democracy than under other forms of democracy. But some features of direct democracy may reduce the probability that permanent minorities emerge.</p> <p>Again this is not a criticism of direct democracy as such. The solution is the formation of world and regional governments on a democratic basis.</p>
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3.2 Criticisms and Counter-criticisms: A General Review

To cover the full range of specific arguments, of which there are many, it is necessary to list and summarize them to some extent. For some, this is an adequate treatment. Many points have been raised by critics convinced that they had already knocked out the possibility of direct democracy with the feasibility argument. So their additional comments have been ill-considered. Once they are stated clearly it is obvious that they do not stand up – one major reason being that if accepted they would lead to rejection of democracy in *all* its forms. Other arguments are directed against unmediated mass participation but simply miss the point when applied to direct democracy with parties. A few have not properly come to terms with the saving of time and energy which comes from operating with electronic means, so they can be dismissed once this possibility is admitted.

Where criticisms have more staying power we come back to them later in the chapter. Some make a first appearance in this section, however, as it is impossible to demarcate one line of argument rigidly from another. We list them as follows:

(1) We begin with an often-used argument on the amount of time and energy which a fully participatory democracy would need in order to run properly. This is compounded by the fact that the commitment is really open-ended. The more time one side puts into political argument and lobbying activity, the more energy is consumed by the other side to counter them. At the extreme therefore everyone might have to join in full-time political activity which would be impossible to sustain, given economic, social and family demands. As a result one might see darker possibilities, such as the possibility that extremists would be the only ones with the time and inclination to stay and sway the decision in their own direction. This is the critique developed with great force by Dahl, for example, in his reflections on the student movements based on mass participation in the 1960s (Dahl, 1970, pp. 40–56) and which we have already discussed at some length in section 1.2 on the division of labour argument.

It must be said right away that this is a serious criticism of the kind of extensive face-to-face meetings advocated by Barber (1984), for example. The amount of energy and time needed for these would be great and possibly insupportable. As against this, however, four points can be made:

(i) Political debate need not be confrontational. Indeed it may have a function in resolving conflict and in persuading all concerned to adopt new common terms of reference (Miller, 1993). At least this may happen as often as it creates conflict.

Where decisions are simply imposed on affected groups, as often happens in modern democracies, then indeed alienation and apathy may result. Seen as a nonconflictual activity, participation may change in character from an imposition on participants to a solidaristic and worthwhile pursuit.

(ii) This might argue in turn for structures and institutions such as businesses being reformed so as to provide individuals with more personal space for greater political activity. At a time of immense pressures being placed on those in work, and increasing numbers outside it, such structural reforms might have beneficial economic as well as political effects. If citizens had working hours reduced by 5–10 hours a week to dedicate more time to political and civic affairs, is this self-evidently wrong?

(iii) These points tie in to the one that Barber above all makes – that after all participation can be pleasurable, and educational. The success of night classes and of the courses of the University of the Third Age and Open University, many of them concerned with contemporary history and society, attest the fact that large sections of the population want to engage in general discussion and learning outside work. Political engagement and debate could be part of a continuous learning process.

As a footnote, one could observe that the experience of mass participation on the part of the student generations of the mid- and late 1960s does not seem to have made them worse people. Retrospectively, their opposition to Vietnam and concern with the environment seem far-sighted and sensible. What violence and terrorism was generated (on the part of very small minorities) could be seen as a reaction to the unwillingness of representative democracies to make even small concessions, rather than a consequence of mass participation as such.

(iv) These points are debatable and indeed have formed part of the staple of debate on this subject for a long time. However, what is new and seems rather a conclusive argument against direct democracy imposing extortionate time demands on ordinary citizens is the evolution of electronically based debate and voting. Even daily votes would not seriously incommode the average citizen settling in front of the screen for evening viewing.

As for policy-related debate and discussion, it would spill over naturally from and into news and current affairs programmes. The phenomenal popularity of such programmes oriented primarily to politics (news programmes account for more than one-fifth of all viewing in Britain (HMSO, 1992, p. 178), surely testifies to an overwhelming public interest. This is closely related to entertainment. People actually enjoy current affairs and inform themselves of them as a way of passing time agreeably. Without labouring the point, general debate and discussion of issues being voted on would fit naturally into this context, and be supported by current habits and attitudes in regard to the media.

In short, the objection from time as a scarce resource misses the point, as it regards participation as an external imposition on individuals to be squeezed into a packed schedule, rather than as a diverting activity with which they *already* pass time (electronically). Combined with the other suggestions made by participation theorists, participation through the media seems relatively easy and builds naturally upon existing habits.

(2) This may all be true of the individual, so the input *to* mass participation may be assured, but what about the output *from* mass participation? Popular majorities have often been regarded as fickle and shifting, providing no basis for a permanent executive or consistent policies. Clearly this argument has a point, since if one thing emerges from comparisons of popular and parliamentary voting it is that the same disciplines cannot be applied to the former as to the latter. Decision-makers cannot

count on patronage or strong ideological gratifications keeping the populace as loyal as they do their supporting legislators.

On the other hand the political parties, as pointed out in chapter 2, do organize electoral majorities and in many cases have to rely on uncertain legislative coalitions which form and reassemble round particular measures, sometimes bringing the government down with them. The US Congress and the Danish Parliament are cases in point. Reliance on popular majorities would thus not involve tremendously increased instability in many systems. This is particularly true if the safeguards built into an institutionalized and party-based form of direct democracy are introduced. It is not unreasonable that they should be and they do not detract from the 'direct' nature of the system in the sense defined above.

Fears about shifting majorities stem particularly from projects for an uninstitutionalized direct democracy in which the population not only substitutes for Parliament but to all intents and purposes for the government too. Again we have a case in which criticisms attach particularly to one type of direct democracy rather than to the concept as such. But it would hardly be fair for example to criticize the 'Westminster Model' of strict single-party majority government for failing in sensitivity to minorities, and to regard this as a conclusive criticism of representative democracy as such, ignoring the greater number of minority-sensitive coalition governments which exist under representation.

To present a balanced argument, however, we should not speak only of the limits on what popular majorities can do. For one can certainly see them as making a positive contribution to the very characteristics which make democracy an attractive political system. If majorities do shift it is not necessarily because they are inherently fickle but because they are communicating something about policies: either that different problems are coming to the fore or that the government is not tackling current ones. In either case it is surely good that they should communicate the message. Institutional arrangements can be built in to ensure that the government has a reasonable stability. But if it persists in going consistently counter to majority wishes over a longer time period, should it not be forced to demit?

One can indeed shift perspective and change the terminology from majorities being fickle to governments being unresponsive. It is clear that in many types of representative system, whether 'Westminster' types often elected by a minority anyway, coalitions formed in direct contravention of election results, or executives elected for a fixed term, many measures are taken which are far-reaching, immensely disruptive to individuals and widely unpopular (Vietnam, or the British poll tax of 1989–93, for example). Is it not right, in democratic terms, that citizens should be able to react directly to these? The stock answer, that governments need to be able to take unpopular measures for the general good (which they know better than the population) invites the reply that in that case their superior wisdom should not have to be tempered by electoral considerations every four to five years. Criticism of popular unreliability, in other words, runs close to criticism of democracy in any form: if one cannot trust popular voting on particular measures, why should one trust it to choose the governors?

(3) This is often the juncture at which considerations of balance get raised. Popular voting may be shifting and unstable; however, it does provide messages to governments about popular reactions to their policies, which the prospect of a coming election forces them to take into account. The development of public opinion polls provides continuing evidence about popular reactions which was hard to get in the past; so do phone-ins and chat-shows. Representative democracy from this point of view has accommodated modern developments in information technology and pre-empted the need to get popular consent. In this way it can balance the necessarily uninformed and inconsistent reactions of the public with the expertise of legislators

and party politicians, to get a blend of responsive but also informed and firm decision-making. It is in this sense that it constitutes a superior system to any in which one of these elements gets out of hand.

The point that virtue is found in balancing different political elements in the Constitution goes back to Aristotle (1958, pp. 172–90) and more recently Madison (1787–8/1911, pp. 41–8). One could argue, however, that the party-based forms essential to the working of representative democracy today are hardly in the middle of a continuum but are tilted against popular involvement, allowing general popular reactions only a little chink to let themselves, possibly, be felt. The existence of a legislative buffer and infrequent elections in conjunction with a competitive party system puts a positive premium on manipulating public opinion and voting, by altering policy in the run-up to the election in order to produce prosperity and gain another term, then imposing unpopular measures immediately afterwards when elections are far away (Tufte, 1978; Margolis and Mauser, 1989).

The difficulty with public opinion, as participatory theories often argue, is that, if it is irresponsible and uninformed, this is because one is asked to make judgements without debate, and express opinions without immediate responsibility for the way they will affect oneself and one's associates. If it is necessary to emasculate expressions of popular opinion and to build so many safeguards against them, why again is it necessary to have them at all? Or, if they provide essential information, why not substitute polls for elections, since wise representatives and politicians will take popular opinions into account anyway? What is the unique virtue of elections if they simply tempt politicians from their considered courses of action, which are better for everyone than simply pandering to popular whims?

(4) If the special expertise of political professionals is discounted, however, would the institution of direct democracy (as distinct from the impact of the mass media as such) not destroy the political parties? These are often criticized from a participatory viewpoint as diverting and manipulating the popular will. Would any system of direct democracy not necessarily do without them, or at least weaken them, thus knocking out the major modern political innovation which organizes and forms opinion and helps it operate responsibly?

We have already tackled this question in chapter 2. A direct, unmediated form of direct democracy would indeed knock out the parties, like every other political institution and constraint. But, as I have argued before, this is not the only form direct democracy need take. In a pragmatically organized direct democracy parties would be invaluable for the purposes of focusing opinion and guaranteeing implementation just as they are in representative democracy. The critique just made of parties, as legislative buffers against popular reactions, is of their operation in the particular case of representative democracy with occasional elections and does not relate to what they might do were they made continually responsive to popular reactions.

(5) Mention of the parties brings us to the role of the professional politicians manning them, the men and women living off as well as for politics in Weber's sense (Weber, 1958; Mastropaolo, 1993, pp. 19–56). Distrusted as full-time organizers of conflict and agitators till the early twentieth century, they have come to be seen as equally essential to politics as their counterparts in the economic sphere – speculators, financiers and entrepreneurs – to the smooth operation of the market. And for the same reasons: they are the people who, to take their profits, persuade, organize and get things done, smooth the way to bills and administrative measures, bring together disparate groups, often creating a consensus but in any case facilitating the collective action which would otherwise not be undertaken (Olson, 1965).

Granting all these points, it follows from what has been said about parties that professionals can still play an important role in institutionalized forms of direct democracy (if not also in formally unmediated forms – even the Athenians had Pericles). Popular voting would require facilitators more, if anything, than legislative

voting. Only, they might be more wary of becoming obliged to special interests when operating in a public arena.

(6) Or perhaps not. One argument often brought against popular voting, even in representative systems, is that it is ill-informed and apathetic. Would this not lead to a situation in which, after the first novelty wore off, 'popular voting' actually degenerated to voting by small self-interested groups very open to manipulation by professionals with an axe to grind? Something of the sort often seems to happen with certain contemporary referendums, again California being taken as a worst possible case (even if Proposition 65, which attacked vested interests, did pass in 1986, cf. chapter 4 below).

While domination by selfish interests is a clear danger, it is not necessarily insuperable, for the following reasons:

(i) Where parties retain a role, it is in their interest to organize the vote and stimulate turnout and argument – in short to do all the things that parties normally do under present systems of representation.

(ii) A minimum voting level could be required for measures to pass. This would make it even more important for parties to stimulate participation.

(iii) From a participatory point of view greater opportunities for debate and participation stimulate greater engagement. Representative democracy can well be seen as institutionalizing popular inertia through its limitation of such opportunities. It would be unwise to claim there would be a magical transformation of popular attitudes after the extension of public debate and voting on policies but, combined with suitable civic programmes in schools and colleges and the opportunities offered for 'electronic' participation, some increase in popular attention and interest is surely to be expected.

(iv) Voting could of course be compulsory. Far from 'forcing people to be free', this has been a feature of many post-war representative democracies (Italy, the Netherlands, Belgium). Of course compulsory voting once every four years is a different matter from voting weekly or monthly, but the use of electronic means substantially reduces the costs involved.

(7) This, however, immediately opens the way to another criticism of direct participation – *should* decisions be swayed by the views of uninformed apathetics, pushed into voting solely by coercion? Does not this immediately discredit all the claims of direct democracy to higher moral standing? Does it not clearly demonstrate the superior merits of representative democracy where decisions can be made by informed professionals able to assess the arguments of specialists properly and to handle them correctly (Sartori, 1987, pp. 431–9)?

Here is perhaps the nub of, the whole argument against direct democracy: the mass of the citizens are not qualified to decide high policy, so they can be allowed to influence it only indirectly, by choosing those who are to decide rather than deciding themselves. This objection can be considered from several aspects. In the first place there is a contrast between individual qualities and collective decision-making. This is considered below. In the second place there is the question of the rights of the ill-informed. For example – is it self-evident that they should be excluded from decision-making for the whole society which includes themselves? Thirdly, the terms of the question itself should be examined – what is meant by knowledge and information in the political context? We consider each of these three points under separate heads below:

(i) It is of course by no means clear that politicians and legislators are invariably well informed. The mode by which legislators specialize in different areas, and defer to each others' opinions in areas where they are ignorant, is well known (Matthews,

1973, p. 32). The list of political blunders and errors, from the creation of vast deserts of concrete housing lacking elementary support facilities, to the food surpluses and disruptive effects of the European common agricultural policy, by way of colossal cost over-runs or blatant mistreatment of minorities inside many programmes, is enough to call in doubt any claim to superior wisdom. It is the self-corrective built in through its tolerance of debate and argument that makes democracy a superior political system. But in that case where is the objection to extending it?

Clearly on an overall, average comparison, legislators will show up as more generally informed and politically aware than the average citizen. However, there is an important distinction between the individuals involved and the collective process which leads to decision. The individual competence of the legislator hardly counts in representative systems with strict party voting: what matters are the capacities of the party leadership.

In a direct democracy with parties, therefore, the quality of decision-making would hardly vary from that of current Parliaments, both depending heavily on the guidance of the party leadership. Parties would have more difficulty getting popular majorities for their policy, but not insuperable ones. Indeed, the necessity of meeting and overcoming wider criticism and debate might even improve the quality of the policies initially put forward. While the proportions of the educated, informed and politically engaged in the population are clearly lower than in the legislature, the absolute numbers are of course vastly greater. On the argument that the quality of a decision is improved by greater expertise, opening it up to participation by more experts should surely help. (On the extensive survey evidence for the general stability and reasonableness of collective public opinion, see Page and Shapiro, 1993.)

These points are supported by evidence from Cronin's comprehensive analysis of the operation and results of popular referendums in the United States. These, he concludes, have 'generally been used in a reasonable and constructive manner', have 'almost always rejected extreme proposals', and citizens 'have generally acted in an enlightened manner and have not threatened minority rights' (1989, pp. 197–8, 212–14). We shall examine his evidence in relation to other accounts of these processes in the next chapter. But it makes a prima-facie case for popular majorities not necessarily being rash and ignorant. This point is also supported by the most recent analyses of American survey evidence on popular attitudes and opinions (Marcus and Hanson, 1993).

(ii) Wider popular participation certainly means that large numbers of ill-informed, unsophisticated elements in the population will also be given access to the debate. Some commentators have taken this as such a self-evident defect of proposals for direct democracy as to invalidate it from the start (Sartori, 1987, pp. 116–18). Better a representative system in which popular opinion can be read off from polls and entered as an element into the decision by professionals, rather than one in which the ignorant can directly affect policies. They have no moral right to participation and could only degrade the quality of the decisions.

Taking the last point first, it does rather assume that no important decisions are ever taken by majorities of ignorant legislators and that the quality of current decision-making *could* be significantly lowered within a continuing democratic context. Cronin (1989, pp. 210–11) finds no evidence from the US States that popular decisions are any worse than legislative ones. If parties continue as prime movers so that policy is essentially party policy, participation by the uneducated and unsophisticated is unlikely to downgrade the quality of decisions.

A wider question is that of their right to participation. Should the ignorant be *ipso facto* excluded from political decisions bearing upon them? The justification for doing so surely rests on some idea of their own and society's best interests being served by this – a generally better decision will be reached without them.

However, this ignores two significant considerations. In the first place political ignorance is not a static quality: people can be educated, and educated through debate (Barber, 1984, p. 232; Miller, 1993). This is shown dramatically in the televised experiment already discussed, where a representative sample of ordinary people were put through a series of televised seminars with experts. The interest aroused by making decisions on matters touching their immediate well-being is likely to increase the motivation for learning even on the part of disadvantaged sections.

Secondly, the definitions of general interest and 'best interest of a specified group' are problematic and debatable, and shaped by the perceived interests of those making the decision. One justification of the extension of rights to all, and also of pluralistic interpretations of democracy, is that all groups should have a voice to ensure that the decision reflects something of everyone's interests. As the uneducated, ignorant and unsophisticated are unevenly distributed over social groups, they are very likely to lose out by their exclusion (Parry, 1989).

Advocates of representation point out that such groups are able to vote for parties under existing democratic forms and that this gives them a certain leverage – but at the same time the party and legislative buffer prevents them destabilizing or rendering inconsistent the content of decisions. Again, however, these terms themselves are hardly fixed objectively: what may be stability and consistency to those whose interests are served by current decisions may be unemployment and discrimination to those excluded from them. Moreover, apathy is more likely to represent a negative protest against the political set-up than acquiescence in it; hence it reflects and to some extent creates the alienation feared by many theorists of mass society (Kornhauser, 1960, pp. 108–28).

Once again the argument against direct democracy in this context lends itself easily to general anti-democratic stances. If certain elements should be excluded from direct decision-making because of ignorance, why should they even participate in the selection of decision-makers? And if there are arguments for them choosing decision-makers, are these not the same arguments for them contributing to decisions?

(iii) The point has been made above that many political concepts, particularly concepts of interest, are themselves debatable. Here we should underline that terms like 'political ignorance' and 'expertise', 'uneducated', 'unsophisticated' and 'apathetic' are all controvertible from differing points of view. This is particularly true when they are regarded as static and unresponsive to changes in political circumstances. As I shall expand on this point in a later section it is only necessary to summarize it here, underlining one particular consequence. Accepting that personal characteristics are not static and that they change with political circumstances is to accept the thesis of participatory theorists that an extension of opportunities will itself change the political nature of many citizens from apathy and lack of interest, which produce withdrawal and ignorance, to involvement and interest, which produce more sophistication and information.

One need not go all the way with those who regard participation as a universal political panacea to see that it could have a certain motivating and educational effect.

Two general conclusions which emerge from these arguments and counter-arguments are that:

- 1 Arguments against direct democracy are usually directed against its plebiscitory, unmediated, uninstitutionalized form. They do not hold against direct voting guided and organized by the political parties, which is the most likely form it would take in contemporary societies.

- 2 Arguments against direct democracy, particularly in its uninstitutionalized form, have a habit of turning into arguments against representative democracy as well, since it is difficult to argue against direct policy involvement without casting aspersions on citizens' political abilities. The question then becomes: if they are themselves so bad at making decisions, why should they be allowed to decide on who *is* to make them? If this is answered in terms of elections making parties responsive, the counter-question is: why should they not be more responsive? It is hard to find arguments that discriminate between direct and representative democracy, rather than between democracy and less responsive systems, other than in terms of balance. But why should the balance stop where it does? Why should it not go on to more direct forms, particularly if major institutional features like political parties are retained?

The major argument to the contrary was formulated by James Madison in Paper X of *The Federalist Papers* (1787–8/1911), which can be summarized by saying that representation provides a 'filter' for popular opinion by subjecting it to deliberation and decision by the 'best' men, thus ameliorating its tendency to prejudice, passion and impulse. At bottom this is what most who see positive merits in representative democracy are implying, so the argument needs to be taken further in the next section and considered more deeply.

Many points have been taken as far as they can be in this review. But two other major arguments not considered adequately above require more extended treatment. These cover the other grounds on which so many criticisms of direct democracy base themselves: the lack of information and expertise of the public, which render their opinions on many subjects quite valueless. Section 3.4 looks more closely at what is meant by the terms 'informed' and 'ignorant' and the role of professionals and experts as compared to the average citizen. Section 3.5 builds on the previous discussions, by asking whether publics are inherently confined to reviewing personalities and past record rather than voting on policy-alternatives, because of an inbuilt instability in their decision-processes.

3.3 Representation as Filter: The Madisonian Argument

The most vigorous defence of representation as valid in its own right comes from James Madison (1787–8/1911, pp. 41–7, 263–7). Madison's argument starts with the desirability of thwarting the wishes of factions (who may constitute the majority), as these are mostly selfish and opposed to the general interest. Factional predominance has produced the hasty and unwise decisions of popular assemblies, while factional conflict has rendered them shifting and inconsistent.

As factions cannot be eliminated except by force, a free society has to live with them but at the same time moderate them. One way is by putting power into the hands of representatives, who are more likely to be aware of the long-term interests of the population than the population itself. Permitting citizens to vote on who represents them guarantees accountability and thus secures control over the representatives. But the representatives in turn come between the people and their wishes with their own critical political judgement, thus insulating public policy from their passions. (Indeed a double barrier is set up as representatives in the various government institutions need to concur for policy to be effective.)

Madison's arguments repeat many of the points reviewed above, but put them together in a unique and original synthesis. His position is a compelling one but is subject to equally forceful counter-arguments, particularly in view of modern developments:

- (1) Few modern democrats would argue against the need for political parties to organize and focus governments and elections. Yet these are the very 'factions'

Madison fears. A party voted in by a popular majority can in contemporary representative democracies do more or less what it likes (even in the United States, in spite of its separated legislative and executive powers (Budge and Hofferbert, 1990)). Madisonian arguments are simply outmoded by this development. Party control has destroyed the checks and balances he had in mind, and yet is clearly essential to the functioning of the system in modern times. Direct democracy would paradoxically impose more checks on the majority party's will than representative democracies now do.

(2) Madisonian arguments are also outmoded in another way. In the eighteenth and early nineteenth century legislators themselves constituted a significant part of the educated elite, with most of which they were linked in one way or another. When one talked of legislative 'filtering' therefore one was talking of a task performed by almost all of the educated and informed people in society, in contrast to the uneducated and highly localized and parochial masses.

The situation today is very different. The most highly educated are not even in the legislatures nor even closely connected with them. Instead they are in the media or the universities. Persons of wealth and position are in business. The balance has shifted so that to exclude the population from direct decision-making is also to exclude the most educated and those arguably best able to deliberate and decide. Representation may thus have directly opposite effects to those argued by Madison in actually excluding most persons of position and education from decision-making.

(3) Cronin's sustained research on direct popular participation in referendums (1989, p. 198) shows that voters judge shrewdly and are at least as competent as the corresponding legislators. They show little sign of being swayed by partial passions. The common reaction when unsure about or confused by a referendum item is to opt for the status quo (cf. chapter 4 below). Both systematic analysis (Cronin, 1989; Marcus and Hanson, 1993), and historical accounts (Smout, 1984) stress the moderation and pragmatism of popular movements since the Industrial Revolution, even though they were often spurred on by appalling conditions. Historical episodes like the French Revolution or the rise of the Nazis reflect the weakness and bankruptcy of ruling elites rather than the passions of the people (and in the last Weimar election a popular majority voted against the Nazis). Given this, enhanced popular participation might seem a bulwark for democracy rather than a threat to it.

3.4 'Information' and 'Expertise' as Criteria for Policy-participation

Modern developments therefore seem to have turned Madison on his head. If we want to involve the 'best' in decision-making we *need* to open it up to the population. However, a major argument of authors as disparate in other respects as Schumpeter (1950, p. 263), Plamenatz (1973, p. 194) and Sartori (1987, pp. 115–20) is that most citizens who would thus be let in to decision-making are incapable of making everyday political decisions and should for that reason be confined to passing judgements on their representatives in elections. The reasons for this vary: for Schumpeter it is their total lack of interest and involvement in politics; for Plamenatz it is the different criteria used by voters in deciding between parties compared to the expertise involved in decisions (one may sensibly choose between solicitors in complete ignorance of law); for Sartori it is the extreme technicality of political problems which make them difficult for professional politicians let alone ordinary citizens to understand (1987, 431–4). These observations may all be regarded as updating aspects of Madison's argument in line with modern conditions and hence deserve consideration on their own account.

While the various reasons given for excluding citizens from specific decision-making vary, they are not contradictory and are indeed in some ways mutually reinforcing. Lack of interest in the public sphere removes a major motivation for acquiring knowledge; this may well then lead to citizens making decisions on different criteria from those used by legislators. Sartori's criticism of the cognitive incompetence of ordinary citizens is more forceful in that it is seen as irremediable, given the complexity of modern decisions and their susceptibility only to technical and expert analysis. Experts are *de facto* acquiring more power, or at least more standing and influence than ever before, and on this ground alone it is inappropriate to argue for more direct citizen judgements on policy (Sartori, 1987, pp. 432–5). (But see the conflicting research evidence in Marcus and Hanson, 1993.)

Two answers can be given to this line of argument:

(1) Parry (1989) suggests that knowledge is not of one piece and therefore cannot be the monopoly of one group of specialists. (See also Dahl, 1989, pp. 67–9, 349 n. 5.) There is no one objective assessment to be made of nuclear risk, for example: the standard basis of comparison – number of past deaths per unit of output – can be challenged on the grounds that future conditions (and generating plants) are different from those in the past, so deaths cannot be projected. The nuclear industry as a whole is a good example of highly challengeable assumptions made by specialists which have been shown to be matters of opinion more than anything else. British nuclear generating costs were for many years shown as cheaper than those of conventional fuel. This, however, was because they were based on the first-generation Magnox stations, pushed many of the initial research and development costs on to the military nuclear programme, and ignored the prospects of increasing breakdown with age and ultimate decommissioning. Only when private business refused to purchase the nuclear part of the industry were alternative cost estimates made (as had been consistently urged by environmentalists and coal-miners).

These examples demonstrate that the unchallengeability of technical judgements is itself an element of political debate and subject to challenge. The relatively uninformed may not be able to make technical judgements directly, owing to their lack of relevant expertise, but they can always find or hire their own experts to challenge the original judgement and to suggest alternative tests or criteria. Sartori's view on the inevitable prevalence of technical experts ignores the fact that science and engineering are not closed bodies of knowledge. They are very open to new ideas and to debate.

Thus the claim that there is a hermetically sealed body of expert knowledge that overrides political judgement is itself an element in political debate and can always be queried. This frees political professionals from subordination to experts. And what it does for them it does also for average citizens, with their increasing access to media channels tuned in to debates between experts, documentaries and educational programmes. Far from being relatively less informed than in the past, the citizen is, *vis-à-vis* specialists and professionals, better informed.

(2) A second argument used by Barber (1988, pp. 199–211) is that public judgement on technical points comes into play only where experts disagree. If they are unanimous, citizens can vote on the matter without needing specialist knowledge (we know smoking harms health: should we then ban it or leave it to individual decision? — a purely political judgement). Where experts disagree about consequences, as on some aspects of genetic engineering or nuclear power, the public has to make a judgement in the area. But this is less a technical decision and more of a political evaluation: are the levels of risk tolerable compared to likely benefits? As pointed out

above, the public's assessment of risk may differ from experts', but is not for that reason wrong.

Ordinary citizens may well of course simplify decisions through devices like those specified by Plamenatz (1973, p. 194). They will for example project the past behaviour and ideology of a party on to what they might do in an unpredictable future: thus a vote for a left-wing party might be given, not on the basis of what it currently promises to do, but on the projection that, whatever happens, it will always keep up levels of welfare more than its rival(s) (Budge and Farlie, 1983, p. 30).

Plamenatz interprets this as a different form and basis of judgement from that applied by the political elite, though not less rational. Given the complexity and volume of the information available, however, it is clear that everyone must use calculating and simplifying rules of this kind. The specialist cannot be equally expert over the whole of his or her narrow field, still less over the whole of science. An easy way to decide on the balance of probabilities for a particular finding in a vaguely known but relevant field is to count the relative frequency of findings on the one side as opposed to others – hardly much different from the citizen adding up salient issues which 'belong' to one party or another and voting for the one with the largest number of preferred positions. The politicians consistently voting for the party position in legislatures on the grounds that it is probably right in areas outside their own expertise are using another simplifying rule. Nobody can operate without such rules – not even scientists with citation indices.

Citizen ignorance and inconsistency are often summed up in an example (McLean, 1989, p. 109). A majority of electors wanted tax cuts at the same time as a majority wanted welfare increased. Both alternatives were clearly endorsed by a majority. This can be interpreted as political naiveté – how else could welfare be paid for but by tax increases? To this an informed answer might be – by defence cuts, inflation, joining the European Union, foreign aid and economic growth. There are a lot of strategies, any or all of which might be pursued, but pervasive uncertainty about which might work.

Electors are after all not so naive. It is the tendency of experts and professional politicians to codify knowledge, to pretend or convince themselves that there is only one possible course of action, which makes them appear so – though often of course this is a political strategy of politicians to impose a solution rather than evidencing lack of sophistication on the part of citizens. Sophistication is usually measured in the way survey specialists define it, which often enshrines a partial and far from objective conception of what it is.

Simplified calculating strategies are used at all levels, not just that of electors; they are not products of ignorance and lack of sophistication but rational ways of coping with a complex and confusing world. Knowledge is not static but subject both to expansion and change from general discussion. The latter is much less likely to impoverish than to enrich it.

3.5 Voting Cycles, Instability and Majority Decisions: A 'Brick Wall' for Direct Democracy?

In discussing differences in knowledge and information between citizens and their representatives Sartori (1987, pp. 106–10) makes the (highly controvertible) point that the former have unstable opinions on most general matters but enough personal experience of how they themselves and the groups with which they identify are doing under a government to judge the representatives' performance. We have dealt with some of the relevant arguments above. By a somewhat different route two other authors (Riker, 1982; McLean, 1989) have arrived at essentially the same conclusion, drawing on social choice theory. We need to consider their argument

because if popular voting on policies, no matter how well-informed, is inherently unstable and shifting, and thus unable to reflect true majority opinion, this is clearly a conclusive rebuttal of the possibility of direct democracy even in the institutionalized form which we have been mainly discussing.

The argument takes its start from the well-known voting cycle phenomenon (Condorcet, 1785; Arrow, 1951). Succinctly put, the theorem states: 'a rational individual who prefers A to B to C must prefer A to C . . . it is always possible that majority rule is intransitive. In the simplest case, if voter 1 prefers A to B and B to C, voter 2 prefers C to A and A to B, and voter 3 prefers B to C and C to A, there is a majority for A over B, a majority for B over C, and a majority for C over A. Transitive individual preferences lead to an intransitive social ordering, otherwise known as a cycle' (McLean, 1991, p. 506).

It is easy to see how this pattern of voting might generalize over large populations, and how it could occur often enough to cast doubt on the pretension of any popular vote to reflect true majority opinion (McLean, 1989, p. 123). It would be equally likely, on the basis of these arguments, to reflect an arbitrary placement of topics on the agenda, or even deliberate manipulation of it.

McLean uses this argument as proof that the new electronic technology and a direct democracy based upon it will not overcome this inherent problem of voting procedures as such. Clearly, if we accept the inevitability of its occurrence in democratic voting processes, this point is correct. His discussion, however, concentrates upon *mass* voting and participation in relation to the possibility of its occurrence. This leaves the impression that in some way it is more likely to occur under direct than under representative democracy. But in fact, as McLean himself notes (McLean 1989, pp. 123–4) an increase in numbers voting does not raise the probability of its occurrence notably compared to an increase in the number of options being considered.

While he does not say so explicitly, the overall impression left by his discussion is that direct democracy at national level is unattainable, as it could provide no guarantees against the occurrence of cycles (McLean, 1989, p. 135). Riker on the other hand makes the explicit argument that popular voting is best confined to passing judgement on the representatives' record, as this does not involve cycles (Riker, 1982, pp. 1–25, 97–118). In this sense both support Sartori (1987, pp. 106–20), Schumpeter (1950, p. 263) and Plamenatz (1970, p. 194), who reach the same conclusion on the basis of the citizens' limited inherent capacities for political decision-making. It is indeed clear that to support representative democracy against direct democracy on the one hand and against more authoritarian alternatives on the other, one has to argue, even from relatively diverse initial premises, to a similar conclusion: citizens are capable of judging representatives but not of deciding policy. The argument from inherent limitations on intellectual capacity having been shown to be debatable, the one from cycles and inability to find a true majority emerges as crucial.

The problem, however, not recognized in these discussions is that it seems to apply with relatively equal force to legislative decisions. If the act of voting by itself generates inherent and unresolvable problems of arbitrariness and instability, this is going to apply to legislators as much as to populations.

It is true that various authors have pointed to institutional arrangements which may ameliorate the problem. For example, it has been suggested that legislatures divide policy into a number of separate areas and consider each individually through their committee structure, partly because this brings only one set of considerations into play at any one time. This separates out policy decisions and implies that on any one area there will be a unidimensional structure of opinion which makes it possible to find a fair and stable compromise between opposing opinions at the position of the median legislator. Taking a simple example, if almost half wanted to spend more on

defence and almost half less, it would not be unfair to settle on the current level of spending. As everybody would see this was the best they could hope to get on defence spending given other people's opinions, the decision would not be changed later on (Shepsle and Weingast, 1981).

A similar outcome would hold with other policy areas like education, environment and so on – *if* they were separated out from each other. If they were put together, so that decisions on education depended partly on what was done on defence, then the final outcome in each issue-area would differ from what it would be if these policies were discussed separately – it would not be the position at the median of each issue-dimension. But then it would not be stable either.

An advantage urged for legislatures is that this structuring of policy-areas, which they impose through their procedures and structures, does enable them to evade cycles. However, it could also be urged on behalf of direct democracy that (1) courts would rule that each separate issue should be put separately to the population as they already do with referendums (Butler and Ranney, 1994); (2) that citizens would naturally tend to view issue-areas as separable in this way in order to impose a necessary simplicity on their decisions. There are no obvious connections between such areas as defence, education and environment. Therefore they are likely to consider them separately (Budge and Farlie 1983, pp. 22–6) and avoid cycles (Ordeshook 1986, p. 250) just as legislators do.

There are other points to consider: for example, would legislators vote in a more strategic way than electors, lying about their preferences and bargaining to get a favourable result? Many of these points require supporting technical and background discussion, so we consider them in more detail in chapter 6, which examines the nature of debate and voting more closely.

A last point, however, can be made non-technically. Schofield (1985, pp. 292–9) has pointed out that forming a majority judgement about how government has performed involves much the same possibilities of voting cycles as does the formulation of preferences on a particular issue. Distributions over three judgements – the government has performed, well, indifferently or badly – could involve as much of a Condorcet cycle as deciding between issue preferences. This seems a conclusive argument against any attempt to attribute more inherent difficulties to direct popular voting on policies than on the election of representatives. The attempt to mobilize social choice theory against direct democracy encounters the familiar pitfall of arguing against the possibility of democracy as such, even in regard to retrospective evaluation of records, rather than against any particular form of it.

3.6 Conclusions

What this general review seems to show is that direct democracy cannot now be dismissed on grounds of impracticability alone, given increasing opportunities for two-way communication between citizen and citizen, citizen and opinion-former, and between citizens and governments. Unmediated voting with the citizenry acting as both legislature and executive is not the only form that it need take: there is no reason why popular voting should not be guided and organized by political parties just as legislative voting is now. Recognition of this last possibility subverts many arguments against direct democracy. Those which survive take on a radical tinge, tipping over into a critique of citizens' (and even politicians') capacity for making any informed collective decision at all – an argument which in the end ranges them against representative democracy as much as against direct democracy.

In particular, the attempt to draw a strict barrier between specialists' knowledge and that of the ordinary person seems based on a static and utopian conception of specialist knowledge which is essentially untenable in light of modern evidence.

Voting cycles, if they exist in practice, apply to all voting processes and not just popular ones.

The discussion demonstrates that better and more refined arguments need to be found against direct democracy if they are to stick. Perhaps more importantly, however, it suggests the main gulf lies between supporters of democracy as such and supporters of elitist and other alternatives. This is a point to be taken up in chapter 7 below.

We cannot regard the debate as concluded at this stage. A substantial role in the evaluation of arguments on both sides of the debate has been played by factual assertions about how direct democracy would operate once it was introduced. These cry out to be checked against some evidence to see if they are true or not. Can we expect disaster from moves to mass participation? Or does it on the contrary improve the quality of debate and policy outputs? How well do parties cope? Even if the evidence is mixed, we can learn something from the experience of polities which have tried to extend the scope for mass participation through referendums and initiatives.

In chapter 4 we accordingly look at the systems – some US States and Swiss cantons, Federal Switzerland itself and Italy – which, though representative democracies, have allowed popular votes to count on important issues. We are interested both in the processes and outcomes of popular decision-making, and in how these have affected political parties, which have been cited at many points in this chapter as guarantors of stability and coherence in a mediated form of direct democracy.