

Liquid Democracy versus Direct Democracy through Initiative and Referendum: Which Is Best?

Liquid democracy (LD) has been adopted as the basic model of democracy of, among others, many Pirate Parties. It is supposed to be a practicable alternative to both representative (RD) and direct democracy (DD). But is this really the case? I believe this view is based on a misunderstanding of how modern direct democracy systems (with the main example of Switzerland) actually work. In this article, I argue that the attractive features of LD are already incorporated in modern DD systems in the form of initiative and referendum (I&R) as it functions today in e.g. Switzerland. At the same time, LD has some clear weaknesses that make it both impracticable and undesirable. DD through initiative and referendum, not LD, is the way forward.

By Arjen Nijeboer, May 2013

The merits of liquid democracy (LD) are often described as follows. Direct democracy (DD), meaning all citizens take all political decisions themselves through popular assemblies, is desirable as it equally distributes power among all citizens and allows everybody to have a say. But it can only work in small, simple communities as they existed in the past (e.g. ancient Greece). Modern states, however, are too large and too complex to be governed by popular assemblies. People don't have the time and knowledge to take all decisions directly, so direct democracy is both impracticable and undesired. That's why representative democracy (RD) was introduced. People give away their voting rights to representatives, who decide in the name of all voters. But RD has many disadvantages: representatives can take decisions that go against the will of the majority of citizens, citizens become alienated, political party ideologies with their fixed packages come to dominate the democratic system, etc. Now LD is said to be the ideal mix of direct and representative democracy: people can still vote themselves on any political issue, but they can also delegate their vote to a fellow citizen, who can also again vote himself or delegate his vote to yet another citizen or politician. Moreover, this can be done separately for any issue. Citizens can decide at any time if they want to take part in decisions or if they rather give a mandate to someone else. This way, a highly complex pattern of delegations and proxy voting appears. Finally, software such as Liquid Feedback makes it possible to not only vote, but also open a discussion channel between citizens and politicians, so they can inform each other and learn from each other.

But a careful analysis of modern I&R systems shows that they are already a mixture of direct and representative democracy, and that all of the above features of LD are already present there.

The Swiss example

Let's take the example of Switzerland, which is the only country in the world to have a fully developed I&R system up to the national level. Through elections, citizens give a mandate to representatives, who reside in the parliament. But if enough citizens raise their hand (by signing a petition) the mandate for that particular decision goes back to the citizens who then decide directly through referendums. Besides voting on laws that have been prepared by the representatives (for

which 50,000 signatures must be gathered), citizens can also put their own law proposals to a vote. Regular Swiss citizens can write their own law proposals, and if they gather 100,000 signatures, the government is obliged to put the proposal to a vote. Besides, the Swiss constitution says that in a number of cases (such as constitutional changes) the issue always has to be put to a referendum. Votes are always binding. An important feature is that there are no turnout quorums: votes are always valid, even if only 5% of the citizens vote. This is important because of the mandate principle: those who do not participate, de facto give a mandate to those who do vote. So the group of voters must be able to decide without further requirements. All national, cantonal and local referendums and elections are combined in two to four voting days each year. Prior to a voting day, all citizens receive an official voter brochure in the mail in which the government summarizes the issues at stake, and in which both the yes- and no-campaigns get equal space to give their arguments. Voter participation averages 50%. The Swiss system is totally based on the principle of popular sovereignty, meaning there is no power above the citizens that can enforce laws that the citizens don't want. Through I&R, citizens basically have the same decision rights as politicians do, and the citizens can always have the final say if they want to. All I&R rules and regulations are in the Swiss constitution, and this can only be changed through a popular vote. So Swiss politicians cannot even change the I&R system unless the citizens agree.

In the Swiss system, citizens have all the possibilities that LD wants to give them. Citizens can either take political decisions themselves, or decide (through non-activity) to let the parliamentarians decide, or decide not to decide at all by not taking part in any political activity. If citizens want to trust another citizen, politician or organization about how to vote, they can simply follow the view of that person/organization and vote accordingly. They don't formally have to hand over the power to that person to decide, and abstain themselves from voting (proxy voting). Why would they? Formalized proxy voting is an unnecessary complication of a process that already de facto exists in a well-designed I&R system.

Unnecessary complication

That is my main critique of LD: through unnecessary formalization of proxy voting, it complicates a voting process that should be as simple, transparent, orderly and fraud-proof as possible. Let's elaborate on that. First, citizens must be able – as much as possible – to understand and oversee the democratic system as a whole, including where the mandate(s) lie, in order to create the transparency and trust in the system that any democracy needs to survive. Second, all citizens must be able to use a democratic system, not only young and highly educated internet nerds, but also your 83-year old grandmother and your 18-year old neighbor who has only finished primary education. Third, proxy voting differentiated by topic as proposed by LD may give rise to lack of clarity and conflicts. If I have delegated my vote when it comes to privatizations but want to vote myself on healthcare, what to do when a privatization of hospitals comes up? The more complex the delegation of votes, the more time and hassle it costs to arrange everything – time most citizens don't have or don't want to spend on such issues. Fourth, a voting system should rely as little as possible on complicated computer systems that can only be understood and controlled by the few agencies and people who run them. LD, with its highly complex patterns of delegations, is only possible through highly complex and intransparent software systems. In the Netherlands, voting computers have actually been abolished after a campaign by internet pioneer and hacker Rop Gonggrijp, who pointed out the inherent dangers of fraud by the government and highly specialized professionals. The

Netherlands went back to pencil and paper, which are much less prone to fraud, among others because the counting of votes is much more decentralized and the process can be checked and recounted much more easily by non-specialists.

That's why the majority of citizens, if given the choice, would probably prefer I&R systems over LD. And in a democracy, the form of government is by definition supported by the majority.

Simplicity and transparency are preconditions for any voting system. The Swiss I&R system meets these demands, LD does not. Maybe LD can work well inside relatively small political organizations (such as the Pirate Parties) with people who know and trust each other because of their shared ideologies, but not in states where all kinds of people – who do not know or necessarily trust each other – have to live together.

Moreover, I&R systems are much easier to introduce in today's political systems than LD. LD requires a total rebuilding of democracy and a substantial re-education of citizens. I&R only require the adding of a few simple I&R instruments to existing political systems, which for the rest can remain unchanged (unless they have other problems – however those problems can be solved through the use of I&R so the introduction of I&R would logically be the first step to take). I&R are already known to the public at large. Opinion polls everywhere in the West show that roughly between 70 and 85 percent of the people want the introduction of I&R. If you ask them if they are in favor of liquid democracy, you only get puzzled faces – even as you try to explain it. I&R have proven itself as a successful model for large state democracies (not only small private organization democracies) for over a century – LD has not.

Internal party democracy

Apparently, some new political parties want to introduce “DD” or LD through a change in the internal party structure. They want the members of the political party to be able to control the voting behavior of the elected representatives of the party. This way, they argue, a change of the state democratic system wouldn't be necessary. For several reasons, I don't think this is the way forward. First, representatives should not be puppets on a string. As long as their mandates aren't taken back by the citizens, representatives should have the freedom to follow their own insights, intuitions and conscience. Second, if you base a democracy upon a voluntary organization, it's guaranteed that you will see a break-up of the internal party democracy when things really come to a head. Democracy should be a guaranteed at all times, through state laws. Third, if only a small political party has “internal party DD”, its influence upon the democratic system is small if not irrelevant. It would only have a decisive influence if at least a majority of representatives would belong to parties with internal DD. But then it's not necessary anymore to realize DD through internal party democracies – since a majority is in favor of DD as a principle, it is easy to realize DD within the official state democracy.

Discussion channels

What about the discussion channels between citizens and representatives that are opened by LD software such as Liquid Feedback? Again, such discussion channels already exist in I&R societies. They aren't limited to the internet there (let alone a single piece of software) but they consist of a very broad range of means of communication and information: TV, radio, print publications,

discussions within all kinds of organizations, internet discussion forums, ad-hoc public meetings, Twitter and Facebook, talks at the hairdresser's, you name it. People themselves decide who to listen or talk to, what communication channels to use for that, and even whether they want to debate anything at all. It is unnecessary and undesirable to limit discussion channels to a single piece of software. It must also be recognized that discussion and voting are separate processes with a totally different dynamic. The discussion and visioning process should be as free and unregulated as possible, while the voting process must be fixed by clear and simple rules. In fact, research shows that the internet actually scores quite low in the list of information sources used by Swiss citizens; most people rely on voting advice given by all kinds of organizations through the media, and the official voter brochure that we mentioned above. This even goes for young people. The internet is not a necessary precondition for direct democracy. Switzerland's current I&R system was basically introduced between 1848 and 1891, even before the large-scale introduction of electricity. Radio and TV didn't exist back then (not to speak of the internet) but the I&R system functioned just as well.

The practical means of communication or voting are not the problem. They have already existed for centuries, and computers and the internet are a welcome addition to them but not an absolute necessary precondition. The main problem is the willingness of politicians to share power with and to listen to the citizens. The introduction of I&R, with the right set of rules and regulations, ensures that the people always have the final say, whether implicitly (because they allow the politicians or other citizens to decide) or explicitly (because they take back their mandates and decide through I&R, whereby they can always freely follow voting advice given by others). In other words, a well-designed I&R system restores popular sovereignty: the principle that there is no power above the citizens, that laws only have authority because citizens have been able to approve them in some way. In such a situation, politicians can't do anything else but to listen carefully to citizens, to really engage in discussions with them and to carefully draft laws so that they have the broadest possibly public support. Otherwise, politicians would face defeat after defeat at the polls. In fact, in Switzerland the I&R system forces politicians to form broad coalitions in which every part of some size is included. Through I&R, the opposition parties can launch referendums and initiatives and also win some votes if the public supports them. That's why opposition parties and citizen groups in I&R countries are taken much more seriously than in RD's.

The way forward

This article hopefully demonstrates why the struggle must concentrate on gaining the political rights of the people to have the last say, not on discussions about software. Whether people vote through the internet, through snail mail or through polling stations is really a secondary matter. In Switzerland, you can actually choose whether you want to vote through the paper mail, polling stations, and (in some cantons) also the internet. Wherever internet voting is allowed next to snail mail and polling stations, no less than 85% decides to vote through paper mail while only 10% uses the internet. Let's not forget that the customer is always right.

About the author

Arjen Nijeboer is a journalist and author. He is spokesperson of the Referendum Platform (the Netherlands), a co-founder of the Initiative & Referendum Institute Europe and a member of Democracy International. With Jos Verhulst, he wrote Direct Democracy: Facts and Arguments about the Introduction of Initiative and Referendum (Brussels: Democracy International, 2007) (free download in 8 languages at www.democracy-international.org). Please see this publication for further information on how modern I&R works, and for scientific references to the facts and views mentioned in this article.