Government of Armenia
Ministry of Foreign Affairs
Gouvernement de l'Arménie
Ministère des affaires étrangères

COUNCIL   CONSEIL
OF EUROPE   DE L'EUROPE

FFD(2010)3.2A

Strasbourg, 29 September 2010

Council of Europe
Forum for the Future of Democracy

Yerevan, Armenia
19-21 October 2010

Perspectives 2020
Democracy in Europe -
Principles and challenges

Issue paper: Working Session 2A

Democracy and Representation

Document prepared by:
Prof. Dr. Alexander H. Trechsel,
European University Institute, Florence

Representative Democracy in Dire Straits

Prof. Dr. Alexander H. Trechsel,
European University Institute, Florence

Introduction

Modern, liberal democratic governments around the world are predominantly shaped by the idea of representation. To summarise, this means that a few are democratically chosen to safeguard the needs of the many. Parliaments, executives and judges are elected or appointed through various forms of selection mechanisms.

Through term limits and the need for re-election/selection, the members of these instances, with some notable exceptions, such as US Supreme Court judges, exert power for a well-defined and finite period of time. During their office, MPs, ministers, judges and other public office holders represent voters, non-voters, parties, their very institutions, the law, their local, regional or national authority and, vis-à-vis the exterior, their country.

Together, members of these instances of representation form the political, parliamentary, administrative, judicial elites dominating the world of representative democracy. For many, citizens, to paraphrase the Austrian economist Joseph Schumpeter, should only be called upon every four or five years, simply to (s)elect this elite, capable of "taking care of things" on their own.

This system is supposed to work well. In fact, it arguably did work well for a long time, at least until systems in which elites simply represented other elites started to open up. Former "non-citizens" became enfranchised (ordinary men and women, the young, migrants) and could organise in movements and parties representing their interests. Today, however, this seemingly well-functioning system of representative democracy is under serious stress.

Growing challenges to democratic governance

Six years ago, a group of scholars and practitioners associated with the author of this Issue Paper and Professor Philippe C. Schmitter were given the opportunity by the Council of Europe to jointly reflect on "where we are" with democratic processes, actors and institutions in Europe, where the latter were going and what the future could and should look like. The outcome of this endeavour is the publication entitled *The future of democracy in Europe – Trends, analyses and reforms*.[1] This short Issue Paper will not repeat what we described back then. However, I would argue that our diagnostics regarding both challenges and opportunities for contemporary democracy hold true. Also, some of the reform proposals remain just that: proposals. Others saw the light of day in various forms and at different levels of democratic government in Europe.

---

[1] Philippe C. Schmitter, Alexander H. Trechsel The future of democracy - Trends, analyses and reforms (2004) , ISBN 978-92-871-5570-2

However, some of the challenges to representative democracy in Europe were arguably either neglected or underestimated in our work. In this paper I would like to highlight some of these challenges which in my view have become of growing importance for democratic governance.

First, we identified growing pressure "from above", at the macro-level, created by processes of globalisation and European integration. These challenges did not vanish; on the contrary, they have led to constrained democracy, where more representatives decide about less.

Secondly, we identified challenges developing within society, at the micro-level, among citizens and the organisations trying to represent them: inter-cultural migration, changing demographics, individuation, a sense of insecurity, discontent among citizens, and distrust of the institutions, leading to protest.

Peter Mair, Professor of Comparative Politics at the European University Institute, recently diagnosed democratic government – particularly in Europe – as being caught "between a rock and a hard place". On the one hand, national governments and legislatures are less and less able to decide autonomously about the fate of their country. Instead, they must follow mandates "from above", given to them by the International Monetary Fund, the European Court of Justice, the European Convention on Human Rights, the European Central Bank and so on. For Mair, this is the rock. The hard place is a distrusting, critical and increasingly emancipated electorate, with its own demands and mandates for the polity. Representative democracy therefore gradually loses the degree of leeway it once enjoyed. In hard times, under the weight of the current economic crisis, these rocks and hard places do not get any softer.

There are two supplementary challenges which I would like to highlight here and that we arguably failed to treat sufficiently in our analysis six years ago. In our defence, we could suggest that it was not possible to address these challenges back then simply because the latter did not yet exist. But this is not entirely true, as we did, in fact, detect their existence but failed to imagine their combined effect. I refer to the immense change in modern, digital technology-induced communication and its capacity to create participatory democratic innovations.

With the advent and dizzying diffusion of the internet as the platform where most forms of informational exchange is destined to take place, the control of representative institutions over society has gradually crumbled. Today, citizens can individually and collectively track the physical movements and oral declarations of their representatives, (almost) wherever they go and wherever they are. Hiding from the publics' view is not possible anymore, as even attempts to control the media become obsolete with grass-root citizen online journalism circumventing censorship with ease.

It is true that the internet may bring representatives closer to the citizens, with their existence and activities being only a mouse-click away for anybody interested. It is also the case that modern information and communication technologies can foster participation of citizens in representative democracy, for example through internet voting. However, the apparent proximity of electorates to their representatives is often reduced to trivia, scandals, shows and entertainment.

Paradoxically, as public scrutiny deepens, the distance between rulers and the ruled regarding substantive politics stretches further apart. Bernard Manin's "Audience Democracy", where politics were made on the stage for a passive audience now has become a "Paparazzi Democracy", where citizens become actors themselves, controlling and interacting with their representatives. In a sense, mobile phones equipped with

cameras and internet access, social networks and digital skills allowed citizens to climb the stage of politics. In this way, the participatory logic of the Web 2.0 and its possibilities contain the potential to transform profoundly representative democracy.

Threats from direct and participatory democracy?

This brings me to the second challenge for representative democracy that we might have underestimated six years ago: the growing number of direct and participatory democratic mechanisms. A few decades ago direct democratic institutions such as the referendum and the popular initiative occasionally complemented representative forms of government. Today, direct democracy can be found in most polities and at all levels of government, from the local to the supranational.

Furthermore, new forms of participatory democracy have emerged. Starting off as experiments, such as the participatory budgeting process originally developed in Brazil, democratic innovations have gradually sedated on the institutional soil of European polities. In particular, policy-making processes opened up to citizens and civil society organisations through deliberative forums, citizen juries, participatory budgeting, citizen consultations and many more.

Once implemented, these institutions tend to become stable elements of democratic life. In most cases, however, they also weaken representative government. They introduce a *continuous* involvement of citizens in politics. The times when citizens chose their representatives in an election and had to wait for the next election before being able to be heard again are over. Citizens and civil society have become permanent actors. The biggest losers of this development are political parties, once the most important players in the democratic realm.

When pushed too far, the process of opening up to participatory democracy can quite simply harm democracy. The long-term is gradually replaced by the short term and legislating is exposed to a good deal of uncertainty, as an active citizenry can continuously change policies.

At the same time, popular demands arise which openly violate basic principles and values of modern, democratic societies. The recent popular vote in Switzerland prohibiting the construction of mosques and, in that same country, the launch of a popular initiative in the summer of 2010 asking for the re-introduction of the death penalty, clearly show the limits of direct democracy – egregious discrimination and human rights violations cannot be excluded from the set of outcomes of these participatory processes.

The combination of the two challenges - modern information and communication technologies on the one hand and participatory democracy on the other - can lead to a weakening of some fundamental institutions of representative democracy such as parliaments and political parties.

Online forms of democratic innovations - such as online petitions or initiatives - and grass-roots controlled tools such as online voting advice applications allow citizens to learn more about their demands and the available offer. If not satisfied, these innovations give them the opportunities to act independently of the traditional elites.

In this sense, these challenges also offer opportunities, particularly when they are bundled. The internet allows a larger proportion of the citizenry to take part in the democratic life of modern, liberal polities. It

also allows people to debate and connect across great distances and across borders. Participatory institutions and practices become more widely diffused thanks to internet technology.

However, clear limits have to be set to the proliferation of non-democratic demands funnelled through such democratic processes. The scourge of discrimination and human rights violation needs to be fought with every available means in order to preserve the values and principles upon which democracy – including representative democracy - is built.

Conclusion

Representatives can no longer act like Schumpeter once suggested, and "take care of things" between elections. This is so because, on the one hand, they are no longer left alone. On the contrary, their acts are scrutinized and their behaviour is monitored on a permanent basis. On the other hand, they are no longer on their own. Instead, ordinary citizens have started taking their place on the stage, and have begun to take decisions and propose new issues to be put on a common agenda in between elections. Both scrutiny and co-decision are enhanced by modern information and communication technologies. Therefore, representative democracy as we know it is in dire straits; but whether democracy in general is also in dire straits is probably more open to question.

The potential role(s) to be played by the Council of Europe:

- continuous and deepened protection of human rights;
- standard-setting through the identification of best practices;
- democratic auditing;
- dissemination of expertise;
- going beyond monitoring.

Points for discussion

- How can representative democracy open up to participatory democracy without endangering its own functioning?
- Where are the limits of participatory democracy?
- How can modern communication technology be used to bring representatives closer to the electorate?