The Psychology of Direct Democracy
Particracy, Dictatorship, Totalitarianism and Social Capital

- Content:

- Abstract:

In this document:
We take a brief look at the history of our political system of today, a so called "representative democracy" (Belgium).
 - note how a revolution that installed an "electoral aristocracy" became a "democracy in name" but a "particracy in reality" and why this is not sustainable.
 - recognize the risk to an evolution towards totalitarianism or dictatorship.
 - explore the basic elements of the ancient "Athenian democracy" who consisted of the decisive power of the citizens and the political use of sortition, and how these instruments are, or can be used today.
 - explain how sortition risks to become a tool in the hands of vested interests and non-evaluable specialists, at the cost of the trustworthiness and integrity of the sortition system itself. Some proposals are even moving in the direction of a klerocracy (type of oligarchy).
 - investigate the unsuitable design, for the legislative level, of some instruments who are using sortition in some form or combination. This includes the instruments for influencing legislation.
 - present the components for a definition for "image of society" or "mini public" appointed by sortition in order to avoid suggestive naming and deception.
 - show how and why the democratic instruments of referendum and petition are providing the much needed "social capital" and why technological evolution can be a threat.
 We present a conclusion, propose some general constructions and refer to our previous work as a guideline.

- Introduction

 For those for whom psychology is an uncharted territory, as it is for me, the following, somewhat limited, definition has been retained for the preparation of this document:
 psychology: the study of what motivates people, how they behave in groups, and how emotions and behaviors come about.

During my acquaintance with "direct democracy", which started with the participation of a new political party in the Federal elections in 1999 *[1], I always wondered why so many people dislike our political system, the so-called "representative democracy" and why "direct democracy" would be able to provide an answer.

Recently, the question was added as to whether direct democracy could avoid the evolution towards a dictatorship, an authoritarian or totalitarian regime.

The increasing aversion to "democracy" is also due to the fact that politicians, academics, writers and journalists, among others, keep wrongly referring to our political system as a "democracy" when in fact it is, by origin, an "electoral aristocracy "*[2]. This "electoral aristocracy", with some "democratic elements" enforced after long struggles such as the universal suffrage, then further evolved into a particracy *[3].

The further evolution towards democracy virtually stopped in most European countries *[4], partly due to the "world wars" (1914-1918 /1939-1945). The political system did continue to evolve towards democracy in a few countries and states such as Switzerland, half the states in the US and a few others *[5].

- The first phenomenon that was indicated as the "cause" of the aversion to our political system was "particracy", the political takeover of power by the political parties.

- It then became clear that the so-called "representative democracy" is not a democracy at all but that the designation "democracy" is used as electoral propaganda by politicians who are completely opposed to "democracy." The political system installed after the French/American revolution is an elitist "electoral aristocracy " *[6]. The casual reference by our politicians to "our democracy" and "our democratic values" is misleading propaganda. However, the citizen feels, without always knowing the real facts, that our political system is based on a lie *[7] and disgust is only increasing.

- What is "direct democracy".

Throughout its long history, "direct democracy", although by definition the citizens themselves can decide how this system works, has remained virtually unchanged in its basic form.

Although "Town meetings" still exist, this legislative body evolved in most cases to
> ***"the decisive referendum at citizens' initiative".***
- The referendum is decisive, there are no excluded subjects.
Usually the decision is made by simple majority.
In Switzerland they apply the "double majority" system (cantons and citizens) that has demonstrated its acceptability (legitimacy) over the years. With the double majority, a better geographical and cultural representation of the majority is sought.
- The decision-making method is a referendum in which every citizen entitled to vote can participate.
Participation is free, there is no participation quorum *[8].
If one does not vote oneself, one gives a mandate (proxy) to those who do vote. In contrast to elections, the mandate is limited to the subject to be decided on, so people know in advance what they are voting for or giving a mandate for.
- The referendum is exclusively an initiative of the people.
The plebiscite or government-initiated referendum is not a democratic instrument.

There are various specific applications *[9], but these do not detract from the basic principle. The only exception is the "compulsory referendum", which obliges the government to organize a referendum in some specific cases, e.g. in the case of urgent legislation *[10], a proposal to amend the constitution or the ratification of international treaties.

- Particracy, Dictatorship , Totalitarianism and "Direct Democracy".

 It is clear that the system of "electoral aristocracy", sailing under a false flag, through frustrating powerlessness [11] generates an ever-increasing aversion so that citizens seek a way out. Not infrequently, this results in increasing success for authoritarian parties that exude more power for the citizen while challenging the established powers, but which pose a great risk of evolving into a dictatorial or totalitarian regime [12] in which ultimately the citizen has no input at all and he himself as a free individual is destroyed.
 This situation is similar to the state of mind of the terrorist who destroys himself but finds satisfaction in doing so by taking with him a number of people who, actively or passively, have put him in the position of total powerlessness [13]. This way elections are no longer a choice between political programs but a settling of scores with the establishment [14].

 It is noteworthy that in the totalitarian regime we find often the same altruistic individual commitment as in direct democracy, the individual decisions are not solely motivated by self-interest. But in the authoritarian regime this altruism is destructive while in direct democracy it is constructive and oriented towards the common good.
 This evolution toward authoritarianism is also facilitated by the ever-increasing social "atomization" or individualization of citizens. This atomization has the effect of destroying "social capital." [15]

- Social capital.

 We define social capital as "features of social organizations, such as networks, norms and trust that facilitate action and cooperation for mutual benefit (Putnam 1993 p. 35)".
 There is also a connection between "social capital" and trust between people and trust between citizens and the government and its institutions [16].
 It is clear that for the formation of "social capital" freedom of association together with freedom of expression is an absolute and necessary condition. This is in contrast to dictatorships, authoritarian systems and totalitarianism, which allow only a dogmatic rigid ideology.

- Democracy as a solution.

 For us, the solution is the evolution towards "more democracy" and more specifically "direct democracy". ***The test is the formation or destruction of "social capital".*** This is not new but the challenges are evolving.

 How is "social capital" formed in a direct democracy.

- The very beginning is a "subject" for which one or more citizens or an association believes that a legislative decision is necessary or desirable, or that existing legislation must be contested.
 Then the search begins in all kinds of social contacts and networks for the feasibility of a possible action. A "task force" is formed, the strategy and campaign lines are determined, and the action gets underway.
 The first goal is the start-up of signature collection.
 For each referendum (except for the "compulsory referendum"), a number of signatures must be collected, sometimes in a limited time. These signatures are then verified by the government and if the required number of signatures is obtained, the referendum date is set. Sometimes there is also the right to a counterproposal from the government, in which case two proposals are voted on simultaneously.
 Signature collection also has additional purposes. There is the recruitment of active collaborators, contact addresses for further communication and fund-raising. These are necessary additional activities to give the referendum a chance of success. For example, it is assumed that prior to the referendum, after

publishing the referendum date, public support should be estimated at 70% of the voting citizens. This in order to end up with more than 50% after the actions of the opposing party(s), which have yet to start at that time but are already challenged by the signature collection.

For the management of the funds obtained, it is probably advisable to set up a separate association with legal status (non-profit organization).

I have participated in two signature collection events and have experienced the dynamics of this event. Although it is not in my nature to address unknown people about a political issue, I have only had positive experiences. There was also a whole system set up to make the signature collection efficient. Some people have a talent for this and collecting signatures went very smoothly (an average of 30 signatures per hour/man was achievable) and there was a "back up" team to engage with the people who wanted more in depth explanation or wanted to start a discussion. We also worked "door to door". Sometimes I was asked inside their home to provide more explanation or I had to come back later at a more appropriate time.

An unforgettable experience that nevertheless showed that people are willing to put time and effort into a political issue or action that appeals to them. That was totally unexpected.

So we can say that signature collection "on the street," along with public and personal discussions, are an important component for the formation of "social capital."

Of course, at the start of the referendum, opponents will also have to defend their positions and these campaigns will also start. This also contributes to the formation of "social capital".

There are a few problems with this signature collection, some of which encourage a dangerous evolution *[17]. There are of course the costs for the collectors themselves, especially those working in large geographical areas, which have given rise to "paid signature recruitment", especially in the US. In Switzerland, for example, this paid signature collection is not explicitly prohibited but it is not done, it is also seen as inappropriate.

The solution that is sometimes proposed is "digital" signature collection whereby one can put one's personal data and signature on a website, usually governmental, which is then automatically verified, which of course has a significant cost benefit.

However, this evolution does not only prevent the possible formation of social capital but also the recruitment of active collaborators and fund raising.

Thus, it is essential to use technological evolution appropriately as well.

The initiators could for example decide to allow the digital signature on a website only in a limited way, e.g. only in remote areas and/or via signature recruiters equipped with a smart phone or tablet/laptop with Eid (electronic identity card) reader who have an exclusive and secure access to the signature website. For the opponents of identity cards, or their use, an alternative can probably be developed (temporary card for "registered voters",...) .

The success of the referendum also depends on the "social capital" built up during the signature collection campaign, the recruitment of collaborators and staff, and the sponsorship obtained.

This sponsorship also requires special attention because it is one of the weaknesses of "direct democracy". Direct democracy can only function within a legal framework*[18] that must therefore also deal with financing, among other things. An absolute financial transparency of the whole endeavor seems fundamental to us. There could also be a limitation on the total amounts. Of course, "rules of the game" without sanctions are useless.

The use of the public media could also be regulated in order to allow the greatest possible diversity to speak. A problem not to be underestimated in this regard is the "weight" of opinions and the degree and manner in which they are determined. An example is the length of time that elected political parties are allowed on public broadcasting stations in relation to the number of votes obtained in the previous election. Essential also is the prominence of the owner of news media and the protection of dissident voices [19].

The referendum itself, by its binding nature, is legislative. The citizen is sovereign, there is no higher decision-making power. Of course, an independent judiciary can play its role as guardian of the rules of the game.

Because the referendum system is subject-related, and not ideological, the majorities that are formed always consist of changing citizens. Today's winners are among tomorrow's losers. This requires trust in fellow citizens (social capital) and is an incentive for reasonableness. To govern and be governed in turns is an exercise in prudence and empathy.

If desired, the major social problems are also removed from the decision-making power of the political parties, such as immigration, euthanasia and retirement age [20]. It is also important to notice that in most cases the initiatives are bridging the existing dividing lines in society. The greater the diversity, the more they will have to work together. Since direct democracy is a majority system, one would expect traditional minorities to be opponents of this system. For minorities, however, it is a system that also gives them access to setting the political agenda and to the public defense of their specific interests[21]. The majority system only becomes problematic when a particular group would always be among "the losers" indicating a structural problem.

Democracy can only be confirmed and perpetuated by the acceptability (legitimacy) of the "system" through which decisions are made and the reasonableness of the decisions taken, especially for the losers. That is why it is also important that referendums are used very frequently and, where the system does not exist, are introduced at the lowest decision-making levels, the municipalities.

Since the conditions for starting a referendum are also decided by the citizens, if they so wish, one arrives at a balanced system.

An informative referendum, or similar initiatives, have a good chance of only increasing frustration, certainly if the referendum is passed, but the result is not respected. This system destroys social capital.

- The People's Assembly or Citizens' Jury.

A newcomer (or returning) to democratic instruments is the People's Assembly (or Jury) composed in whole or in part by sortition. Some proponents of this system want to give (legislative) decision-making rights to such "People's Assemblies" [22].

At present we distinguish mainly three types [23] :

- The statistically and descriptively representative assembly (limited or individual deliberative [24]).
Usually characterized by a large number of participants (500 / 1000 or more).
Stratification and selection on objective characteristics, sometimes proportional, (gender, residence, age, voting eligibility,..). Image of society (mini-public)

- The deliberative assembly. Group deliberation characterized by "great diversity", "maximum diversity", etc.. rather than "representativeness". (This representativeness is often claimed but rarely substantiated and realized.) [25]
Usually a very small number of participants (15 – 100 ...).
Selection on the basis of dubious questionnaires (education, financial situation, political affiliation, religion, race, profession, conflicting interests,..) and unmotivated stratification with targeted manual corrections, with an element of sortition.

- A mixture statistical representative and deliberative [26].
 Deliberative Polling®.
 With evaluation of each stage performed with published scientific methodology.

 Due to the lack of standardization for the surrounding institutions of the People's Assemblies/Jury (client, organizers, organizing committee, external companies, pilot committee, facilitators, etc..) and "Code(s) of Good Practice" [27], the current "People's Assemblies" (or Juries), whether or not designated in whole or in part by lot, are often questionable in execution and rather harmful to the instrument itself. They are arbitrarily composed, without justification of their methods and concepts (representative, statistically – descriptive representative, proportionality, individual/group deliberative, maximal diversity,...), a questionable and/or uncontrollable sortition system mixed with arbitrary selection, a lack of financial transparency and susceptible to manipulation [28].

 Irrespective of whether questionnaires about your religion, political affiliation and race etc., are acceptable for the purpose to carry out a selection, or give any reliable result, it is clear that the claim for descriptive and proportional representativeness must be substantiated.

 The claim of "representativeness" therefore has many aspects that need to be assessed.
In addition to the **selection system** used, and the **quality** of implementation, there are the aspects of "**statistical representativeness** (margin of error and confidence level)", "**descriptive representativeness** (with objective criteria: age, gender, region of residence)" and the **choice of the strata** and their "**proportionality**". All the elements **together** legitimize the claim for "**image of society**" or "**mini-public**".

 There was also a proposal in the US (California) that, from a certain acquired signature threshold, a "Citizens' Panel" selected by lot should judge whether a referendum would be legitimate [29]. For a small impecunious organization that has a problem in obtaining the full signature quorum, this seems an attractive proposal, but let's not forget that the referendum itself requires an even greater effort than the signature collection. To us, a subsidy from the government (possibly to be applied after a successful signature collection) seems a possibly better solution in this case. Compare, for example, with the French Presidential elections or the "party subsidies" in Belgium.
 One could also consider that if the signature threshold is not reached, but one can still demonstrate considerable social support, the organizers could be given the option of submitting the subject to a citizens' Jury which could still decide to launch a referendum. Even though there is then a good chance that the referendum will not succeed, a second referendum can, depending on the outcome of the first referendum, have a better chance of success.

 With the possible exception of a few components (e.g. organized citizen participation), there is no formation of "bridging" social capital. It will also make little or no difference to citizens whether unwanted legislation is imposed by an "informed" citizen panel selected by sortition, or elected representatives in the so-called "representative democracy".
 Of course sortition can be used for all kind of purposes with all kinds of designs [30]. This design-ability is one of the attractive characteristics of sortition, but unfit for legislative use.

 Carried out according to the "rules of good practice," the citizens' Assembly appointed by sortition, as a democratic instrument, can be a good complement to democracy.

 As a decision-making instrument, it is a certain type of oligarchy (a klerocracy, from "κληρωτήριον" or kleroterion) and not democracy [31].

- Corruption

From the literature [*32] we know that "social capital" can also have a downside. Criminal organizations can use "social capital", but with negative consequences for society, to achieve their goals. Less extensively studied is the relationship of "social capital" and corruption. To counteract corruption through overly strong and corruptive ties, the system of appointment by sortition has good credentials. However, the rules of "good practice", adapted to the specific application, must then be strictly observed. Properly implemented, institutions appointed by sortition are the way par excellence to limit corruption. In this way, the advantages of both systems, "direct democracy" and "appointment by lot", can be combined.
A first attempt in Switzerland to break the bond between political parties and the legal system was the referendum on the appointment of judges of the "Federal Court " by sortition [*33]. The referendum failed, it was a bit to ambitious for the Swiss society, and could count on the unleashed opposition of the "established powers". Even in a democracy, the struggle for power is never over. It is clear that an independent press with freedom of expression and a politically unaligned legal system, which symbolizes the separation of powers, are basic conditions for a flourishing democratic society. Additionally, legal regulation of "whistle blowers" and "lobbying" at all levels of government is necessary [*34].

- Conclusion

Political instruments or technological innovation in the political domain must be tested for their potential to form or destroy social capital.
The simplicity of this rule makes its application very efficient.
Continuing to ignore the citizens' demand for the right to decide encourages frustration due to powerlessness, leaving as the only way out an evolution towards an authoritarian regime.

At this moment I am still in favor of, what we call, the Swiss political system. I know that we might be able to improve or adapt that system for our local use but in general I don't know any system more worthy of the name "democracy". Of course, not everybody is in favor of "democracy" or uses the same definition. But that is a personal choice.
Even in the Swiss political system the elected chambers can decide on all matters at the level they are operating, but the citizens are sovereign and can reject this decisions and decide otherwise. The citizens have the first word (agenda setting) and the last word (binding referendum), if they want to.

Of course we can integrate and use sortition at legislative levels, but only if the whole system is developed and executed in a, for this purpose, appropriate manner.

We need a small but well defined list of possible arrangements for citizens assemblies, with his surrounding organisations, that can be used at the different legislative levels for different purposes.

Then it is possible for the citizens to decide themselves or, if they wish to do so, to delegate legislation to:

- A permanent elected representation as an "electoral aristocracy" with some basic democratic elements.

- A well defined trustworthy and robust citizens assembly, as a democratic instrument, convened in predefined cases or situations.
https://www.academia.edu/37895145/
Sortition_as_a_democratic_system_for_the_designation_of_a_real_peoples_representation_Criteria_and_proposition_I_II_v_2018_03_11_pdf
As well on National as on European level a Citizens Assembly can be summoned by the citizens.

- A well defined trustworthy and robust citizens assembly of the citizens choice for a specific task, convened as a result of a petition or a referendum.
https://www.academia.edu/42201754/Code_of_Good_Practice_for_allotted_mini_publics_involved_with_legislation
 In this ' Brexit' period (sept 2019) an example could be that, if the citizens in the UK had the power to decide themselves if they wish to do so, a petition about Brexit could be launched to demand a 'decisive referendum' or a 'Level 1 Citizens Assembly”

 But it is always up to the citizens to accept or reject decisions taken, or proposals made, by those institutions.

- References:

*1 Vivant
www.vivant.org/en

Vivant also promotes direct democracy, by which the population can express its views on major questions of governance, independent of political persuasion.

*2 Aristocracy
https://www.cambridge.org/core/books/abs/principles-of-representative-government/democratic-aristocracy/
The American debate of 1787 was thus the last occasion on which consideration was given to the possible presence of aristocratic features in systems based on free elections. That debate in fact marked both a turning-point and a certain advance in the understanding of what political theorists had long been saying. In the first place, whereas philosophers from Aristotle to Rousseau had argued that election was aristocratic by comparison with lot, neither the Anti-Federalists nor the Federalists had selection by lot in mind. Both camps believed that elections select individuals who are in some way superior to those who elect them. It was in this phenomenon that they saw the aristocratic dimension of the elective method

*3 Particracy
https://en.wikipedia.org/wiki/Particracy
Particracy is a form of government in which the political parties are the primary basis of rule rather than citizens and/or individual politicians.

*4 Around the turn of the century (1900) "direct democracy" crossed the ocean to set foot in Oregon and spread from there.
 https://www.oregonlegislature.gov/lpro/Publications/Background-Brief-Direct-Democracy-in-Oregon.pdf
The U.S. state of Oregon is one of the many states in the United States that has direct democracy in the form of initiatives and referendums. Oregon residents introduced this system in 1902 with a ballot measure. Nationwide, referendums and initiatives became known as the "Oregon System" of direct government.

William S. U'Ren – Ballotpedia https://ballotpedia.org/William_S._U%27Ren

 The desire for direct democratic tools, like the ballot initiative, was simmering in Oregon before U'Ren came along. Many Oregonians perceived state government as corrupted by special interests in the timber, railroad, utilities and banking industries. One group calling for reforms was the Milwaukie Alliance, based in the German and Swiss-populated village of Milwaukie, Oregon, and an affiliate of the Farmers' Alliance Party. The alliance studied the idea of direct democracy in J.W. Sullivan's Direct Legislation by the Citizenship Through the Initiative and Referendum, *a text outlining the effectiveness of direct democracy in Switzerland. Members of the alliance were inspired and determined that direct democracy could help root out government corruption. Being that Milwaukie had a predominantly Swiss population, many people heard of and were receptive to direct democracy.*

 In Belgium there was the "Declaration of Quaregnon" (Belgian Workers Party – BWP) as an intention for the further evolution towards democracy:

 Declaration of Quaregnon 1894 https://www.marxists.org/nederlands/thema/geschiedenis/quaregnon.htm
*.   – Political Program
             4. Direct legislation.*
Right of popular initiative and referendum, in legislative, provincial and municipal affairs.

*5 REFERENDA AROUND THE WORLD - History and Status of Direct Democracy
https://www.democracy.uci.edu/files/docs/conferences/grad/Boyd_Referenda%20around%20the%20World.pdf

*6 Electoral aristocracy
https://www.researchgate.net/publication/334260418_Sortition_and_Democratic_Principles_A_Comparative_Analysis
 Nowadays there is a dangerous trend to reduce "democracy" to "election", but sortition gives us an opportunity to rethink election and its history. Manin shows that sortition was seen as democratic and election as oligarchic but that the Founding Fathers in the United States and the Revolutionary in France actually hated democracy and created the representative government against it. They chose election for selecting the representatives to create an elected aristocracy, socially distinct from the people. Later the word democracy was used as a propaganda tool by politicians, notably Andrew Jackson, in order to seduce electors and that our regimes change their names to "representative democracies".

*7 http://classiques.uqac.ca/contemporains/dupuis_deri_francis/esprit_anti_democratique/esprit_anti_democratique.html
 Se réclamant de la « démocratie » – sans toutefois donner plus de pouvoir au démos –, les représentants de nos systèmes politiques n'ont pas seulement piégé le peuple qu'ils prétendaient servir, c'est la langue elle-même qu'ils ont trahie : comment désormais mettre à jour l'anti-démocratisme des discours, des pratiques, des systèmes et des hommes politiques rangés sous

l'étiquette de « démocrates » ? Le glissement de sens qu'a connu le mot « démocratie » constitue sans doute le principal coup de maître de la propagande politique moderne.

*8 EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION)
CODE OF GOOD PRACTICE ON REFERENDUMS
https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2007)008rev-cor-e
p14:
III. Specific rules
7. Quorum
It is advisable not to provide for:
a. a turn-out quorum (threshold, minimum percentage), because it assimilates voters who abstain to those who vote no;
b. an approval quorum (approval by a minimum percentage of registered voters), since it risks involving a difficult political situation if the draft is adopted by a simple majority lower than the necessary threshold1
7. Quorum

p 23:
50. Based on its experience in the area of referendums, the Venice Commission has decided to recommend that no provision be made for rules on quorums.
51. A turn-out quorum (minimum percentage) means that it is in the interests of a proposal's opponents to abstain rather than to vote against it. For example, if 48% of electors are in favour of a proposal, 5% are against it and 47% intend to abstain, the 5% of opponents need only desert the ballot box in order to impose their viewpoint, even though they are very much in the minority. In addition, their absence from the campaign is liable to increase the number of abstentions and thus the likelihood that the quorum will not be reached. Encouraging either abstention or the imposition of a minority viewpoint is not healthy for democracy (point III.7.a). Moreover, there is a great temptation to falsify the turn-out rate in the face of weak opposition.
52. An approval quorum (acceptance by a minimum percentage of registered voters) may also be inconclusive. It may be so high as to make change excessively difficult. If a text is approved – even by a substantial margin – by a majority of voters without the quorum being reached, the political situation becomes extremely awkward, as the majority will feel that they have been deprived of victory without an adequate reason; the risk of the turn-out rate being falsified is the same as for a turn-out quorum.

*9 (PDF) The Potential of Direct Democracy: A Global Measure (1900–2014) (researchgate.net)
https://www.researchgate.net/publication/305079160_The_Potential_of_Direct_Democracy_A_Global_Measure_1900-2014

Description:

- *Popular initiatives (PI)* A popular initiative is a bill, statute, or constitutional amendment supported by a group of citizens that offers an alternative to the status quo. Citizens are allowed to decide directly at the ballots on matters of concern to them, without the consent of the country's main political officials. They therefore serve as a proactive institution on certain topics.
- *Referendums (RF)* Unlike popular initiatives, optional referendums allow citizens to reject a law passed by the legislature (the "people's veto'' in US jargon, also sometimes called a "popular referendum" (Donovan 2014)). Citizens move second, i.e. they react to a previous move by the authorities. It is a "defensive" instrument in the hands of citizens, par excellence.
- *Obligatory referendums (OR)* These are, in most cases, limited to certain specific topics in the constitution or—as in Switzerland, Uruguay, and even all but one of the American states (Delaware)—to an amendment of the constitution. Strictly speaking however, it is not a right the population uses in any active way. Rather, it is a defensive right or a veto right.
- *Authorities' plebiscites (PL)* Plebiscites are those mechanisms of direct democracy that allow authorities to pose a question to the citizenry to answer. These institutions are not necessarily related to popular sovereignty in its traditional sense, which is why some scholars claim that they cannot even be characterized as belonging to the direct democratic world (Kaufmann and Waters 2004).[4] Though leaders can use plebiscites perversely, during the vote itself citizens exercise their sovereignty and are thus still fulfilling the definition of MDD provided above.

 *10 https://second.wiki/wiki/dringlichkeitsrecht_schweiz
*In theSwiss Confederation, one speaks of **urgency law** when a federal body (Federal Assembly or Federal Council) can provisionally legislate in an accelerated process because of temporal urgency before the higher-level body (people or Federal Assembly) can make a final decision.*
The Federal Assembly can urgently declare a federal law and put it into effect immediately. The possibility of an optional referendum remains; the suspencive referendum, which usually postpones the enactment, becomes a subsequent (abrogative) referendum in this special case.

https://swissvotes.ch/attachments/e25c2fa01701b5273404ea834aa40a7d92d9eea0eaffcd2346a7db2b79c339fb

Erfolgreiche Initiative setzt den Dringlichkeitskompetenzen des Parlaments Grenzen Angenommen: Volksinitiative «für die Rückkehr zur direkten Demokratie»
*11
https://www.researchgate.net/publication/323708579_Beasts_and_Gods_How_Democracy_Changed_Its_Meaning_and_Lost_Its_Purpose
How Democracy Changed Its Meaning and Lost Its Purpose Roslyn Fuller ... By contrast, in Athens no citizen was reduced to a situation so powerless that he had to ask another person to try to influence the Assembly on his behalf. ... Today, however, it is all too apt to result only in frustration.

*12 *dictatorship, form of government in which one person or a small group possesses absolute power without effective constitutional limitations.*
 https://www.britannica.com/topic/dictatorship

totalitarianism, form of government that theoretically permits no individual freedom and that seeks to subordinate all aspects of individual life to the authority of the state https://www.britannica.com/topic/totalitarianism

*13 Walter A. Davis, DEATH'S DREAM KINGDOM: THE AMERICAN PSYCHE SINCE 9-11, at 154-44 (2006).
Terror's origin is a feeling of inner powerlessness. Its purpose is to reverse that condition by reducing others to it.

*14 Seeing - by José Saramago https://www.amazon.com/Seeing-Jose-Saramago/dp/0156032732
On election day in the capital, it is raining so hard that no one has bothered to come out to vote. The politicians are growing jittery. Should they reschedule the elections for another day? Around three o'clock, the rain finally stops. Promptly at four, voters rush to the polling stations, as if they had been ordered to appear. But when the ballots are counted, more than 70 percent are blank. The citizens are rebellious. A state of emergency is declared. But are the authorities acting too precipitously? Or even blindly? The word evokes terrible memories of the plague of blindness that hit the city four years before, and of the one woman who kept her sight. Could she be behind the blank ballots? A police superintendent is put on the case

*15 https://www.academia.edu/35662807/On_social_Atomization_its_pleasures_and_its_discontents_revised
On social Atomization, its pleasures and its discontents (revised).
 In the early fifties, Hannah Arendt not only considered social atomization as one of the key conditions and components of totalitarianismv but she saw very clearly the consequences of it.

https://lifeclub.org/books/the-origins-of-totalitarianism-hannah-arendt-review-summary
 The next step for the pan-nationalist movements was totalitarianism, as they used the masses to reveal a fatal flaw in democratic systems.

 Those still involved in the politics of democracy made the big mistake of believing the masses to be inconsequential. As far as they were concerned, these populists were incapable of making a difference, since most of them didn't vote in elections, even if they had the right to do so. But it wouldn't be long before this belief was proven dreadfully wrong.

 Remarkably, the leaders of the totalitarian movements in Europe got the masses so engaged that they became voters, and allowed these leaders to gain enough political power to demolish the democratic process and eliminate the chance of any new political rivals.

 It's important to recognize the real flaw that led to this development: totalitarianism is given an open invitation to assume power when democracy fails to represent the majority of the people truly. So, when the majority of the population feels disenfranchised and isn't politically engaged enough to vote, don't be surprised if someone takes advantage of this and makes his voice heard in order to bring revolutionary change.

*16 https://www.socialcapitalresearch.com/putnam-on-social-capital-democratic-or-civic-perspective/
 Robert David Putnam (1941-) is an American political scientist most famous for his controversial publication Bowling Alone, which argues that the United States has undergone an unprecedented collapse in civic, social, associational, and political life (social capital) since the 1960s, with serious negative consequences. Putnam is generally credited with popularized the term social capital.

 Putnam treated social capital as a public good—the amount of participatory potential, civic orientation, and trust in others available to cities, states, or nations (Putnam 1993, 2000). This contrasts with Bourdieu's theory of social capital, with Coleman's definition somewhere in the middle. In Putnam's conceptualisation social capital is elevated from a feature of individuals to a feature of large population aggregates. Social capital becomes a collective trait functioning at the aggregate level.

Putnam made the argument that social capital is essentially the 'amount' of 'trust' available and is the main stock characterizing the political culture of modern societies. For Putnam (1993 p. 35; 1993) social capital refers to 'features of social organizations, such as networks, norms and trust that facilitate action and cooperation for mutual benefit'. Putnam follows Coleman's belief that social capital is a quality that can be a facilitator of interpersonal cooperation. In Putnam's view, such a feature can be considered an aggregate trait to such a degree that it can become automatically comparable across cities, regions and even countries.

- https://www.democracy-international.org/sites/default/files/PDF/Publications/2007-05-01_book_direct-democracy-en.pdf
Jos Verhulst & Arjen Nijeboer DIRECT DEMOCRACY - Federalism, subsidiarity and social capital

There appears to be a strong direct relationship between civicness, economic performance and the efficiency of public administration. In areas with more civicness, the economy prospers and the administration is efficient. Putnam examined and eliminated various alternative explanations and came to the conclusion that 'civicness' played a causal role.

In relation to our particular study the "Oxford" definition seems also appropriate:
https://www.oxfordreference.com/view/10.1093/oi/authority.20110803100514968
Social Capital: The processes and conditions among people and organizations that lead to their accomplishing a goal of mutual social benefit, usually characterized by interrelated constructs of trust, cooperation, civic engagement, and reciprocity, reinforced by networking.

Putnam has made an important distinction between bonding (or exclusive) social capital and bridging (or inclusive) social capital
https://www.puttingourdifferencestowork.com/pdf/j.1467-9477.2007.00176%20Putnam%20Diversity.pdf (p 143)

https://www.oecd.org/sdd/social-capital-project-and-question-databank.htm

The OECD Statistics Directorate has undertaken a project to review the Measurement of Social Capital. The aim of this project, which was funded by the European Commission (DGEMPL), has been three-fold: i) to assess how the notion of "social capital" has been conceptualised in the research literature; ii) to detail how it has been measured in national and international surveys; and iii) to identify priority areas for statistical development. The main outputs of the project are a report, which has been published as an OECD Working Paper, and a question 'databank', which are both available ....

*17 https://linactuelle.fr/2019/06/19/francis-dupuis-deri-assemblees-populaires/
Les gens ne s'assemblent pas pour le plaisir de s'assembler, il faut qu'il y ait quelque chose en jeu : un conflit, une crise, du commun à autogérer collectivement.
.... Le référendum d'initiative citoyenne est d'autant plus intéressant que la question peut être posée par la société civile, ce qui permet de contourner d'une certaine manière l'élite parlementaire – l'aristocratie élective – et les partis. Mais les expériences de la Californie et de la Suisse, pour évoquer deux cas où les référendums s'inscrivent dans la vie politique ordinaire, sont fortement marquées par le contexte socio-économique capitaliste. Toutes les forces sociales n'ont pas la même capacité financière, entre autres, de produire et diffuser leur message et de mener campagne pour ou contre telle question. Les partis peuvent aussi peser de leur poids lors des campagnes référendaires.
Le référendum d'initiative populaire est aussi problématique, de mon point de vue, parce qu'il donne l'impression à la population de pouvoir s'exprimer politiquement, ce qui réduit d'autant la légitimité, aux yeux d'une bonne part de la population, des manifestations de rue et des actions plus turbulentes.

*18
https://www.academia.edu/37352986/Direct_Democracy_on_the_Blockchain_The_Extension_of_Popular_Sovereignty_by_Technological_Means   The extention of Popular Sovereignty by Technological Means

without a proper regulatory environment MDDs could be subjected to powerful groups (Altman 2011: 42; Ruth et al. 2017: 3). Therefore, appropriate legal frameworks must be developed to safeguard the institution from selfish motivations; strong rule-of-law is one of the key factors for successful expansion of MDDs (Whitehead et al. 2017: 215; Altman 2011: 59).

The third topic is about fairness: the will of the majority leaves a minority dissatisfied by establishing a 'zero-sum game' (Altman 2011, p. 43). Moreover, MDDs' utility in extreme polarization is rather questionable and by being inherently reactionary, they may cause unnecessary social tension and instability by the erosion of political unity (Altman 2011: 44; Ruth et al. 2017: 3; Thomas 1984: 229). On the other hand, as Asimakopoulos reminds one, democracy by definition is a majoritarian system; in fact, the problems begin when a minority (typically one with economic power) takes over representative institutions. Therefore, "violating the concept of majority rule is a violation of democracy itself" (Asimakopoulos 2014, p. 84).

*19 https://www.access-info.org/media-ownership-transparency/
Defending and Promoting the Right of Access to Information in Europe
https://digital-strategy.ec.europa.eu/en/policies/media-freedom
https://www.ohchr.org/en/statements-and-speeches/2022/06/high-level-panel-discussion-countering-negative-impact

First, we need to deepen our understanding and knowledge: we need more research on how the digital sphere has transformed media and information flows; on how best to build public trust within this environment; and on how different actors can contribute to countering disinformation operations.

Second, as recognized by the resolution that mandated this panel, we must ensure that all discussions are framed by human rights norms. Shortcuts do not work here: censorship and broad content take-downs are an ineffective and dangerous response.

https://rm.coe.int/platform-protection-of-journalists-annual-report-2022/1680a64fe1
Media capture, the indirect control of private media by a government via its cosy relations with - or pressure on- media owners and vested interests, has not abated. Governments have deployed the full range of instruments, and in particular arbitrary powers to allocate subsidies, advertising, public contracts, to reach that goal. The result is the consolidation of a powerful government-friendly media system which frames the national discourse and excludes opposition or dissident voices.
...
The Public Service Media's (PSM) role has long been recognised by the Council of Europe.122 Their values (universality and diversity), their editorial guidelines (which include impartiality and accuracy)123 and their standards related to their remit, funding and governance, including in the online and platform environment, should make them indispensable institutions in truly democratic societies. Well-funded, independent PSM are generally associated with healthy democracies.
...
Even in countries which formally adhere to European standards of public media independence, political parties in government have used public broadcasting to denigrate their opponents and seek to mould public opinion to help them win elections

*20 https://www.theguardian.com/world/2020/sep/27/swiss-voters-reject-curbs-on-eu-immigration-switzerland-referendum
Swiss voters have resoundingly rejected an attempt to tear up the country's agreement with the EU on the free movement of people, in a referendum that echoed the Brexit vote.
https://www.bbc.com/news/world-europe-13405376
Voters in Zurich, Switzerland, have rejected proposed bans on assisted suicide and "suicide tourism".

https://www.swissinfo.ch/eng/swiss-set-to-vote--again--on-pension-reform/46792450
Swiss voters are to get a fresh chance to decide on reforming their increasingly underfinanced state pension system under a proposal that would raise both men's and women's retirement ages from 65 to 66 and then be linked to life expectancy.

*21 Winning without Victory? The Media Coverage of Minority Affairs in Swiss Direct Democratic Campaigns | SpringerLink

https://link.springer.com/chapter/10.1007/978-3-531-94304-6_14

Theorists of direct democracy have often argued that people's rights show indirect effects in addition to the mere results of popular votes (Kirchgiisser, Feld & Savioz 1999; Kriesi 2005; Linder 1999; Mockli 1995). Thus, popular votes are not only decision-making processes, they also have indirect effects on the political system, most notably the activation of a public debate about social issues. Accordingly, the agenda-setting function of popular votes is one example of their secondary effects. Popular votes function as an opportunity to articulate and deliberate legitimate interests and claims of parts of society - no matter what the outcome of the popular vote will be. The communication and deliberation on an assumed minority issue is just one aspect of the indirect effects of initiatives and referendums. Furthermore, it is especially minority positions - which at this point i.e. the phase of deliberation are thought to have no chance of winning the ballot - which get into people's minds. They may attract attention in the public and the media and cause lively discussions. This may lead to a change in public opinion in the long run as people become more and more acquainted with the issue. People become primed - and even if the initiative or referendum fails the quorum, the subject has become well known and the issue can be raised again and potentially decided on in a vote at a later point. Agents of such minority issues believe in the power of public communication and deliberation and hope for a longterm agenda setting and framing process which may finally transform minority into majority positions (Mockli 1995, 9-10). As a result, minority interests may stand to benefit (in terms of public attention and understanding) from a popular vote - even if they lose the race at the polls.

https://www.researchgate.net/publication/26592571_Democracy_and_Power-Sharing_in_Multinational_States_Thematic_Introduction

With a very interesting study of the multilingual cantons in Switserland (especially for us here in Belgium) from Nenad Stojanovic : Direct Democracy: a Risk or an Opportunity for mumtilingual Societies? The Experiences of the Four Swiss Multilingual Cantons.

P124: *Nenad Stojanović takes up the question of whether power-sharing and direct democracy are compatible. As Switzerland is not only a prototype of consocia tional democracy but also the country with the most frequent use of referendums, it is an obvious case, but different from much of the literature, Stojanović looks at the regional level. In each of the four Swiss*

multilingual cantons, one controversial referendum on language or minority representation is examined. The findings are that, as many feared, linguistic differences are exaggerated in referendum campaigns, that identity-based issues are amplified in the media, and that communal majorities normally prevail. However, in the end,the conclusion is tentatively positive, as referendums on sensitive minority issues are rare and do not result in any real conflict. This conclusion corroborates other accounts of Swiss politics that observe a symbiosis between direct democracy and power-sharing (Vatter 1997).

*22 For some authors, the People's Assembly appointed by lot belongs to "direct democracy". Although it is a "representative system", the People's Assembly is only representative as a whole. The participants individually represent only themselves and cannot claim representation comparable with an elected representative. It is rather a "peer-to-peer" system.
htttps://papers.ssrn.com/sol3/papers.cfm?abstract_id=1928927 - Keith Sutherland

https://www.bmartin.cc/pubs/99rsip.pdf
Random selection can be used to promote both small-scale and large-scale political participation, from a tiny exercise in street improvement to a national electoral system. Like election, it needs to be used sensibly, with appropriate controls to ensure best operation

https://www.academia.edu/37895145/
Sortition_as_a_democratic_system_for_the_designation_of_a_real_peoples_representation_Criteria_and_proposition_I_II_v_
2018_03_11_pdf
In our sortition-based proposals, we assume, following the work of Terrill Bouricius (*5) (*19), that several citizens' jury's which each fulfill a different specialized task will be appointed. The sortition system that is used depends on the task at hand.

https://www.academia.edu/38522401/Sortition_as_a_system_to_appoint_a_Senate
For most propositions we do not find the name 'Senate' fitting. A good example of what a wrong designation can bring about is the term 'democracy' for our political system. The result is that people who dislike our political system consequently dislike a 'democracy', while our political system has little to do with a 'democracy'.

https://delibdemjournal.org/article/id/428/ Bouricius T., (2013) "Democracy Through Multi-Body Sortition: Athenian Lessons for the Modern Day", *Journal of Public Deliberation* 9(1).
Mature Classical Athenian democracy is presented as a representative system, rather than the commonly described form of "direct democracy." When viewed in this way, the commonly assumed problem of scale in applying Athenian democracy to modern nation states is solved, and principles and practices of the Athenian model of democracy continue to have relevance today.

*23 https://www.psa.ac.uk/sites/default/files/conference/papers/2017/Blind%20Break%20and%20Invisible%20Hand_0.pdf
p 12: Sortition is generally of marginal interest to deliberative democrats, as the emphasis is primarily on internal procedural issues (how to establish the 'ideal speech situation') rather than representativity. The 'forceless force of the better argument' is such that it matters little who gets to deliberate – Jon Elster is content with 'citizens' (Elster, 1998, pp. 1, 98) – so long as the group includes representatives of the previously-marginalised groups chosen by the sponsors of the deliberative forum

p16: Indeed it is hard to see what 'descriptive' representatives could do other than register their preferences/beliefs via voting (all votes carrying exactly the same weight), as the differences in the 'illocutionary force' of the speech acts of individual members of such an assembly would destroy its aggregate representativity. As Hanna Pitkin puts it: If the contemplated action is voting, then presumably (but not obviously) it means that the [descriptive] representative must vote as a majority of his constituents [i.e., those who resemble him] would. But any activities other than voting are less easy to deal with. Is he really literally to deliberate as if he were several hundred thousand people?
...
p 16 Epistemic and deliberative democrats seek to bridge the active/descriptive divide by combining sortition and small-group face-to-face deliberation. However they overlook the fact that small-group deliberation breaches the descriptive representation mandate on account of both the small numbers involved and the random (in the pejorative sense) biases introduced by imbalances in the speech acts of the participating individuals.

They also rely too heavily on the ability of the blind break to select political officials impartially, thereby ignoring the increased vulnerability to ex-post corruption for political functions other than indicating preferences via voting in secret. Epistemic and deliberative democrats are more concerned with the quality of the decision outcome and the procedural norms governing face-to-face deliberation, representativity not figuring very highly in their priorities.

 *24 https://www.academia.edu/42201754/Code_of_Good_Practice_for_allotted_mini_publics_involved_with_legislation
 As the use of mini-publics appointed by sortition are spreading around the world, and are reaching the legislative level, even indirect, a code of good practice is essential. We know that all the criteria can't always be reached but we have to know at least what to aim for or how to refute well-founded criticism and protect a valuable democratic instrument.

"The mini-public was a great success".

- The opinion of the participants after the event is very important, for all kinds of reasons but also for public relations reasons for the organizations and companies involved. And this may have severe consequences. Specialized companies are highly qualified in the guidance of participants at such events. 'Participants are warmly welcomed, the importance of their participation is highlighted (self-esteem), their opinions on small and world problems are listened to carefully (ventilating frustration), with a snack and a drink in between (appreciation) and with a nice picture and publication of the event at the end of the exercise (satisfaction/pride)' [123]. There may well be a strong temptation to organize group deliberation while it is not appropriate and despite the possible serious drawbacks but it is undoubtedly more fun, individually more satisfying, more interesting and socially more accepted. But a mini-public is not for socializing, entertainment of the participants, nor is it for public relations for the organizations involved. It is a very demanding activity and can be compared with the work of a judicial Jury.

https://www.academia.edu/7656981/Deliberation_and_Representation_Squaring_the_Circle
p 10: *This would suggest that Rousseau"s model of silent inner deliberation followed by voting is the correct one for an allotted legislative assembly.*

*25 There is a great variety in applications of "panels appointed by sortition", so the requirements they must fulfil are very different. In the judicial application of a jury drawn by lot, "unbiased" is the most important feature and not "representativeness".
https://www.researchgate.net/publication/334260418_Sortition_and_Democratic_Principles_A_Comparative_Analysis
(Dimiti Courant) I*mpartiality appears as the most obvious quality of sortition, "the blind justice".This is probably why the oldest use of random selection still existing nowadays is the popular jury*
By using sortition in the judicial application there is a "maximum diversity". The method of assessing the desired number of jury members and their task is therefore very different from, for example, applications in the political domain.
https://www.justice.gov.uk/downloads/publications/research-and-analysis/moj-research/are-juries-fair-research.pdf
Are juries fair?
https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=2973&context=law_lawreview
Deductive Modeling to Determine an Optimum Jury Size and Fraction Required to Convict

 If the sortition is done in a professional manner and the system used allows for a mathematical evaluation of the sample size error, a correction of votes could be applied.
""For example, the Citizens' Initiative Review evaluated Proposition 74, a proposal about regulated medical marijuana in 2010 and published results saying that 13 members supported the Proposition and 11 opposed. For some simple calculations and discussion of the recruitment method for the participants see Fishkin 2013, p. 501.""

 Oregon with a population of 4.2 million, a panel of 24 members, designated by lot (SRS), has a "margin of error" of 26% with a "confidence level" of 99%. The result of the vote can thus, from a statistical point of view, be 8 for and 16 against, 16 for and 8 against, or "somewhere" in between.
https://www.pewresearch.org/fact-tank/2016/09/08/understanding-the-margin-of-error-in-election-polls/

 For some applications, the organisers themselves refer to "maximum diversity" and do not claim "representativeness". Such initiatives should therefore be evaluated from that perspective.
http://lavraiedemocratie.fr/IMG/pdf/jacques_testart_article_.pdf
Comme le tirage au sort des élus, les CdC font l'objet de critiques auxquelles j'esquisse ici quelques réponses : Représentativité d'un groupe restreint. L'expérience des sociologues montre qu'un groupe constitué d'une quinzaine de personnes permet d'assurer l'expression de toutes et de réduire les conflits internes. Ce groupe est issu des listes électorales (tirage au sort d'environ 200 personnes) puis se réduit par le refus de certains d'assumer cette lourde tâche, ou par leur exclusion (en particulier si certains sont en conflit d'intérêts avec la thématique), et le panel final est constitué pour contenir la plus grande diversité. S'il est exact qu'un tel groupe ne peut pas être « représentatif » au sens statistique (il faudrait 1 000 personnes), il est cependant assez varié pour avoir une signification sociologique : le psychosociologue Guy Amoureux s'est ainsi étonné d'avoir animé le « même » groupe en 2003 (CdC sur les changements climatiques) qu'en 1998 (CdC sur les PGM), ce qui montre que deux panels (constitués de citoyens différents par définition) se ressemblent pourvu qu'ils répondent à la même règle de variété maximale

 Sometimes a descriptive representativeness is also claimed.
The Luck of the Draw – Peter Stone https://www.amazon.com/Luck-Draw-Lotteries-Decision-Making/dp/0199756104

"With, say, two sexes, five races and seven religions one would need to stratify with respect to 2 x 5 x 7 = 70 different subgroups... And one would need hundreds of members to ensure anything remotely resembling representing proportionality."

That is also why we divided the "sortition" initiatives in 4 Levels (Code of Good Practices) .
https://www.academia.edu/42201754/Code_of_Good_Practice_for_allotted_mini_publics_involved_with_legislation

*26 https://cdd.stanford.edu/what-is-deliberative-polling/
 Deliberative Polling® [1] is an attempt to use public opinion research in a new and constructive way. A random, representative sample is first polled on the targeted issues. After this baseline poll, members of the sample are invited to gather at a single place for a weekend in order to discuss the issues. Carefully balanced briefing materials are sent to the participants and are also made publicly available. The participants engage in dialogue with competing experts and political leaders based on questions they develop in small group discussions with trained moderators. Parts of the deliberative events are often broadcast on television, either live or in taped and edited form and/or through social media and other mediums. After the deliberations, the sample is again asked the original questions. The resulting changes in opinion represent the conclusions the public would reach, if people had opportunity to become more informed and more engaged by the issues.

Jane Mansbridge has called the Deliberative Poll the "gold standard" of random selection,

https://cdd.stanford.edu/mm/2010/mansbridge-tgs-gold.pdf
Jane Jebb Mansbridge is an American political scientist. She is the Charles F. Adams Professor of Political Leadership and Democratic Values in the Kennedy School of Government at Harvard University

https://www.researchgate.net/publication/236777303_Deliberative_Polling_as_the_Gold_Standard by Jane Mansbridge
The Deliberative Polls of James Fishkin and Robert Luskin represent today the gold standard of attempts to sample what a considered public opinion might be on issues of political importance.

Deliberative Poll in Tanzania https://cdd.stanford.edu/mm/2020/10/sandefur-cgdev-tanzania.pdf
Unlike the citizens juries and consensus conferences the samples are large enough for statistically meaningful evaluation of the attitudinal and demographic representativeness of the deliberators as well as the opinion changes that might come with deliberation.
https://oxford.universitypressscholarship.com/view/10.1093/acprof:osobl/9780199604432.001.0001/acprof-9780199604432
When the People Speak: Deliberative Democracy and Public Consultation
James S. Fishkin;

*27 https://www.academia.edu/38537092/Evaluation_grid_for_sortition_proposals_at_the_legislative_level

Evaluation grid for sortition proposals at the legislative level

https://www.oecd.org/gov/open-government/good-practice-principles-for-deliberative-processes-for-public-decision-making.pdf

The good practice principles are intentionally concise. They are intended to be the starting point for public decision makers wishing to commission deliberative processes and for practitioners wishing to design and organise them. A more detailed set of guidelines for implementing the good practice principles will be published as a follow-up to this report, with details about how to operationalise each of them.

28 Citizens' Assemblies

 Although I am not a person who believes that experts should have the final say in a democracy, it is still unfortunate when an area arises that rejects expertise.
This, ironically, is exactly what has happened with the so-called 'DelibWave' or citizens assembly movement.
The majority of people involved in carrying out citizens assemblies are non-expert activists (despite frequently declaring themselves to be 'experts'). This has had an unfortunate impact on the quality
of their work, including:

- extreme bias in selecting topics for assemblies (topics are often selected for their headline impact rather than for the deliberative value that a citizens assembly could bring them)
- faulty methods of selecting participants (eg. 'randomly' selecting participants from small pre-filtered groups, eg. people who have agreed to belong to a survey group, etc.)
- failure to disclose that most people refuse to participate and that the citizens assembly is thus in essence self-selecting and frequently disproportionately composed of people that have an interest in the topic
- cutting off debate and solutions that do not fit neatly into the scope of the assembly (the scope is often so limited that participants have no choice but to effectively tax themselves in order to deal with any particular problem)
- attempts to guide the assemblies to the 'proper' or at least not 'radical' outcomes for fear of negative media coverage
- insufficient information provided to participants that suffices for a 'newspaper level' discussion of the conversation, but does not add anything that is not readily available and certainly does not amount to the kind of intellectual exercise that would be necessary to constitute a true investigation
- bias in expert selection (frequently people or organizations that the organizers know and approve of)
- burning through a lot of money unnecessarily
- simply assigning tasks to some advisory council members without communicating that these tasks were open, etc.

Deliberative democracy has been taken over by activists, the vast majority of whom do not have any appreciable education in the fields concerned or appreciation of attention to detail. As a result, they do not truly understand what concepts like 'random' or 'deliberation' even mean. In addition, they are not reflective and they are extremely susceptible to manipulation (any praise whatsoever). They also seem to view their job as somehow manipulating the population to accept certain pre-decided outcomes.'

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Evidence:

Deliberation is certainly part of democracy and has many applications that can serve a useful purpose.
However, recently the so-called 'DelibWave' or 'citizens assembly' movement has completely and willfully departed from all reasonable standards in this area and is utilising the idea of deliberative democracy (not to mention Athenian democracy) to try to legitimate a method of rule that cannot be sustained by these means.
Ironically, these 'delibwave' and citizen assembly advocates are not very informed about democracy (historical or current) and aren't interested in becoming informed - hence they completely over-estimate and over-promise on what it can deliver.
In particular, in my experience, they exhibit extreme bias in issue selection and the outcomes that are deemed acceptable.
This is because many of the people involved are activists who work for NGOs with little solid training in core subjects and little experience outside of the well-funded NGO-world.

There is nothing wrong with being an activist, but they lack formal training in areas that would enable them to better understand:
a) how government works
b) how information works
c) what the point of deliberation and expertise is in the first place.

A) Excessive Opportunism at Odds with Declared Purpose of Deliberation

I have noted a distressing tendency for citizens' assemblies to jump on any issue that looks like it is gaining momentum and claim that they were fully responsible for this issue coming to prominence or action being taken on it. Some examples from Ireland:

1) the citizens assembly on abortion
Opinion on abortion had been changing rapidly for years (decades, actually) and because it was fairly easy to get an abortion in England, the practical relevance of the ban was a lot less than one might think.
However, one case occurred that was very prominent of a woman who died after being refused an 'abortion' after a partial miscarriage. Needless to say, this brought home the need for abortion to be legalised in Ireland. This happened well before the CA (years).
Then, of course, the actual decision was taken by referendum.
The referendum question only asks if you are OK with x-number amendment.
It does not have the 'complexity' that CA advocates always claim to use - at the end of the day, the decision to legalize abortion was not even remotely a complex decision.

2) Recently they have also decided to jump onto the issue of reunification. As with the abortion issue, we have a clearly defined path to a referendum on this agreed via international treaty. It's also a pretty simple decision.
People have been fighting for independence for hundreds of years here. The IRA managed to get as far as the Good Friday agreement by literally fighting. We would not have the Good Friday Agreement without that.
Then 20 years of demographic changes (Catholics have more kids than Protestants) have brought us to the point where a referendum would be tight anyway, but increasingly falling on the side of generally Catholic Republicans with each passing year. The surviving paramilitary personnel are by and large in the 50+ age range, and we are even making nostalgic television shows about the Troubles.
It's not a new thing around here.
There are not a lot of unturned stones in this debate, which most people would agree has moved inexorably if very slowly towards reunification over the past several decades.
In addition, Sinn Fein has become increasingly popular in the Republic, primarily due to its socialist policies and the fact that people who lived through the Troubles are increasingly dying off (and needless to say, it would bring reunification into the forefront).
So...really...after generations of people giving their lives to this cause, not to mention a really complex political trajectory, the DelibWave crowd want to swoop in and claim they are the difference-maker on this and take credit for Irish reunification?
How much more blatantly attention-seeking can you get?
They just want to make a headline (as they did with abortion).
We are a real country, with real paramilitaries and a real international treaty governing further action. This is not a game.
(In fairness to them, Sinn Fein is all over this and really pushing this as it will make headlines for them as well).

c) Then they jumped on Irish neutrality.
Polls show most Irish people are in favour of retaining military neutrality, which is our policy precisely because of our anti-imperialist history. We have been constant contributors to UN peacekeeping, but we demand a UN mandate.
However, they (the government, the American government and DelibWave activists) are trying to use the war in Ukraine to push to end this and calling for a citizens assembly as one way of doing this.
There is NO demand among the Irish population to end neutrality, according to polls, and there is no benefit to anyone of us doing so, except the American arms industry, which wants us to spend 2% of our GDP on weapons (quite a lot when you consider we are a tax haven and thus our GDP bears no relation to how much money we actually have).

Quite apart from the rights and wrongs of neutrality, what really gets me about this is that they are utilising an event (Ukraine) that has been whipped into a highly emotive and intensely propagandized issue in order to hold a citizens' assembly with the goal of getting rid of neutrality.

Isn't that literally the opposite of the goals pursued by deliberation? Why are we using this to try to create artificial demand for a policy people don't support? Why are we jumping on something highly emotive?

B) Lack of Expertise

Additionally, although I have spoken to many expert deliberative democrats who are either intelligent or have put in the time on this subject or both, these 'delibwave' advocates do not fall into that bucket.

1) 'Funding'
They receive a lot of money from various millionaires and billionaires, such as Pierre Omidyar, Nicolas Berggruen, Luca Belgiorno-Nettis, George Soros, Atlantic Philanthropies and the Bertelsmann Stiftung.
You would think anyone involved in politics would wonder about this money as a matter of course.
You think you would at least ask yourself - why are they funding these things?
But DelibWave people don't. Because they are amateurs.
In their world, money rains from the sky.

2) Information
They also believe that a pretty low level of information is enough for participants. I would describe the level of information provided at the citizens assembly on Social Care in NI as 'newspaper level'.
But the debate and level of information in academia is on a whole different level. By this, I don't just mean that there is more detailed information, I mean it also often centers around whole different themes.

For example, the journalism level of debating immigration might be to debate whether immigrants are 'good' or 'bad' or whether they increase GDP.
The scholarly debate is more around what is called 'the absorptive capacity' of the host country (which can be altered). There is agreement that since the 1990s it has been much harder for immigrants to Western countries to integrate into society and in particular to get out of low-wage jobs (unless they arrived as highly-skilled). But this is a more complex debate, because it integrates ideas like the provision of social services, housing costs, community integration, wages in general, etc, etc. There are a lot of things that are general factors of society that also affect the immigrant experience, eg. when my family immigrated to Canada, my grandfather was eventually able to find a union job. Yes, it was beneath him, but it enabled him to buy a house. We were also educated publicly like 99.99% of the population. You cannot deal with something like immigration by simply running around affirming that immigrants are good and smiling at them. This does not put bread on the table for anyone.

Thus, they think they are being very informed, but for anyone who is actually an expert and has access to these papers, it is pretty pathetic and just misses the point. You need a lot more information than this.

Most commonly, citizens assemblies end up affirming a long list of recommendations that merely spend the national budget several times over and/or raise high taxes on the disappearing middle class, because the truly wealthy are 'out of scope' (international tax avoidance is too complicated for them).
As I said - activists. They have their little pet issues. But someone has to join up the dots or you end up with a mess.

It would not be so bad if they said, 'hey, with every assembly we do, we are raising awareness to some extent, you have to start somewhere'. But instead they act like Moses coming down the mountain with the Ten Commandments.

3) Controlled Process

At the NI Assembly on Social Care, one member sent around an email stressing how it was important that the Assembly not come out with recommendations that were too out there and how we have to guide them, etc.
I complained about this, but to no avail.

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On other occasions members were shut down because their solutions were 'out of scope' which constrains them to find solutions that do not deal with the root cause of the problem. Are they solutions, then?

If there is an emerging pattern with 'DelibWave' types it is that they have, for the most part, been co-opted by the reigning neoliberal powers.
They continually congratulate themselves on helping Macron and Varadkar stay in power - but....why is it their business to help certain politicians stay in power?
Above all, why is it their business to continuously advocate neoliberal solutions to all problems? Why are the solutions preferred by neoliberal governments also coincidentally the right ones?
How convenient.
Incidentally, it is also hilarious that DelibWave people keep calling themselves radical, when they are super conformist.
Indeed, they are so incredibly conformist that they often assume you have the same opinions they do, when you don't. It is amazing. They also seem to be obsessed with hierarchy and titles and pomp and ceremony, and if you disagree with them, they will exclude you.
  This could probably happen to any movement, but it is unfortunate to see something where there are people who do serious study being pushed aside by activists who do not know what they are doing, but are momentarily useful to certain political leaders.

 I have spoken to many deliberative democracy researchers, and while I still don't agree with them on everything, I do feel convinced that those people are working to a high standard and that they have good intentions.
 While I am more a fan of debate, I also recognize that that can also get out of hand at times.
And I think there are a lot of things sortition would be very good at (primarily in preventing corruption in bureaucracy).
 But DelibWave people seem more concerned with cutting democracy short, rather than extending it.

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*29 Deliberative Agenda Setting: Piloting Reform of Direct Democracy in California | Request PDF (researchgate.net)
https://www.researchgate.net/publication/287122097_Deliberative_Agenda_Setting_Piloting_Reform_of_Direct_Democracy_in_California

*30 https://www.researchgate.net/publication/334260418_Sortition_and_Democratic_Principles_A_Comparative_Analysis
 -Dimitri Courant
 p247: To sharpen our appreciation of sortition, I have distinguished it from other modes of selection, clarified the variety of frameworks it could operate within, and revealed less obvious ways in which sortition can thereby fulfi ll democratic principles. Those democratic principles, revealing what I call the new spirit of sortition, are potentialities not always present but enhanced or suppressed by the framework.

31 Dimitri Courant (june 29 2020): En effet il y a une différence énorme entre "pouvoir de proposer" et "pouvoir de décider". Comme je le dis dans l'article, la question pour déterminer la nature d'un régime, peu importe l'échelle, c'est : " à la fin qui décide? Qui détient le pouvoir souverain ?"
 Si c'est une personne c'est une monarchie, si c'est petit groupe c'est une oligarchie (avec ses différents types : ploutocratie, phallocratie, géontocratie, klérocratie..) ; si c'est le peuple c'est une démocratie.
 Une assemblée tirée au sort imposant ses vues au peuple sans ce dernier ne puisse avoir le dernier mot est une klérocratie, donc un type particulier d'oligarchie.

*32 https://www.oecd.org/sdd/social-capital-project-and-question-databank.htm p23
Box 2.1 The 'dark side of social capital': negative externalities and personal liabilities One common criticisms of the notion of social capital is that it tends to focus on the positive outcomes of networks and social interactions, sidelining the fact that they can also have negative effects. These negative impacts have been termed the "dark side" of social capital (e.g. Portes, 1998) and include a range of outcomes such as the mobilisation of networks for nefarious aims, such as terrorism or organized crimes; the use of networks to foster 'ingroup, out-group' dynamics, resulting in social inequality, exclusionary and nepotistic practices, social stratification, and corruption (i.e. the type of effects stressed by Bourdieu); and the over-reliance on personal 'bonding' networks at the expense of broader, 'bridging' ties. Where high levels of bonding social capital exist with only weak or absent bridging social capital, this may result in the kind of insular, untrusting societal relations typified by the Southern Italian regions described in Putnam's work, leading to economic and social stagnation (Bebbington et al. 2006).

https://www.socialcapitalresearch.com/corruption-dark-side-social-capital-correlation-causality/
Some elements of macro level social capital such as trust are likely to have a causal relationship with corruption.

 https://perspectivia.net/servlets/MCRFileNodeServlet/pnet_derivate_00005527/koechlin_spotlight.pdf
Social Capital or Corruption? An Analytical Spotlight on Some Messy Boundaries in Switzerland and Beyond

Of course, corruption is also present in so-called "representative democracy" (electoral aristocracy) and other political systems but that is beyond the scope of this paper.
https://www.transparency.org/en/cpi/2021

*33 https://www.justiz-initiative.ch/startseite.html

Die höchsten Richterinnen und Richter werden in der Schweiz durch die Parteien bestimmt. Die Parteimitgliedschaft nimmt *dadurch eine wesentlich wichtigere Rolle ein als die fachliche Qualifikation der Bewerberinnen und Bewerber. Bei der Auswahl zählen bisher vor allem Verdienste innerhalb der Partei.*

Nach der Wahl muss die Richterin oder der Richter alle sechs Jahre vom Parlament bestätigt werden. Dadurch ergibt sich ein vorauseilender Gehorsam gegenüber Behörden und Parteien. Ausserdem bezahlen die Richterinnen und Richter eine jährliche Mandatsgebühr von bis zu 20'000 Franken an die eigene Partei.

https://www.democracy-international.org/direct-democracy-facts-arguments   some problems with constitutional courts:

The Bavaria case : page 58 :

A limited form of direct democracy already existed at state level in Bavaria prior to 1995. Citizens could launch legislative initiatives and force a referendum on them. The threshold for using this system was exceptionally high, however. In an initial phase, 25,000 signatures had to be collected. Only then could an application for a referendum be submitted. If the Ministry of Internal Affairs [Innenministerium] formulated objections to the initiative, the Constitutional Court had to give a ruling on it. If the court saw no objections, there was a further stage, during which 10% of those entitled to vote (around 900,000 citizens) had to go to their local government offices within a two-week period to record their signatures as supporters of the popular initiative. This second threshold was virtually unachievable, so that referendums almost never took place in Bavaria at the state level. The 1995 referendum was only the fourth to be held since the Second World War. Moreover, politics in Bavaria was and remains dominated by one political party, the Christian-democratic CSU (Christian Social Union).

page 60 : Resistance from the courts

CSU politicians, Mehr Demokratie had to face even greater resistance from the Bavarian Constitutional Court. In Bavaria, judges are appointed by the (CSU-dominated) state parliament (Landtag), so 80 percent of the judges are CSU supporters or sympathisers. Constitutional Court rulings are final because there is no possibility of appeal.
....

But the Constitutional Court also pursued its attack at the local level. In 1999, again following a citizen's complaint, the Court had ruled that "basic democratic principles" also demanded the introduction of a participation quorum for the municipal referendum, which had been abolished by the referendum that Mehr Demokratie had won. ... (redactional note: a quorum is against the Code of Good Practice – Venice Commision
https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2007)008rev-cor-e)

*34 https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/whistleblowers-protection_en

Whistleblowers, i.e. persons who report (within the organisation concerned or to an outside authority) or disclose (to the public) information on a wrongdoing obtained in a work-related context, help preventing damage and detecting threat or harm to the public interest that may otherwise remain hidden.