Rescuing Democracy
Paul E. Smith

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Synopsis

This overview of the book serves as an introduction and also as a compact explanation of the design and intended function of the new institution it prescribes as a remedy for democratic dysfunction. That explanation should help those who want to understand this design without reading the whole book, as well as those who do read it but then find they need a summary to help them judge the potential of this prescription.

To begin then, we might observe that it has long been recognized by academics and others, including many experienced politicians, that democracies tend to be seriously dysfunctional. For half a century, ‘public choice’ economists have theorized that the structure of liberal democracies makes their governments underprovide public goods. By ‘public goods’ these scholars basically mean goods and services that are available to any citizen to use or to benefit from, for free or without direct, individual purchases. Public goods may be concrete things like public roads and also more or less abstract things like the security of a nation from attack, or social capital such as a general atmosphere of trust between citizens. ‘Public goods’ contrast with ‘private goods’ largely by the latter being ‘excludable’, that is, owned by individuals or private entities like corporations — having been obtained by these owners by direct purchase, or by receiving them as gifts, or by making these goods for themselves.

Public choice scholars theorize that the purpose of governments — and the only justification for having them — is to provide important public goods that would not be provided or protected if there were no government to do it. They therefore
regard underprovisions of public goods as ‘government failure’. In addition to the observations and ideas of these economists, over the last three decades political scientists have implied that government failure is a serious problem with their focus on theory and experiment in ‘deliberative democracy’. The main idea here is that the performance of democratic governments would be improved if citizens could be induced to deliberate public issues more effectively. In these and other ways, social science has been giving us, for some time now, observations of symptoms of democratic illness and diagnoses of it. Political scientists and others have proposed many prescriptions to cure this, but all of these are ineffectual because they are either far too small in scale to affect the quality of government, or if they are big enough they are virtually impossible to implement as they require dysfunctional governments to do this. To try to overcome these problems, this book sketches a systemic diagnosis of government failure and then uses it to devise a prescription with the following crucial characteristics: (1) by diagnosing systemic failure it tackles the problem of scale to address government failure at state, national and even higher levels; and (2) it is capable of being implemented in the real world of democratic politics.

The diagnosis is dubbed ‘triple dysfunction theory’ because it postulates that three causes of government failure are produced by the fundamental structure of modern democracies. That structure is the selection of political representatives by means of elections. The three causes of failure are named ambiguous delegation, excessive competition and excessive compromise. Ambiguous delegation is an inherent uncertainty in the electoral transfer to representatives, of the democratic authority and responsibility of citizens to govern themselves. The result is basically that no-one is in charge. Some of the responsibility for making optimal provisions of public goods is therefore neglected. Elections produce this irresponsibility because their frequency and the usual eligibility of incumbents for re-election mean that when citizens vote, they do not fully transfer their democratic authority to govern. They largely retain it to exercise at the next election. However, it is very well known in po-
itical science (as elaborated at the end of this synopsis) that an overwhelming majority — something like 80% — of citizens are deeply ignorant of public affairs and policy. In view of this, it is imperative for good government that candidates and representatives make themselves well informed. But if they do and then act accordingly, most voters are likely to misunderstand them and (exercising citizens’ authority to govern) refuse to elect and re-elect them. So candidates and representatives focus on understanding the wishes of their constituents rather than on understanding society’s needs for public goods. To an important degree, then, nobody governs: citizens delegate the job to politicians who cannot fully do it, as they want to get elected and re-elected. The delegation fails to some extent, and government with it.

This government failure (failure to carefully choose public goods) is anticipated to occur mainly in government’s choice of strategic policy. That is because politicians’ concerns for their constituents’ desires tend to constrain them to produce policy and legislation that addresses the short-term and personal issues that are of most interest to most citizens. Strategic problems are therefore neglected. One example of this neglect is that 24 years after global warming was internationally recognized as an existential threat by the establishment of the UN Framework Convention on Climate Change, little has been done to limit global greenhouse gas emissions — and their rate continues to increase. A related but more general consequence of failure in strategic policy is explored below in Chapter 5. This is that democracies are incorrigibly addicted to economic growth, despite the fact that infinite growth on a finite planet (and also within finite national territories) is obviously impossible and must do incalculable damage before that damage halts the growth. Of course some of this damage is starting to be produced by global warming. At its root, addiction to growth is a short-term focus by voters on the personal benefits of more jobs, more income and their freedom to reproduce. This myopia ignores the longer-term costs of providing those benefits, which are that natural
capital is made progressively scarcer by consuming it and also by increasing the number of people trying to use what’s left.

The second element of ‘triple dysfunction’, excessive competition, takes place between politicians. It is intense, pervasive and incessant because of the frequency of elections, the eligibility of incumbents for re-election and the political lethality of failure, in which politicians are ejected from politics (at least temporarily) if they fail to get enough votes. This competition is excessive because it makes politicians fight each other to attract votes instead of learning about public goods and carefully deliberating amongst themselves to choose those they will provide or protect. The third element of triple dysfunction, excessive compromise, is the compromising of the political influence of the views of relatively well-informed citizens with the political influence of those who are badly informed. It arises largely from universal franchise and equality of the vote. This compromise is excessive because, as noted above, the overwhelming majority of citizens are badly informed. Long ago in ancient Greece, Plato recognized this as a crippling problem for democracy.

A popular conception of why democratic governments fail to perform well is that it is due to manipulation by wealthy private interests. Although this effect is alarmingly strong and well documented (e.g. Gilens 2012, Ash 2015) it is not a cause of government failure, but a result. When government fails to function because its structure is incompetent, powerful private interests are able to take advantage of its attention deficit disorder (in respect of public goods) to make it serve their purposes instead. As triple dysfunction theory analyses inadequacy in our current electoral systems of democratic government, it does not look for inadequacy in anything external to those systems. These external things, such as people and corporations trying to acquire private goods, are parts of the environment within which government must produce and maintain important public goods. To do this it must have a structure that enables it to do so in that environment.

As the triple dysfunction diagnosis blames electoral systems for government failure, it suggests that one way of fixing this
might be to replace elections with some other type of representation, such as sortition, the selection of representatives by lot from all those citizens who are eligible to vote (in other words, sampling by random selection) (e.g. Burnheim 1985 and 2016). If those representatives could be prevented from being bribed by powerful private interests, then some variant of sortition may indeed minimize triple dysfunction. However, all forms of this process have a fatal problem: they need existing governments to get them running and then to step aside and let them take over. But it is hardly conceivable that politicians who are successful in an electoral system will see any need to replace that system, including themselves. Reforms such as sortition that require strong government support for their implementation are therefore virtually impossible to implement. We need some other prescription, one that not only addresses the diagnosis but can be implemented in the face of government inertia, indifference or even hostility.

If a prescription is to be feasible to implement, it seems it must be one in which the people have a strong stake, for then they might force their representatives to establish it, or—if the prescription is such that this is possible—they might do it themselves. One way of giving citizens such a stake is to give them more power over policy. This would also address triple dysfunction, as it would minimize the ambiguity in delegation by reducing the area of governing that is attempted to be delegated from citizens to their representatives, which would leave the people more clearly in charge (and the system more directly democratic). This might be achieved with a new institution that allocated them an especially powerful area of public policy. Strategic policy meets this criterion, because as well as covering the establishment of long-term goals for the development of the nation, it also determines the range of options for future medium-term and short-term policies. Moreover, as indicated above, attending to strategic policy would tackle the major area of governance that is conjectured as being neglected by democratic dysfunction.
An institution that might give citizens this responsibility and authority and also be feasible to implement is a new type of poll or referendum, if it were designed to (1) be possible for citizens or NGOs to establish and run; (2) address strategic issues; and (3) develop strong political influence. The first of these objectives would be met by having its voting voluntary, as citizens and NGOs can establish and run polls but not compel people to vote. As will be seen later, the type of voluntary voting required is not only that citizens could choose whether they voted in this poll but also that they could restrict their vote to any questions they cared to choose from all those on the ballot paper. The second objective would be met by confining the poll’s questions to strategic issues and, as we will see, a potential to meet the third would be created by making the vote repetitive. Because carefully chosen, crucial questions on strategic issues may remain highly relevant for years, such a poll might be repeated without changing its questions for a decade or more. A cycle of annual repetition should allow public debate on those questions to produce some learning by citizens between polls and consequent changes in their results, so that after a few years trends would emerge in these, as voters learnt from each other and developed their views. As the general public would gain some awareness that the voters in this poll were becoming wiser on its questions, the public status of its voting trends should rise and that should start to produce some political influence for them.

If the vote was not only voluntary but entirely self-selective, the poll would develop a public visibility that should strengthen its political influence. ‘Self-selective’ means that the poll relies on the initiative of each citizen to decide to vote and also to choose which questions they vote on. The public visibility that self-selection should generate would make this design very different from conventional random sample opinion polling as the latter does not make the general public aware of its operation before and as it takes place. The only citizens that random sampling notifies are those in the minuscule section of the population that is selected to be the sample — and they get no prior notice. The bulk of the population only learns about conven-
tional random sample polling after the results are published, which is too late to excite public argument to try to influence that outcome. In contrast, voluntary, self-selective voting would raise the public profile of the poll before the vote is held and especially as the time for this drew near, because this type of voting must be advertised to attract voters — at least until it becomes well-established in citizens’ minds as an annual public event. In addition, the self-selective poll website would have its ballot paper on permanent public display, so that citizens could debate its questions at any time and well before they voted. This should result in citizens learning from each other and searching for more information on those specific questions. In addition, if they could choose any time within, say, a week in which to lodge (and revise) their ballot paper, additional publicity for the event would be generated by media reports of the progress of the voting on each day of that week. As this occurred, citizens — perhaps especially those whose concerns are faring badly in the daily results — would use the time remaining before the poll closed to make sure they voted and to urge potential allies to vote as well.

Similar interaction and learning would occur year-round, between polls, as repetitive self-selective voting gives citizens an incentive to engage in continuing public discourses on the ballot questions. Their motivation would be to try to build voter support for their views before the next poll. This incentive should be significant because the self-selective nature of the poll means that such public conversation and argument does not have to influence the views of the whole population, as it must if it is to affect the results of a conventional, random sample opinion poll. It only has to affect the views — and the desire to vote — of the small, relatively politically engaged proportion of the population that might vote in a self-selective poll. Moreover, public argument would be helped to develop the views of voters — and to some extent, of onlookers — by the ballot paper tightly focusing on fundamental questions and by those questions generally remaining unchanged for many years. Voters — and also non-voting citizens who merely observe the process — would thus
be stimulated to inform themselves and develop their views on these crucial questions. After a few years of polling this should start to produce trends in the way the voters in this system were developing or maintaining their views on each question. At the same time, as relatively disengaged citizens observe the process, they should increasingly accord those voting trends that were publicised, some public status and thus political influence. Citizens in general would be learning that voluntary, self-selective voting produces relatively informed and deliberated results and that it does so in two ways: first, it reflects only the views of citizens who are interested in the issues (they are the ones who are concerned enough to vote) and second, many of these voters are becoming better informed and wiser as they engage with the public debates about the ballot paper’s questions. Such increasing sophistication and growing political influence of the vote would create a potential for it to ameliorate the third element of triple dysfunction, excessive compromise.

Where the trends of this new poll’s voting consistently run against existing policies or laws, and especially where they show such demands for new policies or laws to be getting stronger, then many people (whether they vote in this system or not) are likely to start calling for the government to make those changes. They will argue that not only do these trends show the views of those citizens who are interested in these issues, but that their views are comparatively well-considered. This political influence will be strengthened before elections by the poll’s managers publishing ‘report cards’ that compare their polling trends with the policies of parties and individual candidates. Another possible heuristic from this new poll that might generate political influence is that its voting trends may influence the responses of some citizens when they are sampled at random by conventional opinion polls.

In this environment, the government is likely to declare that unless the poll’s next ballot reverses trends that have, for some years, persistently demanded changes in policy or law, then it will make those changes. It will do this rather than act without prior notice, so that it avoids getting ahead of mass opinion to
the extent that it becomes vulnerable to electoral backlash. Such challenges to citizens from their representatives should increase participation in this poll because those who become worried by the prospect of a change to law or policy will start to argue in public against it and begin to vote in the poll. Others who previously voted for or against that change — together with citizens who are now starting to agree with them — may intensify their participation in the ballot and in the public debates about its questions to try to accomplish or prevent the change. This should further strengthen the poll’s public profile, its public status, its political influence and the wisdom of its trends.

If voluntary, self-selective voting is to attract a healthy turnout, it must be made as easy as possible for voters. It will therefore be done by phone and internet, for which it seems that adequate security and privacy would be feasible. These modes of voting will also facilitate electronic tabulation and analysis. As noted above, citizens will have a week in which to lodge and revise their vote and the resultant media coverage during this period will remind them to act. The ballot paper will be available free of cost, both in hardcopy and on the poll website; each of its questions will have the widest possible menu of answers for voters to choose from; it will give a brief, balanced description of each strategic issue it addresses; and there will be no limit to the number of these on the ballot paper, so that as many citizens as possible will find something of interest in it and also so that its treatment of strategic policy is comprehensive, allowing it to draw the attention of voters (in its descriptions of issues) to important relationships between issues.

In its first year or two of operation this new poll is unlikely to produce strikingly wiser results than those of random sample opinion polls, despite the fact that self-selective voting excludes the ignorance of those with little interest in (and knowledge of) the issues it addresses. This is expected because those who are interested enough to vote will be a mixed bunch, ranging from thoughtful, informed types to those who are prejudiced, dogmatic and fanatical. However, there are three ways in which the poll design should overcome that problem. The first is that
rational poll results will enraged many rational citizens who have hitherto neglected to vote, provoking them to try to swing the results in wiser directions by making sure they and their allies vote in future polls. These relative newcomers to the process will also tend to ramp up their engagement with the public discourse on the ballot questions, to try to expose what they see as ill-informed thinking and deluded dogma. The second way in which domination of the poll by irrational types might founder is that on some questions they may comprise different factions with conflicting views that tend to cancel each other in the voting results. This may leave rational voters with a stronger voice in those results. The third way by which dogma should fail to prevail is that, as discussed above, the pertinence and persistence of the questions through successive annual polls should assist those who engage in the public discourses on these (whether or not they actually vote in the polls) to develop more knowledge and wisdom on those specific questions. Such growing sophistication should increasingly marginalize those who persist with irrational dogma, in both the poll’s results and in the broad realm of mass public opinion. Dogmatists will be less and less likely to dominate the poll results, and even where they manage to do so, those results will be less and less likely to be acceptable to the general public and to their political representatives as guides to new public policy and legislation.

In addition to these three ways by which this poll should encourage deliberation, it has another feature that should assist. This is that, where it can be done with a menu of answers, the ballot paper would ask for the motivations behind the voters’ selections of answers to a previous question on an issue. There may be two types of these motivational questions: ‘mechanics questions’, which ask voters to explain how their preferred policy would work; and ‘justification questions’, which inquire into the voter’s reasons for their preference. Responses to these questions would be statistically analysed and published to stimulate public argument and deliberation on their wisdom and morality. For example, it may be found that particular views on issues were rarely accompanied by responses to motivational
questions, whereas voters with other views on those issues often gave answers on their motivation. In addition, the types of motivation that are declared will arouse public debate over their appropriateness and the rationality of the views they motivate. Of course, although this poll may arouse more argument than careful deliberation, the argument will provide much of the energy that is needed to drive deliberation and engagement in the poll.

This self-selective serial poll thus has three major functions that may ameliorate two parts of triple dysfunction: (1) registering only the opinions of those citizens who are interested in the issues it treats (potentially reducing excessive compromise); (2) creating political influence for those opinions (reducing ambiguity in delegation by reducing the area of responsibility that is attempted to be delegated from citizens by elections), and (3) facilitating the development of both these opinions and the opinions of many citizens who do not bother to vote (reducing excessive compromise). As the function of this design is distinguished from that of conventional polls and referendums by its registration of relatively developed public opinion (1 above) and the further development of both this opinion and mass opinion (3 above), it is called an ‘opinion development poll’. The organisation that would establish and manage it is dubbed the ‘People’s Forum’ and it would conduct the poll in ways that encourage citizens at large to recognize it as: (1) impartial, (2) asking incisive questions that are fundamental to society’s future, (3) assisting citizens to exchange pivotal points of view and to learn from each other, (4) showing how the opinions of its voters are changing over successive polls, (5) developing choices for collective action, and (6) pressuring government to execute those choices.

As the People’s Forum would position citizens who choose to vote in it as those who develop strategic public policy, it would give them the potential to be the ‘directors’ of government. If this potential was realised by the Forum becoming politically influential, politicians would be relegated to the role of executives — those who implement the strategic policy of directors. In that role politicians would choose appropriate tactical policy (which is of medium range in terms of time, geographical reach
and impacts on other issues) and also devise operational policy that helps to execute tactical policy (operational policy being of the shortest range in time and space and of minimal impact on other issues). This clarification of the roles of citizens and their representatives would reduce the damage to governance that is inflicted by excessive competition between politicians, as it would have citizens doing some of the policy work that these agents neglect as they fight with each other. This effect should be powerful as that policy work — the development of strategic policy — would arguably be the most important in government. Thus, if the Forum worked it would ameliorate all three parts of triple dysfunction.

As we have noted, this design can work only if it attracts strong public esteem, not only from those citizens who vote in it, but also from most of those who don’t. This latter effect is plausible, as political scientists observe that most citizens are quite happy to let others ponder public policy and vote, as long as they know they can step in and contribute whenever they want to (Hibbing and Theiss-Morse 2002, 239). This design invites them to do that, with its self-selective voting and accessible, repetitive ballot. If a strong public status did develop for the Forum as it operated, it would then realize its potential to make citizens the directors of government and politicians their executives. If that happened we might then learn to stop calling our political agents our ‘leaders’. Although democracies have a vague division of labour that is arguably already along these lines (of voters as ‘principals’ or leaders and politicians as their ‘agents’ or executives), it is confused by the electoral process (as argued at beginning of this synopsis) and further obscured by Homo sapiens’ social or tribal nature, which makes citizens instinctively regard presidents, prime ministers and other politicians as their ‘leaders’. Citizens therefore do not even try to perform their democratic role of leadership and the ‘strategic’ policies they impose on politicians (by electoral rewards and punishments) lack thought, being merely the wider implications of the short term, local and narrowly focused policies they usually demand.
We thus appear to have an institutional design that could not only curb triple dysfunction but be implemented in the face of it. We now give some thought to whether the Forum’s managers would actually prosecute its mission and also to how this new institution could be introduced into politics and government.

The voluntary, self-selective voting of the Forum provides citizens with a power of boycott that would make it highly vulnerable to public criticism. Adverse comments by journalists, academics, NGOs, think-tanks and citizens in general could easily discredit it unless quickly countered by strong arguments from credible sources. With little or no real evidence, public criticism might be able to portray the Forum as a biased tool of self-interested manipulators who are trying to corrupt government even further, for their own ends. The result could quickly be that its polls become objects of public ridicule and virtually nobody votes in them. This power of boycott should ensure that the managers of the Forum keep their ballot paper relevant, incisive and impartial. It will encourage them to post a standing notice at the head of this paper, inviting citizens to suggest alterations to it such as corrections of issue descriptions, new issues, new questions and new menus of answers. One obvious requirement, if the Forum is to develop a high public regard, is that it must attract a ‘respectable’ number of voters, which might be most of those in the polity who could be expected to have interests in the issues on the ballot. This proportion is not likely to be anywhere near a majority of citizens who vote in the Forum and it would be a much smaller proportion that votes on any particular question.

Another requirement for the Forum to work is that it must present incentives for its managers to restrict it to strategic issues. It would do this in two ways. First, the repetitive function of opinion development polling means that it can only pose questions that will be relevant for many years — and these tend to be those that address strategic issues. Second, if the Forum, is to have political influence it must have a high public status and that will depend largely on citizens seeing that it seriously focuses on very important policy and also on policy that is cur-
rently neglected by democratic governments. On both counts, this is strategic policy.

As the success of the People’s Forum depends on its strategic focus, it can only work in a polity whose citizens consider has some prospect of implementing such policy. Small scale trials, perhaps at the level of local government, are therefore likely to give misleading results. Trials of the Forum must be carried out at the scale for which it is designed, that of large jurisdictions capable of applying (or influencing) strategic policy. These are national, multinational and global systems of governance. By the same principle, the Forum could also be viable in states and provinces within federations, as they should have considerable influence on national strategic policy and law. One strategic issue that guarantees such influence is that of secession, which separatist citizens may see as a precondition to solving other strategic issues.

To introduce the Forum into a polity it is not essential to have widespread popular appreciation of its potential, nor that government takes the initiative. If enough philanthropists or other citizens are sufficiently intrigued by this design to raise perhaps $10–20 million to establish and run it for a few years, then that public exposure might make it widely considered to be an essential part of government. Such an achievement in one democratic state or country could set a precedent that sees People’s Forums established as a formal part of many governments around the world. In addition to the executive, legislative, judicial and administrative branches of democratic government, this new institution would constitute a totally new branch, one that is dedicated to helping public opinion to develop. Arguably, the current lack of such branches in all democratic governments is a crippling gap in their structures. As those governments run on public opinion (e.g. Druckman and Jacobs 2015, 30), it is absolutely crucial that this opinion be well informed and well deliberated. The fact that it isn’t is recognized by political scientists as one of the firmest findings in all of the social sciences (e.g. Bennett 2006). Over the last half century, surveys have repeatedly shown that large majorities of citizens in democracies are
very badly informed on politics and public policy. The editor of *Critical Review* has observed: ‘The chief prescriptive implication is, I believe, that the will of the people is so woefully uninformed that one might wonder about the propriety of enacting that will into law’ (Friedman 2006, iv, v).

As the People’s Forum would address long-running issues it might determine not only strategic policies and legislation, but also reform and innovation in political constitutions, conventions and institutions. One of these innovations would of course be the Forum itself, as the new branch of government recommended above. Others might be: as indicated above, a new convention that the choice of secession is a right for separatists to exercise (subject to safeguards for minorities in separatist regions); the establishment (where needed, such as in the USA) of nonelected electoral commissions for redrawing the boundaries of electoral districts without partisan gerrymandering; the installation of multimember electoral districts instead of single-member ones, in order to have minority views proportionally represented in the legislature; to support this effect by introducing preferential voting for representatives; to have the upper house (such as the Senate or the House of Lords) abolished, if its function is deemed superseded by the People’s Forum; and even, perhaps, to replace electoral representation with some form of sortition, especially if this is assessed as either compatible with the People’s Forum or rendering it unnecessary.