

1. The hidden power of democracy

The twentieth century will not go down in history as the century of information technology, space travel or nuclear power. It will not be remembered as the century of Fascism, Communism or Capitalism. Nor will it be the century of two world wars.

The twentieth century will be the century of democracy.

During the twentieth century, for the first time in history, democracy became a global *standard*. Make no mistake, the standard has not been really achieved anywhere, and democracy is continually crushed everywhere in the world. However, with a few notable exceptions such as Saudi Arabia and Bhutan, every kind of regime *lays claim* to its democratic legitimacy. And they do that because they know that democracy has become the standard for the world's population. That is a revolutionary fact.

In the 19th century, democracy was actually still only in its infancy. The universal single vote system appeared first in the United States of America, but until the mid 19th century that was generally restricted in most states to white men who owned property. Women and people of colour were not considered competent to participate in the elections. Only in 1870, after the Civil War, were people of colour granted the constitutional right to vote. American women had to wait until 1920. In the UK, workers rioted and fought hard for many decades until late in the 19th century to achieve the right to vote. Suffragettes demonstrated bravely from 1904 to 1918, before women over 30 and all men over 21 were given the right to vote. It was 1928 before this was revised to include all women over 21, and even this was ridiculed as the 'flapper vote'. In South Africa, too, disasters were predicted in the event that universal voting rights would be implemented! In hindsight, these objections to granting voting rights to workers, women and people of colour seem hollow and pathetic.

There is a hidden power that lurks in democracy. In recent history, democratic regimes repeatedly resisted apparently overpowering dictatorial systems. Time and time again, the more democratic societies ultimately seemed to have the greater vitality.

Two sources of power

Democracy derives its superiority from two sources.

Firstly, a democratic regime is *legitimate*. In a real democracy, the form of the regime is, by definition, sought after by the people. It is logical that such a regime can rely on more internal support than a dictator.

Secondly, a democracy is *more productive*. In an authoritarian regime, the ideas of the majority of citizens have little opportunity to influence decision-making. In a democracy, there is a much broader base of ideas.

Moreover, the selection of ideas is more efficient in a democracy. Democracy is nothing more than the social processing of individual ideas. New ideas always originate with individuals, because only individuals can think. But the individual ideas have to be considered, weighed against each other and

adapted to the conditions in society. People need each other to correct the imperfections in each other's ideas. The heart of democracy is actually this process of the social shaping of perceptions, in which the idea or proposal of a single person, often already accepted by a smaller group (a political party, action group or pressure group), has its pros and cons weighed up by society as a whole. This perception-forming process leads to a choice. But the choice always has to be examined in an historical context; today's minority can be tomorrow's majority. The actual decisions in relation to the stream of image forming are like the timpani beats within an entire symphony.

In the medium to long term, democratic decisions will be socially superior to dictatorial decisions. Morally dubious goals, which do not serve the communal interest, will by their very nature seek their way via concealed channels that are shielded from the light of open, democratic decision-making. Under democratic conditions, the best ideas will be filtered out, so to speak, because we are better at recognising others' weaknesses than our own. The process of selection that occurs along the path of democracy can feed into society that which is beneficial to it. This does not mean that the presence of democratic instruments necessarily guarantees the quality of the moral initiatives of individual members of society. We can only trust that such initiatives will emerge. But it does mean that morally worthy aspirations cannot materialise without democracy. Politics can never *prescribe* morality. But politics can create democratic instruments that allow the moral potential that is dormant in individuals to be freed and put to work for the benefit of society.

Evolving democracy

Democracy is never complete. The rise of democracy should be seen as an *organic* process. Democracy cannot stop developing and deepening, just as a person cannot stop breathing. A democratic system that remains static and unchanged will degenerate and become undemocratic. It is just such a process of ossification that causes society's current malaise. We have to face up to the fact that democracy in our societies is in dire straights.

Our current, purely representative democracy is in fact the response to the aspirations of more than a century ago. This system was suited to that time, because the majority of people could find their political views and ideals reflected in a small number of clear-cut human and social beliefs, which were embodied in and represented by Christian, socialist or liberal groups, for example. That time is long past. People's ideas and judgements have become more individualised.

The appropriate democratic form in this context is a parliamentary system complemented with the *binding citizens' initiative referendum* (direct democracy), because such a system provides a direct link between individuals and the legislative and executive organs. The greater the degree to which citizens incline towards individual judgements, and political parties lose their monopoly as ideological rallying points, the higher will be the demand for tools of direct-democratic decision-making.

Indeed, a majority of people in Western countries want the referendum to be introduced [see 1-1]. This fact alone should be decisive in also actually implementing it. Democracy literally means: 'government by the people' (Oxford English Dictionary). The first step towards authentic government by the people necessarily involves people being able to determine themselves how this government by the people is designed and put into practice.

Nevertheless, we see that the majority of politicians argue against the referendum [see 1-2]. It is striking that the higher the level of effective power they possess, the more vigorously do many politicians resist the referendum [see 1-3]. In doing so, they actually adopt the same arguments that were previously used to oppose the workers' and women's right to vote. It can also be shown that these arguments have very little merit. In chapter 6, we look closely at the main counter-arguments.

In fact, however, a glance at direct democracy in practice is sufficient to see that the objections are groundless. In Switzerland in particular, a very interesting – albeit by no means perfect – example of direct democracy has existed for more than a century (see chapter 5). The Swiss can launch citizens' legislative initiatives at all administrative levels. In certain instances, it is clear that the citizens are directly opposed to the preferences of the political and economic elite. In referendums on constitutional amendments and transferring sovereignty to international organisations, which are obligatory in Switzerland, the voters reject a quarter of the parliament's proposals; when a citizens' group collects signatures to force a referendum on ordinary laws, as many as half the legislative proposals are rejected. But the people have not used their democratic rights to turn Switzerland into an inhuman or authoritarian state! There is no death penalty in Switzerland and human rights are not threatened in that country. Moreover, Swiss citizens have no plans to surrender their superior democratic system. (The Swiss people's dislike of the European Union is also associated with the Union's undemocratic character.)

But direct democracy must not be idealised. It provides no solutions in itself. Direct democracy does however make available the essential mechanism for producing useful and useable solutions to modern problems. The introduction of direct democracy should not happen out of a mood of sudden euphoria, but in a spirit of 'active and conscious readiness to wait'.

Moreover, one should not underestimate the invigorating impact that will immediately result from a radical choice for the restoration and deepening of democracy. The decision for more democracy is always also a decision for the right of *the other* to have a voice. It is a declaration of faith in the moral forces and capacities that are latent in ones fellow citizens. In our societies, which are poisoned by mutual distrust, there is almost nothing else imaginable that can have such a healing effect. The commitment to more direct democracy is by definition a commitment to the other person, to their freedom of speech, to their intrinsic dignity. People who are only interested in achieving their own goals have nothing to gain from democracy. They would do better to put all their energy into proclaiming and propagating their own individual point of view. Real democrats are interested in the individual points of view of others, because they know that people need each other to hone and sharpen their ideas and intuitions, to improve them and elaborate them. This social process of the forming and shaping of opinions constitutes the real core of democratic life. The closer people are brought into contact

with each other in a kind of *federalism*, the more easily and effectively can shared perceptions emerge (the link between federalism and direct democracy is discussed in more detail in chapter 3). Direct democracy and federalism reinforce each other. Together they form a '*strong democracy*' (Barber 1984) or '*integrated democracy*'.

“Our democracy is a nonsense”

We are currently a long way from such an integrated democracy. Political decision-making generally takes place beyond the influence and even beyond the cognizance of the citizens. This applies to almost all European states.

Hans Herbert von Arnim is Professor of Public Law and Constitutional Theory at the University of Speyer in Germany. He has written several books on democracy and politics and has acquired a reputation for exposing the often sordid reality that lies behind the “pretty face of democracy”. In his book “Das System” (The System; subtitle: “The Machinations of Power”), published in 2001, he lifted the lid on the German political system: “If representative democracy means government *by* the people and *for* the people (Abraham Lincoln), it quickly becomes apparent that in reality all is not well with the basic principles of what is supposed to be the most liberal democratic social system that has ever existed in Germany. The state and politics are on the whole in a condition that only professional optimists or hypocrites can claim is a result of the will of the people. Every German has the freedom to obey laws to which he has never given his assent; he can admire the majesty of a constitution to which he has never granted legitimacy; he is free to honour politicians whom no citizen has ever elected, and to provide for them lavishly – with his taxes, about the use of which he has never been consulted.” The political parties that take decisions in this system have become monolithic institutions, according to Von Arnim. The political identification and satisfaction of needs, which in a democracy should proceed from bottom to top – from the people to the parliament – is completely in the grip of the party leaders. Von Arnim also lays blame on the system of party funding, in which politicians can personally determine how much of the tax revenues their parties – private associations just like any other – can collect. According to Von Arnim, it is not surprising that politicians continue to ignore the ever-increasing clamour for reform of the political system, because otherwise they would undermine their own very comfortable positions of power.

In Great Britain, the Power Inquiry, a committee set up by social organisations and consisting of both politicians and citizens, conducted a large-scale investigation into the state of British democracy, and especially into the reasons why so many citizens seem to be turning their backs on politics. They held hearings across the entire country, at which citizens were invited to put forward their opinions, and published the report 'Power to the People', which noted: “The one factor felt to cause disengagement that runs through all the strands of our investigation is the very widespread sense that citizens feel their views and interests are not taken sufficiently into account by the process of political decision-making. The depth and extent of this perception among the British public cannot be stressed enough. Many, if not all, of the other accepted explanations presented here can also be understood as variations on this theme of weak citizen influence. (...) This view comes through very strongly in the many public submissions received by the Inquiry.” (Power Inquiry, 2006, p. 72).

In 1992, Professor De Wachter carefully mapped out the political decision-making processes in Belgium. He concluded: "In Belgium, the development of formal democratic institutions has become stunted. More up-to-date designs which would allow citizens to have a lasting impact on decision-making are either denied or at best lead to the failure to take decisions at all." (p. 71) "The citizens or voters are weak players in the complex and utterly dense social network of political decisions in their country. They lack decisive means of access to the highest levels of the power hierarchy and to decision-making. Everything is decided for them in an extremely elitist manner. For people who are open to ideas of democratic legitimacy, this assessment is both a disappointment and an abdication." (p. 371)

In 2002, Dutch journalist Gerard van Westerloo interviewed Professor Daudt, a celebrated political scientist. Daudt is seen as the Nestor of Dutch political science; a complete post-war generation of political scientists was trained by him. Professor Daudt wiped the floor with the proposition that the Netherlands was a democracy, dismissing it as follows. Certainly, Daudt said, the fundamental rights are respected, but "let's not use buzzwords to dress it up as something that it is not: a democracy with people's representatives. (...) Our democracy is a nonsense." Because van Westerloo wanted to know what Daudt's colleagues thought about his views, he made a tour of the Netherlands, visiting dozens of social administration specialists and political scientists. Daudt's view was confirmed everywhere. In Tilburg, Professor Frissen stated: "In the Netherlands, we are ruled by an arrogant elite, which has nothing to do with democracy in the direct-democratic sense of the word." In Groningen, Professor Ankersmit said: "Politics in the Netherlands has been driven to the fringe. Democracy as such can no longer be recognised in it." Professor Tromp from Amsterdam: "Politics in the Netherlands is walking down a dead-end street. A crisis is looming, which cannot be avoided. Political parties are nothing more than networks of people who know and support each other." Professor De Beus from Amsterdam: "The legitimacy of Dutch democracy is a large-scale form of self-deception and fraud." Professor Tops from Tilburg: "The political animal in the Netherlands is as good as tamed and domesticated." Director Voerman of the Documentation Centre for Dutch Political Parties: "The parliament has become nothing more than a rubber stamping machine." And according to political scientist Baakman from Maastricht: "We deceive ourselves that what we call democracy also works as democracy." (Van Westerloo, 2002)

Loss of trust

The populace in most European states realises that decision-making is being exercised with little democracy and has largely lost its trust in the democratic nature of the institutions.

In Germany, research by TNS Emnid, commissioned by the Reader's Digest magazine, showed that citizens' trust in political parties decreased from 41% to 17% in the ten years from 1995 to 2005. Trust in the parliament decreased during the same period from 58% to 34%, and trust in the government from 53% to 26%. "Under the surface, there's a big storm brewing", commented the political scientist Karl-Rudolf Korte. "This is much more than the traditional lack of interest in politics and political parties. People now

despise their official representatives." (*Reader's Digest Online*, 10 August 2005). According to a Gallup poll, 76% of Germans consider their politicians dishonest. (*Die Zeit*, 4 August 2005)

A poll by SOFRES in 2003 showed that 90% of French people believe that they exert absolutely no influence on national political decision-making; 76% also believe this about local politics. (*Lire la politique*, 12 March 2003)

The Belgian sociologist Elchardus surveyed Belgians' views on democracy in 1999. He summarised: "A large majority of the voters have the impression that their opinion and their voice do not permeate through politics into the policies. (...) 58% of those questioned had the impression that politicians, once elected, 'believe that they are too good for people such as me'. All this leads to more than a quarter of the electorate voicing their absolute distrust: 'in fact there isn't a single politician who I would dare to trust'. Only 15% to 23% of the people questioned agreed with positive statements about politics and representation. It would appear to be no exaggeration to state that half to three quarters of the electorate feels powerless." (Elchardus, 1999, p. 36)

Polls held in 2004 by Maurice de Hond in the Netherlands show that the majority of the Dutch have little faith in the democratic content of their state. 70% disagreed with the statement: "Politicians currently listen better than five years ago". 51% disagreed with the statement: "In the Netherlands, the voter plays an important role in the functioning of the national government"; 47% agreed with this. 55% disagreed with the statement: "The Netherlands is a real democracy", while only 39% agreed with it. Another survey by De Hond in August 2005 was about corruption. Dutch people believe on average that 12% of the members of parliament and the government are corrupt, and 18% of municipal and provincial politicians. Of the national civil servants, Dutch people on average think that 17% are corrupt, compared to 18% of municipal and provincial civil servants. Moreover, a quarter of those questioned admitted to personal experience with corruption among politicians or, via acquaintances, having knowledge of specific cases (www.peil.nl).

In 2002, Gallup organised a mammoth poll on the degree of trust of those questioned in 17 social 'institutions' – from the army and trade unions to parliament and multinationals. This involved questioning 36,000 people in 47 countries. Of all institutions, parliaments appeared to enjoy the least trust: an average of 51% of people had little to no trust, whereas only 38% had a moderate to high level of trust. (*De Witte Werf*, Spring 2003, p. 11). In 2004, the international corruption watchdog, Transparency International, organised a similar survey in 62 countries, in which no less than 50,000 people were questioned about which social bodies they considered most sound and which most corrupt. Political parties were considered the most corrupt; in 36 of the 62 countries they were at the top of this problematic list; with parliaments in second place. (*Rotterdams Dagblad*, 10 December 2004)

One should not think, however, that this creeping process of loss of trust can simply carry on forever. A government that has lost the trust of the majority of the citizens has de facto already lost its legitimacy.

1-1: Do people want direct democracy?

Yes. There is hardly a single Western country in which there is not a (usually large) majority of the people who want direct democracy.

In 1995, the 'State of the Nation' poll showed that 77% of the British people believed that a system must be introduced "...whereby certain decisions are put to the people to decide by popular referendum" (*Prospect Magazine*, October 1998). According to a poll published by *The Sun* (15 March 2003), 84% of British people wanted a referendum on the European Constitution. At the same time, a poll appeared in the *Daily Telegraph*, according to which 83% of the British people wanted to solve questions of sovereignty by means of national referendums; only 13% believed that this was the government's job. The *Guardian* (29 February 2000) published a poll according to which 69% of British people wanted a referendum on the new electoral system proposed by Prime Minister Blair. This clearly shows that the British people want the last word on the organisation of their political system.

In Germany, more than 4 out of 5 citizens want the citizen-initiated referendum to be introduced nationally. From an Emnid poll in 2005, it became clear that 85% of Germans had been won over (Readers Digest, 10 August 2005), and comparable figures have come from dozens of other polls. In 2004, Emnid also asked Germans whether they wanted a referendum on the European Constitution; 79% answered in the affirmative. Previous polls showed that the German preference for direct democracy ran through all parties: of SPD voters, 77% were supporters, CDU voters 68%, FDP voters 75%, Green voters 69%, PDS voters 75%. (*Zeitschrift für Direkte Demokratie* 51 (periodical for direct democracy no. 51), 2001, p. 7)

According to a SOFRES poll, 82% of French people are in favour of the citizen-initiated referendum; 15% are against (*Lire la politique*, 12 March 2003).

In the Netherlands, according to an SCP poll in 2002, 81% of the voters support introducing the referendum. In 1997, an SCP survey showed that there was a large majority in favour of direct democracy in all four of the biggest political parties: 70% of the CDA Christian Democrat voters, 81% of PvdA Labour voters, 83% of VVD right-wing liberal voters, 86% of D66 left-wing liberal democrat voters (Kaufmann and Waters, 2004, p. 131). According to a NIPO poll in April 1998, 73% of the voters wanted a referendum on the introduction of the Euro, and a poll in September 2003 showed that 80% wanted a referendum on the European Constitution (which was actually held in 2005). (Nijeboer, 2005). Moreover, the Dutch people expect a lot from democracy. The Nationaal Vrijheidsonderzoek (national freedom survey) of 2004 shows that the "promotion of democracy" was selected most (by 68%) as an answer to the question: "What, according to you, is particularly necessary for world peace?"

Gallup polled Europeans in mid-2003 on the desirability of a referendum on the European Constitution. 83% of them considered such a referendum as "indispensable" or "useful but not indispensable"; only 12% thought a referendum "useless". The percentage in favour was even higher among young people and those with higher education (*Witte Werf*, autumn 2003, p. 15)

The majority of people in the USA also want direct democracy. Between 1999 and 2000, the most extensive poll on direct democracy that has ever taken place in the USA was carried out. In all 50 states it was found that there were at least 30% more supporters than opponents; the average for the whole US was 67.8% for, and 13.2% against, direct democracy. It was striking that the more referendums there were in a state in the 4 years before the survey, the higher was the number of supporters of direct democracy. In states with few to no referendums, an average of 61% were supporters; in states with an average number of referendums, 68% were supporters; and states with more than 15 referendums had an average 72% support. "The 1999-2000 surveys conclusively demonstrate that the experience of voting on initiatives and referendums actually increases support for the process", comments Waters (2003, p. 477). There was also a poll on the desirability of a citizen initiated referendum at federal level (the United States is, paradoxically, one of the few countries worldwide that never hold national referendums, although direct democracy is quite widespread at the state and local levels). In this poll, 57.7% were supporters and 20.9% opponents.

1-2: Does the political elite want direct democracy?

No. From the opinion polls held among politicians, it generally becomes clear that a majority of them are opponents of direct democracy.

In Denmark, members of the national parliament were asked for their opinion on the proposition: "There should be more referendums in Denmark." A large majority of the members of parliament was against this. In three parties – the social democrats, left-wing liberals and central democrats – there was even 100% opposition; in addition, 96% of the right-wing liberals and 58% of the conservatives were against. Only a (large) majority from the Socialists and the Danish People's Party was in favour. (*Jyllands Posten* newspaper, 30 December 1998)

In 1993, political scientist Tops conducted an opinion poll in the Netherlands among municipal council members. Less than a quarter were in favour of the introduction of the binding referendum (*NG Magazine*, 31 December 1993). An opinion poll carried out by the University of Leiden found that 36% of all municipal council members were in favour of introducing the optional referendum, and 52% were against it. Council members from the VVD (right-wing liberals) and the CDA (Christian democrats) were even on average 70% against. Only the Green Left (greens) and D66 (left liberals) produced a majority of council members in favour of the optional referendum (*Binnenlands Bestuur* (domestic government periodical, 18 February 1994).

In Belgium, the *Instituut voor Plaatselijke Socialistische Actie* (institute for local socialist action) conducted an opinion poll among local social-democratic politicians about the municipal referendum. Only 16.7% were unconditional supporters of a binding referendum. (*De Morgen* newspaper, 31 January 1998)

Research by Kaina (2002) provides an interesting insight into the dynamics of elite support. She examined the will-

ingness of various elites in Germany to introduce direct democracy. She divided them into a political elite, a trade union elite and an entrepreneurs' elite, among others. Of the total elite, 50% expressed a "high" or "very high" degree of support for direct democracy (among the general public, this is considerable higher, at 84%). There are large differences between the various elites, however. In the trade union elite, 86% expressed either a 'high' or a 'very high' level of support, but in the entrepreneurs' elite, the level of support was only 36%. Among the political elite we see a picture of extremes. In the post-communist PDS and the Greens, 'high-very high' support was no less than 100%; with the social democratic SPD it was 95%, and with the liberal FDP 78%, but in the CDU/CSU only 34%. (In fact, a majority in the German parliament has already approved an amendment to the constitution that introduces a fairly good direct-democratic system; unfortunately, a two-thirds majority is required and it is particularly the CDU politicians who have blocked it.) If we look at the voters, however, all the parties without exception have a large majority support for direct democracy. The conclusion: CDU politicians do not represent the people on this point and not even their own voters, but appear to be bowing to the wishes of the business elite.

1-3: Political power and direct democracy

What many politicians think about whether and to what extent referendums are desirable is very much linked to their own proximity to political power. The more power they have acquired within a representative system, the more they seem to oppose direct democracy. Some examples of this follow.

In Sweden, only five referendums in total were held during the course of the 20th century. The positions of the most important Swedish parties – the Socialist party and the Conservative party – varied according to whether or not they were in power at the time. Before the Second World War, the Swedish Conservative party was strictly against the referendum; after the war, when this party was in opposition for decades, it became an advocate of referendums. With the Swedish Socialist party, things developed in exactly the opposite direction: this party began to reject the referendum from the moment they gained an absolute majority in the Swedish 'Rikstag'. Ruin (1996, p. 173) summarises it as follows: "Parties that belong to the opposition or occupy a subordinate position display the tendency to defend the referendum. Parties that sit in government or hold an executive position tend to display a dismissive attitude."

In Baden-Württemberg, the Christian Democrats (CDU) landed in the opposition after the Second World War. When the constitution for this German state was being drawn up in 1952-1953, the CDU argued for the introduction of the referendum. The ruling majority at that time, in which the socialist SPD was the most important partner, however,

was opposed to introduction. By 1972, the situation had changed: Baden-Württemberg was now ruled by a coalition of Christian democrats and liberals. When the prospect of a change to the constitution was presented, the SPD took the initiative to also introduce referendums. This created fierce opposition from the CDU. The peculiar situation emerged in which the SPD and CDU now adopted the very same positions their opponents had held twenty years earlier. There was ultimately a compromise: the referendum was introduced in principle, but with a gigantic threshold. In order to force a referendum, one sixth of the voters of Baden-Württemberg must register their signatures at the town halls or council offices within a period of two weeks. Predictably, of course, not a single referendum came about during the subsequent decades. In 1994, a citizens' group wrote very politely: "Unfortunately, in view of this shifting of position, one cannot help thinking that whether a party was for or against referendums in the past was primarily dependent on whether that party was viewing the issue from a government or an opposition perspective." (*Stuttgarter Memorandum*, 1994, p. 23).

It is not only the division between opposition and government parties that plays a role. In the Belgian opinion poll carried out in 1998 by the *Instituut voor Plaatselijke Socialistische Actie* mentioned above, it also appeared that local politicians with an executive mandate (mayors and aldermen) regarded the referendum even less favourably than politicians with a representative mandate (municipal councillors), regardless of whether the latter belonged to the opposition or the ruling coalition parties. (*De Morgen* newspaper, 31 January 1998)

Incidentally, the introduction of direct democracy is not the only issue on which political parties routinely change their standpoint depending on their share of power. The same phenomenon applies to the issue of limitations on the number of times a representative may hold the same office. Among American voters, approximately 75% advocate limited re-electability. By contrast, only 18% of the members of the individual state parliaments were in favour, with 76% being against any restriction. Among professional lobbyists, no less than 86% were in favour of unlimited re-electability. This is not surprising, because limited re-electability threatens the 'old boys' network that is so essential to a good lobbyist. One lobbyist even stated explicitly: "Lobbyists agree with the contention of the advocates of limited re-electability: this measure would sever the established links and interfere with the work of interest groups" (O'Keefe 1999). In Flanders, the system of limited re-electability was originally part of the core doctrine of the Agalev green party. This party believed that mandate holders should only be allowed to renew their mandate once. When it came to the crunch and some electoral heavyweights saw their positions threatened by this measure, the party position was immediately modified.