THE FUTURE OF DEMOCRACY IN EUROPE:
TRENDS, ANALYSES AND REFORMS

CONSTITUTIONAL AFFAIRS

PE 408.339
The Future of Democracy in Europe:

Trends, Analyses and Reforms

Abstract:

This paper is a short version of a “Green Paper” that the author wrote for the Council of Europe, with Alexandre Trechsel. It includes a theoretical introduction which lays out the contemporary dilemmas of “Western-Liberal-Representative Democracy” and the trends that are affecting it. While the focus is on the national level, much of the analysis applies even more strongly to the EU level. Among the 29 recommendations for reform in the Green Paper the author inserts a detailed treatment of those specific reforms that he believes should be of greatest concern to the European Union. He pays special attention to the matter of EU “referendums and initiatives”.

PE 408.339
Introduction

“Democracy is the word for something that does not exist.”

Karl Popper

For something that does not exist, democracy has certainly been much talked about recently. Moreover – at least in Europe – “real-existing” democracy seems to have a promising future, although it is currently facing an unprecedented diversity of challenges and opportunities. The issue is not whether the national, sub-national and supranational polities that compose Europe will become or remain democratic, but whether the quality of this regional network of democracies will suffice to ensure the voluntary support and legitimate compliance of its citizens.

The major reason for this optimism is simple: the democratization of Europe’s “near abroad” and its subsequent incorporation within the region as a whole. With the success of these national efforts at regime change to its East, Europe has become and should remain an enlarged zone of “perpetual peace” in which all of its polities can expect to resolve their inevitable differences of interest peacefully through negotiation, compromise and adjudication. Moreover, there exists an elaborate Europe-wide network of trans-national institutions, inter-governmental and non-governmental, to help resolve such conflicts and draw up norms to prevent their occurrence in the future.

Ironically, this much more favourable regional context presents dilemmas of its own for democracy. Many (if not most) of the major historical advances in democratic institutions and practices came in conjunction with international warfare, national revolution and civil war. Fortunately, none of these Archimedean devices for leveraging large-scale change seems to be available in today’s pacified Europe. It is, however, our presumption that democracy cannot only live with peace, but thrive with it – if, however, it can learn to reform institutions and practices in a timely and concerted manner.

We draw five (tentative) conclusions from this unprecedented state of affairs.

First, established democracies in Western and Southern Europe will find it increasingly difficult to legitimate themselves by comparing their performance with that of some alternative mode of domination, whether real or imagined. Now that liberal democracy has become the norm throughout Europe and overt autocracy persists only in countries with markedly different cultures and social structures, the standards for evaluating what governments do (and how they do what they do) will become increasingly “internal” to the discourse of normative democratic theory, that is to what differing conceptions of democracy have promised over time and for which citizens have struggled so hard in the past. Therefore, there should be a tendency towards a convergence in formal institutions and informal practices within Europe that will, in turn, lead to a narrower and higher range of political standards.
Second, new democracies in Central and Eastern Europe and the western parts of the former Soviet Union will find it increasingly difficult to legitimate themselves simply by arguing that they are so burdened by their respective autocratic heritages that they cannot possibly respect the norms of behaviour and attain levels of performance set by established democracies. The standards that their recently liberated citizens will apply in evaluating their rulers will rapidly converge with those already in use in the rest of Europe.\(^1\) Politicians failing to meet these standards will experience more frequent electoral turnover in power and may even be threatened by popular rebellion, unless their newly empowered rulers respect the rules established by the “real-existing” democracies to their West.

Third, in both cases, the polities involved will usually only be able to improve the quality of their respective democratic institutions and practices by means of partial and gradual reforms. Moreover, these reforms will have to be drafted, approved and implemented according to pre-existent norms. Rarely, if ever, will the opportunity present itself for a more thorough-going, large-scale or “abnormal” change. After all, how much change in the rules of democracy can one expect from rulers who have themselves benefited from those rules? The usual rotation of parties and party alliances in and out of power will, at best, open up only modest opportunities for change.

Fourth, we should therefore be guided by “possibilism” in our choices with regard to potential reforms of formal institutions and informal practices. We will be less concerned with what may be emerging “probabilistically” from the various challenges and opportunities that face contemporary democracies than with what we believe is possibly within their reach – provided that “real-existing” politicians can be convinced by “real-existing” citizens that the application of these reforms would make a significant improvement in the quality of their respective democracies.

Last, we must also be attentive to the principle of “transversality” which means that we will not limit ourselves to evaluating only the possible effects of any single reform measure, but always try to the best of our collective and interdisciplinary ability to seek out the interconnections and external effects that are likely to emerge if and when several reforms are implemented either simultaneously or (more likely) sequentially. As one of our participants said during the deliberations (citing R. W. Rhodes), “It is the mix that matters”.

Our guiding hypothesis throughout this Green Paper will be that the future of democracy in Europe lies less in fortifying and perpetuating existing formal institutions and informal practices than in changing them. “Whatever form it takes, the democracy of our successors will not and cannot be the democracy of our predecessors” (Robert Dahl). There is nothing new about this. Democracy has undergone several major transformations in the past in order to re-affirm its central principles: the sovereignty of equal citizens and the accountability of unequal rulers. It increased in scale from the city- to the nation-state; it expanded its citizenry from a narrow male oligarchy to a mass public of men and women; it enlarged its scope from

---

1. Needless to say, the recommendations and conventions of the Council of Europe have played a key role in setting and monitoring norms in both of these groups of countries.
defence against aggressors and the administration of justice to the whole panoply of policies associated with the welfare state.

Our tasks in this Green Paper are to:

(1) Identify the challenges and opportunities posed to contemporary European democracy by rapid and irrevocable changes in its national, regional and global contexts;

(2) Specify the processes and actors in both the formal institutions and informal practices that are being affected by these external challenges and opportunities, as well as by internal trends that are intrinsic to democracy itself;

(3) Propose potential and desirable reforms that would improve the quality of democratic institutions in Europe.

**1: The Challenges and Opportunities:** These are exceptionally diverse and strong. Certainly, we are condemned to live in “interesting times” in which both the rate and the scale and the scope of change seem to be unprecedented and, most important, beyond the reach of the traditional units that have heretofore dominated its political landscape. Most of today’s problems are either too small or too large for yesterday’s sovereign national states and, hence, within Europe there has been a vast amount of experimentation with devolution to smaller political units and integration into larger ones. For the first time, knowing the level of aggregation at which reforms should take place has become almost as important as knowing the substance of the reforms themselves. The classic question *Que faire?* has to be supplemented by *Où faire?*

Moreover, because they are coming from a relatively “pacified environment”, the democracies affected will find it difficult to resort to “emergency” measures or “temporary” suspensions in order to pass reform measures against strong opposition. Granted that rulers will be tempted to enhance the sense of urgency by highlighting new threats to security and responses to them (such as “the war on drugs”, “the war on terrorism”, or “the fear of foreigners”) and to exploit them for the purpose of inserting anti-democratic reforms, but the plurality of sources of information and the competition between politicians should limit this possibility in most well-functioning democracies. The key problem will be finding the will to reform existing rules with the very rulers who have benefited by them and who usually cannot be compelled to do so by an overriding external threat to their security or tenure in office.

In this section of the Green Paper, we identified the following generic sources of change in the environments of European democracies. Each of them presents a **challenge** in the sense that it threatens the viability of existing rules and practices, but each in our judgement also represents an **opportunity** in the sense that it opens up the
possibility for creative and imaginative reforms that could actually improve the performance of “real-existing” liberal democracies.

**Processes and Actors:** In order to guide our effort a common focus, we used a generic working definition of democracy: *Modern political democracy is a regime or system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and co-operation of their representatives.* This did not “commit” us to any specific model, institutional format or decision rules. By leaving open the key issues of how citizens choose their representatives, what the most effective mechanisms of accountability are and how collective binding decisions are taken, this definition does not preclude the validity of what we later discussed as “numerical”, “negotiative” or “deliberative” democracy.

This definition also provided us with a tripartite division of labour. Three types of actors combine through a variety of processes to produce the *sumum bonum* of political democracy, namely, accountability. We, therefore, divided our analyses of contemporary transformations and responses into those primarily affecting citizenship, representation or decision making.

More concretely, we analyzed the impact of the above mentioned challenges and opportunities upon

1. Citizenship  
   - Political discontent  
   - Cultural Identity and Protest  
2. Representation  
   - Political parties  
   - Civil society  
3. Decision making  
   - “Guarding the guardians”  
   - Inter-level accountability

**Mechanisms for direct citizen consultation**

Our generic conclusion for each of the categories was that the “real existing” democracies of Europe had responded to these changes in their environment, either weakly or by attempting to reinforce existing rules and practices. In some cases, we did find very innovative efforts to transform challenges into opportunities, but these were usually at the local level and had failed to prevent a decline in the quality of their respective national institutions. Citizens had become increasingly aware of this and focused much of their discontent upon representatives, i.e. upon politicians as individuals and parties as organizations.

**Recommendations for reform.**

In our research on “actors and processes” in relation to the “challenges and opportunities,” we discovered that politicians and citizens were not only aware of pressing needs for reform, but they were also responding to these needs. Contrary to
the prevailing impression that the well-established democracies to the West are too sclerotic to make any substantial changes in their rules and practices and that the neo-democracies to the East are concerned only with mimicking these very same rules and practices, we found lots of examples of innovation and experimentation. Needless to say, these efforts were often scattered and too recent to be able to evaluate their potential contribution. Many were emerging from local levels of government and from specialized arenas of governance. Most often these reforms aimed at greater transparency and participation in decision making by citizens and “stakeholders”. Not surprisingly, the growing problems associated with party finance and corruption elicited responses at the national level, although non-governmental organizations, such as Transparency International and international organizations, such as the Council of Europe, have also played an important role in identifying poor quality performance and setting standards. Around the more encompassing issues of globalization and international migration, reform efforts primarily involved transnational organizations and international agreements, including Council of Europe framework conventions on such matters as the protection of national minorities, the participation of foreigners in public life and the rules relating to the acquisition of nationality. Although it was not founded for this purpose, the entire “experiment” in European integration could be interpreted today as an attempt to respond regionally to the challenge of globalization. Given the multiplicity of levels of aggregation and diversity in existing rules and practices among European democracies, it should come as no surprise that these responses have not been uniform and frequently have gone unobserved and under-evaluated.

We finally turned recommendations for reform. Some of them were inspired by the dispersed efforts that European democracies are already making to meet the challenges and opportunities of the “interesting times” in which we have been condemned to live. Unfortunately, however, many of these are so recent that we cannot be sure that they will succeed in improving the quality of democracy. Moreover, we also have to recognize that there are several problematic areas in which very little has been tried. For example, almost everyone by now recognizes that citizens are less and less likely to vote or to join political parties, but no one seems to be seriously trying to do something about this.

When recommending specific institutional reforms, we found it imperative to return to our starting point, which is, “democracy is the word for something that does not exist”.

First, we recognized that promoting democracy will always be “unfinished business”. Successes in coping with particular challenges or seizing particular opportunities will only shift expectations towards new ones in the future. Citizens will focus their demands for equality on new sources of discrimination, for accountability to new relations of domination, for self-respect to new arenas of collective identity. All that we can realistically hope for is that the reform measures we advocate will move the polity in a positive direction – never that they will definitively fill “the democracy deficit”.

Second, we reject the notion that there is one ideal type of democracy that all European countries should adopt at once or even converge towards gradually.
Therefore, it should not be the task of the Council of Europe to identify and advocate a set of identical reforms that would do this. Each member state will have to find its “proper” way of coping with the unprecedented range of challenges and opportunities that face the region as a whole. They have a lot to learn from each other, and the EU could play an active role in fostering that process, but the points of departure are different as are the magnitude and mix of challenges and opportunities. Hence, reforms in institutions and rules will not produce the same, positive and intended, effects in all countries that adopt them. Reforms that may be welcomed by the citizens of some member states might be resoundingly rejected by others. One could even argue that such diversity in meanings and expectations is a healthy thing for the future of democracy in Europe. It ensures a continuous diversity of political experiments within a world region whose units are highly interdependent and capable of learning – positively and negatively – from each other’s experiences.

The recommendations for reform listed below are not guided exclusively by any one of the three contemporary models of democracy, but by the conviction that all “real-existing” democracies in Europe are based on some mix of all of them – and that this is a good thing.

**My “wish list” of recommended democratic reforms for the European Union:**

1. **Universal citizenship**
   This proposal would grant full rights of membership in the political community from the moment of birth to all persons born within its territory or to all of its citizens living abroad, as well as to those children who are subsequently naturalised. Recognizing the manifest incapacity of children to exercise their formal rights directly and independently, this reform further proposes that the parents of each child be empowered to exercise the right to vote until such time as the child reaches the age of maturity established by national law. Each child would be issued a voting registration card or whatever device is already in use to identify legitimate voters and would be informed of his or her (deferred) right to vote. The decision as to exactly which parent would actually exercise this right for their children, prior to their reaching the age of 16 or 18, would be determined by agreement between the eligible parents. In the case of one parent or a guardian, that person would vote.

   This reform should make the local, regional or national democracy more “future-oriented”. Not only would allowing children the vote constitute a symbolic recognition that the polity has a responsibility for its future generations, but it should also provide a real incentive for the young to develop an early interest in politics and to do so through an awareness of the importance of whatever level of political aggregation granted them this right. Precisely because of this incentive, it is to be expected that children – once they become aware of the right that their parents are exercising in their name in parliamentary or presidential elections – will increasingly hold their parents accountable for the way in which they distribute their electoral preferences. This also suggests that the reform measure should increase various forms of inter-generational discussion about political issues and partisan orientations in general – strengthening channels of political socialization and improving the elements
of citizen training within the family that seem to have considerably diminished in recent decades. It may even compensate for the prodigious decline in a sense of party identification and probably would exert pressure on politicians to lower the age of political maturity from 18 to 16, if not even younger.

Universal citizenship should also serve as a double stimulus to encourage voting among young parents since their children would probably put pressure on them to vote and the weight of their vote once cast would be increased according to the number of children they had. Moreover, politicians would recognize this fact and orient their appeals and policies more towards this (often neglected) segment of the population.

Finally, enfranchising young children and adolescents should contribute to a greater equilibrium of the political process over the life cycle. With increasing life spans and a stable age of retirement, older persons have become an increasingly large component of the total citizenry. They have both the time and financial resources to participate disproportionately in the electoral and policy processes – with the result that an increasing proportion of public funds are being spent on the health and welfare of the aged, and a decreasing sum on the education and training of the young. In the longer run, this is bound to be a self-defeating process as a smaller and less productive set of active workers must pay for an increasingly larger set of retired workers.

2. Voting rights for denizens
Some national states, cantons and municipalities have successfully introduced voting rights for denizens. This practice should be encouraged and implemented for elections to the European Parliament. In particular, measures to make registration and subsequent access to voting (and hence participation) easier for long-term legal foreign residents should be introduced. Normally states and municipalities grant voting rights after a fixed number of years of residence in a country (this normally varies between two and eight years). Presumably, the EU could “piggy-back” on these systems of eligibility and registration.

3. Freedom of information
In the Green Paper, I have refrained from advocating new rights and concentrated on innovative reforms in rules and institutions. However, there is one basic right that seems to be particularly crucial in order to meet the challenges and seize the opportunities of today’s rapidly changing world. The increase in complexity due to global and regional interdependences and the formidable pace of technological change have made information an increasingly valuable commodity and a fundamental instrument of power. The present distribution of it, however, is asymmetric and becoming more so. Agencies of government and corporations in the private economy have much more access to it than do individual citizens or organizations in civil society. Moreover, they also have the capability to gather even more information in a surreptitious fashion on these same individuals and organizations.

This, in turn, affects the practice of democracy since the ability to receive and process information is a major determinant of choice – individual and collective. Without equal access to information, the citizen can neither form his or her preferences accurately nor decide reliably what course of action to take. Citizens do not know
which policies to accept or reject; they cannot reasonably choose which ruler to support or oppose. Negotiation and, even more, deliberation about the public use of legitimate authority are subject to manipulation by those who have privileged access to information. It seems likely that the rising tide of distrust in democratic institutions is due, in part, to the culture of secrecy that tends to surround agents of public and private power and the suspicion that these agents are distorting information for their own purposes.

A formal declaration of equal freedom of information should be a component of all democracies in Europe, including the European Union – whether as part of a constitutional specification of basic rights or as an independent legislative act. Presumably, this could be added to the present specification of rights in the Convention on Human Rights to be inserted in an eventual EU constitution.

In principle, this freedom should be two-sided: first, it should guarantee equal access by all citizens to sources of information needed to form their preferences and make their choices; and second, it should obligate all rulers to disclose the information that they have used to make their decisions and that they have gathered on citizens. There are obviously cases in which such transparency and full disclosure would endanger the security of the polity, but the onus of proof for withholding information would always be with its “owner”. For example, data on public opinion, however anonymously gathered and privately funded (e.g. by Eurobarometer), should be made available to all citizens during electoral campaigns – except during the concluding days of the campaign when all polling should be prohibited.

In practice, however, the effective implementation of this freedom would require that training be widely available (and subsidized for those that cannot afford it) in the technical skills needed to process information; that the equipment necessary for capturing and using information be widely distributed to all social groups or accessible through public kiosks; and that the costs of access be kept as low as possible or subsidized with public funds.

4. Vouchers for funding organizations in civil society

All liberal democracies in which membership and financial support of associations and movements is voluntary suffer from systematic under- and over-representation. Putting it bluntly, those small, compact and privileged groups that have less need for collective representation get the most of it. Those large, diffuse and underprivileged groups that most need the public goods that only a strong and well-funded collective action can ensure get much less of it. As the German-American political scientist, E. E. Schattschneider, put it, “the trouble with the interest group chorus is that it sings in an upper-class accent” and Europe is no exception – regardless of level or location. One could even argue that this is even more the case for the European Union given the disparities in ability to pay the additional costs for meeting on such an enlarged scale.

Our proposal is to provide an alternative source of funding for civil society organizations. This could be accomplished in a democratic manner through three, closely related, measures: first, the establishment of a semi-public status for interest
associations and social movements at the European level; second, the financing of these associations through compulsory contributions; and third, the distribution of these funds by means of citizen vouchers.

This reform in the way civil society organizations are funded would deliberately avoid the specification by political authorities of any fixed category of representation based on class, status, sector, profession or cause – unlike contemporary chamber or corporatist systems. It would leave the task of determining the organizations to be funded to the competition for vouchers from individual citizens. In many cases, the reform would be costless – provided the EU would agree to eliminate all existing

Our proposal is to provide an alternative source of funding for civil society organizations. This could be accomplished in a democratic manner through three, closely related, measures: first, the establishment of a semi-public status for interest associations and social movements; second, the financing of these associations through compulsory contributions; and third, the distribution of these funds by means of citizen vouchers.

The central purpose behind the development of a semi-public status for associations and movements is to encourage them to become better “citizens”, that is to treat each other on the basis of greater equality and mutual respect, and to dedicate greater attention to the interests and passions of the public as a whole. This would involve nothing less than an attempt to establish a charter of rights and obligations for civil society organizations operating at the EU level. A system of registration of such organizations already exists and could be expanded to include all of them that agree to respect stipulated norms.

This reform recommendation rests squarely on the need to develop a new method for financing civil society that is independent of the ability and willingness of individual citizens to pay – which means extracting resources involuntarily from all those who ultimately will benefit. The contribution should be collected equally from all persons resident in Europe and voting in EP elections. Persons who wished could also give voluntarily to various causes, but this would not exempt them from the general “representative donation”. Note that, by tolerating such a freedom, small and compact “privileged groups” would still be more likely to attract disproportionate resources, since their members would continue to have greater incentives to give voluntarily in addition to the general levy. Nevertheless, given the large numbers involved, a very considerable harmonization of resources across interest categories and passionate causes would be likely.

The most feasible manner for doing this would be to attach this obligation (and the voucher system) to the four year cycle of EU elections. What is important is to retain a low level of individual payments – say, €10 per person – in order not to scare away potential supporters of the reform, but to make the aggregate level of resources provided sufficient to compensate for persistent inequalities between interests. It would also be essential to convince the public that such an arrangement would constitute an important extension of democratic rights – analogous to the previous extension of the franchise.
What pulls this entire scheme together is the mechanism of **vouchers**. These specially designated, non-transferable units of account could be assigned only to those interest associations and social movements with a semi-public status, in proportions chosen by individual citizens. The only “cost” involved in spending them would be the individual's time and effort in getting acquainted with alternative recipients, plus the time needed to check off boxes or fill in blanks.

Vouchers have many attractive features that would benefit the domain of specialized representation. They would permit a relatively free expression of the multiplicity of each citizen's preferences – rather than confine him or her to a single-party list or a single candidate as do most territorially-based voting systems. They would allow for an easy resolution of the “intensity problem” that has long plagued democratic theory, since their proportional distribution by individuals across associations should reflect how strongly the citizenry “really” feels about various interests and passions. They equalise the amount paid by each person, thereby, severing the decision to contribute from the unequal command over resources that unavoidably stems from on the unequal distribution of property and wealth. They offer no rational motive for waste or corruption since they cannot provide a direct or tangible benefit to the donor and can be spent only by certified associations for designated public purposes. Moreover, they should provide a very important incentive for reflecting on the nature of one's interests, thereby, encouraging the opening-up of a new public space. Since they would be repeated over time, the distribution of these vouchers would present a virtually unique opportunity to evaluate the consequences of one's past choices.

Vouchers would, therefore, become a powerful mechanism for enforcing the accountability of existing associations and movements since if the behaviour of their leaders differs too remarkably from the preferences of those who spent their vouchers on them, citizens could presumably transfer their vouchers elsewhere. They would also make it relatively easy to bring forth previously latent groups unable to make it over the initial organizational threshold, instead of using vouchers to switch back and forth among existing rival conceptions of one’s interests. And finally, vouchers offer a means of extending the principle of citizenship and the competitive core of democracy in a way that neither makes immediate and strong demands on individuals, nor directly threatens the entrenched position of elites.

Borrowing (but inverting) a slogan from an earlier struggle for democracy, one could say that what we are advocating is “**No Representation Without Taxation!**”

5. **Vouchers for financing European political parties**

Financing political parties is a delicate issue. In most national polities, political parties tend to be chronically underfinanced, and, therefore, they seek to raise money in dubious, non-transparent ways that risk being perceived as corrupt. The accusation of corruption hovering over their finances reinforces the negative popular image of political parties, creating a vicious circle that makes normal citizens less likely to contribute voluntarily to their support, and undermines not only the prestige of democratic institutions and politicians but also public trust in them. As a consequence, political parties do not feel they have enough popular legitimacy to ask for more financial support from the public budget. This keeps them in a perpetual grey zone, on
the borderline between legal and illegal means of financing their activities. And this is especially important at the EU level where funding for parties and campaigning in EP elections is even more opaque.

One solution for this problem could be a system of vouchers for the specific purpose of distributing public funds to parties. When people vote in EP elections, they would also be able to vote a “second time”, that is to vote on the distribution of a fixed sum to the European party federation of their choice. In order not to risk too great an initial impact, only 50% of the total public funding for parties would be distributed in this fashion. The other 50% would be determined by the present EP system. Eventually, this pre-allocation could be abolished and all such funds would be distributed directly by citizens – regardless of how well the respective parties performed in past elections. What is important, however, is that the aggregate sum to be distributed should be higher than is presently the case and sufficient enough not to be overwhelmed by the efforts of individual parties to extract resources from private sources. Presumably, if citizens are convinced that they personally determine which party will be rewarded with their tax money, they will be willing to devote more resources to that purpose.

It should be noted that this second vote would be independent of their vote for political parties or their candidates in that election. Citizens could decide to split their voucher across different parties or allocate them to a minor party that had no immediate prospect of winning. In the more extreme version of this reform measure, voters could even choose to reward “none of the above”, that is withhold their financial support to all the existing European parties. Such funds would accumulate from election to election and trans-national groups of citizens with a minimum number of signatures distributed across a range of member states would become eligible for seed money to fund new parties.

I would expect that in most cases the voter would support his or her preferred party, both electorally and financially. Nevertheless, we can also assume that a significant number would divide their vote. First, they would support a party that they prefer most in the electoral race, but secondly they might invest in another party that they would like to see gain more influence in the future. This would enhance the strategic calculations of voters (and might make it more fun to vote) and it should also help minor parties to organize in a more competitive fashion. Another desirable effect of such a reform would be to encourage all parties, major as well as minor, to campaign vigorously for a higher turnout since only those vouchers distributed by actual voters would generate income for them.

6. Referendums and initiative

A general trend towards greater direct participation of citizens in decision-making processes at national and sub-national levels has been observed by many scholars. Indeed, many of these new referendums have been related to membership in the EU or revision of its treaty-base. Both the government-sponsored referendum and the popularly generated initiative (R&Is) are devices that uniquely allow citizens to hold their representatives and rulers accountable. They also tend to increase citizens’ interest and expertise in political issues and, therefore, complement other reform
efforts aimed at improving levels of civic competence in politics. Finally, such devices should enhance the democratic legitimacy of political decisions.

There has been some discussion of adding institutions of direct democracy to the indirect mechanisms of parliamentary representation at the European level. The EU should be encouraged to go further than the right to petition proposed in its draft Constitution and introduce both a European initiative and a European referendum. In political systems where such mechanisms are still unknown, priority should be given to the requirement to approve constitutional amendments and ratify major international treaties of major importance by the citizenry as a whole.

While there is no ideal type of direct democratic institution – least of all, when applied to the EU – I would recommend great caution in implementing such a reform. The following are some of the guidelines that should be respected, if such an important reform/initiative is not to produce unexpected (and probably ‘perverse’) effects:

1. Referendums should be either binding or consultative, while all initiatives should (at least initially) be only consultative. At the beginning of inserting European-level referendums in the process of governing the EU, they should only be consultative.

2. The content and wording of all referendums should be the product of deliberation and voting by the European Parliament, and never by other EU institutions. Citizen initiatives should be subject to prior review by the European Court of Justice to ensure that they do not exceed the boundaries of competence of existing treaties.

3. The validity of referendums should be subject to the normal procedures of voting in the EP, while initiatives coming from EU citizens should respect some pre-established rules of proportionality that would insure both a significant distribution across member states and the representation of citizens from countries of different size. In both cases, they must avoid the spectre of domination by member states with large populations.

4. The recent introduction of R&Is in neo-democracies has often come accompanied by the imposition of quorums to determine their validity. While I would expect their introduction into EP elections to produce a higher voter turnout, a quorum of, say, 50% of eligible voters should only apply in the case of obligatory referendums.

5. Where at all possible, the content of R&Is should be more similar to an opinion poll on general issues of relevance to the EU than to the usual Yes-No approval of specific laws or treaties. EU citizens should be offered a range of possibilities on a given issue or a chance to influence future priorities among several issues.

6. If introduced, R&Is should be held regularly and always coincident with each EP election. Isolated and erratic use of them tends to result in their being “contaminated” with unrelated national and sub-national political issues and personalities. Euro-citizens should come to regard R&Is at the EU level as a normal exercise of their political rights.

7. In reporting the success or failure of R&Is, I would suggest applying a Swiss-style design that would involve double or concurrent majorities – one based on
strictly numerical criterion for Europe as a whole and the other based on negotiative criterion that is sensitive to variation in the size of member units – say, approval by respective majorities in small, medium and large countries.

8. The financing of campaigns regarding EU-level R&Is should be exclusively in the domain of the federations/secretariats of the parties in the EP and not with funds provided directly to national political parties. The latter would inevitably take over the actual efforts at promoting or opposing specific R&Is (since Euro-parties do not have this capacity), but the funds should be controlled by the former.

7. Electronic support for candidates and parliaments (“smart voting”)

We recommend that the EU actively (and financially) support efforts at developing electronic support systems which would offer citizens – in conjunction with eventual online voting or e-voting (see below) – new sources of information designed to improve the quality, if not also the quantity, of their participation in elections at all levels of government. At the core of this recommendation lies a set of technological arrangements that would allow citizens to match their political opinions with those of specific parties and candidates during electoral campaigns, as well as eventually to engage in e-deliberation with these very same parties and candidates.

These “smart voting” technologies already exist in some member states (and Switzerland), although they are not yet in widespread use. They encourage all candidates to fill in an online questionnaire containing an extensive set of policy questions. Candidates would answer questions such as: “Are you in favour of licensing atomic energy plants?” by clicking on their preference (“very much in favour”, “rather in favour”, “rather against”, “very much against”, “neutral” or “undecided”). In addition, candidates would be able to give weight to their preference (“high importance”, “medium importance”, “unimportant”). The questionnaire would be designed by an official non-partisan commission that, after hearings with civil society organizations and experts from academia, would determine which questions to include and which format to use.

Citizens would then be able to fill in the same questionnaire online and at no cost, either in its full version or in a shorter one that takes up less time. They would instantly be provided with a relative measure of their preferences on specific issues of public concern compared to other citizens who filled out the questionnaires and the distribution of candidates’ answers. Virtually instantaneously, they could discover which candidates and parties have preferences similar to their own. They could also choose to fill in the questionnaire anonymously or to register as “smart voters”, so their political profile could be stored not only for their personal future reference, but also made accessible to candidates and parties as an alternative to their reliance on public-opinion polling. This would be analogous to the personal customer profiles used in e-banking technologies and could even become an important source of knowledgeable interaction between representatives and citizens. Politicians or parties might even use the (voluntary) system of registration as a way of contacting or recruiting “sympathetic” citizens in the course of future elections.
After filing the citizen’s online questionnaire, the system would automatically match his or her preferences with data coming from all the candidates in order to produce a “virtual substantive ballot”, ranking them according to the proportional overlap between the candidates’ and the citizen’s answers. Obviously, the more questions answered by the citizens, the more detailed and accurate their profiles will be. Clicking on candidates’ names would also provide the citizen with detailed information about their party affiliation, political profile, previous voting record (if incumbent), links to their personal website, e-mail and other contact information. Candidates could provide smart-voting citizens with detailed justifications for their choice on each item of the questionnaire in order to explain why tradeoffs and compromises were made.

The virtual ballot filled out by the “smart voter” server could even be printed out for use at the polling station, especially in those cases of open-list systems that allow the voter to register a preference for individual candidates. In the future, should e-voting become widespread, an electronic version of the “virtual substantive ballot” could be filed directly over the Internet.

8. Postal voting and electronic voting

In a recent report, the Venice Commission concluded that both remote and electronic voting are, in principle, compatible with the standards of democracy in Europe. I believe that the EU should encourage the introduction of remote voting – be it postal or electronic or both – in EP elections and eventual R&Is. Until the means for remote voting are universally accepted, they should be introduced as supplementary channels for political participation. In general, I would recommend that postal voting be introduced before e-voting, and that for an interim period alternative means of site and non-site voting be made available to all citizens. Experience has shown that, once offered the choice, non-site voting quickly becomes the norm, eventually making it easier to switch to a policy of exclusive non-site voting.

Remote voting procedures enhance two elements of the voting process. First, they are more convenient and second, they give the citizen more time to make his or her choice. There is usually a period of one or several weeks during which voters can cast their ballot. Studies show that these two factors tend to lead to higher turnout rates and do not seem to advantage or disadvantage specific groups of voters.

In analogy to the exercise of political rights in Europe, postal voting can be designed according to three basic types. The first, multiple request, requires voters to request formally the ballot forms with which to vote by mail for each election/popular consultation. Once received, they return the ballot by mail as well. This type of postal voting seems best suited for electoral systems that require voter registration for each election. In the second type, single request, voters need only request that their voting ballot be sent to them once. Citizens will thereafter – for the rest of their lifetime – automatically receive ballots and, therefore, the possibility to vote by mail. This type of “single request postal voting” is best suited to an electoral system where voters are required to register only once for all elections. Finally, the third type, fully automatic, refers to systems where the electoral roll is produced from census and/or housing registration without any need for prior action by citizens. In this case, all relevant
voting materials are sent automatically to all voters who can then cast their ballots by mail. In the case of EP elections, the latter type would be preferable.

Studies have shown that the fully automatic version of postal voting produces has the most impact on improving electoral participation. As with voter registration, the more automatic and open the system, the more convenient voting becomes, and greater is the expected increase in turnout.

In the case of remote electronic voting over the Internet, the procedure could be embedded in an extensive ‘virtual’ election site containing modules that would allow citizens to deliberate among themselves before casting their ballots, to access political information provided by parties and candidates but also by associations and movements in civil society, to evaluate the congruence between their own political stances and the choices of the candidates and incumbent representatives, as well as to vote at a convenient moment from home, office or a “democracy kiosk”. Not only should this increase the quantity of voting, but also the quality of the voters. The additional information and time to assimilate and evaluate it should contribute to a more reasoned exercise of the franchise. There are still many issues to be resolved before citizens (and politicians) will feel secure in using this technology, but experimentation is currently underway in many member states – mainly, at the local level. The EU is an apposite international institution for evaluating the alternatives involved and the lessons learned, and to produce a code of good practice with regard to such electronic voting procedures. By playing a pioneering role in introducing such a reform, it should contribute to erasing the perception that it bares a “democratic deficit” in comparison to national and sub-national polities.

Conclusions:

Liberal political democracy, as presently practiced in the national and sub-national polities of Europe, as well as in the European Union, has not arrived at “the end of history”. Not only can it be improved, it must be – if it is to retain the legitimate respect of its citizens. It has done this several times in the past in response to emerging challenges and opportunities, and there is no reason to believe that it cannot do so in the present.

It is my judgement that the major generic problem of democracy in the European Union (and in its member-states) concerns declining citizen trust in political institutions and participation in democratic processes. Therefore, those reforms in EP practice that promise to increase voter turnout, stimulate membership in political parties, associations and movements and improve citizen confidence in the role of politicians as representatives and legislators deserve prior consideration. The second most important problem concerns the increasing number of foreign residents and the political status of denizens in almost all democracies. Measures to incorporate these non-citizens within the European political process should also be given a high priority.

I also should conclude by introducing a note of caution. Single reforms in the rules of the democratic game have rarely been efficacious “on their own”. It has been packages of interrelated reforms that have been most successful in improving
performance and legitimacy. Sometimes this was the result of an explicit and rational calculation of the interdependencies involved; most often however it was the product of the political process itself with its inevitable need for legislative alliances, compromises among competing forces and side payments to recalcitrant groups. In other words, in “real-existing” democracies, the design of reform measures is almost always imperfect, all the more so when the intent is to change the future rules of competition and co-operation between political forces.

Moreover, reformers have usually not been successful in predicting all of the consequences of the measures they have introduced. Almost always, these changes have generated unintended consequences – some good, some not so good. One should never forget that in a free society and democratic polity the individuals and organizations affected by political innovations will react to them and quite often in unpredictable ways. Most significantly, they will try to “game them”, that is to exploit them in ways that benefit them in particular and, not infrequently, distort their intent in order to protect established interests.

All of this pleads for caution – especially, when introducing reforms that are genuinely innovative. Ideally, such measures should initially be treated as political experiments and conducted in specially selected sites. Only after their effects have been systematically monitored and evaluated, should they be permanently instituted and transposed to other levels within the same polity or to other member states.

Democracy in Europe can be reformed, irrespective of the level at which it is practiced. The “deficits” that it has been increasingly displaying and not confined to one level. And reforms to counter these trends will rarely be successful if applied only at the national, sub-national and supra-national level.

The institutions and practices of the EU can be made to conform more closely to that “word that has never existed” and, in so doing, they can regain the trust in its institutions and the legitimacy of its processes that they seem to have lost over recent decades. But it will not be easy and it will take the collective wisdom of political theorists and practitioners in all of the twenty-seven member states to identify which reforms seem to be the most desirable, to evaluate what their consequences have been and, finally, to share the lessons from these experiences among each other.