

Institutionalizing fair democracy: the theory of the minipopulos

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1. Introduction

The article discusses the applicability of Rawls *Theory of Justice* to the analysis of democratic phenomena. Based on an examination of postwar Danish Democracy we question Rawls assumption of an “invisible hand”, guaranteeing a more or less equal representation of all sectors of society. It is argued that election procedures prevailing in representative democracies—*ceteris paribus*—tend to produce an elitist breed of rulers. Finally we examine alternatives to indirect government, i.e. statistical democracy and Electronic Town Halls.

2. Fairness and democracy

Few people seem to have trouble deciding whether a country is a Democracy or not. Nevertheless the term has shown to be extremely difficult to define. According to one distinguished source, Professor Ross, “Democracy is popular government with the administration or governing power residing in the people as a whole rather than in one person or a small group” [1]. This definition is easy to understand, but unfortunately it is nebulous talk, does not tell us anything we did not know, and besides it raises new questions: What is meant by “power residing in the people”? All power, or only some? And how is the power to be exercised? Through elections, popular referendums, initiatives, recall devices or how? Furthermore: What is meant by “a small group”? Clearly, it incorporates a politburo, The Committee of Public Safety during the French Revolution, and a clique of generals that have come to power through a coup d’état in a banana republic. But does it also cover the members of a parliament, be it a house of peers or a house of common? If one compares the size of the elected group with that of the electorate, the former is definitely “small” compared to the latter: in Denmark the size of the assembly is 25,000 times smaller

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than that of the electorate, while the group of European parliamentarians is even 500,000 smaller, compared with the member-states' accumulated voting populace¹.

A theorist like Robert Dahl, though being more precise than Ross, circumvents the problem of definition by inventing a new idiom that he calls polyarchy, referring to a package of institutions that characterizes a typical liberal democracy: universal suffrage, free and fair elections, freedom of expression, right to run for office, availability of alternative information etc. [2]—The ancient Greeks used the word *Isonomia* to express the equal prerogative of all citizens to exercise their political rights [17].

The importance of fair and equal rights is also stressed by John Rawls in *Theory of Justice*:

“...if some places were not open on a basis fair to all, those kept out would be right in feeling unjustly treated... They would be justified in their complaint... because they were debarred from experiencing the realization of self which comes from a skilful and devoted exercise of social duties... Ideally, those similarly endowed and motivated should have roughly the same chance of attaining positions of political authority irrespective of their economic and social class” [3].

While he regards equal opportunities an important ingredient of a just society, their presence does not imply that people's interest in civic duties will flourish:

“In a well-governed state only a small fraction of persons may devote much time to politics... *But this fraction, whatever its size, will most likely be drawn more or less equally from all sectors of society*” [4]. (Italicized by author)

The first part of the latter Rawlian statement seems plausible and justified: in most modern representative democracies only about 5% of grown citizens are members of a political party or organization and even fewer bother to engage in partisan related undertakings. Likewise, polls indicate that only a small fraction of the populace report to ever have taken part in a political demonstration or in some kind of partisan activism.

However, it is much more difficult to agree on the second (italicized) part of the statement.

For a moment we assume that Rawls' “small fraction of persons” being devoted to politics can be approximated by the “members of the Danish parliament”. Furthermore, we will call the statement “Rawls' hypothesis about the invisible hand of fair democracy”. Keeping these “transformations” in mind, the following sections provide some factual information and statistical data from Denmark (state: fall 2000).

¹ From Ross' prolific writings we know that for him democracy implied representative rule and not direct legislation of any kind. Indeed he probably liked direct democracy as much as children like cod-liver oil, dental visits or enforced piano playing.

3. Democracy and representation: an empirical investigation

Historically, the major political parties in Denmark emanate from the 19th century mass organizations: The Social Democratic Party originates in the union of workers, the Liberal Party can be traced back to the Farmers Association, and the Social Liberals are derived from the smallholder-movement. In the early days of Danish representative democracy, the assembly pretty much reflected these close bonds between organizations and parties. Many Social Democratic MPs were workers, most Liberal MPs were farmers and so on.

But during the 20th century the parties have—intended or not—significantly loosened ties to their societal heritage: Today only 7 out of 63 Social Democratic MPs have once had manual jobs as a factory worker, sewer, or locksmith. Likewise, no more than 8 out of 42 Liberals in the assembly are farm-owners. This shift amongst the elected corresponds neatly with a change amongst electors: The Liberal party's stronghold today is to be found within the urban middle-class, while their support in rural districts has been declining continuously (they even have a great following amongst Copenhagen's voters—once in a firm grip of the reds). The Social Liberal group in parliament does not include *any* smallholder and has not done so for many years. Presently the faction of seven consists of six academics and one schoolteacher.

Forty percent of MPs hold an academic degree (compared with less than 5% of the electorate). 25% of parliamentarians and 9 out of 20 Cabinet-members have a degree in political science, economics, or law (0.3% of voters). Almost 20% of MPs are educated as teachers (2%). Several strata of the population are heavily overrepresented in the assembly: 38% of MPs are public servants (19%), private servants constitute 34% (13%), and lawyers 7% (0.3%). The parliament is also crowded with people who grew up within the party system or governmental offices, the so-called apparatchiks: ministry-secretaries, consultants of unions, and advisers of organizations. A growing number of MPs never were part of the national work force. At the time of their parliamentary debut, they were still studying at the university. And from that day on parliamentary work became their profession². It is to little surprise that political breeds like these are frequently accused of being ignorant of most practical societal matters. For what do they really know about the daily life of fishers, farmers, artisans, workers, engineers, and businessmen? Probably not much. Ergo, they are out of touch with their voters, the argument goes.

In recent years a considerable number of laws were withdrawn and changed, simply because of errors due to carelessness. The lawmakers simply failed to take notice of mistakes imbedded in textual paragraphs. Many of such blunders are probably caused by the elitist composition of the parliament. Academics are strong at thinking in abstract models. They have learned how to solve complicated GNP-equations, understand how monetary markets behave, and are well versed in tax algebra and

² Two MPs some time ago celebrated 40 years of continuous membership of the national assembly. One of them recently left politics. At the time when he was first elected, one-third of the ministers in the current cabinet were not even born!

interest formulas. Unfortunately, macroeconomic specialists often are inexperienced in and unqualified at solving simple down-to-earth problems. The man in the street usually struggles with questions that are less sophisticated and of a much more practical nature. Many laws interfere with the daily life of ordinary citizens, regardless of class. Relatively few laws deal with macroeconomic issues.

Therefore, if the quality of the law-making process is to be improved, the parliament needs a lot of additional persons with practical expertise and less academics with purely theoretical skills. It is not difficult to find support for this statement: About a year ago a flawed law passed parliament. The law would probably not have been ratified, assumed that a person with a background as bus- or taxidriver had been seated in the parliament's sub-committee dealing with traffic affairs. In another case the presence of a few immigrants amongst the elected might have prevented the passage of a law discriminating against non-Danish citizens. But there currently are neither taxidrivers nor immigrants amongst the 175 parliamentarians.

A significant number of successful MP's have been working with media before entering politics: A longtime Foreign Minister as well as the Minister of Social Affairs were well-known TV-reporters, while the Minister of Justice initiated his career as a TV quiz-master. Several MPs have been working as journalists at major newspapers. During the recent decades most Danish cabinets have included several persons with an excellent knowledge of the media business.

Taking a look at demographics we note that there are only 37% females (population: 51%). Furthermore, both young and old people are poorly represented: Only 1% of MP's are older than 65 years (20%) Barely 4% are younger than 30 years (25% of all grown-ups). Comparing actual figures with compatible statistics a generation ago, we note that in most cases the gap between the elected and the electors has widened across time: In the late 1960's both 20% of politicians and voters were pensioners. While the percentage of retirees in society has grown slightly, pensioners have almost vanished from parliament. The number of academics, teachers and civil servants amongst elected is up with 15–20%. There is one notable exception from the rule: The amount of females has tripled.

The Danish parliament is a perfect mirror of voters concerning geographics. But that is merely a consequence of the election rules that automatically produce an allocation of seats in accordance with the population density of the election districts. However, this technical arrangement in no way guarantees that MPs sustain close ties with the residents of the county where they are elected. Many have spent their entire life in Copenhagen. Their place of work, the parliament, is also situated in the capital and they spend considerable time on business trips abroad. Therefore, they rarely have time to visit their own constituency. However, now and then it does get high priority: while campaigning for reelection.

4. Forces of homogenization within the political class

It sure makes sense that the Finance Minister is an educated economist, since so much of his work deals with the national budget and fiscal policy—issues were an

expertise within economics is advantageous. A generation ago it was a tacit custom that Danish ministries had to be led by persons with an expertise within the appropriate field: A professor of law was appointed Minister of Justice, a high ranking officer became Minister of War, and a venerable theologian was appointed Minister of Ecclesiastical Affairs. Currently these three cabinet positions are occupied by economists—as are the Ministries of Culture and Health. But what makes economic expertise especially relevant when dealing with national security, punishment, religious matters, medical treatment, and art? What it tells us, though, is that youngsters with political ambitions have learned that an economic degree is the best prerequisite for a successful career. This has been conventional wisdom for generations and accordingly, it has become a self-fulfilling prophecy.

Ironically, while the gap between the elected and the electors have widened over time, the assembly, when regarded as a group, today looks more homogeneous than ever. Academics, teachers, journalists, and civil servants are—roughly—distributed equally across the political landscape. Most of today's parliamentarians with degrees in political science and economics have probably studied the same classical textbooks on politics as a student. The primer on the Danish political system has been compulsory reading at universities for decades³. It is a 700 page volume packed with specifics on election procedures and parliamentary practices—stated briefly it is a modern Danish analogue to Robert's *Rules of Order*. While covering the theory of representative government in meticulous detail, it barely has 1 1/2 page with a few platitude remarks on direct democracy. For obvious reasons it is assumed that the political elite's conception of democracy is heavily based on that very textbook, which is in fact a primer equalizing democracy with representative government.

It is not unreasonable to presume that this book, combined with a lot of other texts, including Samuelson's *Economics* or some interchangeable volume, form the students' perception of how things work. Pushing things to extremes it does not really matter whether the candidate with a degree in politics or economy belongs to the Social Democratic Party or to the Liberal Party. Both parties' manifesto emanate from the same core of beliefs and values praising the virtues of the welfare system, a balanced budget, full employment, representative democracy etc.

That is why policies suggested by government and opposition nowadays are almost indistinguishable. According to a recent account rendered by the Prime Minister's Office, the mainstream parties are currently inseparably bound up with a "strait-jacket" of 42 comprehensive agreements comprising more than 200 different political topics. Within journalistic circles it is a saying that more than 80% of the body of laws passing the legislature are agreed upon almost unanimously (only the extreme left and right usually oppose). Concerning virtually all topics of importance the mainstream parties arrive at a settlement, be it defence, education, national budget, or the like. The consensual decision making procedure has one significant drawback, caused by the fact that the time-frame of such compromises is usually longer than the life of a government (one deal involving the Great Belt Bridge was established ten years

³ Erik Rasmussen, *Komparativ Politik 1–2* (Comparative Politics), 1971, Copenhagen: Gyldendal.

ago and is scheduled to expire once the project's buy-back time is due around the year 2030!). This sublime politics of agreement has made it quite difficult to unravel financial scandals. Typically the investigators realize that the administrative procedures that are being scrutinized have usually been in practice for many years. In a lot of situations the fiscal irregularities started while the Minister of the former government was in office. Consequently, key figures in the Government and the Opposition share the responsibility for what has happened. Needless to say that neither party is especially cooperative with respect to uncovering delicate and embarrassing details about what has been going on.

5. Modern democracy and nepotism

Another phenomena that cause bias in the Danish parliament (and many European legislatures) has to do with nepotism. The political families are an important factor in Danish politics. Two ministers in the current government are sons of fathers who were once ministers themselves. Both current ministers have sons who were recently elected to the parliament. One family currently controls four seats—the same amount of seats as the entire Christian Peoples Party. Five MPs that are ministers or former ministers have parents who were once ministers. 20% of MPs have some kind of family relations with each other or with former members: They are brothers, mother and son, father and daughter and/or uncle and nephew⁴. Unlike Norway, Denmark has no law that prohibits members of one family to be part of the same cabinet (which has happened several times in Denmark under the current constitution). The Prime Minister is married to a former Minister of the Environment (a current MEP), while the Minister of Finance is married to the former Minister of Cultural Affairs⁵.

The Prime Minister and the Finance Minister have been married to the same female. The former wife of the Minister of Defence is an MP, the Minister of the Interior is married to the Prime Minister's former chief-adviser. And so on.

With a probability almost amounting to certainty several newly elected MPs were only elected because their second name sounded familiar to voters, much like brands. If they had changed their name prior the election, or if their father or grandfather had not been a top-politician, they would not have been MPs today. Unfortunately

⁴ Depending on the basic assumptions, the statistical probability that a sample of 175 (number of seats in the Danish parliament) drawn from a population of four million units (size of the Danish electorate) should result in the selection of but two members of the same core family is somewhere between 0.003% and 0.0008%. The statistical probability that five members of a 20-person cabinet each foster a child that also end up being a minister is truly negligible. For computations the reader is referred to Schmidt [5].

⁵ According to political analysts she was not the Prime Minister's preferred choice for that position. However, her husband—the Minister of Finance and a close friend to the prime minister—obviously persuaded the Prime Minister to appoint her, thereby passing over the party's apparent candidate—a political veteran and distinguished spokesman for cultural affairs. During her time in Office the Minister of Cultural Affairs continuously received the worst approval ratings of all 20 members of the Cabinet. While ministers with excellent ratings were fired, she stayed. It is commonly believed that her spouse insisted on her continuance.

the parliamentary democracy forces the electorate to choose between persons rather than politics and issues. Sometimes this leads to grotesque results: When the votes of the 1981 Danish municipal elections were counted, it turned out that a completely unknown candidate was elected for a county council, although he ranked way down on the party's ballot list. To everyone's surprise he received a huge amount of votes. How could this happen? Apparently because he shared *both* first *and* second name with a very popular resident (a Minister and former mayor of a nearby city). Many voters obviously missed that the top politician did not run for office this time...

To this a critic of direct democracy could state: If many voters are unable to identify the intended person on a ballot list, how would they be able to deliberate and cast their well-informed vote on complicated issues? While this argument seems reasonable, a defender of referendum and initiative devices could reply that this erroneous choice of candidate is caused by a fundamental flaw in the representative voting procedure. Electors are forced to cast their vote on persons as brands each symbolizing a package of policies. It is highly improbable that a comparable kind of error could have happened if the ballot contained propositions instead of persons⁶.

6. Reinventing direct participation: statistical democracy and ETMs

The previous sections on Danish democracy does not provide valid evidence with regard to which form of democracy—representative or direct—is preferable. But we think it illustrates the weakness of Rawls' "hypothesis about the invisible hand of fair democracy". The population of lawmakers bred by the Danish democratic process is *not* a fraction...drawn more or less equally from all sectors of society. The category of the elected contains significantly more academics, public servants, apparatchiks, males and middle-aged persons than the electorate. In addition, the elected category is biased because it obviously contains a built-in "nepotism-virus" or "Hollywood-effect", favouring the cultivation of dynastic family-clans, the "branded" political families. Finally, we were able to identify a Danish analogue to the well-known "Washington" effect: Living in Copenhagen is clearly advantageous for someone aspiring to a seat in parliament. To sum up: Based on the case of the Danish democracy we lean towards rejecting Rawls' hypothesis on fair democracy. Traditional representative bodies tend to breed an elite that is definitely not a fair mirror of society.

Depending on one's point of view this may be just fine⁷. According to its own published sources, the current Danish government pays tribute to the *effectivity*. If effectivity is the mantra or ultima ratio of the decision making process, then an elitist or "technopolean" rule constitutes a reasonable bid for a well-governed state. But if, alternatively, the measurement scale of democracy is "the quality of... political

⁶ As Cronin [6] shows, however, ballot-propositions can also generate considerable confusion amongst the electorate. But that is another issue.

⁷ For contrasting viewpoints on this issue see Henry [7] and Lasch [8].

institutions and the character of [its] citizens” [9], then it seems justified to search for alternatives to the well known representative government. Besides, it cannot be ruled out that many defects of present “polyarchic” democracy are intimately related to the indirectness of its decision making mechanisms. Consequently, there are obvious reasons for turning towards procedures that *ensure* an assembly in accordance with Rawls hypothesis (“drawn more or less equally from all sectors of society”). And this leads us to theories of statistical democracy and electronic town meetings or halls (ETMs).

Selecting citizens for public bodies by lot is one of several institutional reforms advocated by Barber [10]: “When the representatives to the town meetings are chosen by lot and membership is rotated, over time all will be able to participate...The lot principle...is a natural extension of the democratic principle to large-scale societies”. Furthermore he hypothesizes that “electronic balloting...carefully used, can enhance democracy” and that “feedback-polls...can be a valuable instrument of civic education” [11].

A well-digested vision concerning democracy by lot is presented by Burnheim in *Is Democracy Possible?* Burnheim calls his alternative to electoral democracy “Demarchy”. It is a society where choice by lot is completely institutionalized and may be described as *the* driving force of government. In a demarchy “the mapping ensures a correspondence between the character of the representative and the represented” [12]. Burnheim makes a strong case, indeed, for this democracy without elections.

McLean, elaborating on Burnheim’s theory, suggests a “statistical democracy”. Unlike most political scientists he argues that direct democrats should take “government by opinion poll” more seriously than they presently do. Today polling is a highly developed scientific field and when used carefully, it can provide the political system with important clues as to the concerns of the electorate [18]. Recently, the concept of random selection in politics has been comprehensively investigated in a splendid book by Carson and Martin [19].

The idea of selection by lot is also briefly mentioned by Dahl in the last two pages of his *Democracy and its Critics*. In vague terms, though, he suggests to create a “minipopulus” consisting of perhaps a thousand citizens randomly selected from the entire demos: “...its task would be to deliberate...on an issue and then to announce its choices. The members of a minipolulus could ‘meet’ by telecommunications” [13]. Dahl’s theory is also discussed by Grossman [14].

The first to envision that direct democracy could be reinvented through the use of telecommunications technology was R. Buckminster Fuller. Back in 1940 he suggested that “electrified” direct democracy should be given a serious try, for instance when major issues are at stake. It would allow for continuous correction of the course without political scapegoating. A review of the evolution of the electronic town-hall concept is to be found in Becker [15] and in Becker and Slaton [20].

One of the early intellectual attempts outlining how technology and participation might be integrated is discussed in Wolff’s *In Defense of Anarchism*. In a section on “instant direct democracy” he proposes a system of “in-the-home voting machines” that can “transmit...votes...to a computer in Washington” [16].

Thanks to modern technology it is possible to revive (ancient) direct democracy by combining the visions of Burnheim and Wolff. Eventually, participatory rule might get a renaissance.

7. A theory of MiniDenmark

This is briefly how it could work in a western society, exemplified by Denmark: Today there are approximately four million electors/voters. Letting all those four million vote on everything would, even with today's technology, be rather difficult and costly, but not if we changed the modalities: All Danes would participate in the political decisions, but by taking turns at it. The four million adult Danes are, on average, politically active for 57 years, that is from their eighteenth birthday until they die (the average Danish life expectancy is 75 years). 4,000,000 divided by 57 equals 70,000. So every year in January 70,000 Danes would be chosen by lot and for one year they would vote, using a touch-tone phone, for everything which is considered and debated in the Folketing (Danish Parliament)⁸. Next year another 70,000 electors are chosen by lot etc. Thus for one year in his or her life every adult Danish citizen will be directly involved in the political decision-making process. 70,000 Danes chosen at random is such a large number that the risk of their voting differently from what the 4,000,000 would have done, is extremely low somewhere between one per thousand and one per cent. Certain important questions, however, would still have to be decided by referendum. Every political decision presupposes agreement between the Parliament and "MiniDenmark", the 70,000 electors or "electronic second chamber". In many cases the Parliament and MiniDenmark would agree on passing or rejecting a bill. If the Folketing and MiniDenmark disagree about something, the matter would have to be decided by a referendum involving the entire electorate. Whereas MiniDenmark would vote as often as the Folketing, there would be much fewer referendums.

Ancient direct democracy meant *much democracy for the few* (females, immigrants and slaves were excluded from the electorate) Current representative (parliamentary) democracy implies *little democracy for the many*. Future electronic democracy promises *much democracy for the many!*

For more details on how MiniDenmark is supposed to work, the reader is referred to a selection of reviews (translated into English) of my 1993 Danish book on the theory of the minipopulos. They are available at www.folkestyre.dk/Litteratur/reviews.htm. Note that the address is case sensitive. The site www.folkestyre.dk is the official web of the *Danish Society for Direct Democracy* (an English version is provided).

⁸ Once all voters are confident with using the internet or interactive TV, these electronic media could also be used as vehicles for transmitting votes.

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