

CONTENTS

Acknowledgments	ix
Prologue	xiii
1 Introduction	1
<i>A New Paradigm</i>	11
<i>On Vocabulary</i>	18
<i>On Method</i>	19
2 The Crisis of Representative Democracy	25
<i>The Crisis of Representative Democracy: Empirical</i>	26
<i>The Crisis of Representative Democracy: Conceptual</i>	33
<i>The Road Not Taken</i>	40
<i>The Realists' Objections</i>	44
<i>Contemporary Solutions and Their Limits</i>	47
3 The Myth of Direct Democracy	53
<i>Rousseau's Mistake</i>	56
<i>Representation, Modernity, and the Problem of Size</i>	61
<i>The Myth of Classical Athens as a Direct Democracy</i>	66
<i>Direct versus Open</i>	74
4 Legitimacy and Representation beyond Elections (Part One)	79
<i>The Problem with Consent Theory</i>	83
<i>Definitions</i>	85
<i>Lottocratic Representation</i>	89
<i>Self-Selected Representation</i>	93
<i>On the Accountability of Non-Elected Democratic Representatives</i>	98
<i>Conclusion</i>	104

viii CONTENTS

5	Legitimacy and Representation beyond Elections (Part Two)	105
	<i>On Legitimacy Again</i>	106
	<i>Tacit versus Explicit Majoritarian Authorization</i>	109
	<i>Conflicts of Legitimacy</i>	117
	<i>Liquid Representation</i>	121
6	The Principles of Open Democracy	128
	<i>Assembly Democracy versus Electoral Democracy</i>	130
	<i>The Principles of Open Democracy</i>	134
	<i>What about the Role of Parties in Open Democracy?</i>	145
	<i>What about Referendums in Open Democracy?</i>	149
7	Let the People In! Lessons from a Modern Viking Saga	152
	<i>Iceland as an Early Democratic Laboratory</i>	154
	<i>The 2010–2013 Constitutional Process</i>	155
	<i>Democratic Innovations in the Icelandic Process</i>	158
	<i>Was the Constitutional Proposal Any Good?</i>	162
	<i>Causal Mechanisms</i>	170
	<i>Iceland as an Open Democracy?</i>	172
8	On the Viability of Open Democracy	179
	<i>On the Alleged Failure of the Icelandic Experiment</i>	180
	<i>Objections to the Generalizability of the Icelandic Case</i>	180
	<i>The Objection from Incompetence</i>	191
	<i>The Risk of Capture by the Permanent Bureaucracy and Interest Groups</i>	194
	<i>The Objection from the Possible Illiberalism of More Majoritarian Institutions</i>	199
	<i>The Lack of Accountability (at the Systems Level)</i>	202
	<i>How Many Evenings Would Open Democracy Take?</i>	205
	<i>From Here to There</i>	206
9	Conclusion: Open Democracy in a Global World	209
	<i>On the Scale of Popular Rule: Toward Dynamic Inclusiveness</i>	212
	<i>On the Site of Popular Rule: Toward Substantive Equality</i>	215
	<i>Conclusion</i>	218
	References	221
	Index	239

1

Introduction

The vast and wonderful knowledge of this universe is locked in the bosoms of its individual souls. To tap this mighty reservoir of experience, knowledge, beauty, love, and deed we must appeal not to the few, not to some souls, but to all. [. . .] The real argument for democracy is, then, that in the people we have the source of that endless life and unbounded wisdom which the rulers of men must have.

—W.E.B. DU BOIS, “ON THE RULING OF MEN” (1999: 84)

Democracy means, etymologically, “people’s power.” As a regime form, it means rule in which all can share equally. But what does popular rule mean, practically?

To the ancient Greeks who invented democracy, it meant gathering in a public space—the agora in the fifth century BC, the larger Pnyx in the fourth—and making laws on the basis of an agenda set by a randomly selected assembly of five hundred other citizens.¹ To the Icelandic Vikings, who invented a different form of it in Northern Europe a few centuries later, democracy meant gathering every summer in a large field south of Reykjavik known as Thingvellir, the place of their annual parliament, and talking things through until they reached decisions about their common fate. To the members of

1. Around the same time, India was also practicing forms of deliberative institutions (*sabhas*, *kathas*, *panchayats*, and *samajs*) which, even though they were not a pure form of democracy since not everyone in them was equal, were nonetheless open to “different qualities of people and opinions” rather than “the scene of a pronunciamiento by caste elders” (Bayly 2006: 187, cited in Sanyal and Rao 2018: 7) and democratic to that extent. It appears as if similar institutions grew up from completely separate roots all over the world.

2 CHAPTER 1

the Swiss confederacy a few centuries later, democracy meant participating in open-air assemblies—the famous *Landsgemeinde* that could gather up to 10,000 male adults—to vote on the laws of their respective cantons. To New England Puritans who fled Europe in the seventeenth century to found their own self-ruling communities in the New World, it meant determining their common fate at regular town hall meetings. To some of the Native American tribes, it had all along meant talking things over and making decisions among equals.

Democracy, in these older, perhaps simpler times, was “open.” In theory, any individual qualifying as a member of the political community (admittedly defined in exclusionary ways) could access the center of power and participate in the various stages of decision-making. Citizens could literally walk into the public space to be given a chance to speak and be heard. Once you were counted as a member of the demos, or a citizen, in other words, you were *in*.

Our modern representative democracies are very different. The franchise is, admittedly, much broader. It is indeed “universal” with respect to a given demos, in that it extends to all native-born or naturalized adults of that demos. Modern democracies have extended political rights and citizenship to a number of people who would have been excluded under the premodern arrangements. Similarly, restrictions on who can run for elections and hold political offices have been progressively eliminated, except for some remaining age limitations. Yet many have the feeling in modern representative democracies that even among the legal demos ordinary citizens are left out of the most important sites of political power, while the political personnel form an elite separate from them. Modern parliaments themselves are intimidating buildings that are hard to access for the vast majority of citizens. They are typically gated and guarded. It also feels to many as if only certain types of people—those with the right suit, the right accent, bank account, connections, or even last names²—are welcome to enter them. To top it all off, the legislation that comes out of such places is largely incomprehensible, written by and for lawyers.³ Something has thus arguably been lost between ancient democracies and modern ones: accessibility or, in other words, openness to the ordinary person. It is as if the

2. On the dynastic nature of American politics, see for example E. Dal Bó, P. Dal Bó, and Snyder 2009, who show that “political power is self-perpetuating: legislators who hold power for longer become more likely to have relatives entering Congress in the future.” I don’t have evidence for other countries, but I suspect the same holds true in many, perhaps most advanced democracies.

3. Pia Mancini, political scientist and public speaker, has made this point powerfully in her presentations about the need to, in her words, “upgrade” democracy for the twenty-first century. She often starts her lectures by reading a piece of legislation and then asking the audience who among them understood it, with predictable and edifying results.

eighteenth-century move to “representative democracy,” a mediated form of democracy seen as unavoidable in mass, commercial societies, had been, at the same time—despite greater enfranchisement—a move toward what I will call the “enclosure of power.”⁴ But does the necessary restriction of the ruler class to a manageable number of people have to entail such an enclosure of power?

This entailment seems doubtful. For one thing, the enclosure of power in the eighteenth century was less a practical necessity than the product of an ideology. The representative systems we now call “democracies” were indeed initially intended as anything but democratic. Instead, they were initially the product of a liberal-republican, rather than strictly democratic, value system. By “liberal,” I mean here deriving from an ideology primarily concerned with protecting the inalienable rights of individuals against the encroachment of governments, including popular governments.⁵ By “republican,” I mean an ideology where the ideal of non-domination of the individual trumps the ideal of popular rule (though those two ideals can perhaps be reconciled).⁶ This priority of liberal-republican commitments and goals over purely democratic ones was compatible with giving the people some say over the choice of rulers, but not as clearly compatible with the ideal of popular rule *per se*.

The American Founders, for example, famously claimed to want to create a “republic,” as opposed to a democracy, which they associated with mob rule. James Madison, in particular, feared the tyranny of the majority as much as he disliked and rejected the old monarchical orders.⁷ He wanted to create a mixed regime that would protect individuals not only from powerful minorities but also from oppressive majorities. Against oppressive majorities, Madison’s solution had several prongs: representation by elected elites, with representation serving to filter and refine the raw judgments of the people; a large size

4. Another form of closure, which this book does not address, comes from the progressive transfer of power from political institutions to national and supranational administrations and bureaucracies (in Europe in particular). Further research will be needed to figure out how to resist this tendency or implement the principles of open democracy there as well.

5. For a critical take on this common understanding of the word “liberal,” see Rosenblatt (2018), who emphasizes the Cold War origins of this interpretation, specifically the fear of totalitarianism, and points out to an older meaning of liberalism as referring to “a giving and a civic-minded citizen; it meant understanding one’s connectedness to other citizens and acting in ways conducive to the common good” (Rosenblatt 2018: 4). Although I take this historical point, I do not consider it far-fetched to see in the motivations of the eighteenth century advocates of representative government elements of liberalism as we define it today, including a fear of both tyrannical majorities and direct democracy as they understood it.

6. See the excellent volume by Elazar and Rousselière (2019) for an exploration of the complex historical and conceptual relationships between republicanism and democracy.

7. For arguments to the contrary, see de Djinn (2019) to the effect that Madison, far from being a mere liberal or a liberal-republican, was in fact an authentically democratic republican with the utmost respect for the majoritarian principle. See also Tuck 2016.

4 CHAPTER 1

to the polity, which would multiply and consequently neutralize large factions; and also a cluster of counter-majoritarian mechanisms and institutions, including federalism, bicameralism, the presidential veto, and judicial review. Most important for Madison, the American republic would be characterized, in contrast to ancient democracies, by “the total exclusion of the people in its collective capacity from any share in [the government of the republic]” (Hamilton, Madison, and Jay 2003, 63). The founders thus explicitly presented as a superior feature of their intended republic the fact that it was not meant to rest on *demos-kratos*, or people’s power, but instead on the power of elected elites, itself properly limited by the separation of powers and a complex system of checks and balances.

Representative “democracy” was originally intended as a form of elite rule in contrast with rule by ordinary citizens. Yet the authors of the Federalists Papers and their fellows unsurprisingly did not describe the central distinguishing feature of their system as elected oligarchy versus democracy, but rather as “representative” versus “direct” rule.⁸ The effect of this emphasis was to suggest that elite rule was a necessary solution to a problem of size as well as to entrench the notion that representation implied elections (rather than, for example, the use of the lot, as in ancient Athens or the Italian republics). It could be presented as a simple fact that, because ordinary citizens could not all rule at once together, they had to delegate power to an elected elite. This subtle semantic slide has blinded subsequent generations to another conceptual possibility: that of representative (indirect) rule by ordinary citizens.

While paying lip service to the ideal of popular sovereignty, the resulting liberal-republican ideal of representative government arguably marked a different enclosure of power from previous orders, one that, while in some ways expanding the rights of the governed, arguably still contradicted possible interpretations of this form as a “democracy.”

This eighteenth-century enclosure of power continues to emerge today in the metaphors that have dominated our best political theories since the end of World War II. Consider the two most prominent political theorists of the postwar period: John Rawls and Jürgen Habermas. If there is one institution that best captures the concept of public reason—the reason of the public—in Rawls’s famous writings, it is that of the Supreme Court (Rawls 1993: 231). For Rawls, the Supreme Court is more than an institution. It embodies the rational ideal of public deliberation—deliberation of the public about matters of the

8. Even as Madison himself recognized that “the principle of representation was neither unknown to the ancients nor wholly overlooked in their political constitutions” (Hamilton, Madison, and Jay 2008, 63). But he may here have been referring only to the small elected component in the Athenian constitution, not to its much larger component of what I will call later “lottocratic representation.” I thank Jenny Mansbrige for this point.

public good. A Supreme Court is a group of nine superior minds supposedly immune to partisan political pressure, able to stand above the fray, speaking in dispassionate terms and issuing decisions often counter-majoritarian in spirit.

Meanwhile, an important metaphor at the heart of Habermas's influential theory of deliberative democracy is that of the sluice—a system of water channels controlled at their heads by a gate. The sluice captures the appropriate relation between the two communicative tracks of the public sphere, namely the space of informal public deliberation where public opinion is formed and the space of formal decision-making (the Parliament, the Courts, the administrative agencies) (Habermas 1996: 556, following in part Peters 1993; see also Peters 2008).⁹ In Habermas's usage, the metaphorical sluice is meant both to ensure transmission of information from the outer periphery of diffuse public opinion to the center where decision-making takes place, and, critically, to properly filter that information. The metaphor is meant to capture the ways in which the two tracks—ordinary citizens on the one hand and their representatives on the other—are connected in constructive ways. But it also emphasizes subtly the ways in which the track of public opinion has flaws.

It is not a criticism of the analytic power of Rawls's and Habermas's respective theories to point out that these metaphors are a product of their times and out of sync with contemporary democratic expectations. The Supreme Court's connotations are visibly elitist and exclusionary. The sluice's connotations, while less obviously exclusionary, are mechanical, rigid, slow, and explicitly, although in some ways hardly noticeably, hierarchical. In most democratic interpretations of representative democracy that have been offered since Rawls and Habermas, the democratic credentials of public decisions still come principally from their having been made by elected elites, albeit elites who are supposed to be engaged in a circular, reflexive, and dialogical exchange with the public, via intermediaries such as the media, political parties, and the pressure of an informal public opinion formed in part through these institutions and civil associations.

What is so wrong with this enclosure of power, one might ask? And conversely, what is so desirable about the openness of power to all on an egalitarian basis? In an age increasingly skeptical of democracy, this question deserves an answer. This book intends to provide that answer. It will do so in part by analyzing what has been lost in the move to representative democracy.

Democracy has historically been associated with various ideals, such as popular sovereignty, self-rule (or autonomy), and equality (Kloppenber 2016: 16).

9. According to Habermas, "binding decisions, to be legitimate, must be steered by communication flows that start at the periphery and *pass through the sluices of democratic and constitutional procedures situated at the entrance of the parliamentary complex or the courts*" (Habermas 1996: 356, my emphasis).

6 CHAPTER 1

Popular sovereignty is a principle of legitimacy whereby the will of the people is the sole source of legitimate authority. This ideal is both sublime and somewhat vague, so much so that it has been embraced by various regimes to legitimize non-democratic practices, as long as the authority in question can invoke the fiction of some unanimous moment of consent in a state of nature or the practice of plebiscitarian moments of popular consultation.¹⁰ Augmented with the ideals of self-rule and equality, however, popular sovereignty conjures up a more demanding type of rule. Self-rule means that individuals are entitled to participate in making the laws that bind them. Equality means that they should be able to do so on equal terms.

A minimal definition of democracy as popular rule is the one proposed by political scientist Robert Dahl. Democracy, he wrote, is a system in which “all the members are equally entitled to participate in the association’s decision about its policies” (Dahl 1989: 37).¹¹ “Participate in,” however, admits of extremely minimal participation. In my understanding, popular rule requires that the people be involved not only in the moment of voting, but *in the process leading up to it as well*, especially and crucially in the deliberation through which an agenda is set and options and arguments are debated. This book deliberately anchors the definition of democracy in “deliberative democracy,” the theory of political legitimacy according to which laws and policies are legitimate only to the extent that they are the result of a deliberation among free and equals (e.g., Cohen 1989; Habermas 1996; Gutmann and Thompson 1996). Deliberative democracy is a relatively recent paradigm in democratic theory that can help us usefully specify the ideal of popular sovereignty by making it clear that final say, in the moment of a vote, is not enough to render a decision legitimate. For deliberative democrats, legitimacy also requires the possibility for citizens to speak and be heard in the process leading up to a vote.

What is so valuable about democracy thus defined? Arguments for democracy tend to be of two types: intrinsic and instrumental. On the first view, democracy is valuable because it treats, and respects, citizens as equals. On the second view, democracy is valuable because it delivers good outcomes, where the goodness is defined in absolute terms (e.g., levels of welfare) and relative

10. As we will see in chapter 3, Rousseau himself could argue, via a clever distinction between government and administration, that rule by aristocrats was perfectly compatible with popular sovereignty.

11. An alternative definition has recently been advanced by Sean Ingham: democracy is a regime of popular control, in which popular control is defined with reference to multiple majorities rather than a unified “people” and, specifically, by the possibility for each of these majorities to have the final say over any two options at any point in time, should they care enough about the outcome (Ingham 2019). I take it that this definition is compatible with the deliberative notion of democracy used here, as long as agenda-setting (the choice of the two options), presumably done in a deliberative fashion, is internalized into the idea of “control.”

to the citizens' preferences themselves. The intrinsic defense is vulnerable to the extent that it depends on a priori "democratic faith" in the equality of all citizens, an ideal in which non-democrats have no difficulty poking holes.¹² The instrumental defense is vulnerable to the extent that, and if, other regimes can be shown to be more able than, or at least as able as, democracies to deliver good governance and satisfy citizens' preferences, then we would have no reason to privilege democracy over those other regimes.

It is possible, however, to treat these two arguments as integral to each other: by showing that the (broad) responsiveness of democratic decision-making to citizens' preferences, as well as, more generally, its ability to track something like the common good, stem *from the very fact* that democracy lets *all and every single one of its citizens* enter the decision process and lets them enter it *on equal standing*. One of the key aspects of epistemic arguments for democracy is to tie together, in an essential way, the intrinsic and instrumental properties of democracy. I have argued in other work for democracy as a regime of political equals on the basis of its "epistemic" properties, namely its ability to generate and aggregate the knowledge necessary to the pursuit of the common good as well as, in some sense, to track the factual and moral truth about the world (Landemore 2012, 2013). Specifically, I have argued that it is *inclusive deliberation of all on equal terms followed by inclusive voting on equal terms* that offers us the safest epistemic bet in the face of political uncertainty (Landemore 2012, 2013a, and 2014a). On this view, positing political equality is a necessary precondition for the generation of common good-tracking properties. One cannot compromise political equality without compromising the instrumental (specifically epistemic) properties of the decision process.¹³ This is arguably the gist of sociologist, political philosopher, and early epistemic democrat W.E.B. Du Bois's argument for democracy in the quotation used as an epigraph for this chapter. Du Bois poetically captured the idea that each of us can uniquely contribute to the human quest for knowledge about our common world (the universe), where knowledge is understood as a broad category with scientific, esthetic, moral, as well as political dimensions. Societies that silence or shut off some voices (women, Blacks) condemn themselves not only to injustice, but also to ignorance.

12. See Landemore 2014b: 192–196 for this point.

13. Contrary to what critics have sometimes mistakenly suggested (e.g., Urbinati 2014 or Lafont 2020), an epistemic democrat is never tempted to sacrifice equality for the sake of outcomes, since on their theory desirable outcomes can only be produced on the basis of genuine political equality, that is, a process that gives equal voice and vote to the members of the demos. This empirical prediction is tied to an assumption about the fundamental uncertainty of politics (e.g., Landemore 2014a). Unless the world could be made a lot more predictable than is currently the case, there is no scenario under which an epistemic democrat would be in a position to consider a trade-off between the principle of political equality and desirable outcomes.

I stand by the conclusion that, in a complex and uncertain world, empowering all members of the demos equally, and in particular giving them all an equal right of access to the deliberation shaping the laws and policies that govern us all, is overall the best method we have to figure out solutions to common problems.¹⁴ This is where I assume much of the value of popular rule comes from, though readers should feel free to anchor that value elsewhere as well.¹⁵ The advantage of this position is that it easily explains what is lost in a system that is less inclusive of voices and points of view. Such a system will not deliver as many good outcomes as it could.

One problem (among many) with closed regimes, therefore, is that they blind themselves to a wide range of useful perspectives, heuristics, and interpretations. Our electoral systems suffer from such blind spots. It is worth acknowledging that wider perspectives sometimes burst out onto the scene anyway, empowered by external factors like the digital revolution. But social movements like “Black Lives Matter” and “Me Too” were made possible, one might argue, in spite of our representative institutions (in the larger context of a liberal society entrenching freedom of speech among others), not thanks to them. Similarly, in recent years the most radical and ultimately sustainable changes to have come for gay rights and abortion rights were forced on parties and electoral assemblies by ad hoc citizens’ assemblies (Ireland) and the pressure of citizens’ initiatives (Finland).¹⁶ Representative democracy, in short, is often not as smart and capable as the sum of its citizens. Even if the pressure of civil society can make some long overdue reckonings happen anyway outside the representative system, it seems like an unnecessarily costly and haphazard way to let those voices in. A more sensible solution, it would seem, would be to rethink what we mean by democratic representation and, more generally, to rethink democratic institutions as a whole so they are more genuinely inclusive, egalitarian, and empowering—in other words, more open. This is what this book aims to accomplish.

I still have one formidable objection to address. Even if I am right that our institutions do not do justice to the ideal of popular rule and may even underperform epistemically compared to how a true democracy would, so what? Isn’t the protection of individual rights a higher ideal? To the extent that representative democracies are able to secure such rights, and as long as they

14. I also share the “democratic faith” that treating individuals as political equals is the right thing to do.

15. For purely procedural arguments for democracy see, e.g., Waldron 1999; Christiano 1996; Pettit 2012; or Urbinati 2016.

16. Compared to liberal court decisions imposed on a reluctant public, with the potential for backfiring that we now observe in the United States. See also Rosenberg 1991 for a critique of the “hollow hope” that courts are the best agents of social change.

perform decently enough on collective metrics of good governance (welfare gains and a broad distribution of those, say), why should we risk it all for a romanticized and seemingly antiquated notion of democracy? Isn't representative democracy the only viable form of (howsoever attenuated) popular rule at scale and for commercial societies of busy individuals? And when it comes to the current crisis of our democracies, shouldn't we be much more concerned with the erosion of their liberal and constitutional elements (via the reinforcement of the executive, the politicization of courts, or generally the corruptive role of money in politics) rather than the erosion, or the preexisting deficit, of people's power per se?¹⁷

I take these objections very seriously and do my best to answer them in chapter 7. Ultimately, though, the comparative question of whether electoral democracies of the kind we are familiar with provide a better combination of individual rights' protection and welfare gains, say, than a genuinely open and as yet unrealized democracy of the kind I am theorizing in this book cannot be resolved a priori.

Let me nonetheless preemptively poke some holes in three common misconceptions. The first is that "representative democracy," as a historical regime form, is the only viable system of democratic rule at scale. The second is that ordinary citizens in modern commercial societies do not have the time or desire to participate in government. The third is that any involvement of ordinary citizens in government would entail the risk of tyrannical majorities and be a threat to individual rights or even, god forbid, the rule of law.

To the first point—that the sheer size of modern nation-states necessitates representation—one can reply that representation need not be electoral and tasked to those able to garner enough votes in a competitive election. A large part of the provocation of this book will be to argue for non-electoral forms of democratic representation, including those based on sortition and self-selection. Additionally, one can also question the status of the nation-state, or even any form of physical territory, as the only legitimate locus of popular sovereignty and thus popular rule. Though I take the territorial premise of the nation-state for granted in much of the book, chapter 8 begins questioning this premise and argues for decentralizing decision power to the infra-level of smaller communities, like cities and municipalities; transferring it where pertinent to the supra-level of international communities, whether regional organizations like the European Union or, at the limit, that of a global cosmopolitan order; and de-territorializing it altogether in order to allow for the self-regulation of communities of interests.

The second point is that citizens in market economies where slave labor has been abolished do not have as much time for politics as the Ancients did, nor

17. See for example Ginsburg and Huq 2018.

would they necessarily want to spend much time at all on politics were they to have that time. The freedom of the moderns, the argument goes, demands a division of labor between the vast majority of private citizens and a few professional leaders endorsing public functions. This argument fails to acknowledge that the time constraints on citizens are partly endogenous to the political systems we build (market-based economies like Sweden and Denmark leave more leisure time to their citizens than, say, the United States). Additionally, technological change may free up considerable time for political activities as well as rendering these activities much less time-consuming to begin with, if only by making it possible to deliberate online and vote electronically. Regarding the willingness of citizens to participate in politics beyond the time commitments we observe in contemporary societies, that is certainly a big unknown, though it will likely depend on the ease, attractiveness, and perceived efficiency of such political participation. But more importantly, this objection wrongly assumes that the only alternative to rule by elected professionals has to be rule by all citizens at all times. On the contrary, a proper division of labor can be organized between different subsets of citizens, some going on about their private lives and economic affairs and others temporarily willing to put in the time and effort to be at the helm. In keeping with Aristotle's definition of democracy as "ruling and being ruled in turn," or, as I prefer to put it, "representing and being represented in turn," this book actually assumes that involving citizens does not have to mean involving them all at once and all the time. Far from being a defense of direct democracy as a viable or desirable regime form, this book is about alternative, more democratic forms of political representation. Like electoral democracy, open democracy aims to be economical of citizens' time and to avoid taking "too many evenings."¹⁸

As to the third and last point about the instrumental value of representation in achieving the liberal goal of securing individual rights, it is empirically plausible yet probably overstated. I postpone a proper treatment of this objection to chapter 7, where I will argue that recent theoretical and empirical developments suggest that there may be an opportunity to recover some of the accessibility of older, pre-liberal, or more participatory democracies (such as classical Athens, the Viking parliamentary regime, or modern-day Switzerland) without necessarily endangering the individual and minority rights we moderns care so deeply about, especially in societies as large and diverse as ours.

The full scalability of an open democracy is, of course, also a central question.¹⁹ But before assuming that size requires closure and scalability implies delegation of power to elected elites, we should first spend time asking the

18. Unlike socialism, according to the famous Oscar Wilde's quip, which is sometimes applied to proposals for direct democracy.

19. Though it is less so, I would argue, since the French case of the Great National Debate.

following questions: What are the core institutional principles of democracy, at any scale? And is there a way we could recover the openness of ancient democracies in today's world and modern, plural mass societies? Can we, in other words, imagine a large-scale democracy that would put ordinary citizens back at the center, as opposed to the periphery, of power? And what would be the metaphor of popular rule that such a democracy would take inspiration from?

A New Paradigm

Insofar as we think that “more democracy” is at least worth exploring as a solution to the ills and indeed “crisis” of modern electoral democracy, one needs to think carefully about the kinds of democratic innovations that should be implemented and tested (perhaps in lab or field experiments; perhaps at the level of neighborhood, city, or state; perhaps at a large scale but for a limited time or limited jurisdiction). At present, however, democratic innovations take direct democracy as their model. My ambition is to provide an alternative model for democratic innovators, one that includes novel democratic forms of representation through which power is made open to all on equal terms.

Openness is an umbrella concept for general accessibility of power to ordinary citizens. Whereas representation, especially of the electoral kind, always creates the risk of robbing the people of the right to participate in law-making, an open system guarantees that citizens can make their voices generally heard at any point in time and initiate laws when they are not satisfied with the agenda set by representative authorities. Openness prevents the closure and entrenchment of the divide between represented and representatives that inevitably accompany representation. Openness means that power flows through the body politic, as opposed to stagnates with a few people.

The central contribution of this book is to rethink democratic representation in a manner that opens it up to ordinary citizens. Doing so, I argue, would both increase the expected performance and the political legitimacy of the system (since on my view the latter is at a minimum constrained by the former). I theorize two kinds of authentically “democratic” representation, namely, *lottocratic* and *self-selected*. I also consider the possibility of democratizing electoral representation by turning it into what I call “liquid” representation (though I ultimately remain cautious about its democratic potential). *Lottocratic* representatives are selected by lot and frequently rotated. The combination of sortition and rotation ensures that *lottocratic* assemblies are accessible and “open” to all, not spatially speaking, since those not selected are excluded, but over time. *Self-selected* assemblies, by contrast, are spatially accessible and open at any point in time since anyone able and willing can in theory join. In both cases, citizens have equal chances of accessing the status of representatives. “Liquid” representation, finally, is a kind of electoral

representation based on vote delegation. While it is not as fully democratic as the other two (because it still relies, like electoral representation, on an aristocratic principle of distinction), it maximally lowers the barriers to entry to the status of elected representative. Under the modern circumstances of mass democracies, I argue that we probably need a combination of these various forms of democratic representation, used to various ends, to maximize participation by ordinary citizens.

Building on this reconceptualization of democratic representation, the book is also, more broadly and speculatively, about theorizing a set of core institutional principles that a genuine democracy would seek to implement and live by in the twenty-first century. There are five principles in total:

1. Participation rights
2. Deliberation
3. Majoritarian principle
4. Democratic representation (as introduced above)
5. Transparency²⁰

At first glance, these principles and conditions may seem utterly familiar. It may come as a surprise that they do not already form the pillars or regulative ideals of our existing governments. As I will argue, however, their combination contrasts starkly with the more closed off (electoral), not all that deliberative, and mostly liberal principles of representative democracy, while improving on some features of ancient democracy. As a result, I offer this combination of principles as a new paradigm of democracy, one that should inform our mental schema about what to expect from democracy and guide institutional reforms going forward. I intend this new paradigm both as a critical lens through which to look at our existing institutions and a set of relatively abstract but not completely impractical guidelines for envisaging new or at least reformed ones.

With regard to specific institutional arrangements, the book considers various possibilities inspired in particular by the Icelandic and French experiments but offers neither country's design choice as the ultimate blueprint. There is no single best way to implement open democracy and the related set of principles. The most appropriate institutional arrangement for any given political context is likely to reveal itself via trial and error and local experimentation rather than

20. This list is somewhat different from the list put forth in Landemore 2017c. I have replaced the clumsy and untranslatable term “empowered rights” with the conceptually simpler and more accurate term “participation rights.” I now recognize that I did not need a neologism to express the radical potential of giving people participation rights, even as the familiarity of the term may lure us into thinking that we already enjoy such rights. I also changed “open representation” to “democratic representation”—again realizing that the key issue is what we mean by “democratic.” Finally, for simplification purposes, I now subsume the rotation principle under “democratic representation.”

either induction on the basis of one or a few cases or sheer deduction. Nonetheless, at an ideal level, a central leitmotif of this book will be what I propose to call the “open mini-public”: a large, all-purpose, randomly selected assembly of between 150 and a thousand people or so, gathered for an extended period of time (from at least a few days to a few years) for the purpose of agenda-setting and law-making of some kind, and connected via crowdsourcing platforms and deliberative forums (including other mini-publics) to the larger population.

One might think of the open mini-public as a supersized version of the criminal jury in the American system or the jury d’assise in the French system. The jury is one of the few authentically democratic institutions of (some of) our representative democracies and celebrated as such by historians, political scientists, legal scholars, and even playwrights and filmmakers. Jury service has even recently been held as the answer to some of our contemporary problems (Chakravarti 2019). Yet it has limitations of its own. Its size is too small to offer a descriptively accurate sample of the larger population. Its selection method, while supposedly random, cannot entirely avoid self-selection and can even be manipulated to favor certain outcomes or at least avoid others. Finally, while juries have a great deal of power in the United States,²¹ they are also “routinely conceptualized as ‘mere’ fact-finders” (Leib and Ponet 2012: 276) and explicitly “tasked to adjudicate *factual* rather than *legal* or *value* questions” (Leib and Ponet 2012: 282, emphasis in the original). As such, it would not be accurate to describe the jury as a legislative institution in its own right. By contrast, the open mini-public is meant to be to the criminal jury what a full-grown tree is to a bonsai: a much larger, less constrained, and more empowered entity, fully expressing the democratic potential of trusting a larger, descriptively representative group of ordinary citizens.

I name open democracy by what I take to be the main resulting feature of this combination of institutional principles, that is, openness to ordinary citizens. What does openness mean?

Openness is, first, the opposite of closure, in both a spatial and temporal sense. In a spatial sense, openness can mean various things, depending on the context, from degrees of porosity to accessibility, participation, and inclusion. Openness is to both voice and gaze. This openness is inclusive and receptive—of people and ideas. This openness characterizes a system that lets ordinary

21. As commentators put it, the criminal jury “can bankrupt multinational conglomerates, sentence individuals to their deaths, and decide that the law is to be ignored in particular circumstances [in case of ‘nullification’], letting guilty persons go unpunished” (Leib and Ponet 2012: 275–276). Additionally, juries “provide input, albeit indirectly, into how we govern ourselves” (282) through the value judgments they “cannot help but generate” (*ibid.*), for example by excusing defendants because they are being subjected to unpopular laws or have been subjected to enough punishment.

citizens in, whether the spatial openness is facilitated by architectural design or technological tools. In a temporal sense, openness means open-endedness and, therefore, adaptability and revisability. It means, concretely, that democratic institutions must change as the people they are meant to serve change. An open-ended system is more likely to adjust to the rapid changes in complex, large-scale, connected societies. Open democracy, finally, is also a system that aims to cultivate and nurture open-mindedness in its citizens, as opposed to narrow-mindedness (or its close cousin, partisanship).²²

In keeping with this broad idea of openness, one of the main distinguishing features of open democracy is that legislative agenda-setting power becomes accessible to ordinary citizens at any point in time when it comes to the deliberative phase and is equalized over time when it comes to the decision phase (via rotation of the open mini-public members). Contrary to what we have historically been led to believe, elections and referendums are not the be-all and end-all of democracy. Democracy also implies the possibility to shape, and deliberate about, the political agenda. Democracy, in other words, is not just about having the choice of one's representatives or the final say on some specific issues. It is *also* about, among other things, having the first say, and indeed a say anytime we want. Democracy, then, must begin at the start and never cease. It must be open.

Open democracy shares common features with what is commonly known as “participatory democracy” and can be considered a variety of it. But it is not premised on mass participation at all times. Participation as such, in the sense of mass participation, is not, in particular, one of the five institutional principles of open democracy (though participation rights are). This is so because, on my model, mass participation of the public is not a requirement so much as an opportunity and a possible but not necessary implication of the implementation of the five institutional principles. People may or may not choose to activate their participation rights. In times of “normal” or quiet politics, citizens may be happy to mostly delegate the task of decision-making to their democratic representatives (lottocratic or otherwise), whereas in times of rapid change or turmoil, they would decide to participate much more frequently, for example by launching new social movements, reactivating old ones, initiating referendums, calling for a greater number of mini-publics on various issues, and generally investing en masse the spaces open to them in the system. Yet mass participation is not an actual requirement of the model. Instead, the model leaves it up to citizens to determine how much and how often they are willing to participate in politics at any point in time. In open

22. One of the probably controversial claims I make is that to the extent that representative democracy thrives or even just depends on partisanship, this is one more reason to want to move beyond it.

democracy, even if mini-publics were generalized to all levels of the polity and participation in them made mandatory, these mini-publics would only formally mobilize at any point in time a small percentage of the entire population (even as the rest would probably be informally more civically “activated” by more or less direct contact with the latter). The vast majority of citizens would be free to pursue their private lives unburdened by the tasks of attending meetings and making decisions.

In many ways the concept of openness is already pervasive in the vocabulary of activists, grassroots associations,²³ and even the jargon of government officials. US President Barack Obama’s administration famously launched an *Open Government Initiative* (my emphasis), whose motivation was the catchphrase of “transparency, public participation, and collaboration.”²⁴ As to its implementation, the Open Government concept in the end leaned toward the more limited goal of “open data”²⁵ and improved efficiency of government service delivery.²⁶ It did not aim at expanding people’s power per se and really involving them in decision-making. In terms of transparency, we now know that the Obama administration proved as, if not more, opaque and secretive as any administration prior to it. Given the use and abuse of the concept of “openness” in the world of existing practices and government marketing strategies, more rigorous work must be done to establish the principles of what a truly open democracy would look like.

The concept of openness also owes a lot to the world of coders and advocates for self-organization and freedom on the Internet. The open-source movement promotes so-called open-source software, which is software with source code that anyone can inspect, modify, and enhance.²⁷ Open-source software is best known for some of the co-created public goods it has generated, for example, the operating system Linux and the generalist online encyclopedia

23. E.g., the phrase “open democracy” is also the name of a UK-based political website that seeks to encourage democratic debate around the world.

24. From a 2009 White House memorandum: “transparency, public participation, and collaboration.” See https://obamawhitehouse.archives.gov/realitycheck/the_press_office/Transparency_and_Open_Government.

25. Initiated by the Freedom of Information Act of the 60s, Open Data is a movement that requires all taxpayer-funded government data to be made easily available online for free. The type of data open to the public ranges from public officials’ salaries to the more mundane agency budget figures and public transit maps.

26. This has been explicitly acknowledged by Beth Noveck (2012), for whom the goal of Open Government was never transparency but increased efficiency. See <http://crookedtimber.org/2012/07/05/open-data-the-democratic-imperative/>.

27. In other words, it is software that is accessible to all at all times, not just in terms of being visible but in terms of being usable, shareable, manipulable, and modifiable by all. By contrast, so-called closed-source or “proprietary” software is software that only one person, team, or organization has control over and can modify.

Wikipedia. The image of open-source software is applicable and relevant to democracy because if, as some have argued, “code is law” (Lessig 2000), one could argue, conversely, that democratic law should be more like code, or at least code of the kind made available in Linux or other open-source communities. In other words, instead of being something created and guarded by small groups of insiders or experts, in a democracy the law should be something to which all have access and on which all can make an impact. Everyone should be able to write and claim authorship over the law. Democratic authorship is exactly what the Icelanders tried to achieve with their revolutionary constitutional process. It is also the idea behind experiments in participatory budgeting, crowdsourced law reforms, or the most recently forged, all-encompassing concept of “crowdlaw.”²⁸

The movement of open-source software certainly contains democratic aspects of the kind this book is interested in.²⁹ Yet, despite the role of new technologies in enabling certain aspects of open democracy, the book is not centrally about the role of the Internet and new technologies in enhancing the possibilities for democracy in the twenty-first century. The digital revolution has brought humanity unprecedented ways of advancing democracy, in part by democratizing access to information, facilitating coordination of individuals at scale, and suggesting new ways to distribute power widely. Unsurprisingly, therefore, many of the experiments reported on in this book make use of technological solutions (such as crowdsourcing platforms) that were not available even a decade ago. That said, the digital revolution has also created unprecedented potential for mass surveillance and the spread of false information and propaganda. The question of the ways in which digital technologies can empower democracy is a separate object of study.³⁰ In any case this book is about democracy’s principles, rather than the technological tools that may or may not help to implement them. As a result, the book remains, at a fundamental level, one of political theory and philosophy, more concerned with traditional concepts from democratic theory (central power, legitimacy, and representation) and less with technological issues.³¹

28. Beth Noveck 2018.

29. Additionally, the openness of open-source software is aligned with the mediations built into my concept of open democracy. Contrary to some misperceptions, open-source software is not anarchy and radical immediacy. In open-source software design, there are hierarchies of reputation and certain established or evolved protocols and norms that ensure that open entry does not turn into destructive intrusion. But these mediating layers are managed while maintaining the principle of accessibility to all and preventing anyone from appropriating or controlling the code.

30. As a separate endeavor, I have addressed the question of digital technology in relation to democracy in a collaborative editorial adventure with Rob Reich and Lucy Bernholz from Stanford University (Bernholz, Landemore, and Reich 2020).

31. This is why I chose the title “Open Democracy” rather than, say, “Open Source Democracy,” which I think would have demanded a greater foray into technological questions.

Open democracy, finally, is also indebted, with a nod, to the liberal Popperian tradition of the “open society” (Popper 2013 [1945]). Building on a contrast between closed and static traditional societies and modern open ones, Popper defined the open society as a dynamic society, in which government is expected to be responsive, tolerant, and relatively transparent, and citizens are free to use their critical skills to criticize laws and traditions. Open democracy can be interpreted as a subset category of an open society, in which the government is not just liberal but genuinely democratic and, furthermore, democratic in an “open” manner that facilitates participation of ordinary citizens. Open democracy is the democratic answer, and in many ways a complement, to the essentially liberal concept of the open society. Unlike in the liberal tradition, the object of openness is the space of political power itself, the place from which power is exercised, not just the society ruled or structured by it.

As I hope will become clear, open democracy is not premised on a repudiation of the principle of representation as delegation of political authority per se, as in “direct” or “unrepresentative” democracy. Though it comes after the historical paradigm of “representative democracy” and is meant to supplant it, open democracy is not “post-representative.” It simply acknowledges that democracy is always representative in some form and that the real question is whether representation allows ordinary citizens to be in charge. Open democracy means to be a broader, richer, more complex, and more authentically democratic paradigm than the dominant paradigm of representative democracy, in part because it has integrated the lessons of institutional successes and failures in humanity’s 2,500-year-long effort to get democracy right. Consequently, in open democracy, representation is no longer the regime’s defining or essential feature, but, at best, one feature among many.

This conception of open democracy is therefore not a return to an antiquated and largely impractical ideal of direct democracy. The fix for the constitutive democratic deficit of representative democracy as we know it is not to eliminate representation altogether, but instead to rethink it.

But isn’t calling for more citizen participation and a lesser role for elected institutions a form of populism, the reader might wonder? The debate over the meaning and valence of populism has been raging in recent years, so I should probably comment on it. Contrary to many theorists of populism (e.g., Werner-Mueller 2016), I do not think that populism is bad by definition and must always be associated with anti-pluralism and the tendency of a fraction of the people to claim the authority of the whole. In my view, not only is the meaning of the term irreducibly polysemic (Elster 2020), but even when it comes to one specific meaning relative to claims made on behalf of the people I would argue that there can be a good and a bad populism, the good version an effort to speak on behalf of the ordinary citizen in a context where power is

captured by elites (see also Schmitter 2019). By this more modest definition, I am, perhaps, a populist. However, my aim in this book is not to take a political stance in current debates over our oligarchized post-democracies. It is instead the scholarly one of offering, or perhaps uncovering, a more meaningful institutional understanding of popular rule.

On Vocabulary

Let me justify, on that point, my use of the vocabulary of “ordinary citizens” as opposed to “elites.” This dichotomy may seem to cast in the wrong light the professional and knowledgeable political class any regime needs. But I all take these words in a descriptive rather than evaluative sense. Ordinary citizens for me are groups of citizens that could be plucked at random from the larger population. They would include nurses, students, retired people, Walmart employees, and every minority in proportion to their demographics; about half of this group, like the rest of the population, would consist of women. They would also, rarely, include the odd billionaire and the occasional Nobel Prize winner. “Ordinary citizens” is for me a statistical category. By contrast, I use the term “elites” to refer to a socioeconomic group of privileged people who would not likely be selected at random. While a billionaire or a Nobel Prize winner might turn out to be selected in a mini-public of five hundred people, it is highly unlikely that such a group would include a majority of them. In that sense I see most elected assemblies, paradigmatically the House of Representatives in the United States (where most people are, for example, wealthy), but also most Parliaments around the world, as elite groups.

There is another sense of “elite” that is occasionally used and that I try to avoid: people put in a position of power, regardless of the way they are selected and regardless of whether the resulting assembly is composed of ordinary citizens or sociological elites. It is in this sense that one could call “elites” the members of mini-publics who are able to influence policymaking in recent democratic innovations. As soon as they are given power over others, one could argue, even ordinary citizens become “elites”—political ones, that is. I have no problem recognizing the necessity of creating and empowering political “elites” in this more restricted, political sense. I am not convinced, however, that using the word “elite” to refer to ordinary people in a position of democratic and temporary power is the best choice as opposed to, say, “rulers”—in part because of the sociological and usually suspicion-filled connotations attached to the term “elites.” Either way, the point is to avoid drawing the necessary political “elite” only from the sociological elite or turning it into one. I think democracy is compatible with the existence of temporary political elites, as long as they are not drawn only from sociological elites.

On Method

Let me now say a word about the kind of political theory I engage in with this book. I do not see it as ideal theory of the type that critics argue is ultimately irrelevant to politics—what David Estlund has provocatively defended as “hopeless” utopian political theory (Estlund 2020) and Gerald Gaus would call mere “dreaming” (Gaus 2016). This kind of hopelessly utopian ideal political theory orients us toward an ideal regime that has no likelihood of being brought into being or cannot specify a feasible path from where we are to where we should go. Critics will probably argue that offering a paradigm of democracy in which elections are optional is too radical a move and puts me squarely in the camp of such utopian and hopeless dreamers.

I do not expect politicians or even most citizens in the West to embrace open democracy as a viable political platform any time soon. The exercise I engage in with this book is not primarily, or at least not immediately, prescriptive in the sense of telling us where we should go and along what path. I see it instead first as an exercise in concept clarification and “measurement calibration” (Ragin 2008), allowing us to have a better understanding of what democracy means and what regime forms can legitimately count as such.³² The book is primarily an attempt to capture what popular rule should mean institutionally in light of the definition of the concept, the various forms of democracy that have existed in the world, the alternative paths that could have been taken at various points in the history of such regimes, actual empirical evidence about feasible democratic innovations, and, yes, some speculation as to what could be done to push such innovations further.

An implication of such conceptual clarification, however, could be radical. If I am right, many of the regimes we call representative democracies are hardly democracies in the genuine sense of the term and are *de facto* usurping the term. Instead, these regimes should be seen for what they are, elected oligarchies of sorts, where the popular component is highly constrained and does not translate into adequate rule by, of, and for the people. In this sense, I side with political scientist Robert Dahl, who long ago coined the term “polyarchy” to refer to this liberal electoral regime that falls too short of democratic criteria to deserve the name democracy *per se* (Dahl 1971) and with political philosopher John Dunn, who claims that the liberals usurped the term democracy as early as the eighteenth century (Dunn 2019). My original contribution is to specify the institutional principles that a genuine democracy would instantiate if it were to qualify as genuine popular rule.

32. I’m grateful to David Wiens’s very helpful suggestions here in helping me formulate the exact nature of the project.

While the primary goal of this book should thus be seen as an effort to clarify the meaning of the concept of democracy, I also believe that the institutional principles I am putting forward herein could serve to orient and guide political reform, if not at the nation-state level directly, at least at the level of cities and municipalities; if not in the United States, in other countries; and if not in the “real” world of physical democracies, in the virtual world of online communities. I say more about this in the last chapter.

The theoretical exercise conducted in this book is also not one in pure deductive theory, in the sense of a modeling exercise such as I have engaged in previously—specifically in my book *Democratic Reason*. Many of the ideas that I advance under the umbrella of open democracy actually come from fundamentally direct empirical observation of so-called democratic innovations (Smith 2009) that are occurring now, on the ground, across the world, one of which I was directly involved in designing.³³ In this sense I see this project as, in large part, “inductive political theory”—a form of political theory that builds on the generalization, refinement, and deeper exploration of collective intuitions already widely shared in the public as well as those tested on the ground by activists. In some cases this took place with the help of visionary politicians and the support of bold governments, the intuitions of particular individuals engaged in democratic innovations and reflecting upon their role in the larger system, as teased out in interviews and informal conversation, and of course my own personal intuitions, developed through the direct observation of specific experiments and in dialogue with various actors. The idea with this book was to start by looking at what is going on in actual democracies, among circles of citizens, activists, and officials trying to fix the system by calling for and experimenting with new democratic methods and procedures, and inferring principles that are both true to the ideal of democracy and have some likelihood of being supported and embraced. This is why a central chapter of this book is about Iceland, the case study that did the most to influence my new and enlarged understanding of democracy and a country that perhaps more than most has been willing to experiment with the concept and practice of democracy. The role of Iceland in my larger defense of open democracy is both generative and illustrative. It was Iceland that spurred me to rethink what we mean by democracy, and the evidential richness of this case study is rhetorically necessary to my defense of a new democratic paradigm. Among crucial ideas that are directly indebted to the Icelandic design is the idea that mini-publics need to be “open,” that is, connected to the rest of the citizenry,

33. While I was essentially an observer of the Icelandic experiment, I was part of the team of researchers involved in the design and implementation of the Finnish experiment of crowd-sourced policymaking. I even got initiated to the joys of coding for the purpose of analyzing the results of this latter experiment.

for example through crowdsourcing platforms, referendums, or other means.³⁴ Iceland, in other words, plays the part of the “myth” in relation to my argument for open democracy. It is meant to equip the reader with a set of intuitions that philosophical analysis can then help itself to and build on. By contrast, the shadow case of France—with the Great National Debate and the Convention on Climate Change—is meant to illustrate the possibility of open democracy at scale, even as the ambition of the Great National Debate was ultimately less impressive than its scale (since at no point was it envisaged to give participants any actual decision power) and there are still question marks, as of this writing, as to whether the Convention on Climate Change will have any real impact. Several ideas came uniquely from my observations of the French experiments. One is the idea that what citizens mostly bring to political decision-making is the ability to open or re-open questions closed or seen as closed by professional politicians and experts. Another is the view that the openness of mini-publics to the larger public need not be imposed from the top down by organizers, as it is in fact relatively organic and endogenous to their composition and the desires of most of its members.³⁵

Although this book is anchored in the empirical study of actual democratic experiments, it is not primarily US-centric. For various reasons I became involved in the study of experiments taking place in Northern Europe more than experiments in innovative governance taking place in the United States, though the latter do exist and are very much worthy of attention (mostly on a sub-federal level, under the radar of most mass media it would appear).³⁶ Moving away from the United States, however, is also a deliberate choice. Despite the universal attraction people around the world feel toward a 250-year-old model of liberal democracy (and despite the self-aggrandizing mythology that Americans themselves like to cultivate and export to the rest of the world), American democracy is in rather bad shape at the moment. It is no surprise that people who spend too much time examining the American model exclusively

34. In contrast with the more “closed” vision of representation my previous book still implicitly assumed (as correctly suspected by Lafont 2020, though contra her criticism I never made this a point of argument).

35. In the Convention on Climate Change, citizens were aware that their legitimacy depended in part on the degree of outreach and connection they managed to develop with the larger public, and they did all they could to create such connections, including by overriding the protections put in place by the organizers (on the fearful model of what had been put in place during the Great National Debate) to preserve their anonymity and the privacy of some of their deliberations. One of their genius strokes was to invite the French president to their meeting, an invitation that he accepted and that led to massive media buzz.

36. See for example the multiple participatory budgeting experiments taking place in New York, Chicago, Boston, San Valejo, etc., or the way San Francisco is leading in innovative use of digital technologies in the service of democratic ends (Newsom 2014).

would only see cause for despair. I therefore look elsewhere for hope and creative thinking.

In a globalized age, this will, I hope, appear both appropriate and healthy. Additionally, change is most likely not going to come from big ocean liners like the United States, or the European Union for that matter, or any other large political entity too entrenched in its ways and at a scale at which it is extremely costly to try new things. Instead, as is often the case, change is likely to emerge at the margins, in small countries, or at the level of cities and regions without much global visibility and with less to lose. This is why the tiny and agile vessel of Iceland, in my story, plays such an oversized role—though other countries, some of them considerably larger, such as Switzerland, Ireland, Finland, Belgium, India, and Brazil make an appearance. I also carve out some additional space for my native country of France, partly because I know it best and partly because of the really interesting democratic developments it has experienced in just the last few years.

I would like to conclude this chapter with the following thought, which is partly an avowal of the limits of this book. In today's world there is no question that the way we do political theory needs to be less insular, more empirically engaged, more interdisciplinary, more racially (e.g., Rogers and Turner 2020) and globally aware, including of African-American and non-Western traditions of political thought, and generally “deparochialized” (Williams 2020).³⁷ As things stand, I am part of a generation of theorists exclusively trained in the Western tradition and I was not able to integrate the wisdom of other philosophical traditions in this book.³⁸ My references are borrowed almost exclusively from Anglo-Saxon and European political theory and history. My focus on Northern European case studies—countries that are predominantly white and Christian—might also strike some readers as unduly narrow. I plead guilty on all counts.³⁹ It is still my hope that open democracy as I conceptualize it can be of universal appeal and become part of a global conversation about what democracy could and should mean today, above and beyond the appeal of the historical, Western paradigm of representative democracy.

The rest of the book is structured as follows. Chapter 2 turns to the crisis of democracy. The chapter argues that while this crisis can be attributed in part to specific empirical corruptions (e.g., the role of money in politics, a public sphere captured by corporations, etc.), which are themselves likely the result

37. As Melissa Williams pointedly puts it in the introduction to this edited volume and as she tries to answer in her own contribution to it, “How can a theory of democracy in the global era claim global validity if it draws exclusively on Western political experience?” (Williams 2020: 1).

38. The closest I got to engaging with Eastern thinkers, for example, is in Landemore 2014b.

39. I would look forward, however, to opportunities to team up with specialists of other traditions and geographic areas to enrich the account of open democracy offered in this book with insights and examples from non-Western political theory, cultures, and contexts.

of contingent external shocks (e.g., globalization, technological change), the crisis of democracy can also be traced, more fundamentally, to an original design flaw: the restriction of democratic representation to “electoral” representation. This restrictive understanding of democratic representation has by construction exclusionary effects in terms of who gains access to power. These exclusionary effects are not contingent and cannot be fixed a posteriori.

Chapter 3 turns to the alternative to representative democracy sometimes defended by its democratic critics: direct (or unmediated) democracy. The chapter argues that direct democracy is a false alternative, one that is credible only if one accepts the mistaken Rousseauvian view of sovereignty as limited to having the final say—and a non-deliberative one at that. In the end, direct democracy is parasitic on non-democratic forms of agenda-setting and deliberation, or else must turn representative—i.e., involve a delegation of authority—to some degree. Even Classical Athens, the chapter further argues, was not the paragon of “direct” democracy as it is often portrayed and functioned along broadly representative or proto-representative (though non-electoral) lines.

Chapters 4 and 5, the central theoretical chapters, jointly conceptualize new forms of democratic representation in addition to the electoral one, namely “lottocratic,” “self-selected,” and “liquid” representation. These chapters also disentangle various concepts, such as representativeness, democraticity, and legitimacy. I found it necessary to distribute a long reflection over two chapters rather than one but, as their common title indicates, they are both dealing with the same question of rethinking “legitimacy and representation beyond elections.”

Chapter 6 builds on the previous chapters to sketch the alternative paradigm of “open democracy.” This chapter first draws on a stylized contrast between Classical Athens and modern representative democracy. The chapter then theorizes a new model of democracy—open democracy—which layers new principles on top of the most normatively appealing ones found in the previous models, expanding the scope of some principles and occasionally replacing or reformulating others entirely. This chapter goes on to offer a list of five core institutional principles: (1) participation rights, (2) deliberation, (3) the majoritarian principle, (4) democratic representation, and (5) transparency.

Chapter 7 turns to the real-life case study of Iceland to illustrate some of the principles of open democracy. The chapter closely examines the 2010–2013 Icelandic constitutional process from which many of the ideas behind this book originally stem. Despite its apparent failure—the constitutional proposal has yet to be turned into law—the Icelandic constitutional process created a precedent for both new ways of writing a constitution *and* envisioning democracy. The process departed from representative, electoral democracy as we know it in the way it allowed citizens to set the agenda upstream of the process, write the constitutional proposal or at least causally affect it via online comments,

and observe most of the steps involved. The chapter also shows that the procedure was not simply inclusive and democratic but also successful in one crucial respect—it produced a good constitutional proposal. This democratically written proposal indeed compares favorably to both the 1944 constitution it was meant to replace and competing proposals written by experts at about the same time.

Chapter 8, intended for the skeptical reader, addresses some understandable worries about the feasibility and desirability of open democracy, including issues of competence of ordinary citizens, the danger of capture by bureaucracies and interest groups, the possible illiberalism of a more majoritarian system, and the problem of the transition from our current systems to more open ones.

In brief conclusion, chapter 9 explores the thought that in a globalized world we need to expand the *scope* of democracy both upward (toward global democratic institutions) and laterally (into the “economic” or “private” sphere of firms). The chapter tentatively puts forward two additional principles, which cannot be fully argued for but pave the way for more research, namely “dynamic inclusiveness” and “substantive equality.” These principles point in the direction of cosmopolitan democracy and workplace democracy, respectively. The chapter also considers the need to disseminate democratic principles to the local level while also creating the tools for running dematerialized, non-territorial democratic communities.

INDEX

- Abizadeh, Arash, 196
abortion, 208
accountability, 88; of non-elected representatives, 98–104; in open democracy, 202–5
Achen, Christopher, 44–47
Ackerman, Bruce, 116–17
Adams, John, 40
advocacy, 35
agenda-setting power, 60
Aitamurto, Tanja, 109n5
all-affected principle, 214
Anderson, Benedict, 73n14
Anthill (organization; Iceland), 158, 173, 178
Anti-Federalists (US), 40–41, 188–89
Aristotle, 10, 42n22, 90
assembly democracy, 129; electoral democracy versus, 130–34
Athenian Assembly. *See* People’s Assembly
Athens (ancient), 23, 40, 201; accountability in, 100–102, 115; assembly democracy in, 129, 130; direct democracy in, 66–74; lotteries in, 90; parties absent in, 146; political equality in, 131; representation in, 55, 56; Rousseau on, 57; self-selected representation in, 94–96
authorization theory, 84–85
- Bachrach, Peter, 60
Balinski, Michel, 140
Baratz, Morton, 60
Bartels, Larry, 44–47
Belgium, 189–90
Benhabib, Seyla, 213
Bentham, Jeremy, 215
Bitnation, 216
Black Lives Matter movement, 8, 80
Blount, Justin, 163
Blum, Christian, 121–23
Boldi, Paolo, 125
Brazil, 96–97n17; National Public Policy Conferences in, 116, 117, 183–84
Brexit, 150, 151
- British Columbia (Canada), 175n35
Brown, Nathan, 181
bureaucracy, 194–98
- Cammack, Daniela, 67
Canada, 196
capitalism, 32
carbon tax, 197–98
Carey, John M., 164
Cheneval, Francis, 149–51
children, rights of, 166, 170, 171
Chile, 96n17
China, 208
Christianity, 187–88
Citizen Convention on Climate Change. *See* French Citizen Convention on Climate Change
Citizen Initiative Reviews (CIR), 140
Citizen Jury, 92
citizen representation, 55
citizens’ initiatives, 94, 136–37, 168; accountability and, 203; weaknesses of, 195
Cohen, Joshua, 36, 60
Congress (US), approval rates for, 28
consent theory, 83–85
Constitutional Council (of 25 ; Iceland), 156; deliberation in, 173, 174; elections to, 125; legitimacy of, 117–18, 120; members of, 160–61, 170; transparency of, 177, 178
constitutionalism, 201
Convention on Climate Change. *See* French Citizen Convention on Climate Change
corruption, 100
cosmopolitan democracy, 213
Council of 500 (Athens), 67, 72, 97
courts, as agents of social change, 8n16
COVID-19 pandemic, 210
criminal juries. *See* juries
Crosby, Ned, 92
Crouch, Colin, 27–28
crowdlaw, 16, 96

240 INDEX

- crowdsourcing, 95; generalizability of, 181; in Icelandic constitutional process, 161–62, 214; policy making by, 109
- Curato, Nicole, 190
- cyberspace, 216
- Dahl, Robert, 6, 19, 33; Achen and Bartels on, 46; on scale of democracy, 213–14
- Dal Bó, Ernesto, 2n2
- Dal Bó, Pedro, 2n2
- delegative democracy (liquid democracy), 122
- deliberation, 64–65, 116–17; accountability and, 203; in Athens, 70–71; in Icelandic constitution, 173–75; Lafont on, 115–16; in liquid representation, 126; in open democracy, 132; as principle of open democracy, 138–40
- deliberative democracy, 6, 36–40; in France, 79
- Deliberatorium (software), 65
- democracy: Aristotle's definition of, 10; assembly versus electoral, 130–34; in constitutions, 164; definitions of, 6–7, 6n11, 51–52, 90; epistemic democracy, 170; in Icelandic constitution, 166; liberalism tied to, 199–201; linked to representation, 65–66; not just elections, 14; origins of, 1–2; scale of, 211–15; site of, 215–18
- democratic confederalism, 212–13
- democraticity, 82; legitimacy and, 87–88, 106; in value of constitutions, 164
- democratic representation, 11–12, 55–56; in Icelandic constitution, 176; liquid democracy and, 124; as principle of open democracy, 141–42
- democratic sovereignty, 58–60
- Denmark, 154–55
- Descartes, René, 220
- Dewey, John, 149
- Dikasteria (Athens), 72
- direct democracy, 53–56; in Athens, 66–74; deliberative democracy and, 37; in mass societies, 61–66; open democracy versus, 74–78; Rousseau on, 56–61
- Dixit, Avinash, 200
- Du Bois, W.E.B., 1, 7
- Dunn, John, 19
- dynamic inclusiveness, 211, 214–15
- economic inequality, 32
- e-Estonia, 216
- elections: accountability in, 99, 102–3; as carrier of political legitimacy, 41; in definitions of democracy, 51–52; Icelandic constitution on, 172–73; legitimacy via, 108; not a principle of open democracy, 141–42; as principle of representative democracy, 34; problems of, 42–43; realist objections to, 44–47; voter turnout for, 26–27
- electoral democracy, assembly democracy versus, 130–34
- elites: definitions of, 18; in Rawls and Habermas's theories, 5; of wealthiest, 28–29
- Elkins, Zachary, 163
- Elster, Jon, 171n32
- epistemic democracy, 37n18, 170
- equality: in Athens, 131; in lotteries, 90; substantive, 114, 211, 217–18
- Estlund, David, 19
- ethics, 205
- European Citizens' Initiative, 137
- European Union, 143–44
- Evangelical Lutheran Church, 167
- experts, 192
- Facebook (firm), 216, 217
- Fearon, James, 102
- Federalists, on representative democracy, 40
- Ferejohn, John, 102–3
- Finland, 47, 96; crowdsourced policy making in, 109, 110
- Fishkin, James (Jim), 50–51, 64–65, 116–17, 137, 150
- Ford, Bryan, 121, 122n26, 123, 124, 126
- Founding Fathers (US), 40
- France, 21, 22; citizens' initiatives in, 137; competition for political legitimacy in, 118–20; Convention on Climate Change in, 111–14; economic inequality in, 32; Great National Debate in, 117, 182, 184–87, 191; Yellow Vests in, 109–10
- Freedom House, 51–52
- French Citizen Convention on Climate Change, 21, 79; attempts to manipulate, 197–98; experts used by, 192; political legitimacy of, 21n35, 118–20; problems of, 180; selection process in, 93; self-selected representation in, 111–14; sociability among participants in, 204n23
- Gargarella, Roberto, 200
- Gastil, John, 207
- Gaus, Gerald, 19
- gender, in self-selected groups, 113n15
- Geneva (Switzerland), 57
- Gilens, Martin, 28
- Ginsburg, Thomas (Tom), 163, 199
- globalization, 30–32, 43n25

- Goodin, Robert, 146, 147, 214
gram sabhasi (village meetings; India), 183, 193
graphe paranomon, 101
Great National Debate (France), 21, 117, 182, 184–87, 191
Greece (ancient): citizenship in, 130;
democracy in, 1; representation in, 69.
See also Athens (ancient)
- Green, Jeffrey, 48
Greene, Amanda, 85n3, 107n3
Grossman, Gene M., 200
Guerrero, Alex, 80n1, 207
Gul, Faruk, 200
Gylfason, Thorvaldur., 163n22
- Habermas, Jürgen, 4, 5, 184; on deliberations, 117, 132, 138; on deliberative democracy, 36–39
Hansen, Mogens Herman, 70, 72, 73n14
Helgadóttir, Ragnhildur, 162
Heller, Nathaniel, 143n10
Hennig, Brett, 51
Heraldsdóttir, Freyja, 170
Hobbes, Thomas, 62–63
Hong, Lu, 42n22
House of Representatives (US), 18
human rights, 165–66, 171
Huq, Aziz, 199
- Iceland, 20–24, 96; alleged failure of constitutional process in, 180; Constitutional Council (of 25) in, 117–18, 120, 125, 160–61; constitutional process in, 152–58; conversion to Christianity in, 187–88; crowdsourcing in constitutional process in, 161–62, 214; generalizability of process in, 180–82; history of, 154–55; homogeneity in, 190–91;lottocratic representation in, 92–93; National Forum in, 158–60; as open democracy, 172–78; participation rights in, 136–37; value of constitutional proposal in, 162–70; Viking democracy in, 1
immigration and immigrants, 213; dynamic inclusiveness of, 214–15
India, 1n1; *gram sabhasi* in, 183, 193
inflation, 194
Ingham, Sean, 6n11
initiatives, 75–76, 150
input legitimacy, 106
interest groups, 94n13; capture of open democracy by, 194–98
internet, online deliberation on, 65
Ireland, 152–53, 207–8
isegoria (equal right of speech), 131, 144–45
isonomia (equality before the law), 131
- Jesus Christ, 62
Jónsson, Örn, 170
juries, 13, 90, 104, 220; in Athens, 100
- Kalmar Union, 154
Karlsson, Gunnar, 188
Keane, John, 48, 49n30, 63
Klein, Mark, 65
knowledge trees, 187
- Lafont, Cristina, 115–17
Landauer, Matthew, 70n9
Landsgemeinde (Swiss assemblies), 74
Lariki, Rida, 140
legislation, language used in, 2n3
legitimacy, 87–88, 106–9; conflicts of, 117–21;
of Icelandic Constitutional Council, 176n36
- Le Pen, Marine, 27n4
liberalism, 3n5, 199–201
liquid democracy, 43–44, 54, 76, 121–23, 127
LiquidFeedback, 122
liquid representation, 11–12, 121–27
lobbyists, 94n13
lotteries, 71, 89–90
lottocratic representation, 11, 82, 89–93, 142;
accountability of, 98–104; for Icelandic National Forum, 176; legitimacy in, 108
- Machiavellian democracy, 77
Macron, Emmanuel, 79, 119, 148n15, 184
Madison, James, 3–4, 4n8
Mair, Peter, 27n3
majoritarian authorization, 109–17
majoritarian principle, 140–41; in Icelandic constitution, 175–76
majoritarian rule, 140
majority rule, 133
Mancini, Pia, 2n3
Manin, Bernard, 43; on crisis of democracy, 29–30; on discussion, 132; on elections, 41, 83; on principles of representative government, 33–34, 38, 71, 128
Mansbridge, Jane, 107
Marchand, Frédéric, 119
McCormick, John, 50, 77
Mercer, John Francis, 189
Miller, James, 121
Ministry of Ideas (organization; Iceland), 178
modernity, 63–64
monitory democracy, 48–49
Montanaro, Laura, 80, 93n12
Morocco, 96n17
Mutz, Diana, 39

242 INDEX

- National Forum (Iceland), 155, 158–60;
deliberation in, 173–74
- National Public Policy Conferences (Brazil),
116, 117, 183–84
- nation-states, 212–13
- Native Americans, 2
- Nelson, Eric, 84
- Obama administration, 15; Open Govern-
ment Partnership under, 143n10
- Ober, Josiah, 67, 72–73, 94, 200–201
- oligarchy, drift toward, 43n25
- online civic commons, 219
- online communities, 208
- online deliberation, 65
- online participatory forums, 110–11
- open borders, 215n5
- open data, 15, 15n24
- open democracy, 14–17, 23; capture of, by
interest groups and bureaucracy, 194–98;
direct democracy versus, 74–78; in global
context, 209–11; Iceland as, 172–78;
institutional principles of, 128–29; lack of
accountability in, 202–5; objections to,
191–94; political objections to, 199–202;
principles of, 134–45; referendums in,
149–51; role of political parties in, 145–49;
time commitment for, 205–6
- Open Government Initiative, 15
- Open Government Partnership, 143n10
- open mini-public, 13, 218–19
- openness, 11, 13–15
- open society, 17
- open-source movement, 15
- open-source software, 15–16, 16n29
- Oregon, 140
- Orgad, Liav, 216
- ostracism, 100–101
- Ostrogorski, Moisei, 147–48
- output legitimacy, 106
- Page, Benjamin, 28
- Page, Scott E., 42n22
- Paine, Thomas, 69
- parliamentary democracy, 41
- participation rights, 134–38; accountability
and, 203; in Icelandic constitution, 172–73
- participatory budgeting, 94–95, 96n16
- participatory democracy, 14, 75
- parties. *See* political parties
- partisanship, 14n22
- Partlett, William, 181
- party democracy, 41
- People's Assembly (Athens), 67–68, 70–74,
93n12, 115, 131; accountability in, 101–2;
deliberation in, 139; self-selected
participation in, 94–96
- permanent bureaucracy, 194–98
- Pettit, Philipp, 49–50
- Philp, M., 98
- Piketty, Thomas, 32
- Pirate Party (Germany), 122
- Pitkin, Hannah, 37n19, 62, 73, 85
- Plotke, David, 51, 66
- Podemos (party, Spain), 76
- political legitimacy. *See* legitimacy
- political parties: decline of, 27; deliberative
democracy and, 39; liquid democracy
used within, 54; role in open democracy
of, 145–49
- Pollitt, Christopher, 98
- polyarchy, 19, 33
- Popper, Karl, 17
- popular sovereignty, 6, 44
- populism, 17–18, 27, 77
- post-representative democracy, 54
- proxy voting (delegative democracy; liquid
democracy), 122
- Przeworski, Adam, 199–200
- public opinion, 36n17
- Puritans, 2
- Rao, Vijayendra, 183
- Rawls, John, 4–5
- reciprocal representation, 215
- referendums, 74, 149–51
- Rehfeld, Andrew, 28, 55, 85–86
- religion: freedom of, 166; Iceland's conver-
sion to Christianity, 187–88
- representation: in assembly democracy
and electoral democracy, 133; in Athens,
68–74; definitions of, 55–56, 85–88, 212;
democracy linked to, 65–66; history of,
62–63; liquid representation, 121–27;
lottocratic, 89–93; Rousseau on, 56–57;
self-selected, 93–97; types of, 11–12;
virtual, 114
- representative democracy, 2–4, 51–52, 130;
crisis in, 25–32, 77–78; deliberative
democracy and, 36–39; evolution of,
41–43; Manin's principles of, 33–34; ori-
gin of, 63; tied to size of nation-states, 9;
Urbinati on, 35–36
- representative government, 51
- representativity, 35
- republicanism, 3
- responsiveness, 88
- Reutemann, Tim, 126–27
- right of referral, 94, 136, 150; in Icelandic
constitution, 168

- rights, 201; rights-heaviness, 164–66;
substantive equality and, 217; undoing
protections for, 199
- Rodrik, Dani, 30n8
- Rogers, Melvin, 22
- Rosanvallon, Pierre, 31n11, 48n29
- Rosenblatt, Helena, 3n5
- Rosenblum, Nancy, 145n12
- Rosenbluth, Frances, 102–3, 147, 195
- Rousseau, Jean-Jacques: on Corsica, 178; on
direct democracy, 55–61, 74; on factions,
40; on representation, 62; on rule by
aristocrats, 6n10
- Saati, Abrak, 181
- Sanders, Bernie, 27n4
- Sanyal, Paromita, 183
- Saward, Michael, 50, 52, 80
- Sayke (pseudonym), 121, 123
- Schmitter, Philippe, 215
- self-selected representation, 11, 82–83, 93–97;
accountability of, 98–104; tacit versus
explicit majoritarian authorization in,
109–17
- Serres, Michel, 187
- Shapiro, Ian, 49–50, 77n19, 147, 195
- Shepsle, Kenneth, 139
- Simmons, John, 85
- Sintomer, Yves, 41
- Smith, Adam, 124n28
- Smith, Melancton, 40
- Snyder, Jason, 2n2
- social movements, 8, 77; direct democracy
favored by, 53, 54
- Socrates, 100, 201fn22
- sortition, 90n9
- sovereignty, 55; immigration rights versus,
213; Rousseau on, 58–60
- states (nation-states), 212–13
- Storing, Herbert J., 189
- substantive equality, 114, 211, 217–18
- Supreme Court (US), 4–5, 108
- Sweden, 122
- Switzerland, 2, 47, 188–90, 202; healthcare
industry in, 195; *Landsgemeinde* in, 74;
participation rights in, 136; Rousseau on, 57
- technology: connecting representatives with
constituencies, 38n20; direct democracy
tied to, 53–54; in experiments in democ-
racy, 16; new, 49n30; technological
change, 43n25
- Thingvellir (Iceland), 154
- Thorgeir Thorkelsson, 188
- Thorgilsson, Ari, 187–88
- throughput legitimacy, 107
- Thunberg, Greta, 110
- Tocqueville, Alexis de, 133
- Tormey, Simon, 54
- transgender rights, 170, 171
- transnational democracy, 215
- transnational representation, 215
- transparency, 142–44; accountability and,
203, 204; in Icelandic constitution, 169,
176–78
- Treisman, Daniel, 27
- Trump, Donald, 27n4, 209–10; Twitter used
by, 31n12
- Tuck, Richard, 57–59
- Tulloch, Gordon, 121
- Turner, Jack, 22
- Tushnet, Mark, 181
- Twitter, 31n12
- United States, 21–22; colonial town meetings
in, 2; economic inequality in, 32; Found-
ers of, 3–4; right to vote in, 136n3; rule
by wealthy elites in, 28; under Trump,
209–10
- Urbinati, Nadia, 35–36, 38; on principles
of representative government, 128; on
Rousseau, 58, 60
- Valsangiacomo, Chiara, 123, 127n32
- Van Reybrouk, David, 43, 51
- Velikanov, Cyril, 54n3
- Venice Commission, 163, 165, 166, 168
- Vikings, 154
- Villani, Cédric, 145n12
- virtual communities, 216
- virtual representation, 114
- voting: based on group identity, 44–45;
in liquid democracy, 123; obstacles to
right of, 136n3; proxy voting, 122; right of,
130–31, 134; turnout for, 26–27. *See also*
elections
- el-Wakil, Alice, 149–51
- Warren, Mark, 74–75, 80, 132
- White, Jonathan, 146–47
- Wikipedia, 204–5n24
- Wilde, Oscar, 10n18
- Williams, Melissa, 22n37
- Wolff, Robert Paul, 85
- women, excluded as citizens in Greece, 130
- Yellow Vests (France), 109–10, 184
- Ypi, Lea, 146–47
- Zuber, Christina Isabel, 122, 123