

Ignorance of Direct Democracy

Implicit in Criticism

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Opinion: Steve Taylor

Ignorance of Direct Democracy implicit in criticism

by Steve Taylor

There has been both a profound and enduring ignorance over the last few weeks displayed by a number of Editorial writers, political commentators, and media regarding the growing public interest in the principles of Direct Democracy.

Such public interest seems to have grown alongside New Zealand voters waking up to the fact that the Representative Democracy political they support does not in fact represent them, rather more those interests of who are in fact representatives.

The evidence of this fact (via a number of failed Citizens Initiated Referendum) is only trumped by the attempted "dumbing down" of voters by those with a vested interest in the status quo of Representative Democracy – some balance is thus needed in this increasingly important debate, so in the interests of providing a meaningful contrast, here is a summary of what Direct Democracy actually looks like.

Direct Democracy assures that sovereignty is lodged in the assembly of all citizens at all times for those who choose to participate, as opposed to Representative Democracy, whereby sovereignty is exercised by a subset of the people, elected periodically, but otherwise free to advance their own agendas. Direct Democracy deals with how citizens are "directly" involved with voting for various laws, instead of voting for representatives to decide for them.

Direct Democracy is characterised by three pillars:

1/ Initiative: (whereby any citizen, on collecting sufficient support, can trigger a Binding Referendum).

2/ Binding Referendum: (whereby the voting population is granted an opportunity to veto government legislation).

3/ Recall: (whereby voters can remove an elected official from office).

Switzerland provides the strongest example of a modern direct democracy, as it exhibits the first two pillars at both the local and federal levels. In the past 120 years more than 240 initiatives have been put to referendum. The Swiss populace has been conservative, approving only about 10% of the initiatives put before them; in addition, they have often opted for a version of the initiative rewritten by government.

The United States of America is another example of Direct Democracy in action. Despite being a federal republic where no direct democracy exists at the federal level, over half the states (and many localities) provides for citizen-sponsored ballot initiatives (also called "ballot measures" or "ballot questions") and the vast majority of the states have either initiatives and/or referenda.

Direct Democracy may also include e-democracy, comprising the use of electronic communications technologies, such as the Internet, in enhancing democratic processes within a democratic republic or representative democracy, an avenue best coupled with more traditional forms of vote casting (phone, fax, letter, and personal 1:1 communication) so as to ensure fair democratic inclusion of those who may not have internet access or connection.

Direct Democracy has an ancient history dating back to 449 BC in the Roman Republic: "citizen lawmaking"—citizen formulation and passage of law, as well as citizen veto of legislature-made law were both practiced in Rome. Direct Democracy in its more modern form began in 1847, when the Swiss added the "statute referendum" to their national constitution. In 1891, when the Swiss added the "constitutional amendment initiative".

A Constitutional amendment initiative is the most powerful citizen-initiated, direct democracy governance component. It is a constitutionally-defined petition process of "proposed constitutional law," which, if successful, results in its provisions being written directly into the state's constitution. Since constitutional law cannot be altered by state legislatures, this direct democracy component gives the people an automatic superiority and sovereignty, over representative government. This method of Direct Democracy is currently used in 18 US states.

Direct Democracy may include *Statute law initiative*, a constitutionally-defined, citizen-initiated, petition process of "proposed statute law," which, if successful, results in law being written directly into the state's statutes. This method of Direct Democracy is used in 21 US states. Direct Democracy may include *Statute law referendum*, a constitutionally-defined, citizen-initiated, petition process of the "proposed veto of all or part of a legislature-made law," which, if successful, repeals the standing law. This method of Direct Democracy is used in 24 US states.

And what of the critics of Direct Democracy? They are easily managed – for example, some common criticisms include:

1/ “Direct Democracy won’t work with a large population like New Zealand (4 million people)”.

A: Developments in technology such as the internet, user-friendly secure software, and personal computers can now implement large scale applications of Direct Democracy. Switzerland has 7.3 million citizens, and the USA has 300 million citizens – Direct Democracy is working well for both countries.

2/ “Voters will get tired of voting on issues by Referendum”.

A: With the advent of the Internet and cell-phones, e-democracy is a now a potent and efficient tool now regularly used by New Zealanders to practically and efficiently cast their vote on an issue.

Common examples of e-democracy now include:

- On-line opinion polls.
- Text voting.
- Phone polls.
- Formal surveys (e.g.: Colmar Brunton, TNS, Gallup)

3/ “Direct Democracy is simply imposing the tyranny of the majority onto the minority”.

A: There is absolutely no historical evidence to prove this has ever happened. Binding Citizens Initiated Referendums (BCIR) is a definite safeguard against a demagogue gaining power, and such protection is enforced via a formal written Constitution.

There have been a number of demagogues in countries dominated by party politics, but none in Switzerland, which has operated BCIR for over 130 years without incident. Conversely, the “tyranny of the minority” has exerted significant disproportionate power in New Zealand over recent years.

4/ “The voters are not informed enough to understand the complexities of the issues at hand, to then have any credibility voting one way or the other on them - expertise on specific Government portfolios is important to ensure good Governance”.

A: But voters are still seemingly smart enough to vote in these same critics to represent them under a Representative Democracy? In the last Labour Government, New Zealand had an unregistered vet as Minister of Health (Pete Hodgson) an unregistered dental nurse as Minister of Police (Annette King), an ex- history teacher as Minister of Finance (Michael Cullen), and an ex-University lecturer as Prime Minister (Helen Clark). Direct Democracy offers the electorate “informed consent” on issues of the day, by ensuring the electorate is fully informed about the issues of the day, as opposed to assuming that

members of the public are “too stupid” to think for themselves and then to decide on issues.

5/ “New Zealand voters under a system of Direct Democracy will only want to look after their own interests, rather than considering the needs and values of a society as a whole.”

A: This criticism may be equally made of a Representative Democracy; however it assumes a view of New Zealanders that is not in keeping with how most New Zealanders operate in everyday life. New Zealanders are renowned for “looking after their neighbour”; “lending a hand”; or “helping out a mate”. We are famous for “banding together for a common cause”, even if their may not be any direct benefit to us at the time. This criticism ignores the reality of the New Zealand psyche.

Direct Democracy indeed offers much to a disenfranchised nation – what matters however is as to how many of those who feel disenfranchised will bother to claim their rightful power to decide the future of their nation, rather than leaving these decisions to a minority of “others” who will instead look after their own best interests.