INTERVIEW

OPEN DEMOCRACY: A PROPOSAL FOR A RADICAL DEMOCRATIZATION OF OUR POLITICAL SYSTEMS*

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Our political system needs radical change. In the whole world, we have seen in the past few years anti-democratic and often violent demonstrations; attempted coups d'état promoted or at least supported by a significant portion of the population; the rise of far-right movements and hate speech, often with support from the media and organized civil society institutions; in addition, wars, environmental disasters, corruption scandals also threaten our democracies and the prevailing political order. Would anyone disagree, today, in 2023, with the diagnosis that the standard form of government organization – based mainly on the centrality of elections and the principle of political representation – is threatened from the most different fronts? Yet, for some reason, we are reluctant to consider really profound and structural changes in the model of liberal representative democracy predominating in the western world for the past two centuries. An implicit and insurmountable consensus in our political imagination leads us to conclude that representative democracy is the best we can have. When we think about modifying this system, we think only of marginal reforms, such as incremental improvements in the design of campaign finance, punctual amendments in the electoral

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system, and changes in the macroeconomic system that manage to redistribute wealth in a marginally more efficient way. But it seems beyond our imagination to question the assumption that elections and representation are the best possible tools to operationalize decision-making processes.

Hélène Landemore questions this basic assumption, this true taboo that most of us lack the courage or the imagination to challenge. For her, elections are not only dispensable but, in many cases, even counterproductive: they often materialize an excluding and biased way of selecting decision-makers. Thus, her reform proposal is radical: the main idea of "open democracy" is to de facto and effectively empower ordinary citizens. For citizens to stop feeling ostracized and marginalized and to start rebelling against the system, they must be really empowered to make decisions. It is necessary to give them more than the micro-power to elect professional politicians once every four or five years. Entrusting them the power to make all kinds of decisions about their lives is essential. In the ideal model of open democracy – which is not to be confused with and even opposes the more familiar notion of direct democracy –, ordinary citizens are chosen at random to make decisions in specific parts of the public sphere. Representation continues to exist, but elections and electoral campaigns are replaced by simpler, cheaper, and less biased ways of choosing these representatives. Lottery or self-selection, she argues, are more democratic and equal ways of distributing power.

The primary and perhaps only obstacle preventing us from moving towards a more radically democratic system is an imaginative failure. A collective imaginative failure that prevents us from taking seriously the idea that electoral representative democracies are far from being the best possible political arrangements. A lack of courage to dare, transgress, and think about trully radical reforms. In the interview below, we explore these and other points with Hélène Landemore, Professor of Political Science at Yale University. Her research and teaching interests include democratic theory, political epistemology, theories of justice, and philosophy of the social sciences. She is the author of several books, such as Hume (2004), a historical and philosophical investigation of David Hume's theory of decision-making; Democratic Reason (2013), which consists of an epistemic defense of democracy; and her most recent book (which we explore in this interview), Open Democracy: Reinventing Popular Rule for the Twenty-First Century, published by the Princeton University Press in 2020. Her research has been published in the most important journals in the field, such as the Journal of Political Philosophy; Political Theory; Politics, Philosophy, and Economics; Political Psychology; Social Epistemology. Her research was also covered in the New York Times, the Boston Review, the Washington Post, Le Monde, the New Yorker and, in Brazil, the Estadão. She was also interviewed on Ezra Klein's New York Times podcast.

In this exclusive interview for the Brazilian Journal for Sociology of Law, Landemore talks about how deliberation can be a solution to political polarization, how open democracy can be a weapon against corruption, about her main theoretical influences, and suggests some possibilities to explain the failure to approve the Chilean Constitution in the referendum that took place on September 4, 2022, the day before our conversation. We hope it will be a pleasant and enriching reading for the Journal's readers.

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Marcio Cunha Filho – Professor Hélène Landemore, thank you so much for taking the time to do this interview for the Brazilian Journal of Sociology of Law about your book *Open Democracy: Reinventing Popular Rule for the Twenty-First Century* (LANDEMORE, 2020)!

Hélène Landemore – Thank you for having me!

MCF – I would like to start with your central concept. Could you please clarify what "open democracy" means and why it differs from the more familiar notion of "direct democracy"? And if you could lay out the main principles of open democracy that you explore in your book and the mechanisms of lottocratic representation and self-selected representation through which it operates.

HL – Open democracy is meant as an alternative to two things. The first is representative government, understood in the historical sense as the regime form that grew out of the 18th century. So that's one thing that open democracy is an alternative to. But open democracy is also an alternative to direct democracy, at least if we understand direct democracy as the rule by mass referenda where all the people are involved all the time in all kinds of decisions. I think neither of those alternatives are terribly desirable. But direct democracy seems especially impractical and unfeasible at scale. And in fact, direct democracy at scale has never really existed anywhere in a pure form; it has never really existed in ancient Greece either because, in fact, there were different types of representation even in classical Athens.

So, in the end, the real competition for me is between my model of open democracy and what we call representative democracy. Note that both rely on the delegation of power to a subset of the polity that will act and make decisions on behalf of the rest. So both models, open democracy and representative democracy, presuppose first of all a moment of representation. So you could say that open democracy is a form of representative democracy in a conceptual sense. But it is not a representative democracy in the historical sense I just described. Or you might say that what we call "representative democracy" is actually the name we give to a species of the genre "representative democracy", and that genre is much broader than the particular model of representative democracy that we have today in most countries. So, in other words, "representative democracy" is a broad category that includes our liberal electoral democracies, but also open democracy and maybe some other forms. This is a little confusing because, after all, what we are so used to calling representative democracy is actually just one type of that. It is a model that grew out of the 18th century. And because we lack imagination, we think that's the only form that democracy can take. And I think my model adds a (better) alternative and offers a different path going forward.

So what are the differences between open democracy and representative democracy in the historical sense? One is that in a representative democracy in the historical sense, elections are the central means of access to positions of power, whereas in my model, elections are entirely optional. In fact, I would rather not have them at all. And it is an important difference because historically, elections have been the essential feature of representative democracy. If you follow for example, the historian Bernard Manin (1997), he said one of the historical constants of the regime known as representative government (and now known as representative democracy) is the fact that you have periodic elections. In a pure model of open democracy you could totally do without elections. In an open democracy, the central means of selecting rulers would be selection by lottery, which to me has the merit of distributing power equally among all the demos members. So it seems to me a more democratic form of representation.

A second difference between open democracy and what we call representative democracy is that the latter multiplies the points of entry into the political system to the input of the people. So open democracy would not be a model in which all you have are representatives selected by lottery that rule and legislate for a period of time and then they are rotated. Rather, it would be a model in which even during the time that these rulers legislate, there would be a lot of opportunities for ordinary citizens to influence deliberation, to initiate laws, to repel laws, to initiate moments of deliberation. So it's a lot more continuous than the segmented, discrete approach to popular participation that you have under representative democracy.

It is true that many representative democracies in recent years (maybe since the 1980s) have been trying to open up by using particular mechanisms like participatory budgeting, crowdsourcing, or the use of sortition-based assemblies. It is true that representative governments have been doing that. But to me, there's something that conceptually is ill-fitted, because these regimes try to balance the unquestioned centrality of electoral bodies with this desire and effort to open up. And these two things might be hard to balance. Because if Manin and others are right to say (and I think they are) that elections are an oligarchic and aristocratic way of selecting rulers and leaders, then, if you have elections, you bake in this oligarchic bias in the whole system. And these elitist assumptions are very hard to reconcile with trust in the ordinary citizen, in the average citizen, which is required for the openness and the effort to reach out to the people and include them, to make that effort sincere. And that's why every time the existing system tries to be more open and participatory, there is a level of insincerely that almost always leads to a lack of causal impact of these participatory moments. They are used for window-dressing legitimacy, but not really with the intent of expanding the sphere of power to include more people and letting them have an actual say and an actual influence on the outcome. Of course, we could also say that this is only the beginning, that representative democracies have been opening up only in the past 20 years and that eventually things will change – eventually electoral officials will let go of their control and they will hand over power and they will trust the people's decisions. The best-case scenario to support this view is Ireland. Ireland seems to be the one outlier case in which there has been an effort to really institutionalize citizens' assemblies, but even there I don't think there is a real transfer of power and in other parts business continues as usual for the most part. If you look at France, where we tried to open up the system through the Citizens' Convention for Climate, I saw the cynicism and the suspicion and the scepticism of a lot of the members of the establishment towards the people. It seems many elected officials only wanted to try this new cool thing of citizens' assembly as a window-dressing mechanism. At the end of the day, most of them do not want to relinquish power. Some will even prefer to call this kind of assembly antidemocratic rather than question their own democraticity and their own legitimacy. And after all, the impact of the Convention for Climate has been quite disappointing compared to its potential. So that's why I think it's only in an open democracy that we can go all the way and truly include people. Because, in an open democracy, at least the principles are aligned with the belief that people are equal and are epistemic peers and can be trusted as political agents.

This is also related to another point. When representatives are selected by elections, they think they deserve it, right? They have worked hard, they have campaigned, they have shown how smart and charismatic they are, they have cultivated and earned the right to make decisions. So I think elections go to people's heads a lot more, and it also selects in some cases certain egoistic and narcissistic types, right? Whereas when you're selected by lottery – even though there's a selection bias there too, since in the current systems you have to volunteer –when you're selected by lottery, you don't think you have merits in being selected. It's the sheer luck of the draw. And I think this process is humbling in the right way, because you know you are no better or worse than the person who also got selected with you, or the person on the street who was not selected. So in this system you preserve a certain equality of conditions, even once people are in power. Power might corrupt people no matter what, but less so when it is received in a lottocratic selection.

So I'll stop there. These are the main differences, I think.

MCF – You say representative/electoral democracy and open democracy are not in opposition (LANDEMORE, 2020, p. 17). But in which ways do these two sets of institutions complement each other? Is the strength of the traditional representative institutions (political parties, elections) a prerequisite to paving the way to open democracy? Or, in other terms, what is the role that these traditional representative institutions would play in a more open democracy? In other words, does open democracy need preexisting solid electoral institutions to flourish? Most of your examples seem to corroborate this view, because open democracy experiments occurred in countries such as France, Iceland, and Switzerland.

HL – I don't have any certainties here. Historically, classical systems such as the Athenian model had certain features of an open democracy and didn't have electoral features. Elections were only used to appoint certain administrative or military positions, like generals. So technically, you don't need electoral institutions to transition to an open democracy. However, contingently in the West, because we start from electoral systems, we need them to help us get to the next development phase of democracy, right? So, of course, in France, in Iceland, in England, in Ireland, maybe in the US, there would have to be at least a hybrid phase, in which we would have to convince elected politicians to get along with that program and to willingly give up on some of their power so that it's transferred to permanent institutionalized bodies of randomly selected citizens. And that might happen. It hasn't yet happened, but it might. It has happened on a micro-scale in East Belgium, where parliamentarians have given away some agenda-setting power to a permanent citizen jury of 24 citizens. It has happened to a minimal degree in Paris, where the city has created a council of 100 randomly selected Parisians and entrusted them with some amount of power. But so far these experiences have been extremely limited. This transfer of power has happened only at very local levels of politics and, when the stakes are really high, I don't know if we're going to have this transition of power done willingly. The surrender of power from established national legislatures doesn't seem to be able to happen smoothly or easily. The resistance I saw to the Citizens Convention for Climate, for example, doesn't give me too much hope, I must say. But this is to say that if you start from a different context, nothing keeps you from leapfrogging that sort of Western stage of electoral democracy. Said differently, I don't see that you need to go through an electoral phase to get to an open democracy. Then again, as I said, the examples of proto-open democracy have all taken place in advanced electoral democracies like Iceland, France, and Ireland, but who else has really tried that? A number of countries in the OECD. But the fact that so far proto-open democracy mechanisms have been made possible within the context of electoral systems doesn't mean that they are actually technically needed, I think. The way I envision open democracy is as a real alternative and not merely a supplement to representative/electoral democracy, even though going through hybrid moments may be the only way to achieve this goal in the West.

MCF – You sound a little more pessimistic here than in your book. So representative institutions are almost more like an obstacle than a necessary step to open democracy, it seems.

HL – Well, in a way, it's interesting that you find my current view more pessimistic. I think I am more pessimistic now because the world is much darker than when I wrote my book, with the COVID-19 pandemic, the war in Ukraine, and with a backsliding of democracy in the US and elsewhere. I mean, I don't think I could write my book today. I'm not sure I would have the optimism for it. Dark times make you want to cling to what you have. And a very powerful ideology in the West equals democracy with elections. Elections sound wonderful because we elect leaders with the charisma and the talent for professional politics, which sounds much better than authoritarian rule. But there is a downside to it. This powerful ideology that venerates electoral democracy paralyzes our imagination and makes us think that we have already reached democracy and that our model is close to ideal. And it is tough to break that illusion and shake this complacency to make conceptual room for something else. It's just really hard. At least when you're in an authoritarian context, everything is possible on the upside; everything is up for discussion. I would say in an electoral system we're going to keep talking about how we should reform finance campaigns, how we should educate the public, how we should have term limits. We're going to talk about minor, incremental changes to the system that do not address the fundamental flaw at its heart, which is that the selection mechanism is oligarchic and it leads to a skewed bias, a skewed representation of the people, and therefore a mismatch between the policies politicians give us and what we the people actually want. So that's my worry, especially now that electoral democracy is under so much threat, no longer just from its own failings, but from outside. Now I think the instinct is to be extremely conservative and to fight for whatever we have left. At least let's keep elections going, at least let's save our liberal freedoms, our freedom of association, our freedom of speech. All of that is wonderful, and of course we should keep these liberties. But the problem is that this uncritical support of electoral democracy postpones the complex conversation about how some of the damage that has been done to the system has been self-inflicted, and even the temptation of populism and authoritarianism are not just coming from outside, but are symptoms of the internal failings of our system. If we actually had the courage to deal with both threats at the same time, meaning facing up to authoritarians and also looking at the oligarchic biases of our system; if we could open up and include more people, and reform it in radical ways, then we'd be stronger against the external dangers. But in the current context of fear and uncertainty, no one is really prepared to have that conversation.

Although, on the other hand, the upside of this dire context in which we are in is that people have lost a number of certainties. I grew up in an era in which there was no alternative to liberal democracy – the era of the "end of history". Now I think that the conceptual possibilities are a lot broader. People are not so sure of anything anymore. I just said that I wouldn't have been able to write my book today; this is kind of true. But at the same time, I think my book wouldn't have been so well received if the pandemic and the crisis hadn't happened, partly because it doesn't look so crazy in this context, right? All of a sudden it's like, well, after all, why not? I really get that a lot. We've lost several certainties about what the right thing to do is, what the right system is. There's a lot less complacency. But on the other hand, there's a lot of fear and a lot of paralyzes.

And I would mention one small victory for the camp of radical reform. Last November, when Biden organized the so call World Summit on Democracy, it was honestly a very disappointing affair where he only invited heads of states and some of them were questionably democratic, and there was no mention of the need to democratize existing systems. They assumed we already had democracy and that the main problem was that it was under threat. However, this year, with a group of other motivated academics and activists, we pushed for the next Democracy Summit to have a cohort of people talking about issues such as deliberative democracy. How do we deepen the democracy we have rather than just protecting it from outside threats? Because aren't these factors connected? I think we can only protect our democracy against outside threats if we deepen our democracies and make them more desirable, because right now half the people don't even vote in some countries and in some elections. The youth in France is so dissatisfied that 70% of the population didn't even vote in the last election. So things are not going well and something radical needs to be done.

MCF – What is the relation between open democracy and social movements and organized civil society? Are the latter a prerequisite for the former?

HL – It's true that I do not theorize social movements in the book because, in a way, this book is about the hardware of democracy, meaning the political institutions and the principles that form the skeleton of democracy. I theorize the principles that could guide institutional reforms going forward. And the way I see social movements is the same way I see, for example, social norms or informal rules. They are like the software of democracy. As a theorist, you can't really legislate a priority or theorize into existence because there's something a lot more organic, bottom-up to it. I hope this organic life will grow in and around this more rigid structure of open democracy, like wildlife in and around a coral reef, and in the process reinforce it and in turn, help it grow further and in turn be reshaped itself as necessary.

So there is absolutely a role for associations and social movements. But I did not see in the book how I could turn these forms of civic life into institutional principles. If anything, they fall under the principle of "participation rights," which is the first of the five principles of open democracy. These principles are a series of rights that people have in an open democracy that guarantee that they can do things like organize, mobilize, or gather signatures so that they can then activate a right to put a law that they don't like or that's not working out for people to a referendum or a recall option. Or on the contrary, if they have an idea for a missing or useful law, then the people could activate the right known as "citizens' initiative." They can put forward a proposal to a parliament and then have a parliament put it to a referendum. Or they can offer an alternative to a parliamentary proposal and then the Parliament either takes it into account or integrates it into its own proposal. Or the proposal could go straight to a referendum. So, social movements can organize during and around those moments of mass participation, these moments of referendum that are bottom-up. They can also organize around referenda that would be top-down. For example: let's say we have an open democracy where the centre of power is the house of the people, whose randomly selected members are like legislators. Let us say those come up with a law relative to some fundamental life-or-death issue, like a right to assisted dying. This topic is going to be discussed by a new French citizens' assembly that I'm involved in, that's why it's on my mind. This is the question for which you'd think consultation with the wider public is needed, beyond the small number of assembly members. So the assembly members could decide to have a referendum on their proposed law. So that's an example of a top-down referendum from the institutions and the political decision-makers to the rest of the country. And around those issues, of course, you would expect social movements to mobilize one way or another and to campaign on it. Again, I think the best metaphor I can think of for my open democracy is that of an (artificial) coral reef. You hope, but cannot decide, that various life forms will attach themselves to that structure.

MCF – That's a very good metaphor. From your studies and the OECD reports you cite in your book, is it possible to identify some open democracy institution or practice that has spread worldwide? What are the world's most frequent or common mechanisms of open democracy?

HL – The first ones to spread were participatory budgeting processes based on self-selection, such as those made famous by Brazil. Actually, you've had a lot of those for a while. And I think they're great. They're important forms of citizen participation. But my problem with them is that you can only give them a little power because the sample is always hugely skewed. The self-selection on which participatory budgeting processes are based means participation will always be biased – that is, only people with time and resources will participate in those meetings. These biases will affect who shows up, who says something, and how the outcome is determined.

Another big success story is the so-called mini-publics, which have been around for 40 years. Mini-publics are the bodies of at least several dozens to a few hundred randomly selected people, usually selected based on stratified random sampling. And they are gathered for several days or several months to debate a large political issue, and make policy-recommendations. A subset of them, known as citizens' assemblies, have even been convened to make law proposals. The most advanced example was the Citizens Convention for Climate, which took place in France between 2019 and 2020. The members of this Convention, in my view, were actually given the role of quasi-legislators. President Macron asked them to come up with law proposals that would then be sent directly to regulation, a referendum, or a parliamentary debate.

So mini-publics have been going on for a few decades. They've been growing and growing to the point the OECD has called this a "deliberative wave" (OECD, 2020). So that's what's really exciting for me. At the moment, we have close to 600 cases of such "representative" deliberative assemblies, as the OECD report calls them (because they aim to mirror the larger society statistically). The problem is that to this day, in the best-case scenario, such bodies remain mere ad hoc creations of Parliament or officials or parliamentary committees. This is the only way they can exist at this point. We need to transition to an institutionalization phase of such assemblies so that they are either inscribed in the ConstitutionConstitution (which would be the best-case scenario) and given some actual power in a sphere of activity or at least made permanent within the constraints of the existing constitutional and legal framework. And this has been happening in some cases. For example: the so-called "mixed parliamentary commissions" in Brussels bring together randomly selected citizens and parliamentarians. The legal framework does not allow voting rights to randomly selected ordinary citizens, but the organizers found a way to ensure their contributions are influential. And so there are ways to make citizens' inputs more permanent, more influential, more impactful, even within existing legal constraints. But on the other hand, there's always the risk that if the established powers have a change of heart or if the circumstances change, well, these mechanisms would just be shut down. That's what happened to participatory budgeting in Brazil. Once the right was in power, that participatory ecosystem just disappeared. Mini-publics are just as fragile. That's why we need to transition to a more stable phase where they get integrated into the existing system and can be activated by citizens and cannot be taken away.

MCF – Yes, and in the examples you provide in your book (especially France and Iceland), citizens' proposals were just killed off by Parliament, right?

HL – Yes. In Iceland the results were not so surprising because the task was daunting. They wanted to create an entirely new Constitution based on the idea of empowering the people. They took a very confrontational approach with the new Parliament and the political parties. Some of the people who participated in the assemblies and some of the articles inserted in the Constitution went directly against very powerful economic interests. The Icelandic experience delivered a great document through a well-designed process, but it was also the first of its kind, at least in the 21st century. There were some precedents in Brazil, with your participatory Constitution from 1988, and South Africa in the 1990s. In both cases, the people were asked to contribute their thoughts and ideas about the Constitution. But Iceland involved people upstream of the whole process in a more structured way (via a randomly selected national forum) and using new technologies during the drafting stage. This was quite radical and new, so on some level maybe it's not that surprising that the process failed.

In France, on the other hand, the results were disappointing because President Macron had promised that he would take the proposals "without filters." He promised he would take the proposals of the Climate Convention and submit them to direct regulation, a referendum or a debate in Parliament without changing them. But in the end, he vetoed three proposals. Then the citizens themselves self-censored and chose not to send most of their proposals to a referendum because they feared the rest of the public – this gives us an idea of how non-confident citizens in France are with respect to themselves and their peers. And on top of that, the usual lobbyists got in the way, captured some of the process, and diluted many of the proposals. The tragic irony is that people on social media called the proposals extremists on one hand while others called them insufficient on the other. And now, with the pandemic and the extreme heat waves in France, it turns out that what the Convention was recommending was obviously what needs to be done. They proposed very innovative and interesting things, building on experts' recommendations (so the proposals didn't come out of the blue). It was a process of creating together proposals that were already out there, and framing them in a way that would make them compatible with social justice requirements. And what's even better is that when political scientists and social scientists measured support in the rest of the population for those proposals, they found that all of them, or at least the 14 main structuring measures, except one, would have found overwhelming support in the population had they been submitted to a referendum. We could have verified that if a referendum had happened. But it didn't happen. In the end, I think the National Convention and the proposals made a difference because the Climate and Resilience law about climate change came out in the spring of 2021 and that was the most ambitious law we have ever had on climate issues. And it was made more ambitious by the pressure of the Citizen's assembly. So that is something. It was just disappointing compared to what the counterfactual could have been.

MCF – So the Convention had an indirect effect maybe, but not as ambitious as what was promised.

HL – Yes, not as ambitious as the promise. But we can also look at the success story in all this, which is Ireland. In 2012, Ireland instituted a hybrid citizens' assembly composed of citizens (two-thirds) and politicians (one-third). In 2016 they created another assembly, which was fully composed of randomized citizens, to discuss abortion. And that led to a referendum in June 2018 where two-thirds of the population voted in favour of repealing the criminalization of abortion. So that's one of the most successful stories about the power of citizens' assemblies. Because in Ireland, politicians had been incapable of addressing this issue, because it is very sensitive. Even as individual politicians were kind of leaning towards the progressive solution, they couldn't come out and say it, so they handed the hot potato to a citizens' assembly and then to the larger public, and it worked.

MCF – I would also like to ask you a more theoretical question. Could you talk about the primary authors that have shaped your thinking in constructing the open democracy framework?

HL – Okay, so first of all, a variety of authors contributed differently to the intellectual scaffolding behind the idea of open democracy. But at the core of this intellectual framework, in chronological order of influence, I'd firstly mention David Hume for his emphasis on uncertainty in human affairs. His work really shaped my thinking. The second influence is Condorcet, for his faith in humanity and the possibility of progress, and also, of course, his use of the law of large numbers in support of majority rule. Also, Karl Popper for his philosophy of science and his idea of an open society. In a way, open democracy is the extension to the political level of his theory of falsification and the idea that we never approach the truth directly, but only negatively through the exchange of arguments and the falsification of propositions. This deliberative practice is also at the core of the idea of an open democracy. And then in my formative years, when I moved to the US and I turned to the study of politics per se, Bernard Manin really opened my eyes to the fact that so-called "liberal democracy" was not the end of history and that it was perhaps not even a desirable form of democracy to begin with. It is a very elitist form of democracy, that's very clear from his historical survey. Even as he really endorses representative government – he's more conservative than I thought he would be from his own reading of history. But I followed the radical implications of his analysis myself. Habermas is also central to my thinking since he provides me with the core ideal of a deliberative system in which everyone has an equal say. And I'm also of course in debt to Joshua Cohen, the philosopher from Stanford and later Berkeley, who initially planted that idea, even in Habermas.

But the thing with Habermas – and I love that author very much – is that he's a sociologist by training, even though he's a German sort of sociologist. And so he starts from what he sees and what is, and then he rationalizes away a normative justification for what is. And the problem is that his theory starts from electoral democracies and the industrial revolution. Therefore, his thinking is a little constrained by the starting point. Said differently, he still thinks in terms of electoral logic, he also thinks in mechanistic ways, for example, when he talks about the "lock" connecting what he calls track 1 and 2 of the public sphere (respectively the sphere of formal decision-making involving politicians and the sphere of opinion-formation involving the larger public). So in his theory, the interaction between citizens and the political elite is not as seamless, it's not as porous, it's not as continuous as I would like it to be. So I guess my metaphors are perhaps more organic. I'm not sure exactly where I get them from, but I'm of an age in which things are a lot more instantaneous. We have immediate feedback on the Internet – and that's what I would like to see in politics, something that's a lot more fluid and a lot more instantaneous, with, of course, still the necessity of a deliberative movement that slows down things and creates a level of intermediation. That's the word, a separation of some sort, but one that is as minimal as possible, right? And not discrete, really, like, as continuous as possible.

I would also mention as an influence John Dewey, because he brings together the belief in collective intelligence and a view of democracy as the pursuit of truth, as a collective deliberative quest for some kind of truth. And finally, let me mention an author I discovered after writing my first book, "Democratic Reason" (LANDEMORE, 2017) and who really influenced me, W. E. B. Du Bois. Du Bois turns out to be an early epistemic democrat with a visionary understanding of what collective wisdom is, with its ethical and aesthetic dimensions, and he provides us with a richer notion of collective wisdom than the one I actually use in my earlier book. So the mashup of these ideas is what resulted in my main ideas for open democracy.

MCF – One more theoretical question. As you say, an open democracy is a more open political system to different people and ideas. As you powerfully explain in the introduction, the idea of a "tyranny of the majority", which was the basis of the Madisonian theory of democracy, is at its origin profoundly oligarchic and antidemocratic. Despite these antidemocratic origins, isn't there a real threat to fundamental rights when majorities rule without certain restraints? One significant example that comes to mind is the debate around the "minimum criminal age", which is 18 years old in Brazil, meaning no one under the age of 18 can be subjected to criminal

procedures and penalties. Around 85% of the Brazilian population favours the reduction of such age to 16, which would be catastrophic to many teenagers and families in the country. And most scholars argue that it is good that our ConstitutionConstitution does not allow such reduction and protects the rights of teenagers and other minorities. How would you respond, and what would be the responses of an open democracy to this Dworkian idea that certain fundamental rights should be beyond the reach of majorities and majoritarian deliberation?

HL – So I'm going to start at an abstract level and then try to look at your example from Brazil a bit more closely. So I'd say that, at an abstract level, of course the tyranny of the majority is a real danger, a real threat, a real problem. I do not deny this. I just think that historically we've perhaps not exaggerated that threat but perhaps used methods to protect us from it that are not only ineffective in protecting us from it but also expose us to another type of danger, which is the rule of powerful minorities. Look at what's happening in the US with the Supreme Court. The Supreme Court supposedly was this beacon of progressivism which was fighting for the rights of blacks, other minorities, and women and their reproductive rights and all that. But sure enough, now it's turned into a politicized body that serves the interests of a powerful minority of economic actors and a minority view about the place of racial minorities and the reproductive rights of women and all kinds of things. So just because the tyranny of the majority is a real threat doesn't mean that the solutions we currently have for it are actually the right kind of cure.

There's a tradeoff there. So it's really hard to see where to place the cursor between the danger of the tyranny of the majority and the inevitable danger of the tyranny of the minority when you create counter majoritarian mechanisms like the Supreme Court or bicameralism or federalism or all these layers that check the direct will of majorities. So, I think empirically no one really knows where the exact sweet spot is and it will vary from country to country, from historical period to historical period. But in the United States, we've probably gone too far in both the oligarchic and the counter-majoritarian directions. According to political scientists Martin Gilens and Benjamin Page, majorities have no causal influence on the output of legislation once you control for the preferences of the richest. So that's very bad. I think we could afford to be a lot more majoritarian in the US at the moment. And then there's another thing. You have to remember that the US – and I think historically this applies to many older democracies –

was born in a context where the founders of those regimes were actually demophobes; they feared the people almost more than they feared older monarchical orders and they themselves were part of wealthy minorities, slave owners and all that. So who were they protecting with counter-majoritarian measures? Themselves, right? They were not particularly concerned with the future of freed slaves or women – they were first and foremost concerned with protecting their own property rights. So, once we keep that sort of historical genealogy in mind I think it puts into perspective what we can expect from counter-majoritarian designs. And we can look back at classical Athens again, which was a pre-liberal political system. They didn't have judicial review – they didn't have a bunch of rights that we associate with the liberal counter-majoritarian institutions that protect minority rights. Yes, they had a lot of problems, and they were very illiberal in some aspects. They killed Socrates. But they also managed to entrench certain rules without constitutional trappings or things that we would consider counter-majoritarian trappings, such as judicial review. And they still managed to entrench a number of rights, like the right to speak up in the assembly, without any of these external counter-majoritarian pressures. Josiah Ober in Demopolis (2017) has shown that there are internal resources to a purely democratic system that can mitigate some of the dangers of a tyranny of the majority. And we can learn from the failings of ancient Athens. For example, the open meetings were way too vulnerable to capture. So between the 5th and 4th centuries, they made a few changes; they moved toward a system that was a lot more lottery based – for example, they devolved some of the legislative power of the open assembly to the so-called nomothetai, which were legislative juries of sorts.

Generally speaking, deliberation is supposed to be a procedure through which minorities can push back against majorities, though I do not argue that it is bulletproof. And I wouldn't count on it in a time of war or emergency for example. But in terms of everyday politics, deliberation is the process that's supposed to slow down the decision-making and give all the minorities the time to present their case and defend themselves in the public eye and convert the majority to their perspective. And that's what happened with gay rights, for example, right? It took a long time, but this deliberative process is more effective in the long term than simply imposing the will of counter-majoritarian institutions. If you look at, for example, women's rights in the Arab world, you can't just impose a Western-style Constitution that protects women's rights – that approach will not work. But a democratic, deliberative process could work. You cannot fight local customs, long-held traditions with a Constitution or counter-majoritarian mechanisms. So, at some point constitutions and counter majoritarian institutions became parchment barriers. It's a "hollow hope" (Rosenberg, 2008) to think that courts alone could change norms and make them more progressive, more liberal, etc. Often it even backfires.

My point is that a society must come to terms with its own truths. And some of its own truths will be abominable from our perspective. And when they are too horrific, we legitimately want to ban them. We want to have a universal declaration of human rights that says you don't do this, you don't do that, slavery is out of the picture, all that. But when it comes to the example you just gave about the reduction of the criminal age in Brazil, I think that, even though that does sound like a terrible idea – and, as you say, it could pave the way for all kinds of racist abuse and all that –, it seems to me that it should be up to the people to determine the norms and fundamental values they can live with, right? And it could be even in Brazil, if you set up a citizens' assembly that's large enough, truly representative, and expose them to the plus and minuses through expert lectures and conversation, they would come out against the reduction of the criminal age, right? I'm not guaranteeing that this would happen. But it seems to me that, rather than going straight to the shortcut of an enlightened group of supreme Justices saying "this is the right answer", having conversations that involve everyone, including, especially, the youth that will be the victim of that law, and hearing their stories and hearing what this would do to them, it could change minds. Again, I am not saying that deliberation protects us against the majority's tyranny, but I think it can act as an important buffer. And remember that in my system you can repair laws and participation rights can be activated in a way that, if it turns out that lowering the criminal age has all kinds of harmful effects, that can be documented, proved empirically, then a local minority can decide to instigate a referendum on that and repair the problem. And that should be true for ordinary laws as well as constitutional laws, so that, yes, countries and democracies will make mistakes, but these mistakes won't be forever. And sure, you could say that we damage people for a lifetime when we make mistakes. And of course we want to minimize the probability of mistakes. But I don't think you can make politics immune to errors at no cost to the democratic nature of the system. Do you see what I mean? So it's a question of finding the right spot, I suppose. The United Kingdom, Sweden, and New Zealand function without judicial review. The United Kingdom doesn't even have separation of power. So I think there's a range of things we can do right without adopting counter majoritarian mechanisms.

MCF – Understood. You have mentioned here a "system of open democracy", but you write in your book that the alternative to our current model of a purely electoral democracy does not need to be or cannot be a system in which all the people decide about all issues at all times. So, in this context, is it possible or even desirable to think or project a political system that would be anchored entirely in the idea of open democracy? Or should the ideal of an open democracy be "limited" to relatively isolated events or procedures such as the French Convention on Climate Change, the National Public Policy Conferences in Brazil or the Constitution-making process in Iceland? Do you think your idea proposes a new political system or only severe adjustments to the current model that is adopted in Brazil and other countries?

HL – Well, in my view, it's a new political system. And I really oppose the sort of instrumental view of open democracy moments for the sake of just bolstering the existing system. The existing system is rather fundamentally flawed. And so, theoretically at least, I think we need a new system. And remember that my model is not that of a direct democracy. So it's not a model in which we all have to be involved in politics all the time at great cost to our personal lives. The way I sum it up is in open democracy we all get to represent and be represented in turn. There's a rotation going on and in a large country, at the national level, most likely, most people would never get to actually become a representative of some sort. Still, if you adopt the system at all levels – from the village to the local Council to hospitals, to the public administration, to all kinds of places – then the act of representing would be something you do at least a couple of times in your lifetime. It could be this amazing experience that you don't do too often. But it's a real possibility, and it could be life-changing opportunity because you have access to people and resources and ideas that you wouldn't have if you stayed in your small neighborhood, for example, for a lifetime. So, my model is to economize on people's time by maintaining this division of labour that representation allows for. But I do want to see this institutionalized, not as a local or temporary or occasional supplement. I know that there is a view that open democracy is something to augment the existing system, but to me it's meant to ultimately replace it by something that's more authentically democratic.

MCF – So your idea of open democracy would contain "mini-forums" or spaces in which a limited number of citizens (not politicians) debate and come to policy proposals in specific areas. In a context of so much polarization around the world, in a context of fake news, of manipulation as a political strategy, in a context in which people's attention span is so reduced, are we not moving farther away from an ideal of deliberation instead of moving closer to it? Why would deliberation thrive in spaces of open democracy considering this troubling trend if you agree it exists?

HL – Yeah, very good question. It's precisely because of the polarization context in which we find ourselves that it is urgent and necessary to create, construct, and institutionalize spaces for deliberation among a diverse sample of the population. This is now the only hope for a safe deliberative space where people from across the left-right spectrum are actually going to talk to each other and listen to each other. These spaces of open democracy, where they exist, are very engineered; you have facilitators, you have rotation, you have experts coming in, you have norms of reciprocity, respect, equality, and inclusion that are implemented and that people have to live by. Otherwise, they can't stay, or they won't function in that environment. And usually, people comply. They play by the rules of that game.

This has been well documented in the experiences of deliberative democracy we have had so far. I can give you one representative example. In the regional assembly that I witnessed in France during the great national debate, some of the yellow vest protesters got selected to participate. At first, their instinct was to be vocal and to speak up and to engage in that aggressive, militant political mode, but that didn't work. People around them didn't want to engage on that level, and the facilitators would tell them, well, now you've spoken, it's not your turn anymore. So they couldn't hog the floor. And in general, these assemblies can work because ordinary people come in as individuals, not as party members. In the assemblies, they're only known by their first name. They're not known by who they voted for or to whom they are affiliated. They just come in. It's a fresh start. And, of course, during the conversation, certain trends get revealed, but on the whole, you get treated as a citizen. These deliberative spaces free the people and allow them to listen to each other without prejudices. That's a great place to start. And then again, because these spaces are so facilitated and structured, there's no room for intimidation, threatening, posturing, personal attacks. Of course, some of it might happen in the margin, but again, the norms are those of Habermas' ideal of a deliberative space, right? And I think that's the only place in the world where you could have that. So why would we not want to cultivate that more? It takes money, and it takes political will. But the hope is that at some point, we will convince ourselves that it's worth the price. After all, investing in our democratic infrastructure is really important. We have to stop taking that for granted. It's like the same way we build highways. We need to invest, to create new parliaments for the people that are structured and built and designed in a way that facilitates conversation among ordinary citizens. And we do have empirical evidence that deliberation in those spaces debiases people. In these spaces, to a certain degree, people align their fundamental preferences, so this is exactly what depolarization looks like – people became slightly less extreme. And people who participate in these forums learn and teach each other, and they become persuaded based on an exchange of reasons.

So, there's enough solid evidence in the political science literature to show that. In fact, it's interesting when you compare the quality of deliberation inside these deliberative assemblies and the quality of deliberation in parliamentary committees – observers of the Irish Citizens Assembly have tried to measure that, and they found out that the quality of deliberation was higher among the citizens' assemblies than among the parliamentary committee members. So to my mind, the recent empirical evidence is clear that many of the intuitions of people like Habermas, Cohen and others were right. And I think if we take those findings seriously, we should act on them and implement more of those things, because I don't see what else is available. Out there is just a cacophony of, you know, propaganda, epistemic bubbles, and there's not much that's constructive.

MCF – So deliberation would actually be the medicine for these problems.

HL – Yes, and if you want to put it in straightforward terms, it's like we just need to talk to each other and listen to each other. It's a basic principle of communication among humans – that helps a lot if you start at this point.

MCF – You recognize that spaces of popular participation have been "captured" in some instances in the past, but you affirm that that does not mean that this capture would necessarily occur in the future and other contexts – for example, it does not seem to happen in Switzerland, which has a long tradition of popular participation (Landemore, 2020, p. 47). You also recognize that direct democracy might fall under the threat of populism (LANDEMORE, 2020, p. 77). What precautions, attitudes, or safeguards should we take to avoid the capture or hollowing out of institutions of open democracy? And, in maybe a broader question, are there any risks or concerns a society should have when adopting open democracy institutions?

Also, considering that corruption is often associated, especially in Latin America, with the electoral system and the lobbying that economic interests exert in the political system, do you think introducing open democracy mechanisms in a political system could be a powerful medicine against corruption?

HL – First of all, I want to acknowledge that open democracy as a system is still a vision more than a reality. So before anybody adopts that system, more work needs to be done to flesh out the principles I lay out in the book and to work out how they would cash out in practice. And in particular, one of the questions that I haven't solved for myself, and I think is a very important one, is: How would these citizens' assemblies govern themselves? How would a parliamentary house of the people govern itself? Because right now, the citizens' assemblies have always been governed from the outside by organizers or experts, like an appointed committee of experts. We know that the Council of 500 in ancient Greece ruled itself. They had a system, but we do not know how it would work today. So, again, this is for a PhD student or someone who needs to look into how these ancient bodies ruled themselves when they didn't have the party lines to discipline the conversation. So basically, I just want to emphasize that there's more work to be done before we can think of implementing open democracy as a full alternative to representative democracy.

Also, as I said at the beginning, the more plausible path, for now, is through hybridization because that would allow the continuation of experimenting. But going back to your point about capture again, of course any system can be gamed and captured. So open democracy would be vulnerable too. And ultimately it's citizens who have to be vigilant and activate every right they have at their disposal to prevent democratic backsliding and capture. So again, I'm going back to my first principle of open democracy: participation rights. People need to use these rights. They need to use them to repel laws that indicate a backsliding, that indicate that courts are becoming biased or that the legislative power is being curtailed. You can't guarantee that people will always use these rights for the better because, of course, even in Switzerland, these Minaret laws do not look very good from where we stand. But overall, the idea of participatory rights works out quite well, and when people make mistakes, they can fix them.

Moving on to your question on corruption – which I know is a huge problem in developing countries and Latin America but has also been the reality in more advanced or older democracies like the US or France. As long as money is a factor, you can "buy" the system. And money is a factor because of elections, because in electoral democracies you need to campaign, you need to receive donations and then once you receive those donations there is a sense of ownership on the part of the people who give you the money. I think if anything, electoral systems are a lot more prone to corruption than sortition-based systems. The problem with a sortition-based system is more potentially the naivety of the newcomers who might be indeed captured by the savvy bureaucrats, or the lobbyists that are circling the wagons at all times. That's a worry. But in terms of corruption, I have colleagues (for example, Alex Guerrero in his article "Against Elections") who make an excellent case as to why, on corruption grounds, lotteries are better protection than elections. If you look at the empirical evidence, you can see two effects. One is the informational advantage. You could argue that elected officials have theoretically more knowledge (they know the system, sometimes they've been in power for 20 or 30 years, and they know the power players) and that citizens that are not professional politicians would be more naive, they would know less about the system, they would be easier to fool. But the upside of the lottocratic representation is that the randomly selected don't have long-term connections and relationships of friendship or trust with lobbyists. They don't owe them anything. So they would be less cosy and more distant from potential influencers.

And in fact, the premise that these ordinary citizens are more manipulable is not even that convincing to be honest. In the Citizens Convention for Climate in France, I observed that the citizens were very suspicious, if anything sometimes too suspicious, of experts, bureaucrats, organizers, and anyone who could interfere with their own sovereignty. And so corruption can happen, capture can happen. But on the whole, there are arguments for why open democracy could be slightly less susceptible to corruption, because of the reasons I mentioned and also because of the fact that when you want to buy an assembly of randomly selected citizens, you have to buy them one by one. You can't just buy the head of the party, it's just a lot more costly. Plus, you would have to buy a new batch of newcomers every time they rotate. So, it would be very expensive to corrupt an lottery-based assembly. And then we need to know more because there needs to be more evidence about how much capture can happen on the basis of lack of knowledge. Anyhow, people who participate in these forums learn quickly, they are highly motivated, and I believe that motivation sometimes can compensate for initial lack of knowledge. You can also create all kinds of firewalls between the assembly and its support staff and other branches of power. And you can just institute rules against lobbying – for instance, you can say, for example, that lobbyists cannot meet or cannot go for coffee with any of the assembly members.

MCF – So open democracy is actually a radical proposal for combating corruption at its roots, right? Because, when we do think about it, corruption is very often associated with several aspects of the electoral system. So what you're saying is that an open democracy could curb a lot of the corruption that we see at its root, right?

HL – If it's done well, yes. The problem is that if, for example, the selection process is corrupt, if, you don't end up with a true random sample, right, then maybe the corruption could take place there. But then that's where you need a bureaucracy and people who do their job well with a certain amount of transparency, perhaps by fully automated systems. But then other questions open up, such as do people understand the automated system? I mean, I'm not saying it's easy, but it could be done. And also a lottery-based selection process would save billions of dollars. If you think of presidential elections, they cost billions of dollars in the US and are costly in other countries.

MCF – Do you think that institutions of open democracy can be strong enough to curb the current trend of democratic backsliding? Said differently, do they provide sufficient safeguards against authoritarian rulers? For example, in Brazil, when democracy began to tremble, one of the first reforms that was done was the dismantling of the so-called National System of Social Participation (which was hollowed out by the House of Representatives back in 2014 and formally revoked in 2019). I have explored some of these questions in a previous work (CUNHA FILHO; GUIMARÃES FILHO, 2015). So my question here is: can open democracy mechanisms outpower the powerful tendencies that work in favor of dismantling whatever is left of democratic institutions in Brazil and elsewhere?

HL – I would love to promise you the moon, but I really don't think this is a question I can answer. In the book, I propose a vision, offer a list of principles and a theory and some empirical evidence as to why an open democracy could work well. But I cannot guarantee that it would solve these really difficult problems and stop the backsliding when it's so far advanced. I don't know that at this point. At the end of the day, what stops dictators, or would-be dictators, are bullets and the will to fight and die for your rights. And that's what's happening in Ukraine, for example. Visions need help to achieve that. But the thing is that for people to be willing to fight, they need to have a vision they can hold on to. They need to have something inspiring that gives them hope in the face of despair, and that gives them a sense that they deserve better. In countries such as Russia, for example, people don't seem to know they deserve better. They seem so resigned. They don't have a vision. In Ukraine, they do. So I'm hoping that open democracy can perhaps provide that vision, because I think electoral democracy, representative democracy, as usual, doesn't inspire people anymore so much, probably because it excludes too many people. So we need something else.

MCF – Besides the examples you provide in your book, are there experiments of open democracy happening right now, or that occurred during the pandemic? To which part of the world have you been looking for with greater attention as a researcher? What do you foresee to be the future of your line of research? And, of course, we're speaking on September 5th 2022, the day after the new Chilean Constitution was rejected in a referendum, so I would like to know your thoughts on the constituent process in Chile.

HL – Yes, I see many things bubbling up, such as the possibility of a citizens' assembly in Malaysia and various things going on in Belgium. But something that I've been more excited by recently has been the Chilean process, although, unfortunately, it didn't include any lottery-based component, which is part of the reason it failed. Because Chilean people used the classical tool of elections to create this assembly, elections were conducted at a moment of extreme resentment against the existing system. So they produced a very left-wing convention, which had a lot of good ideas, but the problem is that when you write a constitution, you cannot be so partisan; you cannot be so politicized. You must create a social contract in which everyone can recognize themselves because there's no second chance later. There might be, but the Constitution is meant to establish the rules for the long term. It's not like, okay, this round, we are governing the country on the left and next round we'll govern the country on the right. No, a Constitution is made for the long term and so it has to be less partisan than politics as usual, and it has to be a moment of consensus building. And it does not seem like that's what happened in Chile. If the body that wrote this text had been more descriptively representative of Chile, you would have had a much more conservative middle-of-the-road text. Perhaps it would have been shorter as well. A lot shorter. In my view, it probably would have kept some of the groundbreaking provisions on water rights and indigenous rights and climate change mitigation requirements – which were truly unique provisions. Everybody who looked at that thought, yes, that's the future. But then the problem is some of the rest of the text. Obviously, most people didn't recognize themselves in that Constitutional text. Again, I want to blame the failure of that process at least partly on the selection method. They should have gone for a randomly selected body. That's my view: they should have worked actively with a randomly selected body. And I know they considered it. I know they tried this approach initially, but then it was too soon and too much money. I suppose it was too hard to get this off the ground. I'm hoping they will be bolder on the process and less bold on the content of the final text next time. I'm sure that, in the Chilean case, there is an alternative interpretation in which some powerful economic interests lobbied and campaigned and got in the way of a "yes" vote, like what happened in Iceland. This is a very influential interpretation. But the reality is that in Iceland, there was a referendum, and two third of the population said yes to the new Constitution; in the Chilean case, almost two-thirds of the people said no. If two-thirds of the population said "no" to a Constitutional text, you cannot just blame it on the right-wing media and on geopolitics. I am inclined to think that there was something wrong with the text and people were not happy with it and uncomfortable with the outcome.

MCF – Yes, and the turnout in the Chilean case was really high as well, so...

HL – Very high, precisely right. How can you blame this on undemocratic forces? No. Unless, again, you think that the votes were fraudulent and all that, which I don't think was the case in Chile. I think it really means they have to do some soul searching about how they built this process and who they included and did not include and who they listened to and did not listen to.

MCF – I think this is a good place to end. My final question is: could you recommend three books to our audience? Three books that have greatly inspired you throughout the years and that you have not mentioned in our interview so far.

HL – I just mentioned the "Darkwater: Voices from within the veil" (DU BOIS, 1969), that's been quite a revelation to me. And I would also mention Kim Stanley Robinson's "The Ministry of the Future", which was such a great book and it has a lot of political theory as well, so I think, it's worth looking into. And I have to say, it's a book that I didn't love, but I learned so much from it, which is "White Fragility" (DiAngelo). I don't think you will see much of the impact on my book at all. But it's a book that I've read that made me evolve on some issues.

MCF – Professor Hélène Landemore, thank you so much for your time, we really appreciate it.

HL – Thank you for having me!

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