

“Rationalized and Extended Democracy”: Inserting public scientists into the legislative/executive framework, reinforcing citizens’ participation

Briefly: The REDemo Project

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This work is dedicated to my mother, Maria Molteni, and to the memory of my father, Natalino Tagliabue, both honest servants of the public good.

Summary

The aim of this book is quite ambitious: we offer a possible solution to a complex problem, i.e. a better use that democratic societies can make of science (in the broadest sense) and expertise in realizing constitutionalized goals and objectives, without creating an oligarchy: on the contrary, while relying on the useful competence of public scientists, the collective has control of the political/policy processes from beginning to end.

Democracies suffer from intrinsic defects: their institutional design is inadequate to achieve the ethical-political aims as avowed in constitutions. The method of representation, almost entirely entrusted to bodies elected on a traditional party basis, has serious shortcomings: 1) Due to a deep-rooted mindset and behaviour, laws and government outcomes are often more dictated by evident but unconfessed electoral interests of individual politicians and parties than directed to the realization of their declared programmes. Consent-hunting encourages demagoguery and cronyism; 2) The confrontational majority-opposition mechanism is detrimental, implies dubious arrangements (*logrolling*) and distortions (*pork-barrelling*). The balance of powers is weak and inefficient; 3) The influence of lobbies on policy decisions is disproportionate, especially when economic powerhouses can legally bankroll candidates and parties. The weight of private money distorts democratic dynamics; 4) Often the laws show clear limits in terms of competence, but the available expertise is ignored or misused; 5) Politicians normally have a short-term view and fail to keep pace with changes in society – let alone anticipate them: party-politics is often late; 6) The

self-referencing of legislative-executive powers allows the use of public funds for personal gains: too often, corruption is not sufficiently fought; 7) Conflicts of interest are endemic.

In order to contain or correct such flaws, we propose a new framework, Rationalized and Extended Democracy (REDemo), to be implemented, in each country where the redesign is embraced, through two institutional changes that are needed as a meta-reform:

1. *Rationalization:*

On the *legislative* side, groups of experts, elected by universal suffrage through lists of volunteer candidates prepared in universities and other public science bodies, composed of researchers and teachers who declare their availability, form a branch of organisms (Scientific Assemblies) which are parallel to the existing party-political branch (Chambers and regional-local Councils), both at state and infra-state level. The members of scientific legislatures, on temporary leave from research and teaching, serve under a maximum of two medium-term mandates on an expiry and rotation basis with similarly specialised colleagues: they are legal scholars, political analysts, economists, sociologists, land/urban planners, industry/infrastructure designers, biotechnologists, agronomists, ecologists, educationists, specialists on public health, on cultural heritage, etc. Each expert candidate sets out her programme by drafting a list with specific and clearly identified objectives, linked to her skills, with mandatory reference to relevant articles of the national Constitution or Bill of Rights; mid-term and end-of-term reports, to be widely and publicly discussed, are issued by each elected expert (this provision becomes mandatory also for party politicians). The party-political arm and the scientific arm of the legislature formulate draft laws independently and pre-approve them on a majority basis within their own assemblies; then those proposals are put to the vote of the corresponding other wing, which may make amendments; once approved by both actors, the law comes into force, after civil society organisations have had time to propose possible changes. Should it prove impossible for the two divisions of the legislature to reach agreement on a bill, a decision-promoting referendum must be held.

As for the *executive* side, in the national and local governments, experts designated by the scientific assemblies share the positions with traditional politicians; individuals to be appointed as ministers/secretaries are examined by evaluative commissions, composed of both politicians and experts who are competent to assess the sectoral skills of a candidate.

2. *Extension:*

Broadening of the institutions of direct democracy and reinforcement of the electorate as decision-maker of last resort. Citizens, societal organisations and stakeholders, beyond deliberating on officeholders' periodical reports, can: independently formulate law proposals and submit them to the two legislative branches; indicate changes to the draft laws; call repealing referenda; be called on to vote on bills if the two legislative actors cannot agree.

In the current system, the evidence-based and science-informed contributions of public scientists, as partial or debatable as they might be, if and when requested by decision-makers are filtered at the convenience of party politics, and therefore often manipulated or ignored; if assemblies of elected experts become an intrinsic part of the legislative and executive structure, the theoretically shaky and barely effective "Science speaks to power" paradigm is superseded, and society can much better exploit high-level expertise in public choices and policy decisions. Since the scientific assemblies are elected by the community, they retain full democratic legitimacy. More: the limited and slow ability of the current law- and decision-making structure of democracies to cope with urgent problems justifies the authorization of the REDemo reform with its improved timely and constructive achievement of constitutionalized ends.

The proposed apparatus is not a technocracy or a Platonist elite government: scientific assemblies are elected, and do not replace political-party bodies; nor are they insulated from the influence and will of the citizenry – just the opposite. The constant dialogue and exchange with the traditional legislative arm and with civil society enriches the dynamics of collective action in its pursuit of constitutional goals.

The reform can usefully counter the above-listed flaws of democratic institutions: 1)

Candidates to the scientific assemblies are less prone to demagoguery and electoral concerns because, being “on loan” to politics, they do not need to go vote-hunting: specific mechanisms are put in place to restrain opportunistic appeals to voters. The main dedication for elected experts can be the implementation of their programmes; 2) In the scientific assemblies, while decision by consensus is encouraged, resolutions will be taken on a majority basis: but there should not be factions which are systematically required to oppose and denigrate each other. The compulsion to negotiate opaque compromises (*logrolling*) and allocate resources for particularistic, electoral ends (*pork-barrelling*) is contained. An effective balance of powers is applied, inside the legislative-executive sphere itself; 3) A low ceiling is put on the financing and electoral expenses of candidates, both traditional and scientific, and the scientific candidates use only limited public funds. Candidates and elected experts have no need to struggle for financial contributions: therefore, the influence of economic lobbies over them is reduced; 4) Experts offer top-level competence in various fields in which collective choices are to be taken: yet, voters will decide among the proposed policy platforms; 5) The workings of scientific assemblies are likely to adopt a long-term vision; 6) The oversight of experts and the greater weight of civil society result in better management of public spending and a reduction in waste and privileges. Corruption may be more effectively countered; 7) Conflicts of interest are minimised: experts who are involved in commercial businesses cannot be members of the scientific assemblies or of governments.

The fruitful introduction of public scientists into the core of the democratic legislative-executive structure may be welcomed by society: in these times of disenchantment with political institutions, extensive surveys prove that the majority of the population in many countries keep a persistent trust in experts and their positive role.

Last but not least: public research is paid for with taxpayers’ money; not exploiting that richness in collective action means underusing precious resources.

Democracies need a quantum leap.

Preliminary warning

The subjects of this text are so dense that a much longer argumentation would be needed to discuss each of them – starting from the complex notion of democracy and the contentious relationship between science and (democratic) politics. The reader may therefore reasonably complain that crucial issues are treated in a few sentences. But here it is not possible to develop all the necessary analyses linked to our proposal; for the same reason, given an oceanic bibliography, the list of references may be missing important texts and is quite miscellaneous. However, we hope that the necessarily condensed exposition of the outline will be considered sufficient to appreciate it as a theoretically sound basis for a *pragmatic* reform proposal.

Specific parts and facets of our view will be dealt with in subsequent papers, as foreseen in the Addendum.

1. A concise introduction

1.1. Form and substance in Constitutions

In the Constitutions¹ of democratic countries, two parts² can normally be distinguished:

1. One section outlines ethical-political principles, with variable exposition and organization of the content: an evident common denominator covers personal-political rights and duties. Just a few examples: Argentina: First Part: First Chapter: Declarations, rights and guarantees; Second Chapter: New rights and guarantees. Canada: Charter of Rights and Freedoms, Section 7, “guarantees the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.” Estonia: the second chapter sets out the people’s rights, liberties and duties. Iceland: Section VII, Art. 65-79: Human rights. India: Part III – Fundamental Rights. Italy: Part I – Rights and Duties of Citizens. South Africa: Chapter 1: Founding Provisions; Chapter 2: Bill of Rights.

Moreover, substantial objectives, with a lower or greater emphasis on social-economic rights, are often outlined which are strictly linked to the democratic values³: promotion of education (universally present), improvement of citizens’ economic conditions, protection of the environment,

¹ Sometimes the word “constitution” is not used, but the reality is the same – e.g. the four Basic Laws of Sweden. A written foundational statute is not always present, e.g. Canada and Israel do not have a Constitution in the form of a complete document (https://en.wikipedia.org/wiki/Uncodified_constitution). As for the New Zealand, it has a Constitution Act (1986) and a Bill of Rights Act (1990), but the prevalent scholarly opinion is that there are several other “constitutional” laws (https://en.wikipedia.org/wiki/Constitution_of_New_Zealand). The UK is a somewhat peculiar case: scholars note that its constitution is not a unified text (Leyland 2016; Turpin, Tomkins 2011), but it “is to a large extent written [...], if you count the Bill of Rights of 1689, the Act of Union of 1707, the European Communities Act of 1971, the Human Rights Act of 1998, and the various Representation of the People Acts from 1918 to 2000. It is not concentrated in a single document”. (Waldron 2010)

² The excellent website “Constitute” (www.constituteproject.org) makes it possible to search and compare the content of any constitution (widely intended, i.e. also for the states where fundamental charters are not organically codified), of any regime, by topic and other filters.

³ Such rights are frequently indicated also in non-democratic constitutions, and are either aspirational or justiciable, but are so scattered in the world’s basic laws as to compose a strongly variable scenario (Jung, Hirschl, Rosevear 2014).

care of public health (less widespread than would be desirable),⁴ freedom of enterprise,⁵ etc.⁶ In certain cases (e.g. South Africa and Ecuador), the constitution outlines the progressive implementation of substantive rights,⁷ therefore envisaging the realisation of a *transformative* democracy – meaning that the drafters of such basic documents were conscious of a future path ahead: “a long term project of constitutional enactment, interpretation, and enforcement committed [...] to transforming a country’s political and social institutions and power relationships in a democratic, participatory, and egalitarian direction.” (Klare 1998, p. 157)

As for the USA, the Constitution does not contain an explicit clause of political equality (Waldron 2010): in fact, the Bill of Rights (the first ten amendments to the Constitution) mostly deals with negative liberties, i.e. provisions that are paramount to the rule of law, without mentioning positive, affirmative rights. But a “positivist” interpretation of the US Constitution has been vigorously argued for (Barber 2003): the *welfare* of the people has been a constitutional principle ever since the Founders drafted the document, and the Preamble states the aim to “promote the general Welfare”. In 1944, President Franklin D. Roosevelt announced that the Constitution should be enriched with a (social and economic) Second Bill of Rights: employment, food, clothing and leisure with enough personal/family income to support them; farmers’ rights to a fair income; freedom from unfair competition and monopolies; housing; medical care; social security; education. Such a constitutional amendment was not drafted, but a number of federal laws (e.g. labour and agricultural acts, the Civil Rights Act, healthcare acts etc.) were inspired by that philosophy (see Sunstein 2004): there are some scholarly calls to enact such a major amendment of the American Constitution, incorporating socio-economic rights into the constitutional text (see e.g. Michelman 2015).

Making reference to the fact that the US Constitution was initially issued without the Bill of Rights, Sartori states that “a constitution without a declaration of rights is still a constitution, whereas a constitution whose core and centrepiece is not a frame of government is not a constitution” (1997, p. 196). Yet, we think that the prompt addition of the first ten amendments was not casual, but rather an inherent consequence of the framing of a *liberal* (not yet *democratic* in the contemporary sense) state – a Republic, in Franklin’s terms. Today, it is a fact that democracies have decided to add the “flesh” of affirmative rights to the necessary procedural “skeleton”. And this is the reason why, in constitutional texts, ethical/political principles are usually placed *before* the description of the state’s institutional structure. Therefore, Sartori’s fully formal conception (“constitutions are required to be *content-neutral*”: 1997, p. 200, emphasis in the original) clashes

⁴ On this point, see a detailed description and analysis: Heymann et al. 2013.

⁵ This right can be meaningfully split into various parts, in particular: Protection from expropriation, Provisions for intellectual property, Right to competitive marketplace, Right to establish a business, Right to own property, Right to transfer property (see www.constituteproject.org under the topic “Rights and Duties - Economic Rights”). Most constitutions cover these aspects; but, of course, one thing is theory, another actuality: for real-world situations, useful sources are the Index of Economic Freedom (www.heritage.org/index) and Economic Freedom (www.fraserinstitute.org/studies/economic-freedom), both updated yearly. Notably, the rankings see democratic countries outnumbering autocracies in the highest quartile. (Indeed, the relationship between economic growth and democracy is multifaceted and contentious: it cannot be discussed here.)

⁶ For a theoretical argument supporting the need to constitutionalise in any democracy “autonomy-protecting rights”, that is, turning certain moral rights into legal rights, see Fabre 2000a; the same author calls for a constitutionalisation of four fundamental rights: minimum income, housing, healthcare, education. (Fabre 2000b)

⁷ The Ecuadorian Constitution goes so far as to guarantee rights for the ecosystem itself (Art. 10 and 71-74): “All persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature.” (Art. 71)

with the spirit and the letter of existing (democratic) basic charters. As we will better see later on, this empirical reality has solid theoretical justifications, in that mere constitutional formalism is untenable.

Internationally, the ensemble of political, economic and social rights is the object of the 1948 Universal Declaration of Human Rights and, specifically, of the two related treaties (both 1966): International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights.⁸

2. Another part of constitutional texts describes the form of the state/government (parliamentary, semi-presidential, presidential), with the related electoral system, and an outline – often quite detailed – of the institutions and of the procedural rules to generate laws, regulations, governmental acts; such instruments should put the constitutionalised ethical-political principles into practice in the life of society. Therefore, according to supreme charters and statutes, collective choices, i.e. political/policy resolutions which are taken and implemented by lawmakers and rulers, should pursue the fulfilment of the established fundamental values. Generally, these principles can be indicated using the term “constitutional essentials” – although Rawls, while introducing the term, does not list them: generally, they are linked to “a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason.” (Rawls 2005, p. 137)⁹ In this view, sovereignty belongs to the people, to the collectivity, which is the crux of the juridical and political legitimacy of democratic institutions: the electoral body, at various local, state and sometimes supranational steps, is the original and ultimate decision-maker.

Thus, from a structural and operational point of view, liberal/representative/constitutional democracies are not *only* characterized by procedural rules. This reality is anticipated by a solid theoretical stance, which is recognized also by eminent political scientists who are otherwise very attentive to the formal aspects: “those called upon to take decisions, or to elect those who are to take decisions, must be offered real alternatives and be in a position to choose between these alternatives. For this condition to be realized those called upon to take decisions must be guaranteed the so-called basic rights: freedom of opinion, of expression, of speech, of assembly, of association etc. [...] The constitutional norms which confer these rights are not rules of the game as such: they are preliminary rules which allow the game to take place.” (Bobbio 1984, p. 25; more specifically, see Ferrajoli 2011). In other words, a democracy needs at least three “floor” requirements: 1. Free and fair elections; 2. Liberal rights of speech and association; 3. Stability, predictability, and publicity of a legal regime, i.e. the rule of law (Ginsburg, Huq 2018a, p. 9). We thus have “a ‘procedural minimum’ definition that presumes fully contested elections with universal suffrage and the absence of massive fraud, combined with effective guarantees of civil liberties, including freedom of speech, assembly, and association” (Collier, Levitsky 1997, p. 432). Summarising: constitutionalism demands adherence “to principles that center on respect for human dignity and the obligations that flow from those principles.” (Murphy 2007, p. 16)

This architecture is the essence for a free polity *and* a necessary basis for the pursuit of constitutional goals. Yet, the reaffirmation of a fully formalist stance is not uncommon even among sophisticated theorists: forty years after a convincing elucidation of the “substantive roots of procedural norms”, we are still discussing “the puzzling persistence of process-based constitutional

⁸ We give just this passing reference to the international pacts and covenants because, as we explain in the text, as a first step we design the “Rationalized and Extended Democracy” proposal at national and sub-national levels.

⁹ The term may have a slightly different, more neutral definition: “A state’s ‘constitutional essentials’ are a package of publicly observable commitments respecting the design and contents of the state’s laws and public administration.” (Michelman 2011, p. 7).

theories” (Tribe 1980).¹⁰ See e.g. Friedrich von Hayek, when he talks of “abuse” of the term “democracy” if one tries “to give it a substantive content prescribing what the aim of those activities ought to be.” (von Hayek 1979, p. 137) Such a dubious dogma seems to be contradicted by the title of an important book by the same author, “The Constitution of Liberty” (von Hayek 1960): what is more *substantial* than a call to inspire and found a constitution on the basic value of liberty? But the text of an articulated entry “Democracy” in a major encyclopaedia (Christiano 2006-2015) does not even contain the occurrence “constitution” or “bill of rights”: different schools of contemporary political theory seem to disregard this important issue.

Therefore, we argue that mere proceduralism is indefensible. Leaving aside marked differences among supporters of this approach, the basic idea is that “there exists no procedure-independent fact of the matter as to what the best or right social outcome is. Rather, it is the application of the appropriate procedure which is itself constitutive of what the best or right outcome is.” (List, Goodin 2001, p. 5) Or, in other words: “Proceduralism holds that what justifies a decision-making procedure is strictly a *necessary* property of the procedure—one entailed by the definition of the procedure alone.” (Coleman, Ferejohn 1986, p. 7, emphasis in the original). The first part of the sentence is indisputable: democracy has formal rules that are to be followed in its operations. But the last word (“alone”) creates a fatal fault: if the correctness of (the generation of) a law is not only a necessary, but also a *sufficient* condition of its democratic characterization, a fully authorized parliament could legitimately issue arbitrary laws which establish – for instance – an exclusive, intolerant state religion, and consequently start actions aimed at exterminating the infidels. Instead, we maintain that a *double* condition – both formal and substantial – of democratic decision-making and government is indispensable; otherwise, the democratic foundation is theoretically flawed, and can lead to a nullification of democracy itself in the real world.

As a definition, “illiberal democracy” (Zakaria 2007) is an oxymoron – even a contradiction in terms; where some democratic elements (for example, multi-party elections) are distorted by other aspects which are not democratic (the excessive pre-eminence of the executive, scarce respect for the rights of political or ethnic minorities, government pressure on or censure over the mass media, bureaucratic obstacles hindering the work of intermediate bodies in civil society), we should not examine only the procedural aspects of such courses of action, which can be legally impeccable. Using formal logic, the expression “democracy is liberal” must be considered an *analytical judgment*, almost a tautology: the qualifying adjective is an intrinsic and essential part of the noun.

1.2. Basic principles and ordinary laws

In this sense, stating that “democracy does not have any ideal society to promise or any specific goal to make us achieve” (Urbinati 2014, Conclusion) is not correct: although democratic constitutions do not design utopian, organically perfect polities (that would be scary...), and usually omit detailed descriptions of the longed-for outcomes,¹¹ substantial aims and objectives to be pursued are put forward. Diffusing education, fairly regulating a free market, assuring the rule of law, creating capabilities, conserving the natural and cultural heritage: these are (democratic, constitutionalized) *specific goals* stated in many basic charters. We can better explain this important point with reference to “the Italian legal distinction between ‘programmatic’ and ‘imperative’ norms”, i.e. *norme programmatiche* and *norme precettive* (Sartori 1997, p. 218), in other words

¹⁰ The reference is to the USA Constitution, but the remark is valid for any democratic basic charter.

¹¹ Indeed, some constitutional texts are pointlessly verbose: the Indian and Brazilian constitutions are composed, respectively, of 395 articles and 245 articles plus more than 200 transitory dispositions. That is why those wordy documents are the target of Sartori’s irony, when he accuses their authors of “constitutional graphomania” (Sartori 1997, p. 197).

directions indicated by constitutions as the bases of ordinary laws.¹² This is the rationale of the concept of *dualist constitutionalism*, or also *constitutional dualism* (Ackerman 1989)¹³. First comes the Constitution, with its founding principles and description of the state system; then routine legislative activity: citizens are thus free and equal signatories to a constitutional pact which underpins legislative, regulatory and administrative output.¹⁴ The same basic approach was set out in the founding text of the Public Choice school (Buchanan, Tullock 1962), where a “two-level structure of collective decision-making” is identified, i.e. a distinction “between ‘ordinary politics’, consisting of decisions made in legislative assemblies, and ‘constitutional politics’, consisting of decisions made about the rules for ordinary politics.” (Buchanan 2003, p. 14)¹⁵ The fundamental law is therefore the essential place where legitimacy¹⁶ is defined and, so to speak, transmitted from there to ordinary lawmakers: “constitutional democracy is dualist: it distinguishes constituent power from ordinary power as well as the higher law of the people from the ordinary law of legislative bodies. Parliamentary supremacy is rejected.” (Rawls 1997, p. 109-110)¹⁷

1.3. Inadequate institutional structure

If certain ethical/political aims are the normative ideals as outlined or implied in constitutions, charters and higher statutes,¹⁸ and those goals are to be pursued through the free exercise of political rights and the lawmaking/governmental activity of elected officials, widespread evidence shows that quite a few professed democratic states can work at their best in reality – and not regularly or consistently. Analytical indices which assess and systematically provide an update on the levels of democracy in almost all countries (see e.g. The Economist 2018, The Economist Intelligence Unit 2020, and, for the Democracy Reports series of the Varieties of Democracy project, Lührmann et al. 2020) highlight a changing, composite and unequal world scenario.¹⁹ Even

¹² Notably, Sartori quotes an Italian constitutional article (“The Republic protects the landscape”) as an example of programmatic norms, therefore questioning the full constitutional formalism that he defends in the same chapter of his 1997 book.

¹³ This notion was developed by Bruce Ackerman with reference to the USA, yet we believe that it is basically valid for any “full” democracy.

¹⁴ The concept can be traced back to the Founders, who made reference to the “important distinction so well understood in America, between a Constitution established by the people and unalterable by the government, and a law established by the government and alterable by the government” (Publius 1788).

¹⁵ The important issue of constitutional “rigidity”, i.e. the greater or lesser difficulty established by the writers of a constitution to change or amend it, is beyond the scope of our discussion.

¹⁶ Speaking of “legitimacy”, we often omit the adjective “democratic”, meaning a *rational-legal* concept that is far away from historical forms of authority, like *traditional* or *charismatic* (Weber 1919).

¹⁷ It will be noted that parliamentary supremacy is, on the other hand, a pillar of the political-institutional tradition of the United Kingdom, which is moreover the biggest democracy which does not have a codified Constitution: in theory, the rulers of the homeland of liberalism could legislate in completely illiberal terms, since they are not limited by any constitutional constraint! Fortunately, “Parliaments modeled on the British system typically act responsibly in observing their own constitutional limits.” (Waluchow 2012, p. 9)

¹⁸ Even when such values and goals are not listed or described, or are not contained in a unique basic document, they are fundamental for the political texture and social dynamic of any democracy: thus, we may refer to them as (para-)constitutional.

¹⁹ We must be very careful in managing these qualitative evaluation tools, whose results, on occasion, can vary widely depending on their chosen criteria, which are arbitrary to a significant extent: for instance, mandatory voting can be considered a plus or a minus, generating divergent outputs of democracy levels (see Gunitzky 2015). Therefore, certain units of measure of “real”

excluding (semi-)autocracies, the substantial (human, political and social rights) and procedural (rule of law; multiparty, free and periodic elections with universal suffrage; laws to protect minorities) conditions for the functioning of a democratic polity are more or less shaky in the ongoing political dynamics of countries, also in several long-established democracies. In “limited” or “imperfect” democratic states, even where the worst episodes of vote rigging or similar fraud do not occur, many means are possible to forcefully influence the public consent, e.g. limiting the freedom of speech and fair competition among social movements and parties: these phenomena represent an “erosion” of democracy (Ginsburg, Huq 2018a, chapter 2). As for some factual results, such as reducing poverty and fighting pollution, the situation is clearly disappointing in many democratic nations – and more so at global level.

Indeed, it may be argued that other forms of government are better suited to implement the common good (however intended)²⁰ and to direct societies towards the objectives and aims which are posited in democratic constitutions: a benevolent dictatorship, some form of epistocracy or rule by sages, an enlightened aristocracy, an exclusive technocracy, may be expected to work more effectively for the community than democracies. (See e.g. the “China model” in Bell 2015 and the papers of the related symposium.)

It is not our intention to discuss the relative comparisons among regimes, nor to examine the value of democracy in ethical terms or to engage in an analysis of its philosophical foundations and intrinsic merit; it is an “essentially contested concept” (Gallie 1956) that can be abused very easily: “there is a negative correlation between the number of mentions of ‘democracy’ in a country’s constitution and the presence of commonly used markers of democratic practice.” (Ginsburg, Huq 2018b, p. 33) Marx himself used the magic word “democracy” or even “true democracy” to describe a phase that would precede the establishment of Communism (Chrysis 2017).²¹ Rather, we take the aspirations – both formal and substantial – expressed in constitutions of states which are widely considered democracies as a postulate, an axiomatic starting-point: our realistic approach is to describe how even the “fullest” democracies are inherently impeded in thoroughly realizing their professed goals, due to basic flaws in the institutional framework. The gap between the background canons and the actual performance of democratic governments cannot be bridged without a proper redesign of the system. To be clear, we believe that the ethical-political section of constitutions should be left untouched – that the present verbiage in different constitutions may remain unaltered: the distortions and blockages in liberal-representative-participatory-deliberative²² democracies are

democracy can be quite different, according to the underlying normative political philosophy. Such an important matter is beyond the scope of this book: suffice it here to note that there is no basic disagreement among political scientists about the essentials of democracy – with only the important exception of constitutional formalism vs. substantialism, as discussed in the text.

²⁰ The very notion of “common good”, understood in a wide philosophical/moral sense – i.e. beyond its technical meaning in economic theory – is highly contentious (for a radical criticism, see e.g. Schumpeter 1942, Part IV, XXI, I. “The Common Good and the Will of the People”): following our pragmatic approach, we will refrain from such discussion, just making realistic reference to the principles expressed in existing democratic constitutions.

²¹ “The term ‘people’s democracies’ is an essentially misleading one that was coined in the aftermath of the Second World War. No sensible person has ever been deceived by this into thinking that these Soviet-controlled states were democratically governed in the accepted sense of the term. Clearly the citizens of the states themselves had no such illusion.” (Birch 2007, p. 110) One may also wonder about the meaning of the *Democratic People’s Republic of Korea* (North Korea). However, we are aware that a historical-theoretical analysis on the rise of Western constitutionalism will debunk any idealistic perspective (see Holmes 2012).

²² Important distinctions should be pointed out, due to the tension among different, if interrelated, conceptions of democracy (for the dynamic of the relationship between “participatory” and “deliberative” viewpoints regarding the involvement of the public, and a perspective on how to

not in the underlying ideals, but in the institutional and procedural machinery.

Therefore, we start from a state of affairs and apply a double “since/then” approach; since democracies are supposed to achieve the ethical-political aims set out in constitutions, then they should be equipped with the most effective institutional architecture; since such structures are inadequate, then they should be reformed, renewed, made better suited for the purpose. Hence our in-depth criticism (*pars destruens*) and our reform proposal (*pars construens*).

merge the two, see Cini, Felicetti 2018): yet, for the purpose of our analyses and reform project, we can easily comprehend any push to favour the improved role of the citizenry in politics and policymaking under the umbrella of “Extended” democracy – as we will explain further on.

Part I. Analysis and criticism (*pars destruens*)

The functioning of representative democracy intrinsically brings with it serious defects. The deficiencies of the current democratic forms of government reveal themselves in all kinds of institutional settings: whatever the constitutional alchemy with which democracies are historically endowed, from parliamentary to presidential, unitary or federal forms of the state, and regardless of the electoral systems, there are systemic, structural sticking points. Any reform that remains within the current institutional scheme would not resolve major issues.

I.1. The seven flaws of democracies

Let us set out these problems, first listing them²³ and then offering a point-by-point explanation: 1) Most office-seekers and officeholders seem more interested in gaining, maintaining, and expanding their power than in affirming constitutional values and implementing relevant good policies: electoral programmes can be suspected of displaying a facade, while the main goal is to enjoy the management of authority and the advantages from a career in politics. There is no test to ensure that a candidate looking for votes, or an elected representative who wants to keep and broaden her support, intends to work above all for the declared political platform, i.e. to carry out her promises. As a corollary, state-owned companies are often an area where the invasive nature of politicking hampers rational organisation and management; 2) The majority-opposition mechanism, with the systemic clash which it implies and the “incestuous” exchanges (logrolling and pork-barrelling) which it allows among the various parties, reveals a chronic and permanent malfunction and encourages the distorted use of public resources for particularistic, often clientelistic, ends. The balance of powers, which theoretically is an institutional lynchpin of democracies, is weak and scarcely efficient; 3) The cost-benefit distribution of policy outcomes between the collective and lobbies is structurally asymmetrical in favour of the latter, and is therefore inevitably unbalanced. When economic powerhouses are free to finance candidates and parties, this distortion is aggravated. The more private money is allowed to bankroll politicians and parties, the more the democratic mechanisms of policymaking and government are skewed in favor of vested interests; 4) Often the laws show clear limits in terms of competence: legislative-governmental positions do not include as a condition that whoever is appointed to draft the bills or hold a ministerial/departmental office be prepared in the sector. Furthermore, inconvenient scientific evidence may be ignored or manipulated by decision-makers; 5) Elected officials usually have a short-term view, focused on the brief electoral deadlines: issues which require long-term investments are often ill-considered. Generally, the tendency to put off unpopular reforms that may reduce consent from voters can only worsen challenging situations. Societal and technological changes can be fast, and normal politics finds it difficult to keep pace, let alone anticipate them; 6) The broad lack of accountability of legislative-executive powers often encourages the misuse of public funds, through which elected representatives enjoy personal privileges and special treatment. Moreover, cases of corruption in democratic politics are recurrent; 7) The endemic, sometimes severe conflicts of interest encounter feeble opposition.

While all this can be questionable on moral grounds, our intent is not to blame politicians²⁴

²³ The place of the items in the following list is a matter of (reasoned) opinion: other analysts may adopt a different order and possibly add other defects of democratic institutions and governance that we overlook. Yet, we believe that the various issues are interlaced as facets of the whole defective system, and that the first drawback is undoubtedly the major one.

²⁴ We are aware that the word politician “has had the secondary meaning of ‘a person primarily interested in political office for selfish or other narrow usually short-sighted reasons’ for as long as the word has existed.” (www.merriam-webster.com/words-at-play/is-politician-a-dirty-word). In this book, we will (try to) use the term according to its neutral meaning, i.e. a person involved in politics, either as an elected official or a candidate. Dear reader, we understand that the word can

for their frequently dubious conduct: we stick to a realistic, descriptive approach, highlighting how the structure of democratic institutions, and the connected incentives for those who engage and want to be successful in politics, are almost fatally conducive to a mindset, and consequent behaviour, which are hardly attentive to the pursuit of constitutional goals, and are inclined to be self-serving or even crooked – more or less, depending on people, situations, effective deterrents, and the level of public culture and ethics in a given political/institutional/historical environment.

I.1.1 “Schumpeterian” mindset of politicians: the vote-seeking imperative

Interest in and commitment to the fulfilment of a programme can be a *sufficient condition* for a democratic candidate to be elected, i.e. to collect an adequate number of votes; but they are certainly not a *necessary condition*: office-seekers may in fact pull together many votes, even though they are simply looking for easy pickings, prestige and power. However, electors vote for them because they may be masters at convincing citizens, even using empty rhetoric, shameless bad faith, profuse demagoguery, underhand attacks on opponents (within their own party too); candidates and elected officials are used to being fiercely adversarial, using hidden or open influence peddling, occasionally trespassing into outright criminality (in the form of vote-buying, corruption or graft); the same *Realpolitik* dynamics seems at work among both officeholders and parties, i.e. in the whole world of democratic politics – with variable intensity in different times and places.²⁵ All in all, it looks like a typical Machiavellian scenario, although tempered by the benign, mostly non-violent nature of political struggles in democracies.

We are not endorsing a radical application of the Public Choice theory, therefore assuming only cynical and self-dealing attitudes in political activity; nor are we supporting the commonplace view that those involved in politics are interested only in the personal advantages that go with their positions; even less do we maintain that their actions show an inner proclivity to “corruption, plunder & waste”, in Thomas Jefferson’s words (<https://founders.archives.gov/documents/Jefferson/01-32-02-0061>). Rather, we note that what follows is theoretically possible, and certainly happens in reality, to an extent which is difficult to assess: first, candidates and elected representatives may be motivated by electoral personal/party incentives which have little or nothing to do with looking for better and fairer collective decisions, or, more modestly, with keeping their electoral promises – without such hidden priorities, of course, ever being declared; second, in order to pick up the votes through which to gain, maintain, and expand their power, they often adopt the old adage, that the ends justify the means. According to a realistic view of politicians’ behaviour, “the idealistic justification of democracy as human rationality in pursuit of the common good serves only too well to provide cover for those who profit from the distortions and biases in the policy-making processes of actual democracies” (Achen, Bartels 2017, p. 11 – summarizing the view of Reinhold Niebuhr, American theologian and political scientist of the 1930s-1940s: a harsh judgement which is appropriate also today).

The hurdle seems insurmountable: citizens may hope that representatives who do not pursue the realization of their undertakings will be rejected at the next election; it may be however that, one way or another, they manage once again to obtain sufficient votes for their re-election; if not, voters must hope that the elected policymakers²⁶ who take over from the rejected sitting members will

arouse some resentment: it’s not our fault though, but, well... politicians’. According to Ambrose Bierce in his *Devil’s Dictionary*: “Politics. n. A strife of interests masquerading as a contest of principles. The conduct of public affairs for private advantage.”

²⁵ The confrontational and inflammatory tones in political struggles have been on the rise in recent times, exacerbated by increasing populism and a cunning use of new media (Moffitt 2016).

²⁶ A conceptual clarification is needed. In a broad sense, the term “policymaker” (or “policy-maker”) indicates elected officials *and* bureaucrats (also called “policy administrators”, “policy managers”, “policy doers”), particularly where (semi-)independent authorities/agencies exist: “civil servants also make important decisions” and there are “blurry dividing lines between the people

behave differently, something of which there is no guarantee.

Joseph Schumpeter even argued that, in a democracy, any political or administrative action is a mere corollary of the time-serving calculations which every decision-maker adopts: “Politically speaking, the man is still in the nursery who has not absorbed, so as never to forget, the saying attributed to one of the most successful politicians that ever lived: ‘What businessmen do not understand is that exactly as they are dealing in oil so I am dealing in votes’. [...] *the democratic method produces legislation and administration as by-products of the struggle for political office*” (Schumpeter 1942, p. 286, our emphasis). Similarly, it has been powerfully argued that incumbents in the US Congress are “single-minded seekers of reelection” (Mayhew 2004, p. 5).²⁷ We believe that: 1. such a perspective about politicians’ selfishness should be applied not only to elected officials who want to be confirmed, but to candidates alike²⁸ (call them “single-minded seekers of election”; 2. the interpretation can be easily generalized to every democracy – also as regards party organization²⁹ – and, indeed, to elected assemblies of the past.³⁰ More: a radically Machiavellian framework about gaining and holding power, convincingly explained and well documented with many examples, maintains that the causal arrow does not go from political programmes to policies, rather that the source lays in office-seekers and officeholders’ perceived convenience: democracy “aligns incentives such that politicians can best serve their own self-interest, especially their interest in staying in office, by promoting the welfare of a large proportion of the people.” (Bueno de Mesquita, Smith, p. 104). A basic principle applies to every political regime: “Why do leaders do

who make and influence policy.” (Cairney 2016, p. 3) Thus, “many higher-level officials in executive agencies also make policy as they interpret legislation, write regulations, and make the myriad implementation decisions that transform policy ideas into practice.” (Bogenschneider, Corbett 2010, p. 18) Yet, the pre-eminence of legislative and executive (ministerial) actors is clear, and therefore we will refer here to them as “policymakers”: after all, law-making bodies can (try to) change/reform the bureaucratic apparatus; the opposite is not true. (For an in-depth empirical inquiry about the important role of bureaucrats in making policy in several advanced democracies, see Page 2012.)

²⁷ That is the basic tenet of an important book – whose first edition appeared in 1974 and whose analyses are considered valid for large periods of the American past and for several decades afterwards, well into our century: see Arnold 2016. The judgement is confirmed by other authors: “The more a condition puts the policy makers’ re-election at risk, the more likely it is to open a policy window in the problem stream.” (Herweg, Huß, Zohlhöfer 2015, p. 437)

²⁸ Generally, incumbents are favoured against candidates, because the former find it easier to put in place all the three activities that – in Mayhew’s terms – are paramount to advance electoral interests: advertising (e.g. media appearances), credit claiming (for the alleged successes they have achieved in office) and position taking on issues their constituencies cherish (declarations which are often more symbolic than linked to actual policy effects). In particular, candidates can hardly claim credit, unless they have been in office before, i.e. previously elected to other positions.

²⁹ In an ethnographic, detailed account of the workings of political machines, the heated debates between “amateurs” (idealistic activists) and “professionals” (party bureaucrats) in the workings of Democratic Party political clubs in New York, Chicago, and Los Angeles are described, highlighting a real-world tension: the scenario is truly Schumpeterian, since the down-to-earth functionaries, those who actually run the ongoing political mechanism, see “the good of society as the by-product of efforts that are aimed, not at producing the good society, but at gaining power and place for one’s self and one’s party.” (Wilson 1966, p. 4) This is understandable: a defeat in the elections means that many in the apparatus would lose their job.

³⁰ An akin reading was argued for by Gaetano Mosca in 1884, as explained in Mastropaolo 2011, p. 34: “the political class does not consist of virtuous and disinterested men, in pursuit of the general interest, but of political actors working to maintain their parliamentary seats, inevitably induced to back the electors”.

what they do? To come to power, to stay in power and, to the extent that they can, to keep control over money.” (Bueno de Mesquita, Smith, Introduction).³¹

Certainly, Schumpeter’s devastating account, Mayhew’s disenchanting realism, Bueno de Mesquita and Smith’s merciless analyses are not true in the absolute sense: we do not think that such prominent mindsets and forms of behaviour are all-encompassing, that is, underlie every thought and action of politicians. There must have been in the past, and still be today, democratic leaders, small and large, who have a real passion for what, in their sincere opinion, are the best policies for the progress of society, or at least are honestly engaged in realizing the pledges to their constituency (Medvic 2012): we should be respectful toward honest engagement and avoid banal, indiscriminate condemnation (Corbett 2015).³² The difficulty to assess, both theoretically and empirically, the level of “self-interested” as opposed to “public-spirited” behaviour of candidates and elected officials is demonstrated by the ongoing debate: see e.g. Lewin 1991, endorsing the view that egoism by voters, bureaucrats and politicians is much less common than expected, and several more disillusioned evaluations after 20 years (Lewin et al. 2011). It may be that “politicians hold sincere views of good and bad public policy” but “there are few ways to tell the difference between declarations based on opportunistic political expediency and true beliefs.” (Bueno de Mesquita, Smith, p. 135) Indeed, it is impossible to escape the impression that most of “normal” politics is heavily affected by vote-dealing: “Making policy choices based, even in part, on gaining or retaining majority support is, for Schumpeter and others, a necessary feature of democratic accountability. Counting the votes, however, can lead to ‘ignoring the evidence’ about policy consequences in favor of responding to voter preferences.” (National Research Council 2012, p. 15) Among political scientists there is a continuing dispute about the level of “pandering” to voters on the part of politicians: some believe that the phenomenon is limited, such a behaviour being mostly adopted before elections (Jacobs, Shapiro 2010 and 2011); some affirm it is the normality (“all pandering, all of the time”: Quirk 2010, p. 6; see also Quirk 2011). In any case, it is difficult not to recognize that candidates (probably more than elected officials – at least those who are not intentioned to run again) second the electorate in a more or less demagogic way.

Such a realistic consideration, i.e. *descriptively* recognizing a state of things, should not be justified *prescriptively* (or *normatively*): that “[i]n a democracy, the people, and the politicians who represent them, have every right to ignore evidence” (Mulgan 2005, 224) is a wrong statement, from the viewpoint of reasoned democratic theory. That is because, as far as such a dismissal/denial of evidence on the part of decision-makers – the infamous reliance on “post-truth” and “alternative facts” that seems to be growing in recent times – leads to unconstitutional attitudes or policies, it is instead the duty of attentive observers, analysts and citizens to contest and even reject that course of action as illegitimate. When officeholders vindicate constitutionally dubious choices appealing to

³¹ It is unfortunate that the title of this important text – The Dictator’s Handbook – is misleading, because it deals with governing rules that apply to a certain extent, *mutatis mutandis*, not only to autocracies but also to democracies. Furthermore, even the subtitle (Why Bad Behavior is Almost Always Good Politics) is inadequate: following the “rules to rule by”, as explained by the authors, generates not “good” (in any moral or ethical sense) but *effective* politics – seen from the empirically successful point of view of rulers. It is our opinion that this book should be considered a 21st century version of Machiavelli’s *Prince*.

³² The same Schumpeter, in a note to the passage quoted before, remarks that his strong proposition (which is *not* to be intended as “derogatory”, “frivolous or cynical”) “does not exclude ideals or a sense of duty” on the part of politicians; and adds: “The analogy with the businessman will again help to make this clear. [...] no economist who knows anything about the realities of business life will hold for a moment that sense of duty and ideals about service and efficiency play no role in shaping businessmen’s behavior. Yet the same economist is within his rights if he bases his explanation of that behavior on a schema that rests on the profit motive.” (Schumpeter 1942, p. 285-286)

“the will of the people”, we face the very root of populism, with the connected danger of a tyranny of the (supposed, alleged, or even actual) majority. (Collins, Evans, Durant, Weinel 2019)

Inside this scenario, there can be cases of detrimental intrusion by elected officials into the management of publicly-owned or controlled companies, exploiting them in two ways: 1. a rich source of money to create consent, i.e. draining resources to be used for funding parties and campaigning;³³ and/or: 2. a widespread method to reward cronies in a clientelistic fashion, placing their acolytes, relatives and friends of friends, often without any regard for their suitability – a shameless form of patronage (Kopecký et al. 2016)³⁴; these networks are also frequently the conduit for business deals (supplies, tenders, etc.) which are fertile ground for plain corruption and graft.

Thus, this is *our initial, basic thesis*: a Machiavellian attitude on the part of politicians in craving power is common; and a double Schumpeterian approach – i.e. insincere vote-hunting and subjecting laws and government decisions to astute evaluations, mostly directed to the consent-seeking convenience of candidates, officeholders and parties³⁵ – is frequent.³⁶

Yet, the starting point of our analysis is open to criticism, insofar as it may seem to be based more on banal common sense than on sound theory, adequately backed by scientific evidence and data: although outlined by important theorists, isn't this reading too speculative – or even cheap? We acknowledge this problem; however, it is difficult to build a testable conjecture and try to prove or refute it: we cannot imagine how to ascertain when, and to what extent, the behaviour of candidates, law-makers and governmental elected officials is dictated by the mere search for popularity and consent or, on the contrary, by the belief in their declared programmes and the will to implement their promises to the electorate; or, in a “higher” sense, the pursuit of the democratic ends as foreseen in the country's constitution. We may believe that “[m]ost of the time, legislators take *both* the expedient course and the principled course at once” (Kingdon 1993, p. 84, emphasis in the original); but, while generic statements like this are not very useful, it seems impossible to

³³ This should be distinguished from the use and abuse of public money by elected officials for personal enrichment, i.e. the sixth defect of democracy that we labelled *Privileges, sometimes corruption* (see further at the relative chapter).

³⁴ This study includes also an analysis of clientelistic appointments in governments and bureaucracies.

³⁵ A typical form of wily behaviour is the “opportunistic election timing to favourable economic conditions” (Schleiter, Tavits 2018, Abstract). There is evidence that in the USA, when presidential elections are approaching, the incumbent president who is going to stand for re-election regularly takes action to give the income of the average citizen a nudge: this usually translates in an increase in votes for the office-holder; conversely, a president who is not running again does not implement any *ad hoc* transfer payment or tax-cut, and no significant change for his party derives from such lack of self-serving policies (Achen, Bartels 2017, ch. 6). Politicians are shrewd though: “The more likely the government is to be re-elected, the less it can gain by inducing cycles that are costly because of their impact on both the government's reputation and future macroeconomic performance. The degree to which the government manipulates the economy should thus be negatively correlated with its political security going into the election.” (Schultz 1995, Abstract. The author is successful in testing his hypothesis, using data on transfer payments in Great Britain, 1961-1992.)

³⁶ Important distinctions should be made among different, mixed facets of political dynamics, i.e. vote-seeking, office-seeking, policy-seeking parties in various countries and times, also with relation to organizational and institutional constraints (see Müller, Strøm 1999); furthermore, minor players can consciously renounce collecting more votes, staying faithful to strong ideological attachments: “parties catering to small and declining social groups, such as [...] a number of spectacularly unsuccessful hard-line Stalinist parties across the Western world” (Strøm 1990, p. 568). Yet, for the purpose of this book, it is enough to underline a *general*, pervasive yearning by democratic politicians in raking electoral consent.

design any psychological-behavioural-sociological inquiry. A survey among the governed would give no more than views from the public opinion on the subject: results that may be interesting but would not reveal the “true” intentions of politicians. And it would hardly make sense inquiring the latter about their “real” ambitions and goals, unless a well-functioning lie detector is used (and this is not a joke): “asking them is not a reliable way to uncover their actual motivations. [...] they aren’t likely to admit publicly that, though they entered politics to do good, they want to stay in office for selfish reasons.” (Medvic 2012, p. 55). That political actors are often self-serving and efficient in maximizing their own benefits (in Public Choice theory’s jargon, their “utility function”) is both a diffuse perception, based on countless signs and several clear cases (but examples of the opposite are certainly not absent), and a theorem whose demonstration seems hardly imaginable.

Indeed, in recent years several areas of research (evolutionary psychology, behavioural sciences, neurology, genetics, history) have converged to explain the deep roots of certain people’s appetite for political power and the connected mechanisms of deception – and even self-deception. (Shenkman 2016, in particular part III.)³⁷

Therefore, we will keep our first proposition regarding the conduct and practice of politicians in democracy, and the connected flaws of the institutional framework, as a theoretical background for our discourse, a heuristic compass, confident that its validity will become increasingly evident all along the development of our articulated analysis. In other words, while dissecting the inherent inadequacies of the democratic form of government, we will provide many *indirect* confirmations of our working hypothesis – some facets of which are assessable by social sciences though, and corroborated by empirical evidence, as we will see.

I.1.2. The faulty mechanism of majority vs. opposition and the imbalance of powers

Unlike autocracies, where the holders of power persecute dissenters, in democracies the system institutionally foresees alternating majority and opposition. Karl Popper even argues that the main characteristic of democracy, compared to a tyranny, is the possibility of replacing a government without the shedding of blood (Popper 1954, p. 472). But, once it is institutionalised and since it is necessarily connected to the procedure of organised representation, this mechanism of debate-conflict proves to have severe downsides. In any democracy, it is very common to see the representatives of one or another party, which is currently in opposition, hurl abuse against this or that proposal or decision of the majority: this would seem to be the normal process, since it is presumed that whoever won the election stood against their opponents in the campaign on the basis of alternative platforms; having obtained more approval from voters than their opponents did, the majority obviously pushes its own legislative and policy programme, to which the opposition, equally obviously, puts forward objections and counter-proposals. And citizens can be confident that in many cases politicians who rage against the ideas and programmes of their counterpart are sincere in their position.

But members of the previous majority, in opposition after losing the election, often attack the legislative provisions or policy actions of the new majority, which may substantially mirror similar initiatives that they backed at the time: “in criticizing the government their interest is much more in regaining power than in improving the situation of the citizens for whom they are deputized to speak” (Rosanvallon 2015, p. 15). Frequently, the arguments are violently and poisonously *ad personam*: insults and harsh polemic are habitual. The system does not encourage constructive criticism between members of opposing parties or coalitions: anyone in opposition has a somewhat normalized duty to revile anyone in the majority (and vice versa), and they too often do so without adopting a rational approach to the merits of the issues. They are permanently confrontational, deal low blows and use all the means available to achieve the desired end, which is that of taking popular endorsement away from their opponents and over to themselves and their party: “electoral

³⁷ This is a popular book, yet soundly based on a rich scientific bibliography.

competition creates a strong and continual incentive to ‘score points’ – never to give one’s opponents ‘a win,’ even if doing so would serve your own constituents’ interests better. Indeed, few things can deflate one’s enthusiasm for democracy more than watching parliamentary discussion, with its incessant mudslinging, booing, clapping, and stomping.” (Malleon 2018, p. 408). Hampering the majority’s initiatives to the point of filibustering is not exceptional behaviour (lots of examples at <https://en.wikipedia.org/wiki/Filibuster>). “The strength and desirability of elected representatives is measured characteristically by their capacity to stall, obstruct, and thwart, if not to obliterate, effectiveness of opposition party rivals.” (Lauer 2012, p. 48) Such bad practice is frankly confirmed by a renowned British peer in the House of Lords, former MP and minister: “Much political debate consists of one party abusing another in exchanges of mindless partisanship.” (Taverne 2016, p. 252) This triumph of institutionalised bad faith encourages the relentlessly litigious behaviour: applying such a particularly perverse version of Pirandellian “role play” which is the methodical clash between inevitably opposed majority and minorities entails a huge waste of time, energy, and public resources.

One could reprimand such behaviour, but our point is not ethical, rather factual: the present structure of democratic debate inside the legislative-executive bodies nurtures incentives which are linked to some of the worst human qualities, namely opportunism, aggressiveness and duplicity. It may be true that a certain amount of hypocrisy is necessarily embedded in politics (democratic or otherwise), and it has been eloquently argued that this term should be understood according to various facets and situations (Runciman 2018); but even a nuanced analysis can hardly deny what appears to be the truth of a plain observation: “It is easier to dispose of an opponent’s character by exposing his hypocrisy than to show his political convictions are wrong.” (Shklar 1984, p. 48)

Note that this detrimental method of functioning is typical of “loyal” opposition: in any fairly working democratic polity, minorities inside elective bodies do not fight majorities with the aim of overturning the regime; a condition of permanent brawling is just a deep-rooted defect of the system.

All this looks absurd from the viewpoint of an ideal democracy, in which elected representatives would pursue good policies, acknowledging the positive results that may be obtained by their rivals, setting aside idiosyncrasies and personal interests, having in mind the progress of society. However, the systematic and methodical attack on members of the opposing party and the creation of factions inside one’s party is *rational*, self-consistent: if the purpose is to win support, by whatever legal, or quasi-legal (or sometimes illegal), demeanour or attitude, this course of action is understandable. “Constructive opposition” is a hopeless oxymoron.

The pervasive nature of such an institutionalised mechanism of implacable struggle between the majority and opposition (excluding rare occasions of bipartisan voting) can lead to stalemate, in particular when the minority decides to use obstructive tactics. In order to limit endless and exasperating trench warfare, unorthodox methods are used; without any formal rules having been established, often a “horse-trading” strategy is applied: to avoid sclerosis of legislative and policy action, the majority and opposition agree, sometimes explicitly, sometimes surreptitiously, not to impede this or that initiative of the other grouping. This behaviour is often a practical way out of the deadlock, a necessary search for reasonable compromises; what Americans call *logrolling* is frequently an unavoidable means of finding middle ground for matters to be settled, and this is especially true in democracies: “supporters of some policy must sacrifice something of value to others active in the political process” (Boudreaux, Lee 1997, p. 365). Thus, parties reach a composition on choices, realistically sticking to the principle according to which “Politics is the art of the possible” (https://en.wikiquote.org/wiki/Otto_von_Bismarck). In this sense, it is difficult to embrace the Rawlsian perspective, i.e. the radical rejection of negotiation in decisional fora: the author seems to believe that fair adjustments and the balancing of competing policy options should always be rejected, when he affirms the radical idea that “the legislative discussion must be

conceived not as a contest between interests” (Rawls 1991, p. 314).³⁸ Yet, trading arrangements among elected officials can be detrimental to the public interest, if and to the extent that the outcomes are not efficient, i.e. they are far from optimality (Buchanan, Tullock 1962, esp. Part III.) – which happens when bartering and *do ut des* agreements are guided by expediency. In other words, we believe that the correct criterion to judge whether logrolling is defensible or not depends on assessing, in single situations, the aim and the output of agreements reached by the parties: if the mutual concessions are openly directed at advancing political programmes in a constitutionally sound and constructive fashion, compromises may be acceptable. But many times this is not the case.³⁹

Similarly, candidates and elected officials mirror the orientations – both ideological and material, as combined in different proportions – of their different constituencies; it is understandable that representatives call and push for disparate legislative and governmental actions which favour the interests of local voting communities and preferred social strata: this generates what, in colourful American political jargon, is called the *pork barrel system*. The problem is that, frequently, opaque exchanges of favours between the majority and the opposition may involve the use of public finances for particular ends, although this opportunistic motivation of policy funding is not acknowledged – quite the opposite: “All politicians find it necessary to portray even their most parochial actions romantically as part of a principled quest to serve America’s best interest.” (Boudreaux, Lee 1997, p. 371. It seems correct to generalize, replacing “America” with “their country”.) Thus, the result may be a malpractice of collusion, one of the forms of corrupt association, when existing parties form a “cartel”, exploiting the resources of the state for electoral ends (Katz, Mair 2009). There is evidence – statistical studies, solidly based on empirical data – that in democracies, above all under a proportional system and coalition governments (Persson, Roland, Tabellini 2007), the approach of elections can lead to a rise in pressure from parties and elected representatives to increase public spending in favour of a myriad of localist projects and subsidies; to put it bluntly: money to be distributed in candidates’ constituencies by manoeuvring the *political business cycle* (Doležalová 2011).⁴⁰ This mechanism was already clear several decades ago: “The

³⁸ For a description and discussion of the realism-vs.-idealism debate in political theory, see Galston 2010. A scathing critique of some impractical stances of normative political theory is provided in French 2012.

³⁹ A strong defense of favour exchange and trade-offs as indispensable elements of making politics seems to overshadow the necessary evaluations regarding the *merits* of the inevitably frequent negotiations: “If most of the players in a political system are invested in dickering, the system is doing something right, not something wrong. Back-scratching and logrolling are signs of a healthy political system, not a corrupt one.” (Rauch 2015, p. 7) In this perspective, references to constitutional aims and principles are scarce. A similar call: “A de-romanticized and less purist view of democracy might also have to accept that certain kinds of public side-payments – logrolling is itself an example, of course – are necessary to enable the compromise and negotiation required for government to function more rather than less effectively.” (Pildes 2014, p. 849) Yet, again, the accent is on efficient governance, which is considered a good in itself; but politics can be productive, while indifferent or even contrary to the public interest. We maintain that a consideration of democratic values and goals should be inherent to any legislative/governmental action – and we believe that there is no “romance” or excessive “purity” in our stance.

⁴⁰ Indeed, a varied panorama is discernible: in Europe, the nations where government actions are more transparent (Finland, Netherlands, Estonia) show less pre-electoral tax manipulation than others (Austria, Czech Republic, Greece) and the adoption of the euro or otherwise has an impact. These differences, although not minimal, do not change the scenario significantly (Efthyvoulou 2011). The term in office for US senators is six years: there is evidence that incumbents, during the last two years of their mandate (when they are “in cycle”), seek re-election also by intensifying the

consequences of the increase of expenditure are remote and will not entail disagreeable consequences for them [Deputies] personally, while the consequences of a negative vote might clearly come to light when they next present themselves for re-election.” Hence “the necessity of voting all grants for local purposes. A Deputy is unable to oppose grants of this kind because they represent once more the exigencies of the electors, and because each individual Deputy can only obtain what he requires for his own constituency on the condition of acceding to similar demands on the part of his colleagues.” (Le Bon 1895, p. 116) Therefore, expecting a return in terms of popularity from these initiatives, members of the majority and the opposition often besiege those controlling the purse strings (usually the finance minister) to loosen the grip for their propaganda purposes. However, it is by no means certain that such allocation of taxpayers’ money will have a positive impact on the post-election economy: it can be quite the opposite. (Alesina, Roubini, Cohen 1997) “It appears from decades of data and across dozens of decisions that looming elections are bad news for good economics.” (Jones 2020, Ch. 2, Kindle position 584 – with reference to the USA and beyond.)

Any realist observer is aware that “a certain degree of particularism in politics cannot be suppressed” (Piattoni 2001, p. 199), but this does not justify the heavy forms of clientelism and patronage, where it is clear that public funds (the “pork”) are diverted to restricted groups of citizens – either directly or indirectly, as in the case of “political jobbery” and various forms of vote-trafficking. Local and sectoral needs must be taken care of: however, clientelism clashes with democratic-constitutional ethics, and is detrimental for society at large, in that it lacks transparency/publicity in escaping legally binding rules at best, sloping into corruption or graft at worst.⁴¹

These situations are due to the fact that the legislative-governmental system is substantially self-referential, since the elected assemblies and the government are almost always the only bodies which, in democracies, can take legislative initiatives, or in most cases approve policies. When the fiction of fierce majority-minority debate, in which the opposition takes pride in making sure that the rulers act correctly to implement the best possible policies, falls by the wayside, nobody can oppose slippery bargaining and vote-seeking spending. Protests which arise from civil society (the media, citizen associations, etc.) are too often disregarded – except in the case of major scandals – because unbalanced or unjustified expenditures benefit all the political parties. And this crooked process is repeated, on an increasingly restricted geographic basis (regions, municipalities), by councils and local governments.

Therefore, we acknowledge that “[p]arties have a unique ability to articulate, coordinate and enhance societal demands which, without their support, may remain unheard” (Bader, Bonotti 2014, p. 260), i.e. these organizations and their activists are necessary to democratic dynamics.⁴² But it must be recognized that “parties turn acceptable divisions into warring factions or invent novel divisions in their pursuit of power. They are magnifiers or creators of cleavage and conflict, fatally divisive, and partisans are zealots and extremists” (Rosenblum 2009, describing a common criticism that we share). We believe that the aversion to parties in the views of most citizens in democratic societies⁴³ is grounded on empirical reality, underpinned by countless examples of dubious behaviour: “Ongoing partisan activity often amounts to a tremendous waste of human and financial

push for appropriations to be allocated to their states: “the Senate electoral cycle induces a back-loading of benefits to the end of senatorial terms” (Shepsle et al. 2009, Abstract).

⁴¹ For a clear categorization of “Programmatic Politics” vs. the various forms of “Nonprogrammatic Politics” (clientelism etc.), see Stokes et al. 2013, Figure 1.1. A Conceptual Scheme of Distributive Politics.

⁴² The role of parties is explicitly recognized in several constitutions, e.g. Italy, Germany, Sweden, Spain.

⁴³ In 23 OECD member countries, 2005-2013, the percentage of citizens who “tend to trust” parties was around 20-24% (OECD 2013, p. 30, Figure 1.4).

resources, spent not on articulating principled policy and values conflicts but on posturing, strategizing, fundraising, and advertising.” (Gastil, Wright 2018, p. 306). Few voices defend partisanship and its alleged ethics (Rosenblum 2009, Bonotti 2017), but their account is severely lacking, in that there is little attention to the seven shortcomings of democracy we are examining – which are mostly due to the virtual monopoly of parties in the (mal)functioning of the legislative and the executive.⁴⁴

An important corollary of this situation is the evident imbalance of powers. A long-standing concern of democrats may be summarised in the fatal question: *Quis custodiet custodes?* “Who guards the guardians?” (Juvenal, Satire VI: http://en.wikipedia.org/wiki/Quis_custodiet_ipsos_custodes%3F) The radical critique of the aristocratic regime of the best men theorised by Plato, as for any oligarchy or elite power, has always focused on the lack of control of the rulers: who do they answer to? How is their clout balanced? The classic quotation: “Constant experience shows us that every man invested with power is apt to abuse it, and to carry his authority as far as it will go. [...] To prevent this abuse, it is necessary from the very nature of things that power should be a check to power” (Montesquieu 1748, Book XI, Chapter IV). This attempt to contain power occurs by activating institutional mechanisms which in American constitutional law are called *checks and balances*.

In today’s democracies, this clear ideal is scarcely matched by substantial implementation. Of the three fundamental branches of the State, the judiciary’s supervisory role is normally limited to the formal aspect of the laws and regulations approved by legislators. Even when they can enter into the merits of a provision if it conflicts with the general legal framework, higher magistrates have only a “negative” power, in other words they can only go so far as to repeal laws in which anti-constitutional provisions are found: but they usually cannot replace them with other more suitable laws.⁴⁵ For their part, decision-makers on the legislative and executive sides represent the duly elected, dominant majority; if and to the extent the opposition does its duty, there is a certain political control over the contents of laws and governmental acts: but we have already recorded how biased and incomplete that can be. Stimulus and constructive criticism can come from society, above all through the mass media and citizen associations; however, politicians often turn a deaf ear.

Therefore, even in the most solid democracies, neither the legislative nor executive powers are subject to effective counterweights.

I.1.3. Asymmetry between lobbies and the collective, and money distorting democracy

Another inauspicious strain of the workings of government, which is strictly linked to the previously described flaws of democracy, is the highly effective, sometimes invasive power of lobbies. It is not an illegitimate form of pressure: the stakeholders, although sector-specific (e.g. groups of producers, unions, professional associations, non-governmental organizations, etc.), are

⁴⁴ An attempt has been made (Wiredu 1995) to imagine a democratic form of governance that goes beyond the adversarial nature of party-based system, aimed on reaching socio-political consensus. But the results are far from convincing: apart from the problematic inspiration from traditional African tribal arrangements, which were based on kinship lineages and “sacred” or “ancestral” sources of legitimation, historically the method never encouraged pacific resolution of ethnic confrontations; and an institutional design that could adapt to large, modern states is lacking. Furthermore, that kind of “consensus system is likely to be utilized undemocratically by the central authorities.” (Eze 1997).

⁴⁵ Limited exceptions may occur. For instance, in Germany the Constitutional court has authority to enact decisions with the force of law. During a four-decade period at the beginning of last century, the so-called “Lochner era jurisprudence” (https://en.wikipedia.org/wiki/Lochner_era), the US Supreme Court invalidated several labour and market regulations: beyond playing a “negative” role, the justices’ activism was seen as a recurring undue intervention in actually making the laws.

essential components of every democratic society and must be able to operate freely in the socio-economic-political context: “We should not try to forbid interest groups or business firms from assessing the impacts of alternative policies, communicating their concerns to officials, drafting proposed laws and rules, testifying at congressional hearings, and the like. Lobbying can provide useful information to policy makers.” (Page, Gilens 2020, p. 196)

The problem is the abnormal extent of interest groups’ impact on lawmakers and rulers, and consequently on policy decisions, the costs of which fall on the collective as a whole, above all due to the corporatist approach of these organisations. In particular, economic-financial powerhouses normally have disproportionately significant influence: “The privileged political position of market elites constitutes a flaw in democracy, a grant of power or influence that violates political equality.” (Lindblom 2001, p. 248) This fact is based on a well-known structural imbalance: in a classic of political economic analysis, one of the basic propositions states that “democratic governments tend to favour producers more than consumers in their actions.” (Downs 1957, p. 297). This happens through various forms of rent-seeking (<https://en.wikipedia.org/wiki/Rent-seeking>)⁴⁶ or regulatory capture (Dal Bó 2006).

The paradoxical situation is that, although in a democracy we must always be careful that the majority does not overwhelm the minority, the action of economic elites represents a frequent tyranny of a few minorities at the expense of – or even to the harm of – the majority: according to the logic behind political decisions, which was already clear more than half a century ago, “small «special interest» groups, «vested interests», have disproportionate power.” (Olson 1971, p. 127) The voice of the least advantaged citizens is scarcely heard, as historical analyses of the functioning of the US government have shown⁴⁷. In other democracies the contrast may be less sharp, but still significant.

The problem is worsened where organizations and citizens can legally finance candidates, officeholders and parties. Thorough analyses of the jungle of financial contributions to politics, both public and private, in Europe and North America, are available: examining mountains of data, it is convincingly argued that “most Western democracies have established a system of tax relief that allows the most privileged, but by no means the majority of citizens, to receive state support for their political preferences. In other words, in today's democracy, not only does one person not equal one vote, but it is the poorest who pay for the rich to ensure that the party of their choice comes to power.” (Cagé 2020, Kindle position 2036) Generally speaking, “the contributions bias the policy outcome away from the public interest both by influencing the parties’ positions and perhaps by tilting the election odds.” (Grossman, Helpman, p. 339) Seen from the politicians’ side, it makes sense: “Parties act as if they were maximizing a weighted average of campaign contributions and of the aggregate welfare of strategic voters.” (Przeworski 2010, p. 96)

In the USA, although legal limits to bankrolling are theoretically in place, corporations openly contribute to political activities, and even more so do wealthy individual donors. Within defined but ample channels (https://en.wikipedia.org/wiki/Political_action_committee), it is legal to fund elected or candidate politicians and their parties; and this is welcome, given the very high costs of electoral campaigns. This fact in itself is enough to impoverish the conduct of office-seekers and

⁴⁶ A testimony from a political scientist who is also a Washington State legislator: “Rent seeking occurs on many levels. There are groups trying to carve out tax exemptions for themselves. There are other groups trying to garner state funds out of the budget. But the most common form of rent seeking I observe is one industry trying to create a barrier to entry against potential competitors and win themselves a state sanctioned semi-monopoly.” (Manweller 2018, p. 142) The author provides real-world examples.

⁴⁷ A memorable expression: “The flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class accent.” Metaphors aside, in the USA the “system is skewed, loaded and unbalanced in favor of a fraction of a minority.” (Schattschneider 1960, p. 34-35). Several decades after, the situation seems to be the same (Schlozman, Verba, Brady 2012).

officeholders, and pollute the overall system (Dworkin 1996),⁴⁸ with significant risks that money is the decisive factor even in direct democracy initiatives (Broder 2001)⁴⁹; it is appropriate to talk of “plutocracy”, i.e. the excessive role of wealth in the political struggle. Eminent voices have for a long time been calling for reform of what can be seen as legalised corruption (Lessig 2015), which moreover has been boosted by the hotly contested decision of the Supreme Court, in 2010, to further liberalise financing to politicians by companies (Dworkin 2010a, 2010b; Hasen 2016). Proposed constitutional amendments that would overturn the US justices’ decision are still pending (https://en.wikipedia.org/wiki/Campaign_finance_reform_amendment). It is no surprise that appeals go unheard and legislative initiatives are blocked, since the reform should be made by the same lawmakers who currently benefit from the mechanism – which is in fact self-referencing.

A double solution has been hypothesized – for the USA, but probably valid elsewhere: “Senators and especially representatives spend an inordinate amount of time on activities geared to reelection, at the expense of their work for the public. To counter this tendency, one might either impose a ceiling on the aggregate campaign contributions any deputy might receive or have campaigns fully funded by the state” (Elster 2013, p. 190)⁵⁰ An author proposes the institution of a peculiar new type of public funding for political forces, applicable to any democracy: a small sum (e.g. 7 Euros) per annum would be destined to a chosen party, in a transparent but anonymized way, by each citizen who decides to do so: “Democratic Equality Vouchers would replace both tax relief associated with private donations to political parties or campaigns (a deeply inequitable system that means that citizens in general finance the political preferences of the superrich) and the direct public funding of parties (an inefficient system that freezes funding for the four or five years between elections and does not allow citizens to express themselves in the interval).” (Cagé 2020, Kindle position 361) Importantly, this way of financing political life would generally *not* imply a greater burden for the public coffers, representing just a more equitably chosen allocation of money that most states already assign to political movements.⁵¹ This proposal has our complete and warm approval.

In a bout of optimism, we may foresee that the balanced public funding of parties and stricter rules on private donations and spending could contribute to improving the behaviour of politicians. Today, those who are looking for votes are between a rock and a hard place: on one side, they must appeal to the widest possible electorate, setting their programmes and making promises to gain ample consent; on the other, the more corporate and private donations are unhampered, the more lawmakers and rulers will implement policies (in particular, tax breaks) which are favourable to the preferences of their financial supporters. It has been convincingly shown (e.g. by Cagé 2020) that in many democratic nations the principle “one person, one vote” is regularly distorted and skewed by the “one euro (or dollar), one vote” dynamic – a reality

⁴⁸ The metaphorical “pollution” of democracy can translate into physical pollution: “The more a given member of Congress votes against environmental policies, the more contributions they receive from oil and gas companies supporting their reelection.” (Goldberg et al. 2020)

⁴⁹ This presumption is contested by one analysis: it concludes that wealthy corporate interest groups are often not so powerful in influencing direct legislation in the US (see Gerber 1999).

⁵⁰ The second proposal looks particularly unfeasible, because Americans are reluctant to spend taxpayers’ money on elections: proposals to extend the public financing of presidential elections beyond the regulations which date back to the post-Watergate years did not succeed at federal level; attempts were then tried in ten states at various steps of government, with scarce backing. (Mutch 2014) Interesting details in Cagé 2020, *The American Case*, in chapter 6. *The Public Funding of Democracy: A System in Danger*, and chapter 7. *Are America's Aberrations a Danger for Europe?*

⁵¹ Also a new political group which runs for elections would be eligible to receive that kind of “voucher” money, provided that it is chosen by a significant number of citizens (e.g. 1%), with the dual positive effect of blocking extemporaneous initiatives and sustaining the growth of recently born parties.

undeclared, yet empirically assessable. Hence the *rational*, some may say necessary hypocrisy of politicians. If the flow of private money which feeds politics (certainly more so in some countries, particularly the USA) runs dry by law, the present state of the matter should change for good: elected officials, and above all candidates, will no more be forced to rely on big donors, with the hidden threat of blackmail that such dependence implies.

Another reason why the system badly needs deep reform is that free campaign money “corrupted capitalism as well, routing economic competition through political channels and allowing politically powerful companies to evade market forces” (Kuhner 2014, presentation). Thus, in-depth analyses show that “economic elites and organized groups representing business interests have substantial independent impacts on U.S. government policy, while average citizens and mass-based interest groups have little or no independent influence.” (Gilens, Page 2014, p. 564)⁵² Even worse, “the policies supported by interest groups do not tend to correspond with what most Americans want.” (Page, Gilens 2020, p. 136)⁵³

Just one example. Traditionally, in the USA, sugar producers are heavily subsidised with public money; and yet, for numerous decades, the cost of sugar on the American shelves has been around twice that in other countries, due to import barriers; in the 1980s, this meant extra spending per family per year of 41 dollars. Precise mapping shows a striking direct relationship between the level of contribution paid to congressmen by the sugar producers’ lobby and the size of the subsidies they received; in other words, the higher the amounts openly received by the decision-makers, the more frequent were the votes against proposals to reduce subsidies to farmers. (Stern 1992, p. 168-176) So, the combination of protectionism and financial support to domestic producers has created glaring economic damage to taxpayers-consumers twice over.

This happens in the country where free competition is supposedly gospel. However, the big corporations and their associations legitimately go about their business, which, by definition, is that of increasing revenues and profits to the benefit of their shareholders and executives: for Milton Friedman, this is the *social* responsibility of companies (Friedman 1970). Frequently, this entails the cost-effective investment of some money in politics: such action, which is as legal as it is rational, may favour the interests of limited groups to the expense of many more others, indeed the whole polity: the very asymmetry between the great advantage for particular interests and the almost negligible impact on the overwhelming majority of taxpayers greatly dilutes the per capita disadvantage. As in the case of sugar subsidies and tariffs, a hidden tax of just a few dozen dollars a year is unlikely to cause a popular uprising.

There is another consequence of the never-ending activity by some particular interest groups, the effects of which are even more detrimental for society as a whole: while the mechanism of subsidies and tax breaks set out above places heavy *economic* burdens on the community, manufacturing companies may impose significant *environmental* costs. In fact, since extraction and transformation activities frequently entail bad consequences on air, water and soil, it is understandable that these operators are quite reluctant to take on the expense relating to preventing or repairing damage. The reference here is to the key concept of *externality*: in short, it is normal that, as a consequence of their business, industrial companies generate pollution, the impact of which is largely discharged outside, while the producers do not wish to incur added costs. Sectoral associations press lawmakers to oppose draft laws requiring manufacturers to take responsibility for negative externalities: if such action is successful, it is the collective – on a more or less vast basis depending on the geographic area of the deterioration – which suffers the consequences of the nonetheless legal profit-seeking of certain corporations. The principle of “the polluter pays” is not always applied.

⁵² It must be noted that some political scientists do not believe that the influence of lobbies is so effective (e.g. Baumgartner et al. 2009): but the majority of analysts argue that it is.

⁵³ These authors suppose that the scenario in other Western democracies is probably less acute than in the USA.

In a well-regulated free enterprise system, the inevitable oligopolistic tendencies should be prosecuted; Adam Smith himself held that there is a kind of drive towards market-disrupting behaviour on the part of operators (manufacturers, traders, financiers), as if the urge to gain some illicit advantage was a kind of law inherent in economic dealings: “People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public, or in some contrivance to raise prices.” (Smith 1776, Ch. X, part II) Companies should be subject to constant vigilance, since the maximisation of their profits, albeit legitimate, must not be to the disbenefit of consumers and competitors: “The interest of the dealers, however, in any particular branch of trade or manufactures, is always in some respects different from, and even opposite to, that of the public. To widen the market, and to narrow the competition, is always the interest of the dealers. To widen the market may frequently be agreeable enough to the interest of the public, but to narrow the competition must always be against it, and can only serve to enable the dealers, by raising their profits above what they naturally would be, to levy, for their own benefit, an absurd tax upon the rest of their fellow-citizens.” And, in particular, Smith warns of the need to be highly sceptical of proposals for economic and financial rules which come from business: “The proposal of any new law or regulation of commerce which comes from this order, ought always to be listened to with great precaution, and ought never to be adopted till after having been long and carefully examined, not only with the most scrupulous, but with the most suspicious attention. It comes from an order of men, whose interest is never exactly the same with that of the public, who have generally an interest to deceive and even to oppress the public, and who accordingly have, upon many occasions, both deceived and oppressed it.” (Smith 1776, Ch. XI, Conclusion of the chapter)⁵⁴

Lawmakers and rulers in modern democracies too often do exactly the opposite of what the Enlightenment economist-philosopher eloquently argued for and recommended.⁵⁵

Some control is provided by the existence in democratic nations of independent agencies and authorities⁵⁶ which oversee market competition. But the action of such bodies in favour of consumers is aimed above all at preventing and eliminating unfair and distorting practices which manufacturers and traders may be guilty of: attempts to restrict markets through oligopolies or cartels, barriers to entry for new actors, misleading advertising. It is not the authorities’ duty to limit the influence of lobbies over decision-makers and rulers. The defence of the common good of a well-regulated market competition has no equivalent in the *political* field.

Those who lobby lawmakers are not only the economic powerhouses; the biasing effect from vested interests on the broader public may be created by subjects which are apparently beyond suspicion. This is the case of certain actions by some professed “environmental” non-governmental organizations which show a problematic divarication between intents and actions: while they indubitably pursue objectives to the benefit of the community (e.g. the battle against pollution or

⁵⁴ Frequently, elected officials “get manipulated by experienced lobbyists. [...] Most new legislators, and even many veterans, jump at the chance to be on a ‘public safety’ or ‘consumer protection’ bill. Rarely do they know that their concern for public safety is being used to rent seek for powerful financial interests.” (Manweller 2018, p. 142)

⁵⁵ Some remarkable exceptions must be acknowledged. In the USA, “Congress often does defer to interests that oppose change, but it will also defy them if a broader interest that requires reforms becomes salient to the public. One notable example was the deregulation movement of the 1970s and 1980s. Congress dismantled rules controlling prices in airlines, energy and other economic sectors despite opposition from both management and unions, because doing so would lower costs for consumers. Another case was tax reform in 1986, when many preferences for business were cut to permit lower overall tax rates.” (Mead 2015, p. 261) Acting as devil’s advocate, one may wonder whether such anti-lobby actions were aimed at gaining electoral consent among the wider public: if so, they should be understood as exquisitely Schumpeterian, opportunistic choices.

⁵⁶ See the chapter *Independent Authorities as partial “experiments” in Rationalized Democracy*.

climate disruption), on the other side they espouse causes which have distinctly adverse consequences. A macroscopic example is the long-lasting fight against so-called “genetically modified organisms”, those agricultural products whose genome has been refined, through biotechniques of recombinant DNA, in order to endow certain crops (above all maize, soy, oilseed rape and cotton) with traits which diminish yield losses due to parasites such as insects, viruses, fungi, and/or to reduce farmers’ labour and costs through cultivars which have been made herbicide-tolerant. Many other positive characteristics may be generated in improved microorganisms, crops and animals (for example, immunization to diseases, increase of nutrients, longer shelf life, elimination of allergenic properties), also through the activity of non-profit, public and philanthropic research centres, but the strong opposition from anti-biotech NGOs make these advances hard to pursue.

These groups are impervious to the evidence provided by scholars regarding the non-scientific nature of the weird “GMO” meme (Tagliabue 2016).⁵⁷ In many countries, the successful pressure of this particular lobby on decision-makers has resulted in a three-decade long, and still ongoing, host of negative effects: scientific research has been stymied by pointlessly restrictive regulations; the consequent onerous red tape has burdened producers with inflated costs; the whole society has been damaged, in that several cultivars are on the verge of extinction (above all vegetables and fruits) but can be scarcely defended with traditional biotech tools, although the know-how to ameliorate their genomes is available. These phenomena are exacerbated by wilfully aggressive misinformation towards the public: from the ill-advised “anti-GMO” propaganda, which regularly resorts to scaremongering campaigns, aimed at demonizing these products (Clancy, Clancy 2016), these influential circles gain visibility and funding – even taxpayers’ money from obliging decision-makers.

Ironically, the opposition to “GMOs” has favoured, and still favours, the accounts of “Big Ag”: the seed giants can enjoy oligopolistic positions generated by the restriction of competition, directly deriving from the heavy bureaucratic demands imposed on these innovative technologies – encumbrances that small businesses and public or philanthropic research institutes can hardly bear. (Miller, Conko 2003) Yet, if seen from most politicians’ point of view, following the widespread suspicion about agricultural biotechnologies at the expense of public research and to the detriment of farmers’ operations makes sense in terms of the calculus of consent: scientists move barely a bunch of votes, and farmers may be easily pacified with some added financial help.

I.1.4. Competence? Not necessary – and science often “politicized”

No reasonable person would deny that competence should be at the base of effective policymaking, especially when highly technical questions are involved: in democracies, constitutionally sound collective decisions may embrace different orientations, but an adequate comprehension of the issues should inform lawmakers and ministers. Yet, laws and regulations too often reveal mistakes, incoherence, a failure to understand the matter they seek to address, and pure ignorance – far beyond the frequent difficulty or ambiguity in framing societal problems and the well-known cognitive limitations of human beings. (Disparate American examples in Petras and Petras 2007; examples from the USA and the UK in Hay 1989)⁵⁸ Such a deplorable scenario has its roots in a double defect of elected officials: 1. They may lack the necessary skills; and/or: 2. They seldom take advantage of, and often ignore or misuse, available knowledge and expertise.

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Certainly, there are politicians who are masters of their sphere, coherent, well-prepared. But

⁵⁷ The uncompromising anti-biotech stance, which successfully demonized “GMOs”, is being expanded, by the usual opponents, to comprise the recent applications in the agri-food world of genome editing new techniques.

⁵⁸ A bewildering example is the attempt by Indiana politicians (in 1897) to establish by law the value of Pi: see https://en.wikipedia.org/wiki/Indiana_Pi_Bill

examples of the opposite abound: in order to get to power, it is not necessarily the case that you must be competent; you win against more qualified competitors, if you are able to attract popular acclaim.⁵⁹ “[N]o empirical evidence available demonstrates that those who win elections are especially capable of providing good government [...]. We can be certain only that those who emerge victorious within electoral systems are good at winning elections.” (McCormick 2011, p. 174) “Constitutional democracies suffer from the gap between the skills necessary to be elected and the skills necessary to govern.” (Graber, Levinson, Tushnet 2018, Introduction)⁶⁰

Moreover, ability in the various areas of collective decision-making is not a prerequisite to entrusting specific governmental duties to a politician, as is shown by the fact that one or another influential party member sometimes takes on successive jobs in departments which are miles apart. In Italy, some health ministers were doctors or scientists, or finance ministers were teachers of economics at university; but many party worthies have over time occupied top positions in disparate fields. In the Renzi Government (2014-2016), the Minister of the Environment Gianluca Galletti was an accountant, who in the previous executive (the Letta Government) was undersecretary of Education; Renzi’s Minister of Justice Andrea Orlando, a high school graduate, was the Minister of the Environment for Letta, and in 2021 he became Minister of Labour and Social Policies with Draghi. In the United Kingdom, between 2004 and 2011, Alan Johnson, who left school at the age of 15, was at different times Secretary of State for Work and Pensions, Secretary of State for Education and Skills, Secretary of State for Health, Home Secretary and Shadow Chancellor of the Exchequer. Countless such weird examples could be listed in the history of democracies.

The empirical evidence confirms what political theory predicts: given that positions of power are essentially linked to the ability in gaining consent, it follows that politicians who are better at this will be rewarded with increasingly higher appointments; that they are also adept at analysing and making informed collective choices in those sectors can certainly happen, but it is of secondary importance, if not irrelevant: “Fitness counts only incidentally.” (Schumpeter 1942, p. 275)⁶¹

Among other drawbacks, this dynamic lowers the quality of the political class: a party career may be an advantageous choice for citizens with low levels of qualifications; from here starts a vicious circle in which, to paraphrase, bad politics drives out the good (Caselli, Morelli 2004). “Political parties may deliberately choose to recruit only mediocre politicians, in spite of the fact that they could select better individuals.” (Mattozzi, Merlo 2015, Abstract)

2.

Even when policymakers are proficient, they are not omniscient: therefore, one may be reasonably expecting them to rely on the competence of sectoral specialists. In fact, experts are often (probably much less than opportune) called to give their contribution, but the outcomes of their support are frequently ignored, dismissed, manipulated, or doctored to fit into self-serving political agendas: it is called “politicization of science”, i.e. the “invalid uses of individual pieces of

⁵⁹ This sort of remark dates back to The Republic of Plato: in the dialogue, Socrates uses the image of the crew of a ship and of a man who “cleverly aids them in their plot for getting the ship out of the captain’s hands into their own whether by force or persuasion”: such a man, whom we may call a demagogue, does not have the qualities and skills of the captain (the good philosopher), yet the crew will “compliment [him] with the name of sailor, pilot, able seaman”. (Plato, c. 370 BCE, Book VI, 488D)

⁶⁰ Briefly said, “being elected only shows expertise in being elected” (Professor Pasquale Pasquino, personal communication).

⁶¹ Some decades ago, a few scholars foresaw an increasing sectoral competence in politics: “there is some evidence that in both capitalist and communist industrial nations the emergence of the hybrid figure of the politician-technician may be the single most significant contemporary trend in elite composition.” (Putnam 1977, p. 409) “[A] politics of expertise will give rise to a new type of elite politician: the ‘politician-technician’.” (Fischer 1989, p. 112) Such previsions did not materialize.

evidence, as well failing to systematically include all the relevant evidence that best answers a particular question”. (Parkhurst 2016, p. 22) Such a biased approach/attitude can be put in place by any actor (comprising lay citizens) in any discussion of any political issue: in our reading we refer to this behaviour, so frequent on the part of opportunistic, demagogic politicians, as “Schumpeterian”.⁶² Politicians “will selectively cull advice to find material that will either help them to identify what their constituency wants, if there is a dominant constituency on an issue that could potentially unseat them if displeased, and how to achieve what the constituency already wants.” (Haas 2004, p. 573) In other words, political behaviour uses scientific information “selectively and often distortingly” (Knorr-Cetina 1977, p. 171); policymakers “typically value knowledge for its contributions to the exercise of political control”, as a “fig leaf of rationality for policy positions adopted on altogether different grounds” (Weiss, Gruber 1984, p. 225, 228). It may also happen that elected officials overemphasise “expert advice because it provides legitimacy to their decisions and opportunities to use experts as scapegoats.” (Renn 1995, p. 149). There is frequent “use of analytic information to advocate and reaffirm policy positions after they have been determined.” (Whiteman 1985, p. 206) It happens that “politicians from both parties routinely ignore the best economic advice, but sometimes accept the worst – if it accords with their political positions.” (Thus an eminent economist, with reference to his book, Blinder 2018: www.princeton.edu/news-and-events/news/item/ga-advice-and-dissent-why-america-suffers-when-economics-and-politics). “When this happens, not only are some of the data lost, as with research as ideas, but data are selectively lost. Those findings that favor ‘the other hand’, or weaken the power of the argument, are sheared away in order to make the argument more persuasive.” (Weiss 1991, p. 314) Under the political “lens”, “a selection of convenient ‘facts’ may be harnessed to an argument; and large areas of other information are then either ignored, dismissed as tainted, or otherwise deemed irrelevant.” (Head 2008, p. 5) As early as 1951, Merton and Lerner (1951, p. 299) observed that officeholders sometimes commission scientific studies in order to gain time on issues they do not want to decide, thus calming criticism regarding their inaction.

Unfortunately, it can get worse: politicians frequently deploy – more wilfully than not – an entire range of mistakes in dealing with science, from oversimplification to data cherry-picking, easy dismissal, outright fabrication (many US examples in Levitan 2017).⁶³ That opportunistic

⁶² For an excellent classification of a “multiple politics of evidence framework”, explaining and exposing various types of “Technical bias (Politicisation of the scientific process) and Issue bias (Depoliticisation of the policy process)”, deployed by several actors in the “Creation, Selection and Interpretation of Evidence”, see Table 3.1 in Parkhurst 2016, p. 59.

⁶³ In 2015, Kentucky senator Rand Paul publicly derided the National Institutes of Health for allocating one million dollars “trying to determine whether male fruit flies like younger female fruit flies. I think we could have polled the audience and saved a million bucks!” (quoted in Levitan 2017, p. 102; www.c-span.org/video/?324313-1/senator-rand-paul-r-ky-remarks-american-spectator-gala). Paul’s intent was to blame the alleged waste of public money in ludicrous ways – an example aimed at reinforcing one major talking point of many US politicians, i.e. the need to rein in federal spending. Of course, the specific item which was misrepresented and mocked is part of a much larger research program of primary scientific importance, using fruit flies as a model organism (https://en.wikipedia.org/wiki/Drosophila_melanogaster#Model_organism_in_genetics): any biology or genetics junior student knows that decades of studies of *Drosophila melanogaster* have led to major successes in understanding the mechanisms of heredity and other significant physiological processes, with valuable, if indirect, fall-outs for medicine and healthcare. The most outrageous aspect of such a dirty rhetorical trick is that Paul is actually a doctor; he could not be unaware that research on the anatomy and behaviour of fruit flies has led to wonderful advancements in life sciences: yet, he chose to ridicule it in pursuing his opportunistic political agenda. (There must be a special infernal circle for people in the know who nurture deleterious ignorance.)

behaviour is a major feature of *Realpolitik* – which has its rationale: “there is no reason to assume that fidelity to science or accurate presentations of evidence will be a primary value amongst groups in political competition and, as such, unless these things are somehow required to obtain political or public support, they will inevitably be sacrificed when doing so can help in winning (or surviving) political competitions.” (Parkhurst 2016, p. 74)

Thus, even if we do not adopt the “extreme view” that “politics is so pathological that no decision is based on an appeal to scientific evidence if it gets in the way of politicians seeking election” (Cairney 2016, p. 2), we point out that social scientists have been aware for decades that expert advice can be bent to the strategic search for consent. Indeed, experts are preferably listened to by decision-makers if and to the extent that their policy advice helps with that basic aim – therefore being exploited as a political tool – or does not obstruct it: “Every interest involved will look for the type of scientific expertise that harnesses and legitimizes its pre-formed political stance.” (Hoppe 2005, p. 210). In an important study on “research utilization” in policy, these two forms of knowledge misuse were referred to as “tactical” (“It is not the content of the findings that is invoked but the sheer fact that research is being done”) and “political” (research “becomes ammunition for the side that finds its conclusions congenial and supportive”) (Weiss 1979, p. 429).⁶⁴ In the words of an insider⁶⁵: “Government policymakers rarely consult with academic experts before formulating policy positions. When policymakers do seek out academics, they are often attempting to justify a position they already hold, not searching for objective analysis.” (Farmer 2010, p. 717) And again: “Advisors are too frequently chosen not so much because the legislators and officials want advice as because they want apparently authoritative support for the policies they propose to follow.” (Shils 1987, p. 201) We must be aware of “what politicians hope economists [and any other scientist, we would add] will do when asked for advice: stay quiet and give the impression that the intellectual heavyweights support whatever the politicians decide on – experts as window dressing.” (Jones 2020, Ch. 4, Kindle position 1530) “[S]cholars have documented that misuse can take place at various stages of the evaluation engagement, including: (1) when commissioning an evaluation; (2) during the evaluation process itself; or (3) when dealing with the evaluation findings. Misuse can also occur when someone chooses to use the outcomes of a poorly conducted evaluation study (i.e., misevaluation).” (Alkin, King 2017, p. 441. The authors provide several references).⁶⁶

Therefore, it may be true that “political advocates will always seek selectively to use science in support of their agendas. This is a natural and in fact necessary part of the democratic process” (Pielke 2007, 151). But there is a great difference between a balanced appraisal of science-based arguments to support one’s position⁶⁷ and the biased sifting of counterevidence, or even the wilful manipulation of objectively assessed facts which question or deny preconceived stances.

Academics who dedicate their work to studying the dynamics of Evidence-Based Policy Making (EPBM) or who are involved in official positions as government advisers, take note of the pre-eminence of politics as a hard reality and develop a number of caveats and prompts for

⁶⁴ As noted by economist A.C. Pigou in 1935: “political partisans, I say, are accustomed to decide what they want to do first and to seek for arguments in favour of it afterwards. Economic reasoning is for them, not a means of arriving at the truth, but a kind of brickbat useful on occasions for inflicting injury on their opponents.” (Quoted in Levy, Peart 2017, Ch. 9.2.2).

⁶⁵ A former top staffer at Oklahoma House of Representatives. Previously, Associate Professor of political science at the University of Akron, OH.

⁶⁶ To be clear, these kinds of intentional mismanagement of the policy dynamics (as categorized in the excellent Table 1. Types of Evaluation Misuse, in Alkin, King 2017) may be perpetrated not only by elected officials, but also by bureaucrats – i.e. by decision-makers in the broader sense.

⁶⁷ This kind of action can be called “evidence-based advocacy” (Friedlaender and Winston 2004) and there is nothing wrong with it: it is even recommended by some international organizations whose mandate is to increase the public’s welfare (see e.g. UNICEF 2010 and WHO 2012).

scientists who are working with officeholders. For instance, ten principles for building trust, influence, engagement and independence are enumerated: 1 Maintain the trust of many. 2 Protect the independence of advice. 3 Report to the top. 4 Distinguish science for policy from policy for science. 5 Expect to inform policy, not make it. 6 Give science privilege as an input into policy. 7 Recognize the limits of science. 8 Act as a broker not an advocate. 9 Engage the scientific community. 10 Engage the policy community. (Gluckman 2014, numeration added.)⁶⁸ Similarly, a wide-ranging review summarized the suggestions found in dozens of peer-reviewed papers, but also in the valuable grey literature (op-eds, blogs, etc.): “(1) Do high quality research; (2) make your research relevant and readable; (3) understand policy processes; (4) be accessible to policymakers: engage routinely, flexible, and humbly; (5) decide if you want to be an issue advocate or honest broker; (6) build relationships (and ground rules) with policymakers; (7) be ‘entrepreneurial’ or find someone who is; and (8) reflect continuously: should you engage, do you want to, and is it working?” (Oliver and Cairney 2019, Abstract) More bluntly, an experienced top bureaucrat in a US state legislature (who is also a political scientist) recommends experts who look for an impact on policy-makers to think and act like salespersons: “As distasteful as it may be to turn research results into a marketable product, effective communication in the policy arena is based on marketing principles. Tailoring the product to the consumer’s need is essential.” (Farmer 2010, 719)

Time- and energy-consuming tasks, indeed.

But we must consider that scholars are busy with studying and writing, teaching and related red tape, the lab and the fieldwork; activities which absorb most of, or all, their professional time, and often trespass into their personal life: understandably, academics are reluctant to dedicate additional energy to courting politicians, trying to have their ideas or projects transformed into policies and governmental actions. In other words, “the opportunity cost of doing impact rather than conducting the main activities of teaching and research jobs is too high for many.” (Oliver and Cairney 2019, p. 6) Furthermore, scholars who seek the attention of officeholders, even should their advice be heeded, will probably see all their efforts nullified when a minister changes, or a government is overturned: if the new rulers are not sensitive to their predecessors’ policy priorities or orientations, advisors will have to reinvent the wheel again and again. In general, “policy studies recommend investing your time over the long term – to build up alliances, trust in the messenger, knowledge of the system, and to seek ‘windows of opportunity’ for policy change – *but offer no assurances that any of this investment will ever pay off.*” (Oliver and Cairney 2018, emphasis in the original)

Yet, analysts normally do not stress this inadequacy: “Policy making is fundamentally an ongoing discursive struggle over [1] the definition and conceptual framing of problems, [2] the public understanding of the issues, [3] the shared meanings that motivate policy responses, and [4] criteria for evaluation.” (Fischer, Gottweis 2012, Introduction, p. 7, numeration added). A big gap between points 1 to 3 and point 4 is noticeable: there is a jump between the preliminary analyses and the subsequent evaluations.⁶⁹ That black box is the realm of politics, i.e. the place where decision-making happens, science waiting in the anteroom while officeholders formulate their

⁶⁸ Note that the author served for several years as Chief Science Advisor to the New Zealand Prime Minister.

⁶⁹ In a similar fashion: “Science has five tasks related to policy: (1) identify problems, such as endangered species, obesity, unemployment, and vulnerability to natural disasters or terrorist acts; (2) measure their magnitude and seriousness; (3) review alternative policy interventions; (4) systematically assess the likely consequences of particular policy actions – intended and unintended, desired and unwanted; and (5) evaluate what, in fact, results from policy.” (National Research Council 2012, p. 4) Here, the gap is visible between points 1 to 4 and point 5.

choices – free to distort the relevant advice.⁷⁰ But the actual choice dynamics, i.e. the (possibly unscientific or self-dealing) motivations of elected politicians are unquestioned by scholars of public policy. It is a significant blind spot in this social sciences area.

On the other side, suggestions for officeholders on how to make good use of evidence in policy have been provided here and there (Cartwright, Hardie 2012): but politicians have no formal obligations to consider any advice, let alone to follow it; so, all depends on their good will. The system is self-referencing: *Realpolitik* follows its peculiar (frequently opportunistic) rationale, from which science is too often excluded. Winston Churchill quipped, with his usual immodest sincerity, that “Scientists should be on tap, but not on top”.

(www.todayinsci.com/C/Churchill_Winston/ChurchillWinston-Quotations.htm).⁷¹ Therefore, one may agree that “the scientific community must raise public understanding to the level where no public official of any party would ever want to be without a science adviser.” (Holt 2018, 371) But such reasonable calls, even when accepted, since they do not rip off the Churchillian straitjacket, may have no appreciable consequences in terms of evidence-informed policy outcomes.

Pursuing the goal of making good use of expertise in politics is hardly possible in the present institutional setting for democracies, due to its intractable, chronic, embedded defects – that cannot be cured if we don’t surpass the inherently inconclusive “Science speaks to power” model. The recognition of an apparently insuperable deadlock is the conclusion of a long, collective work of reflection: an impressive five-year series of meetings, exchanges, wide-ranging consultations among many societal players at an international level – government officials, scientific consultants, industry and NGO representatives – led to the so-called Brussels Declaration regarding ‘Ethics & Principles for Science & Society Policy-Making’ (Kinderlerer et al. 2017). The final document of such a long, composite effort is a clear demonstration of the passionate good intentions animating this varied group of reformers and the inevitable standstill which, in the current institutional framework and under today’s “science advice to policy” paradigm, any such endeavour must get stuck.⁷² Yet, these well-meaning advocates do not offer a viable institutional alternative, but can just repeat a recurrent plea: “We call upon all stakeholders – governments, scientists, industry and the public at large – to cooperate in a joint effort to ensure reliable, evidence-based policy-making for the benefit of society as a whole.” (Kinderlerer et al. 2017, Preamble) It is basically the same for The International Network for Government Science Advice, whose strategic plan declares the organization’s mission as “enhancing the use of evidence in policy formation and implementation at all levels of governmental policy making” (INGSA 2018, p. 4). These groups’ activities cannot but accept the scarcely productive standard perspective and must fatally undergo its unavoidable flaws.

Summarizing: “as long as there is money in politics and votes are at stake, politicians with an agenda that runs counter to the best available science will attempt to undermine it.” (Levitan 2017, p. 204)

I.1.5. Convenient short-sightedness and slow responses

Another serious problem is the incurable, predictable, and (for their purposes) *rational* short-sightedness of party decision-makers; for “normal” politicians, the horizon for public choices

⁷⁰ Paraphrasing Pascal: “Politics has its reasons which science knows nothing of.” See https://fr.wikipedia.org/wiki/Le_c%C5%93ur_a_ses_raisons_que_la_raison_ne_conna%C3%AAt_p_oint – Original quote: “The heart has its reasons which reason knows nothing of.”

⁷¹ We strongly disagree with the idea that “these are just front-office rhetorical strategies by politicians and scientists.” (Hoppe 2005, p. 201) We are afraid that the Churchillian motto describes countless real-world situations.

⁷² Here and there this text suffers from the apparent intervention of many hands, not always well coordinated: for example, it also reads that “Most policy decisions are informed by evidence provided by experts”, while the lack of effectiveness of scientific advice in policy-making is the actual major problem that moved all the concerted debates and the final declaration.

can only be short term, understandably planned against the next electoral deadline and their prospects in regard to that: “under the expectation of alternation, democratic politicians have few incentives to develop policies whose success, if at all, will come after the next election.” (Majone 1996, p. 1)⁷³

However, many policy decisions, in particular those regarding infrastructures,⁷⁴ economic and fiscal policies, the administration of justice, let alone the environment, culture, and scientific research, require actions and investments which must be made today, while the hoped for positive impact will only be seen in the long term; consequently, although farsighted politicians exist,⁷⁵ in the current representative democratic system, for candidates and those already elected who want to run again, it is convenient to reckon on the basis of, and invest in, tactical political/electoral profit: “leaders facing re-election routinely find it hard to cut spending popular programs, even if the cuts are helpful to long-term prosperity and solvency.” (Elkins 2018, Ch. “We’ve been here before”, Kindle position 1465). For this reason, given that a failure to commit to strategic objectives would not cost much consent, nor, vice versa, would dealing actively with such matters bring significant quantities of votes, the average politicians can logically put such arguments to the bottom of their list of priorities – except for declaring the same issues to be extremely important in their stump speeches. Heartfelt appeals and warm exhortations to, and even angry criticism against, lawmakers who oversee those topics are understandable, but seldom effective; those omissions are not mostly due to the foolishness or incompetence of the politicians or to their cultural inadequacies – although these are factors which certainly have a certain weight: many commentators do not understand the undeclared opportunistic rationality behind such disinterestedness. “Politicians in a liberal democracy need not be malicious or even inept to fall prey to short-term thinking. They are wholly rational actors – responding to voters, succumbing to media pressure, and battling to stay in office, even if it means they do so at the expense of the economy’s longer-term success.” (Moyo 2018, p. 160) Generally speaking, “it could well be the case that there are many candidates for high office who pursue power with the intention of being benevolent leaders. The problem is that doing what is best for the people can be awfully bad for staying in power.” (Bueno de Mesquita, Smith, p. 127)

In many democracies, the environment remains the great loser, as shown by a particularly striking case of the impotence of the system to make collective choices for the long-term care of nature and its inhabitants. As early as 1992, Al Gore published an important book (Gore 1992), which offered an excellent analysis of the runaway environmental emergency and proposed policy choices to combat it, both in the USA and globally. He maintained a coherent position, which was rewarded by the Nobel peace prize in 2007 (an award he shared with the Intergovernmental Panel on Climate Change); in addition, in 2007 his documentary, which deals with climate change caused by man-made global warming (Gore 2006), won an Oscar. From the start of 1993 to the end of 2000, Gore was Vice President of the United States in the two consecutive terms of Bill Clinton. It is no exaggeration to say that, given the collapse of the Soviet system at the end of the 1980s, and

⁷³ The same myopia often affects electors, since a well-known psychological attitude of *Homo sapiens* tends to privilege “presentism” (“Better an egg today than a hen tomorrow”): “Faced with the choice between receiving a certain state benefit (or tax concession) either now or at a slightly later point in time – e.g. in a year – most people opt for the present day”. (Tremmel 2015, p. 213)

⁷⁴ On this subject, the wilful short-sightedness of incumbents, linked to the tension between the durability of policy choices and the limited electoral cycle, may even lead to *deliberate, active waste of resources* (Callander, Raiha 2017). Occasionally, the too frequent near-sightedness is pointed out by politicians themselves: in 2013, the UK Chancellor of the Exchequer, George Osborne, with reference to the lack of investment in infrastructure, declared that “it’s been the result of a collective national mindset that has privileged the short-term over the long-term, and has postponed difficult decisions.” (Her Majesty’s Treasury 2013, p. 3)

⁷⁵ Stories of policy successes over long-time planning are not infrequent: see e.g. ‘t Hart and Compton, 2019.

considering that Chinese economic power had not yet strongly emerged, Gore was for eight years the second most powerful man on the planet. However, his endless campaign to get his country and humanity to engage in ecologically sensible policies achieved no results: his following book in 2009, which sets out a detailed plan to resolve the climate crisis (Gore 2009), largely retraces and updates the issues addressed by the author almost twenty years earlier. Clinton signed the Kyoto Protocol in 1998: yet, the US Senate refused to ratify the treaty, having pre-emptively adopted a resolution which rejected it (Senate of the United States 1997). An exquisite example of bipartisanship; one may suspect that this dubious unanimity was due more to the defence of the American greenhouse gas generating businesses than to the alleged inadequacy of that international agreement.⁷⁶

Our point here is not to affirm that Gore's proposed environmental policies were the best or the most effective: we just use the case as a proof that, in the current institutional democratic structure, it is almost unthinkable for strong and long-term initiatives to be taken, whether national or international, on phenomena which require long-term vision and action, above all if this is to the detriment of short-term economic and electoral interests and gain. In other words, the problem concerns "difficult political challenges environmental protection measures face because they often impose immediate, concentrated costs on powerful entities in return for diffuse benefits accruing over extended periods of time." (Percival 2018, Introduction, Kindle position 16528)

Besides the important problems of the environment, "normal" politicians tend *in general* to put off laws and provisions which are necessary but unpopular; the reason is well summarised by Jean-Claude Juncker: "We all know what to do, we just don't know how to get re-elected after we've done it." (http://en.wikiquote.org/wiki/Jean-Claude_Juncker) "For every possible policy change, there is always a 'do-nothing' alternative (sometimes more respectably presented as a 'wait and see' alternative)" (Di Paola, Jamieson 2018, p. 411). The consequences: "Hard choices are delayed until external conditions, such as access to financial markets, make them inevitable. The emergency becomes the main driving force behind political action and a way of justifying unpopular decisions to voters. At that point, however, the situation becomes so dire that the cure must be even more drastic." (Bini Smaghi 2013, p. 1, about rulers postponing decisions when facing financial crises.)

Furthermore, societal changes can be fast, above all when scientific and technological progresses are involved; politicians may find it difficult to keep pace with rapid evolutions, let alone anticipate them. And, again, since the search for consent – and the desire not to lose it – is the primary concern, normal politics is poorly incentivized in quick responses, that may generate voter discontent: "scientists tend to think long-term while policy makers often tend to think in short-term categories (election cycles)." (European Commission JRC, AAAS 2009, point 5.5.)⁷⁷

⁷⁶ As one may expect, things have not changed recently: "President Barack Obama failed to win enactment of comprehensive climate legislation despite his party controlling both houses of Congress from 2009 to 2010." (Percival 2018, p. 612) Obama gave a credible explanation for that: "One of the hardest things in politics is getting a democracy to deal with something now where the payoff is long term or the price of inaction is decades away." (Quoted in Friedman 2014)

⁷⁷ We acknowledge a partial excuse for politicians' short-termism: "It is more difficult for politicians to make credible claims about prospective benefits because voters have many good reasons to suspect that such benefits may not be realized. Long-term estimates may be inaccurate. Unexpected events such as natural disasters or political crises might intervene. Economic circumstances might change, making long-term investments less feasible or even unnecessary. [...] future governments might renege on commitments made by previous ones. If voters have good reasons to think that prospective benefits will not be achieved, politicians may be incentivised to adopt policies that have demonstrable benefits over the near term, even if voters are, in principle, willing to pay near-term costs for longer-term benefits." (MacKenzie 2016, p. 3-4)

I.1.6. Privileges, sometimes corruption

The current serious lack of real instruments to control and balance the legislative and executive bodies can give rise to a phenomenon which is disliked by most citizens: elected representatives may set up a system of benefits which uses a part of public spending in a parasitic way. Allowing themselves abundant remuneration and perks, officeholders normally stay inside the limits of ethically questionable but legal behaviour; yet, the free use of public money can trespass into illegality, becoming a straight pillage of public wealth for personal enrichment⁷⁸ and therefore a prosecutable crime. Examples in every democracy are myriad. One case: the expenses scandal in the United Kingdom (VanHeerde-Hudson 2014).

This crucial aspect can be best understood with a reference to the distinction which Max Weber made a century ago between living “for” politics and earn a living “from” politics (Weber 1919): the first type of professional politician can be motivated by a taste for power and/or by pride in serving a cause; the second is above all looking for a long-lasting source of income. The latter is the more dangerous for the democratic dynamics, because the search for excessive, or even illegal, advantages, may become the dominating element. Analyses regarding the possibility to distinguish the two kinds of motivation on an empirical basis are understandably scarce, mostly relying on models (see e.g. Beniers, Dur 2007; Callander, Wilkie 2007).

The exploitation of the possibilities offered by the decision-making process, which politicians too often manage for their own feather-nesting, is usually legal, rationally selfish and envisaged by socio-political analysis. Opposition parties benefit from the same opportunities. The outcry which may come from the public against this behaviour makes no difference, owing to the inadequate institutional mechanisms which we have described previously. In fact, when the self-allowed rich treatments become embezzlement or are even mixed with cases of bribing and graft⁷⁹, enraged citizens now and then rebel and take some action to “throw the rascals out”⁸⁰: but detailed historical analyses show that “voters actually punish corrupt politicians, but to a quite limited extent.” (Bågenholm 2013, p. 595)⁸¹

I.1.7. Conflicts of interest

The self-referentiality of political powers is also at the root of numerous conflicts of interest (Trost, Gash 2008) which can become evident, be recorded by commentators, academics, courts, even by supranational bodies, and be completely ignored by officeholders: when those being controlled also act as the controllers, instead of resolving the problems of incompatibility in which they are involved and which other players can only denounce, there is no impartiality, and the vicious circle goes on. The notion is intuitive: if a lawmaker, a ruler, or a candidate has legitimate and significant private interests, a public role inevitably entails the risk that their decisions are heavily influenced by the returns on their personal holdings.

However, for a conflict of interest to arise, it is not necessary that there is actual conduct by the public decision-makers which favours themselves or their relatives, friends and cronies; a *potential* dubious advantage is sufficient for any inclination, action or vote to spontaneously give rise to the question as to whether they are making this proposal or adopting that decision for the

⁷⁸ This phenomenon should be distinguished from the abuse of public money for particularistic political ends, i.e. pandering with limited constituencies, funding parties and campaigning, etc.: see above the chapters dealing with the first two handicaps of democracies.

⁷⁹ Here, we just give a hint of the problem of politicians’ personal corruption: the important issue of dishonest or fraudulent conduct in bureaucracies and public apparatuses is beyond the scope of this text.

⁸⁰ For the origin of the cry, which has become proverbial – with apparently little or no consequences – see [https://en.wikipedia.org/wiki/Throw_the_Hypocritical_Rascals_Out_\(T.H.R.O.\)](https://en.wikipedia.org/wiki/Throw_the_Hypocritical_Rascals_Out_(T.H.R.O.))

⁸¹ This study covers almost all European countries over three recent decades. One may reasonably suspect that the same is true for other democratic nations or regions.

public good or for their own benefit. Being suspicious of anyone who has compatibility issues due to the intermingling of private and public interests is not only admissible, but obligatory.

This is the fundamental distinction between a conflict of interests and corruption: while the latter cannot be tackled until illegal actions become clear, the former exists and must be removed, or at least reduced, also when there is only the mere risk of public choices which bring private benefits to the decision-maker. But, if the intertwinement of interests cannot be eliminated from the political field, the real point is the size of the conflict itself: the more a politician with significant private economic power has an important role in her party and/or in the government, the more her conflict of interests will be evident. If this politician, as owner of a galaxy of businesses, also has effective means of influencing public opinion directly as a media tycoon, the already macroscopic conflict becomes even greater. We can therefore understand why numerous voices have reasonably been raised in protest against the disconcerting condition of Silvio Berlusconi (Fabbrini 2011), the founder and unchallenged leader of his mighty party (indeed the head of the centre-right coalition) and for more than twenty years – many of which as Prime Minister – a key figure in Italian politics.

If we think that the richer a person is, the more their entry into politics should be deterred, the situation would be the opposite of many parliamentary systems in the 19th century, where citizens had the right to vote (the active electorate) only if they enjoyed a certain level of wealth; here, on the other hand, would there be the singular need to make people ineligible (deny the passive electorate) on the basis of the census? According to the current mainstream democratic theory, it would be an unacceptable discrimination.⁸²

A possible solution is that any wealthy individual who wants to become a politician be required by law to minimise the possible conflict: a way is transferring her riches to a management committee which, while it is “out of sight” as far as the owner of the funds is concerned, invests the money on the wealthy person’s behalf for as long as the latter is engaged in politics: “elected officials put their financial assets in a blind trust, so that their votes on issues that might affect their interest would be made behind a veil of ignorance” (Elster 2013, p. 13). There is a twofold difficulty in this instrument. First, all the material (property, companies) and intangible (brands, intellectual property) assets of the would-be law-makers should be converted into pure liquidity which the trust may then invest in any sector: in fact, if the owners of the goods merely resign from the positions they held in their companies, without selling them, and become public decision-makers, they know full well what their interests still are, even if they are now managed by trustees; the illusory “veil of ignorance” is actually transparent. The second, even trickier point: when

⁸² Notably, such an arrangement has been proposed: drawing on a reading of Machiavelli as a radical democrat, there is a call to limit civil rights to a class of citizens according to their wealth: “perhaps contemporary republics should *offer* the wealthy political disenfranchisement in exchange for economic insulation. With ‘money in politics’ an ever more troublesome issue, we might consider whether individuals under present conditions earning more than, say, \$150,000 in income, or belonging to households of more than \$350,000 in net wealth (income, property, and assets), should be relieved of all tax burdens as compensation for giving up eligibility to vote, to stand for office, or to contribute funds to political campaigns.” (McCormick 2011, p. 189, our emphasis. This is just one of the institutional changes suggested by the author.) We point out that: 1. Any wealth threshold is necessarily arbitrary, and therefore at serious risk of being felt as unjust; 2. Cancelling the taxes on the rich would most probably be devastating for a state’s coffers; 3. We know that in (democratic) countries the phenomenon of fiscal evasion is more or less diffuse: any attempt to assess the level of possessions to decide where the ineligibility to vote, or be voted, starts would certainly not match many taxpayers’ real wealth; 4. Even more problematic is the idea that “the dividing line between ‘wealthy’ and ‘common citizens’ should be determined democratically – that is, by the people themselves.” (McCormick 2011, p. 189) Should a general referendum decide that matter? 5. What if those selected refuse the “offer” to withdraw from their constitutionally secured right? The whole scheme seems both objectionable and impractical.

ownership of important assets is not simply held by one person, but, typically, by a family, even when the stakes held by the would-be politician are converted into liquidity and handed over to the trust, it is not possible to insist that their relatives also sell their holdings; thus there is a risk that the conflict remains real, albeit slightly diminished.

This is a “wicked” problem, desperately complex and intricate.

An important addition to the unfair power of the lobbies which has already been discussed: the mere possibility for public decision-makers to be legally bankrolled by private players places them in a constant and irremediable conflict of interest. In many countries there is a legal requirement for politicians to publish details of their personal wealth, as well as to declare and periodically justify any change in it, so that the public can keep an eye on any suspect growth in the same. However, this duty of transparency does not strike at the heart of the issue: the point is not only the directly measurable benefit which individuals could obtain following their political decisions, which would be a case of personal corruption. Rather, they can legally receive significant corporate financing: this is a major problem.

I.2. Assumption confirmed

As we argued at the beginning of this book, the basic and underlying conviction of our discourse is that democratic politicians may be moved by a sincere desire to affirm their ideas and see their policy options (their programmes) realized; however, there are ample, widespread signs, sometimes strong evidence, that the motivations of office-seekers and officeholders are mostly Machiavellian-Schumpeterian: gaining, maintaining, and expanding their power by collecting consent (popularity, votes and funding sources for them individually and/or their factions), wringing it from rivals, and subordinating political and governmental actions to that end – obviously without acknowledging it.⁸³ Then we diagnosed the reasons why the current framework for democracies, in particular the legislative process, does not allow several chronic aberrations to be remedied. Inside this system, the frequent dubious conduct of politicians has its rationale, which is logically connected to those substantial institutional defects.⁸⁴

The reader will judge whether our articulated examination has confirmed that the initial keystone is grounded: we believe so.

Indeed, in empirical political analyses – and, in a deeper sense, in democratic theory – a serious consideration of the main source of the chronic distortions we tried to outline is virtually absent: here and there, some scholars of democracy give only a hint or a rapid reference to the Schumpeterian curse. One may wonder why it is so: in our opinion, it is considered as a trite, banal, non-essential topic. Furthermore – maybe: consequently – the problems that political scientists often underline (e.g. elected officials’ dependence on funding from pressure groups, myopia, incompetence) are not linked inside an organic evaluation of democracy’s defective framework. Thus, proposed solutions are weak, usually relying on sparse recommendations – that politicians regularly (and rationally, from their perspective) ignore: alternative institutional architectures are rare⁸⁵, except for those arguing to replace or integrate elections with the drawing of

⁸³ For a full account of such an approach to a complex political/policy subject, i.e. the regulation of agricultural biotechnologies in the EU, see Tagliabue 2017.

⁸⁴ That is why the calls for making “the misrepresentation [by elected officials] of scientific results a sanctionable or otherwise punishable offense” or the wish for “institutions that secure honest behavior from politicians” are, admittedly, “normative excursions into a fantastical vision”. (Trout 2012, p. 29, 31 and 32).

⁸⁵ See the following chapter: *REDemo as a radical project – better constructed than various alternatives*.

representatives⁸⁶ or calling for “epistocratic” restrictions of the active or passive electorate.⁸⁷

Thus, we think that there is a major blind spot in the theory of democracy and a lack of design for an appropriate solution. We hope to go one step further with our contribution.

⁸⁶ See the following chapter: *Citizens: equals in power, not in capability; or, against sortition of lawmakers.*

⁸⁷ See the following chapter: *“Epist-” misunderstandings and inadequacies.*

Part II. Our meta-reform proposal (*pars construens*)

To indicate how an improvement in the quality of democracies is possible, let us move on to the “positive” side of our discourse.

We could define our project as a meta-reform, in other words a renewed framework preceding the policy mechanisms which it will influence, since it changes some basic rules of the political decision-making game.

We assume that our proposition may meet the diffuse perception of a necessary change, as some quotations from important texts show. One of the leading constitutionalists worldwide: “the use of democratic engineering in order to benefit from the knowledge of experts, without however replacing democratic self-government, is a real challenge for the future.” (Sunstein 2001, Preface to the Italian translation, p. XII) A scholar of the science-democracy relationship: “Developing a coherent understanding of representative democracy, and finding a place within it for scientific expertise” (Brown 2009, p. 60). A distinguished philosopher of natural and social sciences: “there is no satisfactory, well-articulated, and well-defended account of the proper division of epistemic labor and of its integration with the values central to democracy.” (Kitcher 2011, p. 26) The immodest aim of this text is to provide a possible solution to this conundrum.

II.1. “Rationalization” and “Extension” of democracy

The outline is broken down into two strictly linked initiatives, referred to as the *rationalization* and *extension* of democratic polity, therefore constituting a project of Rationalized and Extended Democracy (REDemo).

We propose that democracy be *rationalized* through the institutionalization, in every democratic state, of a new *scientific* sphere of *legislative* power that is autonomous and independent, and at the same time parallel and connected with the current sphere, which now consists of parliaments and local councils, with their party representatives; as for the *executive* bodies, i.e. national and local governments, they should include sectoral scientists and experts⁸⁸, in cohabitation with traditional politicians.⁸⁹

The candidates for this added legislative-executive structure are from universities or other public – or publicly recognized – science entities (for example national research councils) in which research is carried out on areas and subjects important for collective policies: law, political science, economics, sociology, land/urban planning, industry/infrastructure design, biotechnology (both agri-food and medical-pharmaceutical), agriculture, education, health, the environment, culture, university and research, and moral philosophy (the latter will above all contribute to bioethical regulations). The lists, prepared inside the same institutions, are composed of researchers and teachers who declare their availability. Scientists are then elected to their legislative bodies by universal suffrage: some of them are also appointed to take part in central and local governments. From these pools of academic experts, who may be temporarily seconded to law-making and governmental roles, we envisage a number of names which is two-three times the number of seats available – so that the voters may make their choice.

⁸⁸ The meaning of the term “expert” is broad and generic: it should be fruitfully broken down, distinguishing it from narrower scopes, such as “specialist”, “professional” and “scientist” (see Grundmann 2018, esp. Table 1: Typology of expertise). Yet, for the purpose of this book we can use “expert”, “scientist” or “scholar” as equivalent umbrella words to indicate academics who may contribute to public policy if elected.

⁸⁹ For simplicity, we illustrate the model considering a state’s legislature as composed only of the “first” or “lower” chamber in a unitary, parliamentary democracy; the frequent existence of variously composed Senates or Upper Chambers and the difficulties in applying the scheme to federal and/or presidential states will be briefly discussed later on.

On the *legislative* side, when elections are held for the national “lower” chamber (be it the House of Representatives, House of Commons, Chamber of Deputies, etc.) or for regional, provincial and similar councils (i.e. the traditional bodies), the members of the added chamber – which will be referred to as the National Scientific Assembly – or of parallel local scientific assemblies will also be elected. Thus, while those who aspire to traditional office are citizens from socio-political parties and movements, candidatures to be voted to sit in scientific assemblies are collected in public science institutions.

Such new law-making organisms are therefore collateral, on the same level, to those of a party nature, and consist of a set number of experts voted for by the electorate on the basis of a single list (national or local, depending on the scope of the elections), in which specialisations are indicated. There could be fifteen-twenty elected (out of forty-sixty candidates) for each macro-area of expertise. These members of the scientific assemblies will be replaced by colleagues from the same sectors, again through the mechanism described above, at the end of their mandate of a few years, which can be renewed just once.

Each “scientific” candidate presents a concise list of objectives, on which she proposes to legislate and rule; the policy options are linked to her skills and make mandatory and precise reference to the related articles of the national constitution. In South Korea, for example, law experts or economists who run for office may foresee proposals to preventing “abuse of economic power” (Art. 119), i.e. perfecting antitrust laws. In Brazil, an urban planner may target today’s disorganized growth of towns, promoting “adequate territorial ordering through planning and control of use, subdivision and occupation of urban land” (Art. 30, VIII). In Italy, a candidate who is an economist could indicate initiatives to maximise employment (Art. 4). In the USA, a political scientist would propose a time-limited period of service for the judges of the Supreme Court, while it is currently a lifetime appointment (Art. III)⁹⁰; an ecologist would indicate sustainable limits in exploiting natural resources and in protecting the environment in order to safeguard future generations (Preamble).⁹¹

Likewise, on the *executive* side, experts in the different areas, indicated by the scientific assemblies, will join their party colleagues, within national and local governments: our proposal is that the main national positions (most important ministerial appointments) fall to the experts, the less crucial ministries and second level governmental assignments (under-secretaries) to party representatives; a similar approach should be implemented at lower geographical levels (scientists would be chief executive councillors, party politicians would be deputy executive councillors).⁹²

As is now the case in most democracies, presidents or premiers, i.e. the chiefs of the executive branch, would submit a list of names for the executive positions to the relevant decision-making body: for instance, in the USA the Senate confirms (or seldom rejects) the appointments proposed by the elected President; in Italy, the President of the Republic ratifies the names as listed by, and discussed with, the prime minister in charge. But, crucially, under REDemo the candidates to governmental positions would be examined by evaluative commissions, composed of both politicians and experts (the latter can be members of the scientific assemblies or external specialists, academics or top professionals) who are clearly competent to assess the sectoral skills of a

⁹⁰ The proposal to limit the mandate to 15 years, non-renewable, for Supreme Court justices, together with the establishment of an age limit, has been put forward by the political academic Larry Sabato (2008).

⁹¹ An obligation towards future generations is present, *inter alia*, in the constitution of Norway (art. 111-112), Germany (art. 20a), Pennsylvania (art 1, §27), Japan (art. 11), and Bolivia (art. 33). In May 2021, Italy has started the procedure to modify its Constitution, extending the scope of Art. 9: “The Republic protects the environment and the ecosystem, protects biodiversity and animals, and promotes sustainable development, also in the interest of future generations.” (Our translation)

⁹² We hope for a certain pre-eminence of experts on executive bodies, but we would not insist on it. Admittedly, this is a still undeveloped point in our project.

candidate minister/secretary, and could possibly turn down the name.⁹³ Such a procedure should end the indecent spectacle that we have already mentioned, where party worthies jump from a ministry to another if a government is reshuffled or newly formed, according to political calculations that too often have very little to do with their fitness for the job, but rather are connected to their loyalty to the leader or to their increasing or decreasing “weight” inside the party.⁹⁴

Halfway through the term and at the end of it, each elected scientist or appointed executive is obligated to publish a detailed, official account regarding the initiatives that they have taken to implement their programme, explaining the reasons for positive/negative results: such reports are to be discussed in public, in a deliberative fashion, both in the media (webinars, TV/radio shows with an interactive audience, etc.) and in person (a number of meetings open to the citizenry).

In our model, both the traditional party branch and the scientific branch, since they are two distinct divisions of legislative power, can take initiatives independently: draft laws and regulations, which may arise indifferently in party-political chambers and in the councils of local bodies on the one hand, or in the national and local scientific assemblies on the other, are preapproved by a majority within one or other arm, and subsequently put to the vote of the parallel arm. If the latter approves it, the provision comes into force; if it proposes changes, it returns the text to the original proposing body, which can approve it and so bring it into force – as already occurs, in a “perfect” bicameral system, when one chamber sends back to the other bills for which amendments are approved.⁹⁵ It will be mandatory to take account of the observations made by societal stakeholders (citizens, sector associations, non-profit organisations, etc.). Thus, each legislative body has an absolute veto power. Yet, when one of the two actors rejects a project which the other has preapproved, there is no institutional deadlock; the divergence is put to the decision-maker of last resort, i.e. the electorate: a referendum will establish whether the draft must become law or not.

And this is the nub of our second proposal: the *extension* of the institutes of direct democracy.

In this way, the system is substantially renewed. On the one hand, the self-referential and excessive power of the current party bodies is significantly cut back, because the laws and regulations (at both national and local level) are preapproved by them in an initial legislative moment, in other words voted in the first instance, but must then gain the confirmation from the assemblies of elected experts (or vice versa). On the other hand, collective choices may benefit from the available skills, as identified by public science in the various fields of application. For the very reason that the experts are not omniscient or infallible, the right balance is envisaged through the necessary approval of their bills by the traditional legislative branch.

In the case of irreconcilable disagreement between the two actors, the collective will decide, which represents a healthy use of participatory democracy. The electoral body can be called on to vote also by members and organisations of the civil society (the condition will be a reasonable number of signatures collected by the promoters of the referendum), should it be thought that certain laws, although approved by both legislative players, must be abolished; the same

⁹³ We owe the suggestion to Tinagli 2019. Yet, this interesting idea would apply to components of the executive: it cannot reasonably be applied to the many hundreds of candidates who run in a parliamentary election for the party-political chamber.

⁹⁴ Interestingly, the power vested in the foreseen commissions to assess the adequacy of proposed ministers or top level executive officers, and possibly to give them thumbs down, does not affect the democratic legitimacy of such procedures: the candidates are not elected by voters to cover governmental positions. If the “failed” names are members of legislative bodies, their defeat has no effect on such mandates: simply, they would still sit in the chambers, without having executive appointments.

⁹⁵ We therefore advocate *strong bicameralism*, which demands “the two houses of a legislature be equal in strength and different in composition.” (Lijphart 2012, p. 39).

stakeholders are encouraged to interact with lawmakers to advance provisions that can – and sometimes, according to certain conditions, must – be included in the bills.

II.2. Graphic explanations⁹⁶

A simple two-part diagram will set out the current regime and the *rationalized* and *extended* regime which we propose.

Current form of government at state and infra-state level (parliamentary democracies)

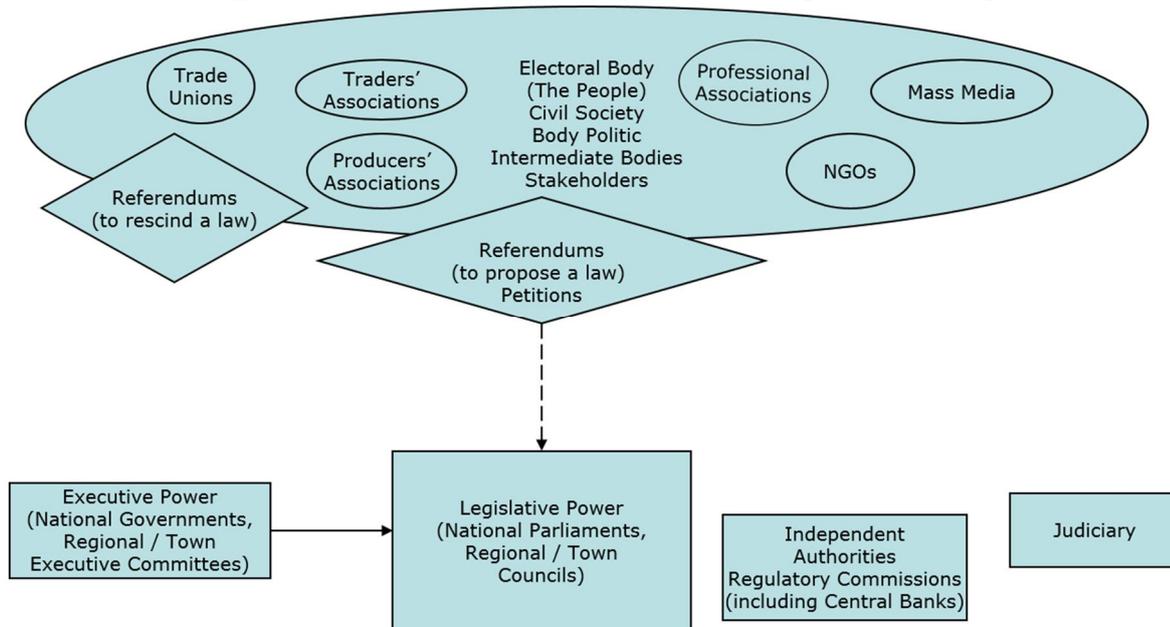


Figure 1.

Figure 1 shows the typical institutional architecture of many parliamentary democracies. At the top, the large oval represents the collective, which contains the organisations of civil society, i.e. the stakeholders (at times also called lobbies); the rhombus on the left indicates what is often the only direct democracy tool that can be used to some effect, i.e. abrogative referenda; the central rhombus shows two more possible instruments (popularly backed laws and petitions) which, however, as the dotted arrow shows, are presented to elected parliaments: the latter should then follow up the legislative suggestions which come from the public, but, too often, they simply ignore them. At the bottom is the classical tripartite division of state powers (which, above all for the legislative and the executive, is also valid for lower geographical levels): the bold arrow from the executive to the legislative shows a privileged path for law-making initiatives – which normally have to be approved by the Parliaments/Councils. An intermediate position between the legislative and the judicial – with some “executive” elements too – is held by the independent authorities:⁹⁷ hybrid organisms whose scope of action is in any case sectoral and limited.

Form of *rationalized* and *extended* democratic government, at state and infra-state level (easily applicable to parliamentary democracies)

⁹⁶ The following four graphs are extremely simplified: their only purpose is to show the very general outline of the current legislative framework and the essential plan for the proposed reform.

⁹⁷ See the chapter *Independent Authorities as partial “experiments” in Rationalized Democracy*.

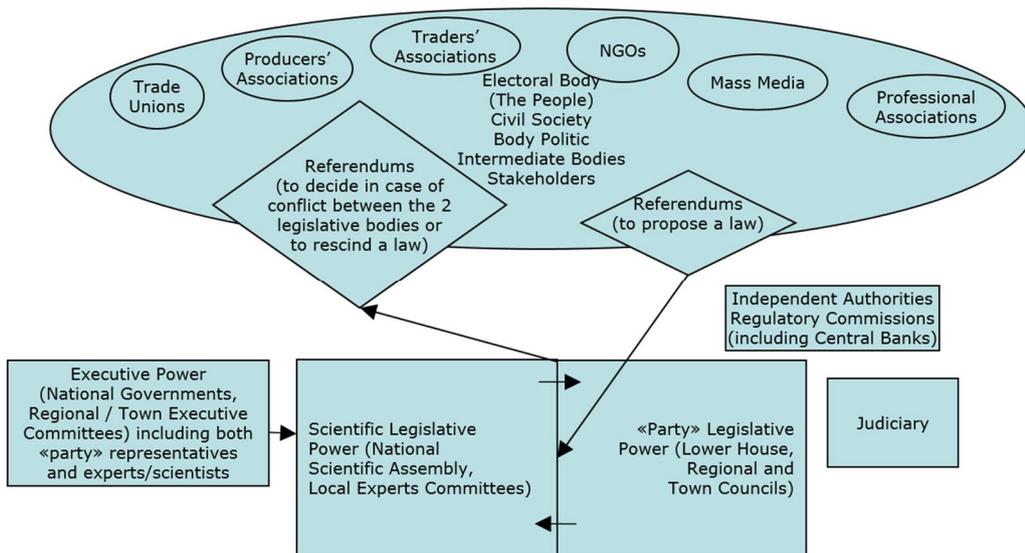


Figure 2.

Figure 2 shows the reformed institutional model. The first innovation is provided by the co-decisional presence of the elected public experts at the various geographical levels of the legislative and executive powers. In particular, we highlight the bipartition in legislative power (centre bottom rectangle), where the reciprocal arrows indicate the procedure by which one branch examines and votes on the bills already preapproved by the other; in the case of irreconcilable disagreement, the bold arrow heading towards the first rhombus indicates that the final say will fall to the outcome of the referendum. The two types of components – party and scientific – contribute then to implementation of the provisions, sitting together and collaborating in the executive bodies (bottom left rectangle). The pre-existing institutions of direct democracy are extended and enhanced, and new ones are implemented: abrogative referenda (first rhombus again); popularly backed laws and petitions, the effect of which will be much more incisive due to the obligation for the legislative to follow up; referenda-making proposals, similar to popularly backed laws, but supported by more signatures (second rhombus, which is linked to the legislative bodies by a bold arrow).

With the help of another couple of images, we may compare the present constraint to law-making, which is linked to the average politician's mindset and behaviour, with a better decisional flow, which it is hoped derives from the envisaged reform.

Current process of democratic law-making

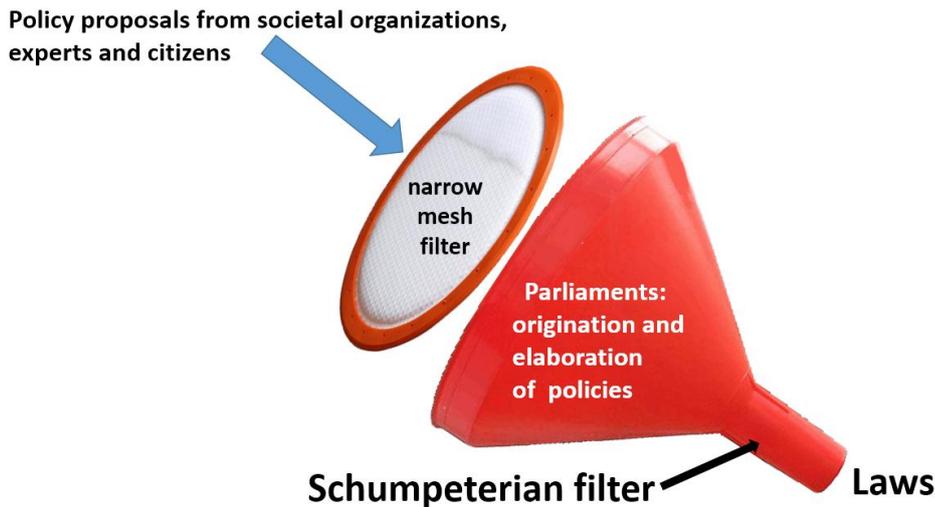


Figure 3.

Today, policy options are funnelled into a law drafting dynamic which inevitably has:

- a narrow mesh filter at the beginning: policy proposals from society struggle to enter the process;
- a “Schumpeterian” filter at the end: laws reflect more the interests of parties than the collective.

Rationalized and Extended democratic law-making process

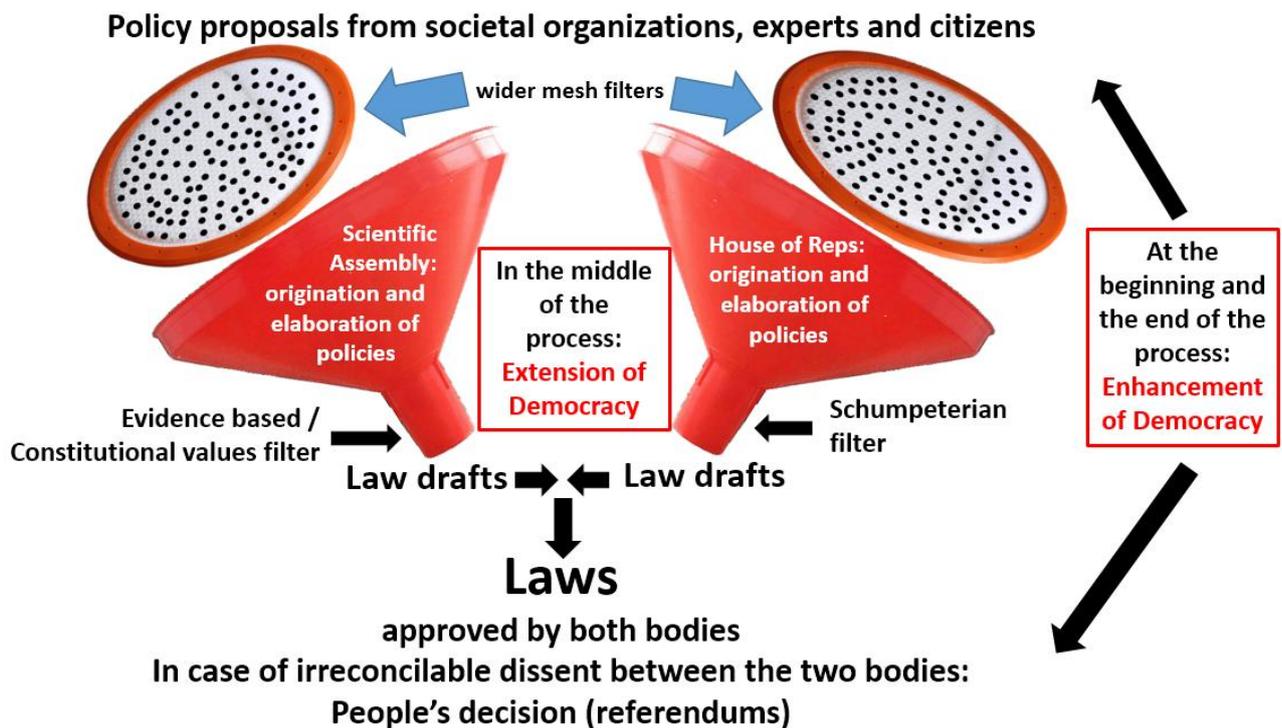


Figure 4.

- Policy proposals coming in from society are sifted through a wider mesh filter than in today’s democracies;
- The “Schumpeterian” final filter is probably still active in the party-politics way of choosing policy options;
- The scientific law drafting dynamic favours an evidence-informed perspective and dictates a mandatory reference to constitutional principles and goals;

- The rights of the electorate as final decision-maker are reaffirmed and enhanced.

II.3. Some hints to procedural matters

From a procedural point of view, we expect that numerous academics will be willing to stand for office, i.e. their number will be higher than the fixed number of candidates to be submitted to electors:⁹⁸ therefore, the names which make up the electoral list may be decided by drawing lots. Suppose for instance that the number of economists (or law experts, sociologists, etc.) to be in the lists for the National Scientific Assembly is forty, fifteen of whom will be chosen by electors; if ninety scholars from public research institutions come forward, the names of the forty candidates will be drawn – thus minimising initial power struggles.⁹⁹

Notably, having no district boundaries – i.e. establishing unique lists, at national or local levels, depending on the scale of the elections – means that dubious contrivances like gerrymandering, i.e. the cunning (re-)design of electoral area borders to favor one or other party/candidate, are avoided; also pork barrelling would make little sense. We underline that this positive effect would not apply to the party-political branch, where the weight of local or particular constituencies remains a feature of the representation dynamic – not necessarily a bad one. Thus, the REDemo design seems to fit a two-pronged perspective: “A system that produces a broader representation of the general interest, while also respecting the importance for each district of being represented by someone who knows its situation and needs, would seem to be an ideal one.” (Elster 2013, p. 265)

The fifteen-twenty elected from each group of experts (or the analogous/lower number from elections in restricted areas) may simply be the most voted; better, a mechanism of “instant-runoff”, also named “alternative” or “transferable” voting (i.e. a ballot where the voter can express her preference for more than one candidate, ranking two or more of the proposed names) may be foreseen – it is slightly complicated, but it gives more information regarding voters’ preferences.

Furthermore, such a ranked voting (or a linear first-twenty-past-the-post election) for each category of scientists would not generate the intricacies which arise when a thicket of *proportionality* alternatives is possible (closed/open lists, compensatory apportionments, percentage thresholds, etc.), with the never-ending discussions regarding balance and fairness. Also, two major problems of *plurality* voting in party politics are reduced with the election of scientific assemblies. First, today votes cast for losing candidates or votes cast for winning candidates in excess of the number required for victory can be reasonably considered “wasted”, when elected bodies are composed of parties or coalitions; instead, since single scientific candidates do not belong to predetermined factions, no such concern should arise. Second, it is not uncommon that the candidate of a coalition who would probably get the majority of votes is defeated, due to the (legitimate) presence – or one may say the disturbance – of spoiler candidates who have a similar

⁹⁸ This hypothesis still lacks empirical verification: an extensive survey among public experts in several nations (starting from Italy) about their availability to support the REDemo project and to be candidates in scientific law-making bodies is in preparation (see the Addendum). Yet, we are ready to bet on the positive response of a more than sufficient number of scientists to compose the lists with some hundreds of candidates. For instance, we note that – even without considering researchers in the CNR (National Research Council) – Italian academics number several tens of thousands: e.g. 5,000 economists/statisticians, 3,500 engineers, 4,700 legal scholars, 3,000 experts in agronomy/veterinarian medicine (<https://cercauniversita.cineca.it/php5/docenti/cerca.php>).

⁹⁹ “Positive discrimination” may also be established to adjust the composition of candidatures: a percentage of places can be reserved to minorities or groups – e.g. half to women. This is not possible in a version of “limited epistocracy”, where the decisional power is given to experts’ institutions (e.g. some governmental agencies which are made fully independent in their regulatory actions) as proposed by Jeffrey (2017): such bodies would rule as an indivisible ensemble, with a high risk of demographic bias.

ideology or programme: due to the vote splitting that ensues, both candidates, whose summed votes are more than those obtained by the candidate of the opponent coalition, are defeated; as the saying goes, two argue and the third benefits. Such a phenomenon, which may be driven by personal enmity among rival politicians in the same area, whose competition generates a “the worse the better” outcome, should be neutralized by the procedure to choose scientific candidates and the consequent popular voting – with the simple majority or, even more so, with the instant-runoff/ranked-choice method.

The voting/election system for the existing party-political chambers (plurality, proportional, etc.), may remain the same: it has no relevance for the “rationalization” with elected scientific bodies.

Our approach can be administered to large and small democracies, whether new or longstanding: but the model, which is flexible, requires different modes of application according to each situation.¹⁰⁰

In *unitary* states with a *parliamentary* system, the implementation of the “rationalized” institutions is theoretically straightforward, and the *legislative* processes would not be much more complicated than currently. In these countries, parliaments can be unicameral or bicameral. Unicameralism can “double” to bicameralism with the addition of the National Scientific Assembly (and similar bodies in restricted areas). In unitary bicameral states, today’s second chamber may be a duplicate, composed more or less of the same parties, often with members elected through mechanisms very similar to the first, of which it largely reproduces the same defects; such a redundant¹⁰¹ organism may be easily replaced by the scientific body. The same replacement may take place where the “upper” chamber has a different form of representation – a possibility that should be discussed case by case. Furthermore, where high chambers are composed by appointed members, e.g. the House of Lords in the UK or the Canadian Senate, an elected scientific assembly would be more democratically legitimate. Whether parliamentary states willing to “rationalize” their institutions are constitutional monarchies or republics should not make a difference.

In *federal* states, the introduction of a scientific body at the national level, in parallel with the first chamber, means creating a triangle with the high chamber, whose composition and functions may be quite peculiar. The creation of a National Scientific Assembly implies a redesign which must be carefully crafted.

Analogous difficulties can be foreseen in *presidential* democracies, either unitary or federal.

Similarly, the insertion of scientists in the *executive* bodies would be easier in unitary/parliamentary states, more problematic in federal/presidential states.

However, if societies embrace the basic ideas of the reform, specialist scholars should be able to study projects of detailed institutional overhaul.

With due, important clarifications which we will set out elsewhere (see the Addendum), notable benefits could derive from the new actor of a scientific nature also at supra-state level, e.g. the European Union and even the UN. For now, we are describing the renovation at the level of

¹⁰⁰ On the comparative advantages and disadvantages of the different “patterns” of democracy, the classic work is Lijphart 2012. In that valuable book, the focus is placed on the main differences between “majoritarian” (otherwise called “Westminster”) and “consensus” democracies: but we are afraid that the word “consensus” is definitely inadequate to describe a proportionality regime, where the level of politicking and never-ending squabble is hardly lower than in the opposite model – mostly due to the fragmentation of the party system and the connected difficulties in reaching a functioning majority. Therefore, we definitely consider the term “negotiation democracy”, used in Kaiser 1997 (as mentioned by Lijphart himself) as more appropriate.

¹⁰¹ “Redundancy” is actually the term which is frequently used to indicate the duplication of functions in relation to second chambers in unitary states (see Romaniello 2016): justifications for such an institutional arrangement in the literature seem to be feeble.

democratic nation states and the related local powers.¹⁰²

Our view is that the reform should be implemented at state (central) level. Yet, the REDemo framework could be partially but fruitfully applied starting at lower geographic/administrative levels only: in a unitary state, it could be regions or districts (the bigger, the better); in a federal state, it could be single states. The impact on the legislation would clearly be linked to the degree of autonomy that these sub-entities enjoy: the higher the extent of the devolution inside the state, i.e. the jurisdiction of restricted geographic areas on making laws and regulations on various topics, the higher the influence of a local Scientific Assembly which would parallel the existing legislative council. Where REDemo is implemented nationwide, an independent technical council would be elected also in the small province and the remote village (in organisational terms, a council of experts at local level would serve several little towns in a given area): although these local scientific bodies consist of a limited number of members (we do not see the need for educational experts or moral philosophers), the presence of economists, land/urban/infrastructure planners and ecologists not serving particular interests favours choices that reflect sustainable management of the territory, seeking to avoid the continuation of unrestrained exploitation – something which local political leaders too often are reluctant to, or scarcely capable of, regulating.

We see the need to implement *both* the proposals of our hoped-for meta-reform. Indeed, if only the institutionalisation of the scientific assemblies were implemented, there would be a clear risk of repeated institutional delays or deadlocks: when the Chamber of party representatives and the Assembly of experts (or similar parallel powers at the infra-state level) were unable to agree on a certain proposed law, only the body of collective choice in the broadest sense, i.e. the electorate, expressing its view in a decision-making referendum, could resolve the issue. Vice versa, if the novelty consisted only in the institution or enhancement of tools/procedures of direct democracy, the stimulus and urging of elected politicians by civil society would not have the powerful effect which the combination we have proposed could generate, and the level of competence of parliaments would not increase.

Our model may appear syncretic, because *de facto* it is. We do not aspire to impossible ideological-organic fullness, but we are aiming to apply valid instruments of institutional engineering, in a Popperian sense.

II.4. Public experts on politics

II.4.1. Beyond politicians' monopoly on democratic governance

REDemo provides a framework to ameliorate democratic politics in a double sense. On the *supply side*, the Rationalization means that the programmes outlined by experts are more consistent with the constitutional aims and objectives: as we will detail later on, the weight of party-politics faults, which regularly skew the law- and policy-making dynamics, is significantly reduced. On the *demand side*, the Extension allows legislative/governmental institutions to be much more sensitive to societal organizations: 1. At the beginning of the process, proposals which originate from society are better listened to; 2. During the process, deliberation between citizens and elected officials (both party-politicians and scientists) is improved; 3. At the end of the process, the collective can exercise a decisive role – even vetoing laws and governmental provisions through referenda.

Admittedly, we will press on the Rationalization part, because it is the most relevant novelty in our project. If and where implemented, the insertion of elected scientists in the legislative and executive will be a clear refutation of an oft-quoted apparent eternal truth: “Politics has been, is, and always will be carried on by politicians, just as art is carried on by artists, engineering by engineers,

¹⁰² The problems with democracy at supra-state levels present peculiar characteristics and unique challenges: see, in general, Shapiro, Hacker-Cordón (eds.) 1999. The contributions in this collection are not recent, yet still interesting.

business by businessmen”.¹⁰³ Indeed, since we do not aim to throw party politics overboard, an addition from the same quotation would remain true: “politicians there will always be so long as there is politics.”¹⁰⁴ (Ford 1909, p. 2) In other words, we accept that “modern democracy is unthinkable save in terms of the parties” (Schattschneider 1942, p. 1); it is difficult to subscribe a sweeping sentence such as “the age of party democracy has passed.” (Mair 2013, Introduction)¹⁰⁵ But we challenge the dogma that “*only* parties with their armies of ‘civilian’ partisans can organize elections, mobilize participation, and create on-going connections between citizens and representatives.” (Rosenblum 2009, our emphasis) Thus, the election of single experts refutes a postulate of democratic political theory: subscribing Kelsen’s view, Przeworski (2010, p. 25) states that “[p]eople must be represented and they can be represented only through political parties. [...] Isolated individuals cannot have any influence over the formation of general will; they exist politically only through parties.” REDemo cancels (half of) this inevitability: while party-political composed bodies will still exist, scientists are personally elected by voters so that they can advance certain proposals for policies and co-participate in governments. Thus, we take note of fully realistic accounts, Machiavellian-like and dispassionate analyses of countless historical examples: “Anyone who thinks leaders do what they ought to do—that is, do what is best for their nation of subjects—ought to become an academic rather than enter political life. In politics, coming to power is never about doing the right thing. It is always about doing what is expedient.” (Bueno de Mesquita, Smith, p. 37) On the contrary, we express the (utopian?) hope that, if and where our reform project is implemented, with “academics” in “political life” struggling to do the “best for their nation”, such an empirically impeccable reading will be – partially – surpassed, or even refuted.

II.4.2. From underused advice to effective policymaking

With REDemo, democratic decision-making can make better use of the great value of scientific knowledge, understood in the widest sense. Again, our approach is resolutely *pragmatic*¹⁰⁶: we will not insist on Mertonian ideals¹⁰⁷ and we do not nurture any “immaculate conception of expertise” (Turner 2001), but we devise an articulated plan to exploit policy-oriented science without blindly relying on technicians.

In their action of co-legislating (in bodies which are distinct from, and parallel to, the traditional ones) and co-ruling (joining party politicians in national and local governments), sectoral academics will be supported and inspired by the studies which are undertaken in universities and

¹⁰³ Such a widespread conviction is so strongly rooted as to be considered at the same level as an iron law of nature: “It is the job of politicians to play politics, and this – like the second law of thermodynamics – is not something to be regretted, but something to be lived with.” (Sarewitz 2000, p. 84)

¹⁰⁴ To explain it better: elected scientists, more than dealing with “politics”, will be engaged in implementing “policies” – according to constitutional articles and dictates.

¹⁰⁵ The quoted words are actually the opening sentence of the book; a radical position which has been rightly criticized: “Mair might be right in his perception of a crisis of Western democracy and in his insistence that parties are increasingly failing to engage ordinary citizens. But there is no alternative. And, in fact, Mair fails to offer any.” (Cagé 2020, Kindle position 966)

¹⁰⁶ Using this term, we are not making reference to Pragmatism as a philosophical school or movement: we just use the adjective in its common meaning of realistic, practical (in the policy/politics domain), although anchored to (hopefully good) theoretical premises and arguments.

¹⁰⁷ Creating the acronym CUDOS, Robert K. Merton (1942) introduced four rules which should govern the development of good science: Communism, Universalism, Disinterestedness, Organized Scepticism. Subsequent authors (e.g. Ziman 2000) established these normative precepts in the number of five: the letter “O” became the initial of Originality; likewise, “Communism”, which Merton used in quotation marks in order not to confuse it with Marxist political doctrine, was changed into the unequivocal term Communalism.

public science institutes; also the rich amount of knowledge which is produced in the private sector will be considered. There are enormous skill pools which – although they are *produced with huge investments of public money* that fund advancements in the sciences – are barely exploited in democratic collective action due to the fact that, even when the experts manage to reach the decision-makers, their thorough analyses and consequent public choice suggestions are very often ignored: “researchers are seldom successful in directly influencing policy decisions, even if they work hard to develop better relationships with policy staff. [...] In general, those who produce rigorous evidence and evidence-informed policy ideas do not control how their ideas are interpreted, modified and used”. (Head 2013, p. 297) As we have already seen, competent scholars give advice to politicians (they are often requested to do so), but their suggestions may be in conflict with – or irrelevant for – the main aim of the “average” politician: their (re-)election, or the benefit of their party. Expert contributions can be overlooked (if not misused) because their role is only consultative, with decisions reserved to elected officials.¹⁰⁸ In the proposed reform, instead, experts become an intrinsic part of the legislative and executive system: the theoretically shaky and empirically questionable “Science speaks to power”¹⁰⁹ iron cage is superseded. Paraphrasing the old proverb, we may say that, today, Science proposes and Politics disposes¹¹⁰: “Scientists provide information to inform the deliberations of policymakers, who claim a legitimate policymaking role.” (Cairney 2016, p. 130)¹¹¹ One of the main purposes of REDemo is to change this. In the current framework, the question is: “in which institutional arrangements must [expert advice] be generated and communicated to meet the dual requirements of political acceptability and scientific validity?” (Lentsch, Weingart 2011, p. 9). In our model, instead, elected experts are no longer simple advisers, but co-lawmakers and co-rulers, vested with such powers by amended constitutions and authorized in their actions by popular vote. Immodestly, we believe that we are proposing a paradigm shift, which gives an answer to the central question on “how to bring the *legitimacy* of knowledge (and the experts who represent it) in line with its *adequacy* or *epistemic quality*” (Maasen, Weingart 2005, p. 3, emphases in the original).

We imagine that academic candidates will aspire to be elected because they see the chance

¹⁰⁸ A limited exception is represented by independent agencies/authorities, if and to the extent that they have decision-making power. See the chapter *Independent Authorities as partial “experiments” in Rationalized Democracy*.

¹⁰⁹ Apparently coined by political scientist Don K. Price, this expression perfectly defines the relationship between experts as advisers and officeholders as decision-makers. Authors who used just those words in the very title of their book (Collingridge, Reeve 1986) have a pessimistic view of such relationships: they argue that the desire to influence policy inevitably involves the violation of certain conditions that are mandatory to good science; first of all autonomy, insofar as questions are posed by external actors, according to their own terms. Sometimes the expression “Speaking truth to power” is used: but it can create confusion with the slogan of a political movement for human rights (see https://en.wikipedia.org/wiki/Speaking_truth_to_power).

¹¹⁰ Clearly, “the political world *trumps* the academic world” and therefore “academics must enter in political contexts with a fuller understanding of their essentially secondary role.” (Hoffman et al. 2015, p. 23, our emphasis). Note the irony of the verb in the quotation: the participants at the Meeting on Academic Engagement at the University of Michigan, in 2015, were probably far from imagining that, starting from the following US presidential election, politics was going to inexorably *trump* most of the stances recommended by scholarship in various policy areas.

¹¹¹ This entrenched view has a long tradition in modern times: more than one century ago, “the place of experts in democracy” was explained as follows: “The principle is very clear: the specialist *qua* specialist is the fit person to advise on certain aspects of the problem, the public man *qua* public man is the fit person to consider the problem in all its aspects and decide.” (Bryant 1908, p. 68)

to implement the ideas which emerge from their fields of study,¹¹² bypassing the Schumpeterian bottleneck of party politics: acting as “honest brokers” (Pielke 2007), i.e. as suppliers of scientific evidence and related expertise to distracted or biased politicians, too often leads to dead ends. Thus, REDemo may relieve the frustration of scientists who feel either ignored or manoeuvred by policymakers and defuse the (understandable) temptations of authoritarian imposition of science-based actions (Stehr 2016; Shearman, Smith 2007).

A wide, in-depth review of the literature on Evidence-Based Policy-Making (EBPM)¹¹³, comprising also publications that used to call it – going back several decades – “policy sciences”, “research application”, “knowledge utilization”, outlines four views. Each distinctive school of thought among scholars in the field: 1. “demands that governments pay more attention to research”; or 2. “argues for the reform of the relationships between researchers and policymakers”; or 3. “emphasises the need to reinvent formal procedures that govern the generation and use of evidence”; or 4. “rejects the possibility that research can simultaneously meet disciplinary standards and meaningfully address the needs of policymakers” (French 2018, 1). Under REDemo, the unrealistic recommendations outlined in the first three points would lose traction, since public experts have a protected path through which they can advance their policy projects – either directly, if elected, or indirectly, channelling their ideas via elected colleagues. As for the last point, while academics who want to act in policy-making should certainly abandon an overly confident belief in the automatic translation of research outcomes into laws and governmental actions, we think that their co-optation in real policymaking would not necessarily diminish the scientific rigor of their proposals and actions: compromises will be necessary and expectations may be downsized though, and “researchers must develop a more realistic grasp of the task environment in which ministers and senior officials operate, reject naive but prevalent assumptions about the level of analytical rationality in government”. (French 2018, p. 1)

II.4.3. A clearly distinct path

Is there the risk that “direct and sustained engagement with policymakers may not be compatible with career advancement in academia”? (French 2018, p. 1) We dare to believe that our reform could offer a more optimistic perspective: elected scholars should not be afraid that their participation in the legislature or the executive may jeopardize their academic progress; being on leave from universities, they will be able to return to research and teaching after a period spent in a different kind of public service.¹¹⁴

It can be noted that even today it is not uncommon for university professors to turn to politics: we could mention, among many others, economist Romano Prodi, the former President of the European Commission and twice head of the Italian government; the best-known name is that of US President Barack Obama, who taught law for several years in Chicago.¹¹⁵ But there is a basic

¹¹² As already anticipated, a first step to test this hypothesis will be an extensive survey among public scientists in Italy: see the Addendum.

¹¹³ Sometimes called “Evidence-Informed Decision-Making” (EIDM).

¹¹⁴ But we had better take note of a caveat from an academic who spent some time as an elected official: “if you're off doing politics for 15, or 10 or even five years, it can be almost impossible to go back to teaching and research; you get too far removed from the literature of your field and the routine of academic life.” (Flanagan 2009, p. 1)

¹¹⁵ Other examples: in the USA Larry Summers, the Treasury Secretary under Clinton and dean of the University of Harvard from 2001 to 2006 (see also several smaller examples in Manweller et al. 2018); in France Dominique Strauss-Kahn, professor of economics in Paris, minister and general director of the International Monetary Fund; in Germany Gesine Schwan, a researcher in politics and social-democratic candidate for the federal presidency; in the United Kingdom Shirley Williams, leading member of the left and then a constitutional expert at Harvard; in Georgia Guiorgui Margvelachvili, the university dean elected president in October 2013; and again in Ghana

difference between these experts and those who will be candidates under our system. University professors, who have freely chosen to change career by becoming professional politicians (or remain in their role at university, albeit dedicating a lot of time and energy to active politics), are one thing; public scientists who, by making themselves available to run for national or local scientific assemblies, if elected are temporarily seconded (for one or two legislatures) to serve as non-party experts in their own legislative bodies, are another thing. In our view, the distinction between the two parallel actors (party-political and scientific) must be clear and marked: there are two different paths, two separate channels. Of course, an academic still has the chance to move completely into politics: but in that case she will be a candidate through the party-political system and stand for election to the relative legislative bodies and not to the scientific assemblies.

In this sense, the precise distinction that we foresee as necessary, between party-political candidates and officeholders (even if they are also university professors) on one side, and public scientists who can volunteer to be elected in their separate path for a maximum of two terms on the other, would probably avoid “hybrid” situations, which can create criticism and discontent. This happens in South Korea, a country where the relationship between scholars and politics is traditionally very close: following the Confucian heritage, the participation of “sages” in government, in more or less official ways, dates back to centuries ago, well before the establishment of a democratic regime (although characterized by a strong presidential prominence). We are talking of academics who are appointed as top bureaucrats, assistants to the President, cabinet members, or are even elected to the National Assembly (5-8% of the Assembly members in the last three turns). This change of clothes can be appreciated: “scholars are more suitable than politicians in the sense that they emphasize innovativeness and have professional capabilities and higher ethical standards.” (Moon, Hwang 2018, p. 85-86). But, “[s]ince most scholars holding public positions are involved in presidential election campaigns, their purely academic contribution to policy is often undermined and doubted.” (Moon, Hwang 2018, p. 85. Hence the pejorative term “polifessors”). This difficulty is also felt inside academia: “many universities have begun to require professors to resign their academic positions prior to pursuing elected public positions though they allow professors to take temporary leaves for appointed positions (cabinet members or policy advisors to presidents).” (Moon, Hwang 2018, p. 86) Under REDemo, similar problematic, blurry circumstances are avoided: scholars’ temporary leave would be for legislating in the National *Scientific* Assembly or in local scientific committees; it would not impose – better, it would avoid – involvement in partisan politics. The designation of academics – elected or not – as technical members in governments or higher bureaucratic offices (e.g. independent agencies) would still be possible, as happens in many countries: even now, this condition normally does not affect experts’ reputation in a negative sense.

In passing, we make reference to some minor historical cases of academics in parliaments, one of which is still ongoing, in which scholars have had a role in the legislative power: besides the rare institutional inclusion of some university figures in politics which stopped some time ago¹¹⁶, today the only country where the phenomenon of “university electoral constituency” (also known as “University Constituency”) has a modicum of importance is the Irish Republic. In the Irish Senate, which has weak powers, six academic senators out of sixty are chosen by limited suffrage by the

(<http://honourablesaka.blogspot.it/2013/06/why-are-african-professors-becoming.html>) and in India (<http://online.wsj.com/article/SB10001424053111904900904576551880566587962.html>). Some left-wing academics entered politics in Greece, Spain and Portugal around 2015 (Böttcher 2015).

¹¹⁶ For example, exponents of Cambridge, Oxford and other British universities had a place in Parliament in the United Kingdom until 1950:

http://en.wikipedia.org/wiki/University_constituencies

graduates of two universities¹¹⁷: frequently various parties and politicians have said they are in favour of abolishing this privilege, which is considered an anachronism. In October 2013, a popular referendum rejected abolition of the Senate, which had been proposed on the grounds of institutional rationalisation and saving public funds, thus preferring to continue the tradition. This Irish exception, which we wanted to refer to for the sake of completeness, shows such limits (elitism of the electorate, limited number of academic members, in an upper Chamber with almost symbolic powers) that it can be labelled a mere curiosity.

II.4.4. Reasonable, not excessive expectations

Evaluating and choosing options is a very complex subject: policy environments and procedures are often quite complicated, with separate and overlapping stages, timelines, cycles and actors. “Policymakers are often confronted with making big decisions in a fog of uncertainty owing to limited information, and ambiguity due to the many ways a policy problem can be understood.” (King 2016, p. 1510) The inherent messiness of the policy processes has been underlined by scholars since the beginning of this field of studies in the 1950s (see Weible, Sabatier 2017, introduction to chapter 10 and relative note 3): decision-makers often have to “muddle through” (Lindblom 1959, 1979), i.e. proceeding in incremental steps, by trial and error – call it a para-Popperian method. We do not see the involvement of scientists in the real processes of the legislative and the executive as a panacea: public choices will always face problematic scenarios, in which disparate, alternative options can be seen as constitutionally grounded. Elected experts are not expected to always be of one mind, nor do they have a crystal ball: they will submit their programmes, propose bills and draft regulations in the light of available evidence as they see it, arguing for their positions with reference to constitutional principles.

In this sense, while we see “expertise and evidence as ‘socially embedded’ in authority relations and cultural contexts” and we agree that often “science and policy are difficult to distinguish and the guidelines for validating knowledge are highly contested” (Strassheim, Kettunen 2014¹¹⁸, p. 259), we point out that this does not affect REDemo, i.e. it is not an obstacle for imagining the direct participation of public experts in law-making and government: scientists will bring personal values, as far as they are adherent to those enshrined in the democratic constitutions, and the electorate will be informed as to why the evidence that candidates consider in their proposals is justified. The relations between science/expertise and politics/policy remain a very interesting theoretical subject, and there is still much to learn in this area of research; yet, our intent is mostly *pragmatic*, in that we try to provide a democracy-based institutional way out of the Schumpeterian tunnel.

In other words, we stress the limits of scientific knowledge and of its application to the intricate world of policy-making: yet, many kinds of expertise, as limited, imperfect or provisional as specialists themselves see it, all other things being equal, will be an invaluable resource for society – a fruitful exploitation which today is hampered by the seven shortcomings of democratic institutions. A major advantage with REDemo is that the factual involvement of scientists in the legislative-executive course would allow the study, design and implementation of policies to be much less impeded by party-politics shackles: as we will explain point by point later on, the most shameless biases – agonizing vote-craving, confrontational frenzy, stubborn short-sightedness, etc. – would be (at least partially) weeded out from the workings of elected experts. Thus, we are aware

¹¹⁷ Three come from the University of Dublin and three from the National University of Ireland: see www.citizensinformation.ie/en/government_in_ireland/elections_and_referenda/national_elections/seanad_university_constituency.html

¹¹⁸ The title of this paper (“When does evidence-based policy turn into policy-based evidence?”) contains an inadequate word pun, because the authors specify in the text that they are referring to “policy-relevant” evidence/facts. See also https://en.wikipedia.org/wiki/Policy-based_evidence_making

that also scientists, as happens to any human being, are naturally prone to some form of “bounded rationality”¹¹⁹; but they may be (relatively) immune to the incentives that skew the reasoning and behaviour of office-seekers and officeholders.¹²⁰

And we believe that the reform could have a positive reverberation also on the dynamics of party-politics, once its self-referencing circle has been broken. (Well, this is actually an article of faith...)

II.4.5. Loosening the “double ethical bind”

Public scientists who were fully inserted into decisional processes would also avoid the phenomenon of the “double ethical bind”, an expression introduced by the renown climatologist Stephen H. Schneider (the story of the concept is described in Russill 2010): experts adhering to norms of communication out of “a loyalty to the scientific method” would prove scarcely incisive (Schneider 1988, p. 113). “The double ethical bind for communicating science to the public, then, is for the scientist to find an appropriate balance between being an effective agent for change and being honest about the limitations of the state of knowledge” (Schneider 1990, p. xi). This is a dilemma to which the scientists find themselves subject since, on the one hand, they are ethically required to communicate problems respecting the due parameters of equilibrium and objectivity, while, on the other hand, they realise that, in order to be heard by the media and political decision-makers, they are almost forced to fire up the debate and overstate the negative consequences from putting off solutions. In short, when the experts see situations which are degenerating without effective remedies being implemented – this is true above all for the baleful medium and long-term effects of the current global heating – they are torn between the rigour and impartiality, which should characterise their public interventions, and the need to speak out, even to exaggerate for beneficial ends. Such emphases put the trust of the public at risk and would not be necessary in a reformed context such as REDemo: elected scientists would directly draft laws, explaining their rationale to the public in a balanced way.¹²¹

A similarly problematic situation is discussed in Kitcher 2011. The author introduces an imaginary example: an atmospheric scientist discovers that the model used by a number of her associates to estimate the rate at which sea levels are expected to rise is less than credible; yet, there are other more complicated but still incomplete studies that support similar conclusions about the foreseen disruption of coastlines, and she is confident that her team could refine them, given enough time for further analyses; thus, she decides to postpone publishing the provisional findings until she has an improved version of the model. But a postdoc from her lab decides to leak the discussion to a news source: as one might expect, a number of media presentations inform the public that a major argument supporting the thesis of anthropogenic global warming has been refuted, that the scientific community is guilty of a sort of censorship, and that the trick has only been exposed thanks to a

¹¹⁹ Having its origin in the groundbreaking work of Herbert Simon (1997, p. 118: “Administrative theory is peculiarly the theory of intended and bounded rationality – of the behavior of human beings who *satisfice* because they have not the wits to *maximize*.”), this important concept has been developed and expanded in the analyses of several scholars, in behavioral economics (a valuable example is Kahneman 2003) and beyond (e.g. Dhimi, al-Nowaihi, Sunstein 2019) and convincingly applied in the field of political science (Bendor 1998-2010); Botterill and Hindmoor (2012) make clear that *both* policymakers and scientists can be rationally bounded.

¹²⁰ To be clear, politicians’ opportunistic and self-dealing attitudes are *not* part of bounded rationality: the latter refers to both cognitive biases (mostly unconscious) and use of heuristics – in our case, by decision-makers – due to shortage of time and the need to understand a necessarily limited number of policy issues. But, when it comes to making choices among many options, enter Schumpeter: if and when put into practice, demagoguery, electoral self-interest, etc. are quite *conscious* – although undeclared, disguised, or hypocritically denied.

¹²¹ See also the following chapter *Climate crisis*.

courageous whistle-blower. “All this is dressed with ritual phrases commending the virtues of free and open discussion in a democratic society” (Kitcher 2011, p. 184). Yet, the author believes that the attempted cover-up of scientific dissent by the climatologist would be justified: “The atmospheric scientist was not wrong to withhold the information from the public; she wisely foresaw the danger that it would be deployed in misleading ways” (Kitcher 2011, p. 184). But such behaviour can hardly be considered ethically irreproachable.

Under REDemo, Kitcher’s thought experiment and its inherent intractability may be rebalanced, because the scientist would be less concerned about the threat of her information being warped by biased commentators and brandished as a political weapon: having a number of her colleagues firmly collocated inside the legislative/executive powers, attempts to exploit her work by merchants of doubt are not avoided, but science would be in a much better position to counter such malfeasance, without the perceived need to recur to dubious subterfuges. In other words, the publication of temporary findings that seem to undermine an important part of the scientific consensus about a very sensitive issue would still be at risk of being manipulated by scoop-craving media and misused by political opponents; but such cases of opportunistic exploitation of scientific uncertainty would be countered by experts who are not simply counsellors or science communicators. Consequently, the fear that in many cases “‘free and open public discussion’, far from being the expression of democratic values is actually subversive, for it tends to undermine a previously well-functioning division of epistemic labor” (Kitcher 2011, p. 185) would be reduced. We suppose that the atmospheric scientist may sleep more comfortably, even if she had disclosed the lack of certitude herself. And, if someone abuses of the right of free speech to push their biased agenda, so be it – it is an inevitable downside of democracy.¹²²

All in all, we believe that REDemo could meet the auspice expressed by a renowned student on the science-policy issue: “A better approach would be to create institutional processes that facilitate the connections of science with policy-making, rather than trying to somehow keep them separate” (Pielke 2007, p. 149).

II.5. Constitutionally oriented instrumentalism

Our “rationalization of democracy” proposal can be called *instrumentalist*, in that it establishes a mechanism by which the *ends* (constitutionalised aims and values) can be pursued through effective *means* (policy proposals advanced by expert candidates and chosen by voters). As already explained in the Introduction, we point out that democracies must be judged not only for the fairness of procedures (the *formal* dimension), but also¹²³ as regards the quality of their outcomes (the *substantive* dimension), the unit of measure being the constitutional principles and goals: without such a reform, the party-political elected bodies are scarcely able to implement the project of good society as outlined in democratic constitutions.

A possible objection is that our view is somewhat over-simplified: involving public scientists in the legislative-executive structure means inserting them in an arena where collectively

¹²² If elected scientists are in a more prominent position in policymaking, there would be fewer reasons to call for some form of censorship aimed at stifling rogue charlatans, as imagined by Kitcher: “if free debate promotes intellectual health, it does so only when the public arena is not abused. Part of the task of regulating that arena consists in issuing licenses to those who are serious and thus distinguishing them from frivolous intruders who substitute dogma for discussion” (Kitcher 2011, p. 222). This is a stance that has unfavourably impressed some commentators, who were ready to underline that “the notion that speakers should be ‘licensed’ sounds like prior restraint of political speech, which would probably violate constitutional protections”. (Brown 2011, p. 394)

¹²³ The two dimensions are often opposed, as if they should be considered as alternatives (Griffin 2003, Arneson 2003): instead, we affirm that *both* sides of the democratic coin are necessary. In other words, we reject *pure instrumentalism* – as well as *pure formalism*.

binding decisions are discussed and approved in a context of power and conflict – that is what politics is all about. Our imaginary critic could point out that the mandatory reference to constitutional articles in the scientific candidates’ programme can be linked to very different policy proposals: for instance, an effort to provide access to education is foreseen in every democratic constitution; but the implementation of such an aim would certainly generate a wide range of ideas on contrasting trajectories regarding many subjects, such as the organization of curricula, evaluation of teachers, possible rules on affirmative action, balanced appropriation of school funding, etc. How will elected educational experts draft bills on these subjects? Divergent approaches will certainly arise, even more distant than in traditional politics. “It is impossible and undesirable to take the politics out of policymaking so that we can rely solely on ‘the scientific evidence’.” (Cairney 2016, p. 13)

We concur: a neutral, unique, unfailing policy option among many can never be affirmed. There was once a dream of “policy science”, inspired by a well-meaning pragmatist background; but a fast and uniquely targeted translation of knowledge into decision making is indefensible.¹²⁴ Such a hyper-rationalistic, old-fangled positivism, i.e. the idea that one correct policy action (although inspired by, and tending to, democratic values) can logically follow from sound scientific information¹²⁵ is not only epistemologically fallacious, but utterly inapplicable in the real world. It may be true that “there is no Democratic or Republican way to pave a street” (a famous slogan during the Progressive Era of the early 20th century in the USA – a time when the very concept of *technocracy* was heavily promoted). But even a purely technical committee will have to choose whether to restore an ancient pavement (costly, but useful for aesthetic/touristic purposes), or spread a cheap layer of asphalt. The experts may disagree on cost-benefit analyses. And: should the road be paved or not in the first place? Limited public funds could be destined to other investments – i.e. budget contingencies are often paramount and assessing opportunity costs is always problematic. The sum of the factors cannot give one neutrally “scientific” answer: multiple options are evident, and any choice would clearly be *political* – even if we rule out the main decision-maker’s bias, i.e. the will to gain the consent of voters in that area. Moreover, citizens in democracies have every right to influence alternative decisions – on road-paving and a number of other, far more important matters.

Yet, our answer to the questions in the two former policy examples (or any other that could be put on the table) is straightforward: scientific candidates in the area of educational expertise (those standing for, say, twenty seats in the National Scientific Assembly) will be called on to articulate their programme, specifying the outlines of their policy perspectives; similarly, experts in urban planning who run for office will submit a range of options regarding roads, railways, infrastructures. Proposals will be formulated inside constitutional directions: for instance, state charters normally establish that there is a universal right to basic education, and therefore no discriminatory policies can be put forward; or there may be mandatory provisions that exclude certain historical areas and natural reserves from urban development. While the angles are expected to be different, even reflecting ideological tendencies, *voters will choose*. This clear-cut mechanism will be at work in the designation by electors of the members for all the envisaged national/local partitions of the scientific elected bodies. And, inside those assemblies, whenever a consensus cannot be reached, the majority will win. Basically, *it is* as simple as this.

II.6. “Epist-” misunderstandings and inadequacies

¹²⁴ Indeed, scientists must be aware of the problematic “linear model of expertise, which holds that the science-policy relationship ought to be one where we get the facts right and then act.” (Durant 2015, p. 26) Durant’s criticism of the matter is excellent.

¹²⁵ An early advocate of this approach is Harold Lasswell. For a thorough criticism of his view, see Turnbull 2008 and Fischer 1998.

II.6.1. Truthful/correct vs. right/good

The strong, indispensable connection to democratic principles and objectives, which are – more or less explicitly – embedded in constitutions, and that always allow a range of diverse but acceptable (political) choices, will hopefully clarify a *major* misunderstanding that runs underneath the so-called “epistemic” ideas of democracy (the first use of the term dates back to Cohen 1986, p. 34), i.e. the idea that law- and decision-making procedures and results should be judged on the basis of their “correctness” or “truth” in order to be considered “good” or “just” or “right”: “The reason why this conception is called ‘epistemic’ is that the procedure it endorses is considered generally reliable (in a sufficient degree) to know which are the *right* political decisions.” (Martí 2006, p. 32, our emphasis)

But there is a semantic confusion between factual/logical and moral/political meanings. Words like “truthful” or “correct” can be applied to the description of state of things (facts) or to proper reasoning (logic), not to ethical choices or policy actions: the latter can be certainly be judged as “right” or “good”, but that is a matter of opinion or ideological orientation. Instead, while discussing decision-making issues, all these terms are often used as if they were synonyms, as opposed to “wrong” – again, forgetting the double, separate meanings that such a word may have, either referring to factual/logical mistakes or to morally unacceptable stances and behaviours.¹²⁶ This topic involves the fundamental philosophical question regarding the relationship between *facts* and *values* (or norms), i.e. the Humean “is-ought” problem. But we do not need to enter theoretical intricacies in explaining our perspective. However value-laden a person’s (and an expert’s) reading of an issue may be, politics and policies impose decisions – often in conditions of uncertainty or ambiguity, sometimes with great urgency: under REDemo, experts frame the issues and offer programmes (as party-politicians do in their own area), and voters choose among options.¹²⁷ In a meaningful sense, democratic politics involves an “ought-ought”: the first “ought” is outlined, indicated, or at least implied, in constitutional substantive principles and values, i.e. the goals and ends to be looked for and pursued in a democratic polity; the second “ought” is inherent to proposed policies, because the different options are – should be – imagined and implemented in order to realize the normative design as described in basic charters and statutes. More than to Hume, the reference here is to Aristotle’s four causes: in democratic countries, constitutions are (ought to be) the *formal* cause of politics, policy actions are the *efficient* cause, public goods (comprising state revenues) may be seen as the *material* cause – good polity being the *final* cause.¹²⁸

¹²⁶ According to Popper, this distinction entails managing two different “regulatory ideas”: “In the realm of facts it is the idea of correspondence between a statement or a proposition and a fact; that is to say, the idea of truth. In the realm of *standards*, or of *proposals*, the regulative idea may be described in many ways, and called by many terms, for example, by the terms ‘right’ or ‘good’. We may say of a *proposal* that it is right (or wrong) or perhaps good (or bad); and by this we may mean, perhaps, that it corresponds (or does not correspond) to certain *standards* which we have decided to adopt.” (Popper 1966, p. 715, our emphases). In our discussion, “proposals” correspond to possible policy actions; “standards” are the constitutionalized aims and goals.

¹²⁷ REDemo pacifies a reasonable concern: “If scientists can make these [value] judgments in private, not disclosing them in their published work, and thus shape public policy through these judgments with no possible avenue for public accountability, any standard of democracy will have been violated.” (Douglas 2005, p. 156). In our model, not only are scientific candidates’ policy platforms public *by definition*, but they are vetted by the electorate: thus, democratic standards are fully respected.

¹²⁸ In this sense, REDemo makes a contribution to the economic policy issue regarding the relationship between exogenous and endogenous goals: constitutional ends may be seen as exogenous, i.e. they dictate constraints and orientations – without denying different options; at the same time, a fair level of endogeneity, i.e. flexibility in determining directions, is enabled, in that discussion among experts who are candidate and deliberation with the citizenry will allow voters to

REDemo, establishing a clear link to the constitutional principles, avoids the “truthful” or “correct” vs. “right” or “good” confusion. While opinions among citizens on various issues most probably still differ: 1. Policy proposals and collective choices will be judged with the necessary compass, i.e. their coherence to democratic values; and 2. Certain ideas will be rejected as “wrong” or “unjust” because anti-democratic in essence. The use of the term “epistemic”, which has its usual semantic reference in connection to the sciences, and more generally to objective knowledge, is definitely unfortunate when talking of politics (or ethics) in terms of choices among different courses of action: it is true that deliberation should be informed by evidence and therefore a “correct” and “truthful” reference to the matters of contention must be pursued; but once the background has been plausibly outlined, decisions will be considered more or less “good” and “just” (ethically, politically) in the light of the constitutional beacon – and, most probably, still reasonably questionable on the part of some stakeholders.

When the properly intended conjunction of democratic formalism and substantialism is forgotten, a bad paradox arises: “Faced with conditions of reasonable pluralism where people can [...] hold different decisions to be correct or just, and different end states to be good or desirable, many scholars have rejected the idea that the substantive qualities of a decision can constitute its legitimacy.” Therefore, “substantively untrue, incorrect or unjust decision can be legitimate if it is produced by a legitimacy-generating decision-making process, one that focuses on the fairness (or some other intrinsic quality) of the procedure, and not on the substantive qualities of the outcomes it produces.” (Cerovac 2020, p. 51) Instead, we should abandon the wrongheaded search for a supposed monolithic truth, correctness and justness of policy options, plainly accepting that, in the real world, fair processes are not supposed to point to a single optimal conclusion: thus, the unfortunate necessity to choose sometimes between following democratic procedures and suffering possible undemocratic results does not arise, provided that we recognize that different results, equally legitimated, are – must be – substantially linked to constitutional aims.

II.6.2. A rather frequent mistake

Without using any “epist-” term, a similarly dubious approach can be found in the works of other outstanding authors. According to Rawls: “If we ask how likely it is that the majority opinion will be correct, it is evident that the ideal procedure bears a certain analogy to the statistical problem of pooling the views of a group of experts to arrive at a best judgment. Here the experts are rational legislators able to take an objective perspective because they are impartial.” (Rawls 1991, p. 314) To put it bluntly, this view of the ideal impartiality of rational experts or legislators does not make sense; as objective as advisors or decision-makers may try to be (and, of course, they must aim to rule out mistakes and biases when analysing policy issues), the choices among different courses of implementation is *not* a matter of approximation to *one* correct solution: different directions to, say, fight unemployment can possibly reach the same fruitful results, e.g. with direct subsidies as opposed to tax allowances, targeting the demand and/or the supply of labour, also applying mixed recipes. Suppose that a government is strongly oriented toward a reduction of state debt. A spending review that aims to save a significant amount of the expense, say, on healthcare can make cuts to all the items – choosing to downsize all funding by a certain percentage, therefore applying “horizontal” lower ceilings to financing in the sector; alternatively, rulers can decide to charge the richer echelons of the citizenry for receiving prescriptions or accessing health facilities, therefore reaching the same financial effect with an increase in revenues, rather than a decrease in the services provided; or a partial privatization can be made, obtaining fresh money without altering ongoing operations. Any of these decisions may “rightly” generate the desired results; and any attempt may end up in complete failure, without the decision-makers being able to understand – not even in hindsight – what the *correct* actions to choose were, and whether they imaginatively

express their preferences. Next, implementation can be seen as a more technical matter – although certainly not linear, frequently facing doubts and quandaries, constantly under examination.

existed.¹²⁹

This inescapable indeterminacy and the plurality of plausible (political/policy) options which are all legitimate – neither true/correct nor false/incorrect – is one of the reasons why voters are called on to make choices; otherwise, their involvement would simply be meaningless. Indeed, views of perfect neutrality are still inside an undeclared (unaware?) technocratic pipedream. Therefore, our criticism is the same: while a policy orientation can more easily be considered as *incorrect* in a moral/political sense if it goes against constitutional values and aims, several alternatives which propose a number of different arrangements can be *correct*. In addition to what happens today in traditional democratic politics, under REDemo voters, according to their evaluations, will pick their favoured platforms, among those submitted by experts – and politicians – who stand for office.

Thus, it seems confusing to affirm that “a consistent proceduralist understanding of the constitution relies on the intrinsically *rational* character of a democratic *process* that grounds the presumption of *rational outcomes*.” (Habermas 1996, p. 285, our emphases) Even where the democratic “rationality” of the law-making process is assured, the outcomes cannot be consequently called “rational”, if this means *true*: different results, i.e. different policies, emerging from a correct application of democratic processes, can all be ethically acceptable. This is exactly the reason why legislators of disparate orientations, while enjoying a limited freedom in outlining policies that will never be – and have no need to be – unique, must stay inside the perimeter of a constitution which, beyond fair procedures, incorporates substantive values and aims.

Thus, “[e]vidence cannot tell us which is the *right* choice between different arrangements of benefits or which social outcomes should be pursued over others. Such decisions must be made on the basis of some *formal consideration* of social values, which modern democratic principles would argue needs to be done in transparent and accountable ways that serve to represent the public.” (Parkhurst 2016, p. 9, our emphases) In other words, “policies that respond to social problems cannot be meaningfully correct or false; and it makes no sense to talk about ‘optimal solutions’ to social problems unless *severe qualifications* are imposed first.” (Rittel, Webber 1973, Abstract, our emphasis) Simply put, in our view these “formal considerations” and “severe qualifications” are the mandatory references to constitutionalized principles, aims, goals, objectives, values to be implemented: following this criterion, the options are still possibly different.

Historically, the “truth-tracking” approach in politics can be linked to a precise theoretical stream: Rousseau’s invitation to search for the “general will” and the “common good”, which has important reverberations in recent times: “the case for democracy rests on the argument that free discussion and expression of opinion are the most suitable techniques of arriving at the moral imperative implicitly common to all.” (Arrow 1963, p. 85. This page is also referred to in the formerly quoted passage by Rawls.) Such a Rousseauian approach can be found also in the view expressed by Frank H. Knight, one of the founders of the Chicago school of economics (also quoted in Arrow 1963, p. 85): “The principle of majority rule must be taken ethically as a means of ascertaining a real ‘general will,’ not as a mechanism by which one set of interests is made subservient to another set. Political discussion must be assumed to represent a quest for an objectively ideal or ‘best’ policy, not a contest between interests.” (Knight 1935, p. 296 fn.).

¹²⁹ Another example: “even rather mundane questions of local government seem to deeply intertwine many seemingly different types of questions. To know how regularly the bins must be collected we must know a complex set of facts about opportunity costs and negotiate with interested parties as to how they will be traded off. We must know the public health effects of uncollected bins, and also have some aesthetic sensibility for what our neighbourhood shall be like under various policy regimes. We must consider how we value the effects of noise and vehicle pollution. Etc. Whether answering all these questions and weighing their respective importance is best modelled as tracking a truth or finding out an epistemically correct answer can be reasonably doubted.” (Bright 2019, p. 4)

Yet, the concepts of the “general will” and “common good” in the Rousseauian sense are void, in that they can be easily manipulated, as far as they are not linked to the actual aims and values of democracy: a dictatorial nation’s “general will” can identify its “common good” in conquering and subjugating the Negro peoples,¹³⁰ while a democracy is respectful of other countries’ rights. “According to the epistemic populist, the ‘independent standard’ is a ‘general will’ or ‘popular will.’ A group has a general will if (1) the members of the group share a conception of the common good; (2) the members regard the fact that an institution or policy advances the conception as a reason for supporting it; (3) it is fully common knowledge that the conception is shared; and (4) the conception is consistent with the members of the society regarding themselves as free and equal.” (Cohen 1986, p. 34) The problem with such a disembodied view, or with any analysis disregarding constitutionalized democratic values, is that a strongly nationalist or supremacist conception of the common good which proclaims the racist superiority of one’s nation would satisfy all the four conditions – and that would not be democracy. Instead, according to a properly intended democratic theory, the “independent standard” is to be found in the (substantive) constitutional principles: their application in actual political choices and policy actions does not involve, generally, the realization of a phantasmatic “general will”, but the application of majority decisions.

Thus, in certain “epist-“ formulations, the missing link to the ethical/political contents of democratic constitutions is a source of (avoidable) problems.

Similarly, while trying to overcome a purely formal conception of democracy, the “epistemic proceduralism” (Estlund 2008), which insists on the need that democracies should look for procedure-independent *correct* ends, risks confusing (the search for) objective knowledge with the (relative) freedom of moral/political/ideological choices: this frame of reference is not explicitly anchored to the bedrock of constitutional values and aims, and therefore generates an added layer of inconsistent rarefaction in political theory.

In short: let us remember that science – not democracy – is, by definition, truth-tracking.

II.6.3. Condorcet does not apply to political choices

Some “epistemic” democrats have looked with interest at the possible use, to support their views, of the *jury theorem*, created in late 18th century by the French mathematician, philosopher and politician Nicolas de Condorcet: the theoretical effort aims at elucidating the probability of a group of individuals arriving at a correct decision, by majority vote, on a given question which allows only a true/false binary choice; obviously, only one of the two possible outcomes of the vote is correct. It is posited that each voter has an independent probability p of choosing the right option: if p is greater than $\frac{1}{2}$, i.e. any group member is more likely to vote correctly than not, adding voters to the group increases the probability that the majority decision will be right.¹³¹ The term “jury” says much: the reference is to a guilty vs. innocent alternative, *et tertium non datur*.

Even if it is proven that the maths of the theorem is coherent, and keeping in mind that political choices are seldom *binary*, except in case of yes/no referendums, the first objection

¹³⁰ Think of the “oceanic” masses that enthusiastically endorsed the Italian fascism in starting the colonial wars – a kind of decisions arbitrarily made by dictatorial leaders: “as totalitarian developments of Rousseau’s approach have revealed, the voices of state authority can at least claim to identify the common good without popular discussion”. (Kitcher 2011, p. 75) The structure of society and the state imagined by Rousseau was strongly top-down, as thoroughly explained and criticized by J. L. Talmon (1952), who elucidated the oxymoronic concept of “totalitarian democracy”.

¹³¹ Other stringent requirements are necessary for the theorem to work: all members of the group “vote independently of one another” (i.e. they will not try to influence each other) and “vote their judgment of what the right solution to the problem should be (i.e., they do not vote strategically)” (Anderson 2006, p. 11). These stylized conditions hardly exist in the messy world of politics.

immediately emerges: it is not clear “how we can know if people have a mean epistemic competence higher than 0.5”. (Martí 2006, p. 15)

Furthermore, commentators who recommend the use of the Condorcet jury theorem to sustain an epistemic conception of democracy have failed to notice that the correctness of the verdict from a jury, in a Condorcetian scenario, relates to *past* or *present* events; instead, political choices refer to *future* scenarios: it is tomorrow’s state of things that follows (at least in part) from today’s decisions. But the future is open and the directions which derive from a group of voters’ resolutions can be diverse but all legitimate and ethically/politically acceptable, as far as the approach and its results remain inside a constitutionally sound perimeter. Therefore, we cannot but repeat our criticism: believing that a choice procedure – any kind of process/voting arrangement – can foresee a unique *correct* outcome is a hopeless, inherently flawed endeavour.

Let us assume that all voters have access to impeccable data, that they are all very competent in the subject matter of the choice and that they are all absolutely honest and objective: that is, let us imagine that realistic, very frequent limitations and bias have no weight on the voters’ deliberations. Let us also assume that all voters have the same economic interests, and even very similar moral orientation and ideological penchant. Even under these unfeasible conditions, when the decision involves something more varied than a yes/no choice on facts, when it is *political*, i.e. when it concerns the *future*, there is no way to establish a supposed correctness or rightfulness of one option against the others. If sincere voters are asked to support one or more different policies, say, against unemployment – e.g. individual economic incentives to job-seekers vs. training/requalification courses vs. income detaxation vs. subsidies to prospective employers, or a more or less balanced mix of such interventions – the elegant Condorcet theorem is useless. Even if *a posteriori* one of the choices can be judged to have worked indisputably, one may imagine and argue that another course of action would have performed better. The factual correctness of multi-layered, nuanced choices – the policy/political ones! – cannot be easily settled in hindsight, let alone in advance. Decisions in a complicated societal dynamic may or may not lead to a desired outcome, and even alternatives which are apparently strongly opposite are all acceptable: two candidates who present programmes to combat crime may – simplifying – call for stronger punishment, or for better prevention; but a third candidate may argue that both policies should be pursued. A mixed approach can be put in place, and the results can be composite: any call to the imaginary *correctness* of one choice compared to the other(s) makes no sense. (We are afraid that Marquis de Condorcet may start feeling dizzy here...)

Indeed, strong theoretical efforts have been made to enlarge the scope of similar theorems – invented by Condorcet and other authors – relaxing their overly strict conditions in order to apply them to political decisions, where voters have more than two choices. Yet, we are afraid that such clever exercises are useless, insofar as they rely on the shaky premise that correct/true choices in politics are there to be discovered – while we stress again that such a frame of the issue is inconsistent. We can see this in a crucial consideration regarding the analysis of recent major democratic events: the authors take pain in discussing whether the result of the Brexit referendum and the election of Donald Trump were consistent with the expectations one would have if the Condorcet approach applied to those cases, but a crucial passage of their analysis is revealing: “the majority winner will be the outcome that is *correct from the point of view of* the interests, priorities or values of the majority of voters.” (Goodin, Spiekermann 2018, p. 336, our emphasis) This amounts to a quasi-tautology: we are told that whatever result is not correct *per se*, but relatively to the mindset and perspectives of the electorate. In other words, the correctness is in the eye of the voter: any attempt to establish a just outcome should rely not on objective, but on inter-subjective evaluations – amenable to be rationally discussed, of course – which are outside the true/false dichotomy or even beyond the widened generalization of Condorcet. The real world wakes us up: the quixotic search for *correctness* of choices should not guide our inquiry in political dynamics.

II.6.4. “Epistocracy” is not beyond, but against democracy

REDemo challenges two possible senses of *epistocracy*, i.e. the proposal of a political system – sometimes called *epistemocracy* – in which more educated people should have more power.

1. As for the *right to vote* (active electoral right or active suffrage), it should be “apportioned, to some degree, according to knowledge” (Brennan 2016b, p. 1); or steps should be created from single to “plural”¹³² votes, respectively for the unlearned and the cultured (Mill 1859, p. 25-27)¹³³. The idea must be rejected as inconsistent, due to its arbitrary equivalence “cultured = better or wiser” – leaving aside being unfair. A project ties the weight of the vote to a citizen’s “professional qualifications (such as certification as a doctor, teacher, lawyer, and so forth), employment status (such as being an administrator of a hospital, manager, or CEO), and level of educational attainment.” (Moyo 2018, p. 201) This perspective is certainly unpalatable to democrats: it is strongly epistocratic, without the author giving it this label. The rationale of such suggestion rests “on the assumption that excelling in these domains makes one more likely to make well-informed choices in the voting booth.” (Moyo 2018, p. 201). Yet, this belief is utterly ungrounded, both in theoretical and in empirical terms: a knowledgeable person can be more stubbornly biased than a less educated one (see Kahan, Peters, Cantrell Dawson, Slovic 2017). A similar call: “Raising the average information level of voters by truncating the lower tail of the education distribution is a practical way to raise the probability of getting *good* policy.” (Jones 2020, Ch. 5, Kindle position 1772, our emphasis) This is completely unwarranted: historically, in virtually every culture, most members of political oligarchies or dominant groups were certainly more educated than the poorer citizens (or subjects); this fact was no incentive to use their power in pursue of some common weal – however intended. Again, we can clearly see the failure to appreciate a basic logical and empirical difference, between “informed/knowledgeable/educated” and “good/right/just/wise”.

2. As for the *right to stand* (passive electoral right or passive suffrage), the law-making/ruling powers of sages should be legitimated by an institutional/constitutional redesign. An epistocratic hypothesis to constitute in democratic states a upper house (that would replace the Senate) as “a Sapientum, to coin a term – a council of the wise” (Jones 2020, Ch. 5, Kindle position 1583) insists on the (problematic) need to allow only knowledgeable voters to elect its members. Yet, this is a matter of active suffrage, while the passive suffrage side is ignored: it is not said who are those eligible to be elected to the Sapientum – the candidate Sapientors – and how they are pre-selected for candidature.

Thus, the two sides of a hypothetical “epistocracy” are frequently confused. A lack of clear distinction is apparent in a frequently quoted definition (by an author who apparently coined the word in this paper, but is not an epistocrat): “the better educated would rule more wisely, and should accordingly have more political authority in the form of having more voting power than others.” (Estlund 2003, p. 54) Indeed, knowers may be assigned more voting weight (call it improved active suffrage), but not be given the task to govern/rule; or an epistocracy theorist could maintain that *both* improved voting weight *and* authority to rule (passive suffrage) should be awarded to the better-knowers; or one could stick to the “one person, one vote” principle while insisting for an exclusive rule by the cultured (call it a democratic technocracy). Supporters of epistocracy are not aware that the two faces of the electoral coin should be clearly distinguished, when they argue that “[c]itizens have a right that any political power held over them should be exercised by competent people in a competent way” (with obvious reference to those who rule/govern) and to implement that right they call for restricting the suffrage “to citizens of sufficient political competence” (active electorate). (Caplan 2011, Abstract) The misunderstanding

¹³² The assignment of a value higher than one to the vote of certain citizens must not be confused with the *plurality* voting electoral system (“first-past-the-post” or “winner takes all”): see https://en.wikipedia.org/wiki/Plurality_voting.

¹³³ Estlund (2003, p. 54) dubs Mill’s position as “scholocracy”.

is not solved in a very recent text, where the author warns against the danger of “decisions made by an incompetent deliberative body” and reaffirms that “a minimal condition of a political decision being authoritative and legitimate is that it must be made by a reliable/competent body”. (Brennan 2021, p. 378-379) It is clear from the wider context of the paper that reference is being made to the need for an informed, competent electorate (active suffrage); yet, it is inadequate and misleading to talk about *decisions made* by voters: while they have an essential power in choosing the representatives, actual policies – except in case of a decision-making referendum – are decided and implemented by parliaments and governments (plus, to an extent, by independent agencies), the actual “deliberative bodies”. While one can easily agree that the electorate should be informed, the competence of the candidates and elected officials (the passive suffrage side) is overlooked here.

Epistocrats are definitely against democracy when they maintain that “citizens don’t have any basic right to vote or run for office. The right to vote is not like other liberal rights. A right of free speech gives a citizen power over herself; the right to vote gives her power over others.” (Brennan 2016b, p. 2). This is an interesting attempt to elucidate a theoretical basis for epistocracy: but it is unsatisfactory. First, free speech and the connected rights (press, assembly, etc.), although they are the domain of subjective judgements, display some power of the citizen over others, influencing them, impacting on their ideas and beliefs. Second, since political power will always be exercised in any society (except on Robinson Crusoe’s island, at least until Friday shows up), arrangements to connect the government and the people must be found: if democracy is chosen as the least bad system for living together, the right to vote is an indispensable tool for citizens to (contribute to) decide their own (political) destiny, not only that of others’.

With REDemo, the “expert/boss fallacy” is avoided, because the question to “the person who knows better”: “You might be right, but who made you boss?” (Estlund 2008, p. 40) has a straightforward answer: “Voters”. Consequently, there is no need to assess a problematic balance between an establishment of “limited” epistocracy and the risk to disregard full political inclusion of the public (Jeffrey 2017): in our system the better-knowers would be placed in (co-)power through the basic act of political inclusion, i.e. universal equal suffrage.¹³⁴

II.6.5. A problematic attempt to “enlighten” the voting system

Very recently, the theorization of epistocracy has tried to save the principle of universal suffrage. The focus is still on the ideally necessary, but in fact very scarce, competence of voters: how is it possible to reconcile the “one head, one vote” tenet with the need to favour more informed choices at the polls? To get out of the quandary, an ingenious yet complicated solution, called “enlightened preference voting” (the following citations – except where indicated otherwise – are from Brennan 2021, p. 379-381) is proposed. All eligible citizens are free to cast their vote, but their preferences will be weighed, privileging the ones made by people who show a better level of political awareness; the results are balanced with demographic factors, in order not to prejudice the views of the electorate’s weaker sections (i.e. the socially disadvantaged). “1. Give everyone a test of some aspect of political knowledge. Find out what they know. 2. Collect information about their demographics. Find out who they are. 3. Survey them on their opinions, beliefs, etc. Find out what they want.” In other words: “1. Take a 40-question, closed-book quiz on basic political knowledge. 2. Tell us their demographic factors. (Perhaps this can be set ahead of time on a voter ID card.) 3. Tell us their opinion on whatever the election is about, for instance, which candidate or party they support, or which position they take on a referendum.” Following steps:¹³⁵ 4. “Afterward, all the voting data is anonymized and made public.” 5. “The government then calculates – using methods that can be checked by any major newspaper and many statistically savvy researchers – what a

¹³⁴ Ironically, our fully democratic proposal is more adherent to the etymological meaning of the term “epistocracy”.

¹³⁵ The numeration of the passages by the author stops at 3. We added numbers 4 and 5 for the sake of our discussion.

demographically identical public would have wanted if it had gotten a perfect score on the quiz. In short, we calculate the electorates' enlightened preferences and implement those instead of their actual, unenlightened preferences.” This way, the author believes that the assessment of political/policy propensities would promote the best options (although every citizen will be eligible to vote, whatever the result of the quiz), without disregarding any portion of the population in an elitist, biased fashion.¹³⁶

The mechanism would not be simple to put into practice; in bigger countries with many millions of voters, at every round of elections, steps 1, 3 and 5 would imply enormous logistical challenges. Some difficulties are noted by Brennan himself: 1. The contents of the exam would certainly be contentious (“Who decides which questions go on the quiz?” The author hypothesizes that the test may be drawn up by a citizens’ deliberative assembly)¹³⁷; 2. The assessment of demographics is not always a plain task (“Who decides what the demographic categories will be?”): data for certifying age and gender are normally evident, while social/economic/ethnic strata are not so easily evaluated. Our additional remark: 3. Ascertaining political opinions implies that the interviewees answer sincerely, but pollsters know that often this is not the case. But our objections go much beyond the procedural difficulties: 4. Making the “voting data” anonymous *after* their collection seems to jeopardize – if not eliminate – the secrecy of the ballot; furthermore, a tendentially autocratic government, in weak democracies, would have access to a trove of personal sensitive data; that represents a big privacy issue; 5. The last step, i.e. the complex measuring of opinions, certainly implies strong qualitative elements of judgement: any method used to define and list the “enlightened” results would be problematic – dubious, for many observers; and, in less transparent democracies, easy opportunities to rig the electoral outcomes would ensue.

Most importantly: even weighting the votes, so that the orientations of the more informed parts of the electorate are preponderant, we should not forget that votes are cast to choose people, more than programmes. The author forcefully underlines this fact, even affirming that, when voting, citizens “are cheering for their team, not trying to discover the right answer” (Brennan 2021, p. 377). Thus, even if informed voters are allegedly (supposedly?) able to make better picks at the polls (and the mechanism would generalize the more “enlightened” dispositions for each demographic slice of the electorate, and in some way sum them to give the overall results), they will often be offered candidates who are scarcely qualified, although they may run on platforms which are attractive dream lists. Brennan is aware of this problem, yet he is optimistic: “the quality of the candidates on the ballot, the quality of the policies they espouse [...] depend significantly on the kind of voting system used and on the quality of the voters themselves. Parties want to win, and so the positions they push and candidates they forward depend on what they believe will help them win. Enlightened preference voting [...] will tend to ensure that all the choices that make it on the ballot are already better.” We agree only partially. As happens today in simple party politics, voters may want to support “good” policies, and let us suppose that the machinery to evaluate such clever leanings works well. Yet, we are afraid that the ameliorated system would hardly improve the quality of the political personnel. In fact, we know that elections in any democracy – whatever the voting system – imply, so to say, a *demand side* (what citizens want, who they elect) and a *supply side* (the programmes, the candidates): on this second aspect, the force of the various “Schumpeterian” biases and flaws that we have explained is too strong to be significantly reduced

¹³⁶ Thus, the author is cleverly trying to depart from full epistocratic positions he supported in the past; he even goes so far as to affirm that the voting system he proposes is “a better method for extracting the hidden wisdom of the crowd.” Whether this will convince deliberative democracy theorists is an interesting question – we are quite sceptical.

¹³⁷ Apparently, this is another significant concession to the lovers of public deliberation: Brennan understands that charging a group of average citizens with such an important task goes against what he has repeatedly and strongly argued as regards the ignorance and laziness of voters; frankly, his justifications for this arrangement are feeble.

by politicians who adapt to a more “enlightened” electorate. In other words, on the part of epistocrats there is still an influence from the aforementioned failure to clearly distinguish the two faces of the coin (active vs. passive suffrage) – a theoretical defect that, we acknowledge, is less sharp in Brennan’s very recent framework that we are discussing. Instead, under REDemo – as we will explain point by point later on – the quality of the scientific/expert candidates and elected officials, and of their parliamentary bodies, is expected to be much better, without the need to devise problematic and hard to implement reforms of the traditional voting systems.

A critic may object that our insistence on the supply side of electoral democracy leaves the demand side scarcely reformed: under REDemo, there are no robust proposals to improve the competence and skills of voters. We partially concur: while the “extended” side of the REDemo project foresees a deeper involvement of the public in the democratic dynamics, we do not offer strong ideas to advance the political literacy of citizens. In our view, the electorate is the decision-maker of last resort, and societal actors are given better possibilities to influence and control the policymaking processes; but our focus is more on the value of policies that scientific experts can provide if elected in their foreseen assemblies.¹³⁸

II.7. Citizens: equals in power, not in capability; or, against the sortition of lawmakers

Therefore, we fully reaffirm the “one person, one vote” cardinal democratic tenet: “each voter’s choice carries the same authorizing force, regardless of his or her substantive authority on the matters at issue. This is the beauty and horror of the universal franchise: no matter how ignorant, impulsive, or self-interested the voters, their votes each carry the same force of law. Even political theorists and science studies scholars get only one vote!” (Brown 2009, p. 208) Certainly, the idea of the equal political value of every person is an axiom which is based on a radically egalitarian and basically optimistic concept of human being; it may be criticised and even rejected: but we think that giving equal weight, in terms of their vote, to the university janitor and to the Nobel-winning professor, to the trainee pizza maker and to the starred chef, to the poor pensioner and to the wealthy magnate, to the anonymous “man on the street” and to the star of entertainment or sport, is an essential and non-negotiable affirmation of the dignity of each citizen. Indeed, “the democratic ideal thinks in terms of government of the humble, by the humble, for the humble, everywhere, any time. Its universality, the applicability of this ideal across borders, in a wide variety of settings, whether in South Africa, China, Russia or the European Union, stems from its active commitment to what might be called ‘pluriversality’,” that is “the yearning of the democratic ideal to protect the weak and to empower people everywhere, so that they can get on with living their diverse lives on earth freed from the pride and prejudice of moguls and magnates, tyrants and tycoons.” (Kean 2008, p. 855)¹³⁹

Although embracing this fundamental principle,¹⁴⁰ we appreciate some well-argued contestation of elections as a malfunctioning feature of democracy: but we don’t share the idea that it could be fruitfully replaced by sortition of representatives from the general public through a lottery system. For democracies this approach presents some advantages, which, however, are

¹³⁸ The reasons why we believe that this is the crucial point for a renewal of democracy – much more than the maturity of voters – will be further explained in the following chapters.

¹³⁹ Quoting Thomas Rainsborough, leader of the Levellers during the English Civil War (1647, original transcription spelling): “For really I think that the poorest hee that is in England hath a life to live, as the greatest hee; and therefore truly, Sr, I think itt clear, that every Man that is to live under a Government ought first by his own Consent to put himself under that Government; and I do think that the poorest man in England is not at all bound in a strict sense to that Government that he hath not had a voice to put Himself under.” https://en.wikipedia.org/wiki/Putney_Debates

¹⁴⁰ The rigidity of the principle may be given some flexibility through opportune fine-tuned arrangements, such as instant-runoff/ranked-choice forms of voting: see the chapter *Some hints to procedural matters*.

eclipsed by several theoretical, practical and institutional difficulties: we briefly list these positive and negative issues, making a comparison with the REDemo project.

It is true that the random selection of lawmakers would save societies a huge waste of human and financial resources: “Electoral campaigns easily lead to unnecessary polarization between candidates, unfounded election promises and hostility between groups. Such social costs disappear when the choice is made by a neutral mechanism that is not susceptible to influence.” (Engelstad 1989, Ch. II, Kindle position 4544) We underline that REDemo offers a design for the election of scientific assemblies in which such downsides are minimized, since each candidate presents herself to voters as a single proposer (no conflict is foreseen inside/among parties) of a precise programme, in competition with colleagues in similar areas (economics, justice, bioethics, etc.) but with a prohibition on negative advertising.¹⁴¹

Proponents of lotteries to nominate representatives point out another benefit: “The incentive for pork barrel activities in order to secure votes would no longer be present since random selection would be independent of geographic base” (Mueller, Tollison, Willett 1972, Ch. II, Kindle position 1165). As we have already specified, this is a plus of our proposed Rationalization of democracy, in which a sole district for electing public scientists, at national level or in restricted geographical areas (depending on the scope of the round of elections), would also evaporate gerrymandering trickery.

A first difficulty emerges from the design and workings of bodies composed of people drawn by chance, as they relate to traditional ones. According to one proposal: “1. The legislature would have two chambers, one consisting of elected representatives and the other a ‘sortition assembly’ of randomly selected citizens. 2. The two chambers would have equal powers, each being able to initiate legislation and vote on legislation passed by the other chamber.” (Gastil, Wright 2018, p. 304) It is easy to see that such institutional arrangements may involve inconvenient blockages: “Tension between two chambers with veto power might result in political deadlock” (Vandamme et al. 2018, p. 386) What if the two chambers disagree on a bill? No idea to solve the impasse is offered. Also under REDemo the two parallel elected bodies (the party-political and the scientific) may not find a shared position on a draft law; but our model, going beyond the perfect bicameralism, prefigures the solution, which is an aspect of the Extension of democracy: a decisional referendum.¹⁴²

A second problem arises in particular if service is ruled as mandatory: many lives among the representatives drawn and forced into the mechanism would be disrupted. Employees who are on leave may have their jobs secured by regulation, but shop owners, professionals, and various kinds of entrepreneurs would be seriously damaged: “One difficult segment to recruit might be those individuals for whom extended time away from work poses special hazards. Consider those who run small businesses or maintain a thriving freelance practice. In such cases, the individual recruited for sortition may be irreplaceable. Time away from work could force the business to shut down or force their clients to seek services elsewhere. Restarting a practice or business after two to four years of service might prove impossible.” (Gastil, Wright 2019, Ch. 17, Kindle position 5331) Stating that every citizen must be available for office means imposing a heavy civic duty: most lottery theoreticians do not seem to realize that a citizen who is selected against her will has every right to be excused. On the other side, if only volunteers make up the lists from which public officials are drawn, the risk is that those groups will be full of self-interested lobbyists, polarized activists and all kinds of extremists with controversial agendas. A possible solution may be running

¹⁴¹ I.e. the smearing and vilifying of competitors is forbidden: see the chapter *Reducing political frenzy, balancing powers in a better way*. Yet, some positive aspects of negative campaigning have been highlighted: it may convey valuable information, not otherwise revealed – provided that the voter is able to distinguish between baseless and credible attacks. (Mattes, Redlawsk 2015)

¹⁴² We admit that such a remedy could be applied also to resolve the stalemate in a bicameral system with one elected and one randomly selected chamber.

a name lottery comprising every eligible citizen, then giving the “winners” the possibility to refuse the appointment. We underline that, under REDemo, such a problem does not occur for the scientific assemblies, whose elected members – who voluntarily made themselves available to be candidates – would keep their positions in public research institutes, returning to their jobs at the end of the mandate.

Supporters of sortition – this is our third comment – often insist on the necessity to institutionalize a frequent rotation of lawmakers: the need to avoid the formation of partisan groups and the desire to introduce new faces are underlined. Yet, if legislators serve only one term, “this would cause the problem of perpetual ‘rookie’ legislators.” (Mueller, Tollison, Willett 1972, Ch. III, Kindle position 1210) This argument against the frequent use of lots partially applies to REDemo, since elected experts who replace colleagues after one or two terms – thereby assuring turnover of representatives – may be novices to lawmaking (as the incumbents were at the beginning): yet, they possess specialized skills in the same field, which makes their legislative debut smooth, allowing a trouble-free passing of the baton; furthermore, their high intellectual level should allow them to become easily familiar with the regulations and procedures of the law-making and governmental bodies.

The former point is linked to our fourth comment. Evidently, legislators selected by lottery have no programmes: thus, a number of citizens are chosen as representatives *to do what?* This absence of platforms is candidly recognized: “a sortition legislature comes into being without a fixed agenda.” (Gastil, Wright 2018, p. 311) Actually, these lawmaking officials have no agenda at all: they find themselves catapulted into a position of power and only then they are supposed to start wondering what policies or actions they may like to get involved in, and in what sector of government. It looks like a bizarre scenario, in particular if applied at national level, however small the country might be. No programmes also means a lack of accountability: the public has very limited grounds to judge their representatives’ work, since there are no promises or pledges to be used as a reference.¹⁴³ In other words, the combination of sortition with the absence of preliminary policy plans generates an unacceptable outcome for the scarce democratic standard of the hypothetical law- and decision-making assemblies: their members are not accountable. They have not been elected and are not required to pursue foreseen objectives, to keep faith to declared commitments: the people have been barred from expressing any preference or indication, hence the mandate of the representatives is void, non-existent. Even if a regular interface with the public is established, there is no basis – apart from blatant misconduct – for the citizenry to challenge the components of randomly selected bodies, since by definition any policy platform is absent.

These considerations are linked to the fifth issue that we see with sortition of lawmakers: supporters of random selection invariably affirm the need to create an actual image of the society. The principle of “descriptive representation” is steadily advanced, i.e. the composition of those bodies must reflect the varied social strata. Such a strong stance has reasonable motivations, in that its aim is to avoid the sortition chambers being an expression of the privileged – in particular rich and powerful elites. Yet, the quasi-dogma generates strident paradoxes: sortition may select citizens who are evidently unfit for the job, e.g. “a high-school dropout with a learning disability” (Malleson 2018, p. 410). “Should the sortition body exclude candidates on the basis of tests of minimal cognitive competence or diagnoses of serious mental illness?” (Gastil, Wright 2018, p. 313) Just finding ourselves in the condition of asking such a question sounds bewildering,¹⁴⁴ but the conundrum is grounded in a precept of lottery proponents: “The sortition chamber faces a trade-off

¹⁴³ In the literature on sortition legislatures, which has been growing in recent years, to our knowledge no clear and explicit reference to constitutional values and aims can be found: here and there, one may notice a hint of the “common good” that parliamentary members randomly drawn from the population should pursue; but the theory here is severely lacking.

¹⁴⁴ It is worth quoting a sarcastic remark – although a bit derogatory: “no one would argue that morons should be represented by morons.” (Pennock 1968, p. 11)

in that it could impose some basic competency requirements (e.g., basic literacy, or a high-school diploma) to prevent the worst problems of incompetency, but that would also reduce the descriptive representativeness of its membership.” (Malleon 2018, p. 411) The dilemma originates because some scholars are abstract levellers, fixated on this untenable desire of making the legislative chambers a perfect mirror of the citizenry, hoping to escape “the iron law of oligarchy” (the famous expression was coined by Roberto Michels in 1910) – which, it must be recognized, too often dominates also in democracies. But, in our opinion, the poor and marginalized do not need uneducated people in parliaments, where they would be like fish out of water, at the mercy of unaccountable bureaucrats and staffers; they need knowledgeable, competent representatives who carry forward (also) the interests of disadvantaged social groups, in the light of the constitutional beacon. This is a basic tenet of the REDemo reform. If many of these representatives are wealthier than their average voters, as may happen, should we really care?

Here we advance our main criticism of the sortition project: the issue of the *competence* of citizens who are supposed to make laws and govern once drawn by lot is not solved: occasional references to the help that experts can give to these officials is ephemeral. Yet, suppose the lots “selected” a plumber, an advertising agent, a professional singer, a truck driver, a shop assistant; these people, who certainly have abilities in their jobs, are supposed to decide on economic policy, health care reform, mega-infrastructure planning, agricultural biotechnology regulation, tax budgeting and the like: it is impossible to see how they can make skilled decisions, in any imaginable sense of the term – however eager to do well they may be, and even if assisted by specialists as mere consultants. Consideration of this problem is conspicuously missing – *inter alia* – in a detailed proposal of lawmaking by multiple bodies (composed of citizens selected by lot) with tiered, intertwined levels of decision-making: experts are summoned only as “witnesses” or allowed to participate as volunteers for drafting laws – without any priority over admittedly “incompetent” citizens (Bouricius 2013). Such a recognized “drawback” may be mentioned in passing by supporters of sortition in selecting public officials, e.g. with a hint to “the inherent amateurism of politics conducted by magistrates appointed through lottery” (McCormick 2011, chapter 7: Lot, Election, and a Typology of Regimes, p. 174): but the argument is not thematized; instead, we see the problem of unskilled legislators and rulers – whether elected or otherwise designated – as a *paramount* one for democracies.¹⁴⁵

This point is worth a little more discussion. With reference to studies from the advocates of sortition, its basic philosophy is nicely summarized: “the use of random selection in politics presupposes that every individual possesses sufficient common sense and *civic competence* to participate in decision-making.”¹⁴⁶ (Talpin 2020, Introduction, Kindle position 9246, our emphasis). Yet, the deficiency in this view is that *civic* competence is not enough: lawmaking and governing require deep technical, sectoral skills; and, again, the need for such fundamental capabilities and expertise is overlooked by the lovers of lotteries. Ironically, this objection has been put forward by a champion of deliberative democracy, who is otherwise sympathetic to the good faith of sortition boosters: “The modern legislative process involves numerous technical questions. It is highly

¹⁴⁵ The proponents of sortition as a fair method for the appointment of public officials do not always intend that those drawn are in charge of law- and policy-making: “random selection makes its strongest contribution when it selects citizens to function as impartial guardians of the political system. This means selecting citizens at random, *not to make policy or enact laws*, but to protect the integrity of the political process” (Delannoi, Dowlen, Stone 2013, p. 8, our emphasis) In this sense, the lack of sectoral competence and expert skills in these imagined modern Guardians seems to be less important: but their actual role is far from clear.

¹⁴⁶ The inherent virtue of citizenry is optimistically indicated: but the hope in “common sense” is not accompanied with a caveat regarding the strong, sometimes overwhelming, prejudices and biases which too often are the curse of human reasoning.

complex. Legislators who are unprepared are left in the hands of staff and lobbyists.”¹⁴⁷ (Fishkin 2018, p. 364)

Historically, such a basic remark regarding the absurdity of considering any person as fit for lawmaking, irrespective of her competency, dates back to that same Athenian environment which is so lauded by proponents of sortition. Xenophon (*Memorabilia*, 1.2.9) relates one of the accusations moved against Socrates, who insisted on “the folly of appointing public officials by lot, when none would choose a pilot or builder or flautist by lot, nor any other craftsman for work in which mistakes are far less disastrous than mistakes in statecraft.”

(www.perseus.tufts.edu/hopper/text?doc=Xen.+Mem.+1.2.9&fromdoc=Perseus%3Atext%3A1999.01.0208)¹⁴⁸

If we agree that not everybody has the skills to make laws, on what grounds can society suitably select those who may be expected to govern in the public interest? One of the rare passages, in the lottery literature, where the issue is pointed out, acknowledges “the hazard that a sortition body would produce incompetent officials. [...] Sortition is not a competence filter, but the other selection modes all share this problem. Only *certification* can pretend to ensure competence, on the condition that its test criteria are ‘sound’ – though in whose judgment?” (Courant 2019, Ch. “Modes of Selection”, Kindle position 3642, our emphasis) The author defines “certification” as “a mainstream selection process (for universities, civil servants, and so on)”, thus facilitating our answer to the crucial question: under REDemo, the “competence filter” is based on the fact that public scientists have undergone a series of exams to advance in their academic career – a *certification* path.¹⁴⁹

To clarify: remembering the meaningful distinction between active and passive suffrage, the (normative) political equality of citizens in the former must be confirmed, and the necessary, inescapable equality of each person in the latter is accepted in mainstream democratic theory: every citizen has the right to stand for office. But, if this last prescription looks for its justification in the alleged equality of candidates in terms of their competence, it is falsely based on a strikingly unrealistic stance. Indeed, there is a misunderstanding about the meaning of the concept of “capability”: “As Jacques Rancière says, the power of the people is ‘the equality of capabilities’ to occupy the positions of governors and of the governed.” (Courant 2019) Instead, we should keep distinct active suffrage from passive suffrage: according to the former, voters are equal in their civic right to elect representatives; yet, considering the latter, equality does not make a person competent (“capable”) as to be fit for office (although in democracies, at least in theory, a political career is open to anybody). There is in fact an undeniable asymmetry between the two domains and trying to force an absolute balance of the two sides of the issue amounts to dogmatic ideology. In other

¹⁴⁷ The use of sortition could make sense at local levels, for citizen panels or mini-publics devoted to the debate on certain specific issues, or even for a part of the public offices – e.g. some town councilors may be drawn by lot. Someone who finds herself suddenly placed in a city council may suffer the appointment as time- and energy-consuming, but most people – after a training period – can easily deal with tasks such as local taxes, traffic policy, land zoning and the like. It must be recognized that national politics is something else, involving e.g. delicate foreign affairs, a stratified bureaucratic machine, several levels of public schools, big infrastructure, extremely complicated financial accounts, etc.

¹⁴⁸ Proponents of sortition to be used for the random selection of legislators correctly point out that, from Aristotle to Montesquieu to the French and American revolutionaries, elections have been considered an “aristocratic” way to appoint public officials, while lotteries have always been a “democratic” method (Van Reybrouck 2016, chapter 3). Yet, it is seldom noted that, in the much-praised Athenian system, some top-level magistrates (e.g. the *strategoï*, military chiefs) were not chosen by chance, but elected by the people: a clear recognition that robust skills were necessary to cover certain higher offices, and that the mechanism of lotteries was inadequate in those cases.

¹⁴⁹ More on this point in the chapter *Legitimacy*.

words: “Voters and eligibles require different kinds of competence. Eligibles must have issue competence, that is, the ability to choose substantively good policies.¹⁵⁰ In Bentham’s language, they should have the moral aptitude needed for the choice of ends and the intellectual aptitude needed for the choice of means. Voters must have voting competence, that is, the intellectual aptitude to recognize issue competence in others.” (Elster 2013, p. 239)¹⁵¹

A critic may possibly point out that our scepticism regarding the virtues of common people as possible legislators seems to contradict our push to increase the tools of direct democracy: therefore, we need to reaffirm our basic distinction between the two interrelated parts of our proposal, viz the Rationalization and the Extension of democracy. The insertion in the scientific bodies of the legislative-executive framework – its *rationalization* – is reserved to public scholars, because they possess sectoral skills that qualify them to run for office: the rationale of such a reform is that we, the people, are willing to take advantage of those qualifications (with our taxes we paid to create them!); we want to exploit that varied expertise, which is now underused in policymaking. At the same time, on a different level, we call for the *extension* of democratic institutions, consisting in a wider and enhanced participation of the public as able to propose to the two chambers (party-political and scientific) hypothetical laws and governmental actions on specific issues and to approve or fail them in reasonably regulated referenda (in Figure 4¹⁵² we show those two possibilities, respectively at the beginning and at the end of the legislative process.

Thus, we think that the sortition of representatives to fill the higher legislative-executive offices should be rejected: among other questionable points, political lotteries are blind to an indispensable need for democratic polities to thrive: the competency of lawmakers.

One can remark that also elected politicians are often desperately unqualified; we concur: it is actually a major problem addressed by REDemo. What we have dubbed the fourth shortcoming of democracy, i.e. the frequent lack of sectoral skills on the part of officeholders and/or their misuse of expert advice, can be reduced through the popular choice of scientists who will be available to give their direct contribution in policymaking – the *rationalization* of democracy.

II.8. No technocracy, no Platonism

Our proposed framework is not a technocracy, intended as “a system of governance in which technically trained experts rule by virtue of their specialized knowledge and position in dominant political and economic institutions.” (This classical definition, in Fischer 1989, p. 17, refers to Meynaud 1964). The basic double difficulty with such a concept is that not only are these (imaginary) law-makers and rulers not elected, and therefore lack democratic authorization, but it is not specified how they are to be placed in power, i.e. whether they should be (self-) appointed, through what procedures, and for how long.

Historically (see Dusek 2006), even before the word was coined, some Positivist thinkers of the 19th century (Saint-Simon and Comte) imagined replacing politicians with social scientists: yet, an elaborate institutional structure that was actually designed, i.e. Saint-Simon’s triple ruling chambers consisting of scientists, artists, engineers and captains of industry, never became reality. After enjoying limited fortune in the first decades of the last century, when the term indicated the foreseen rule by specialists of societal planning (mostly engineers, in Thorstein Veblen’s view), the concept shifted from (the desire for) steering by experts to the real world of technical bureaucrats

¹⁵⁰ The REDemo perspective is more prudent and democratically sound: scientific eligibles will hopefully propose to voters what they think are good policies – in the light of constitutions. Yet, on the party-political side, this is a popular/naive idea of democracy: Schumpeterian motivations may be prevalent.

¹⁵¹ “As most citizens have sufficient ability to choose, though unqualified to be chosen, so the people, though capable of calling others to an account for their administration, are incapable of conducting the administration themselves.” (Montesquieu 1748, Book II, Chapter II).

¹⁵² See the previous chapter *Graphic explanations*.

and scientific advisors, who very often influence policies without being the actual law- and decision-makers. Therefore, “[i]t is not the technocrat who ultimately holds power, but the politician.” (Bell 1973, p. 360). This is confirmed even in recent years, when the concept has undergone a slight but significant change: “technocratic” is the adjective used to indicate *executives* (cabinets) which see, to a greater or lesser extent, the presence of individuals who are not party representatives (McDonnell, Valbruzzi 2014). The appointment of non-politicians as premiers and ministers,¹⁵³ compared to members of parliaments and parties, is more recurrent in semi-presidential and presidential democracies (Neto, Strøm 2006). Yet, even where “fully technocratic governments – composed of all non-partisan, expert ministers and headed by a non-partisan prime minister” (Costa Pinto, Cotta, Tavares de Almeida 2017, p. 7) occur, the *legislative* branch is all and only party-political.¹⁵⁴ Such a hybrid situation is far from being institutionally stable: in parliamentary democracies, in particular, the legislative still leads the game, and also technical governments depend on the waves and moods of Schumpeterian-minded majorities.¹⁵⁵

This interestingly varied scenario has limited relevance for REDemo: we do not call for a technocracy, i.e. rule (in the executive and/or the legislative) by *unelected* sages, to be based on some – non-existent – neutral and unpolitical rationally correct mindset.¹⁵⁶ Nor do we foresee law-making and governing by elected scientists alone; there would once again be a lack of equilibrium: by what other institutional actors would the omnipotent experts be counterbalanced? In our idea, the scholars – who are duly elected, not appointed – will have a real say, although, in keeping with the democratic principle of the balance of powers (finally fully applied), their proposals – which make reference to constitutional aims – will be assessed, amended, and even rejected, by the other legislative actor and widely discussed by civil society stakeholders; and if necessary, in the last resort, use will be made of the electoral body.¹⁵⁷

In today’s relationship between expertise and politics there is – according to some scholars, there must be – “fear of letting experts *usurp* that part of decision-making which should be truly political.” (Jasanoff 1990, p. 9, our emphasis). The mantra is *scientia ancilla politicae* (“science at the service of politics”)¹⁵⁸: if we keep repeating this asymmetric dogma in the current context, there

¹⁵³ Here we can comprise the limited and temporary exception of “caretaker” cabinets.

¹⁵⁴ In the recent, growing scholarly interest for technocracy (see e.g. various papers in Bertson 2018), this important point is overlooked.

¹⁵⁵ Let us see a clear example of the dependence of the executive on the legislative. In Italy, a purely technical government was led by Mario Monti from November 2011 to April 2013, in the midst of a terrible financial crisis: it was not just a “caretaker” executive, since it was tasked by President Napolitano to outline a strong and ambitious program of major economic-financial reforms. The party-political parliament had to accept *oborto collo* a number of laws and governmental acts, some dictated by a state of emergency, some much wider in scope; once the situation (partially) recovered, the politicians voted Monti out and retook control, establishing a wholly “political” new cabinet. (See Bosco, McDonnell 2012 and Di Virgilio, Radaelli 2013) Our point is not to assess whether Monti’s government made good or bad policy choices, but to indicate a case of (natural, in a parliamentary regime) dependency of a technocratic *executive* on a party-political *legislative*.

¹⁵⁶ “Technocrats agree that ‘politics’ should be replaced by ‘rationality’, but on practical issues they may rarely agree which policy is uniquely ‘rational’.” (Putnam 1977, p. 408)

¹⁵⁷ We do not discuss here the problematic idea of “collective wisdom”, which has a tenuous link with an Aristotelian quote (Landemore 2012), as opposed to the more traditionally persistent notion of the “madness of crowds”. We simply stick to the basic concept of the people as the ultimate decision-maker.

¹⁵⁸ We hope that Latinists do not take exception to our modified paraphrase of the precept of medieval scholastic philosophy, *scientia ancilla theologiae*: Thomas Aquinas [1274] Summa

seems to be no way out. REDemo changes such a perspective because, endowed with a popular mandate, experts may set aside the uncomfortable clothes of counsellors to the prince: they can present their policy proposals on the same level as party politicians.¹⁵⁹ Elected scientists need no longer fear being accused of “getting political”¹⁶⁰ and are no longer compelled to always defer to the changing orientations of the decision-makers, i.e. forced to be hostage to politicians’ chess game in consent-seeking. Concerns about scientists “usurping” the role of policymakers lose significance. Pundits who are not elected but appointed to advisory committees deal with “bosses” who speak the same language.

Thus, REDemo solves a problem related to the behaviour of experts involved in policy, that was pointed out a century ago: “the experts will remain human beings. They will enjoy power, and their temptation will be to appoint themselves censors, and so absorb the real function of decision. Unless their function is correctly defined they will tend to pass on the facts they think appropriate, and to pass down the decisions they approve.” (Lippmann 1922, p. 384) We are now in a position to reject the shaky proposed solution: “The only institutional safeguard is to separate as absolutely as it is possible to do so the staff which executes from the staff which investigates.” (Lippmann 1922, p. 384). Indeed, with REDemo that mandatory separation is eschewed, in that perspective options from candidate experts emerge transparently and are submitted to voters, while the dynamics of decisions taken by elected experts is constantly in the public eye.

In this sense, our project avoids the democracy-technocracy dilemma, which is so often embarrassing for analysts, who feel pressed between a rock and a hard place: “Policymaking in a democracy must be political – that is, legitimized by popular support rather than by technical analyses.” Yet, “we have drawn the line in the wrong place, leaving too many policy decisions in the realm of politics and too few in the realm of technocracy.” This will no more be an “admittedly deviant thought” (all quotations from Blinder 1997, p. 116), if technically informed choices are offered by specialist candidates and sanctioned by voters.

Therefore, REDemo is by no means a revival of the Platonian fantasy of philosopher rulers.¹⁶¹ Several essential differences should be clear: 1. Experts are elected (not selected – by

Theologiae, 1 P., tr. 1, quaest. 6. Human knowledge was valid and licit if and to the extent it was at the service of “divine” knowledge – theology.

¹⁵⁹ A little proof of the asymmetry which governs the current relationship between decision-makers and expert advisors is the recurrent recommendation to the latter from their experienced colleagues: “Be humble”. We are not aware of any set of instructions in which politicians are invited to show humility when dealing with scientific advisors.

¹⁶⁰ Exasperated by the alleged anti-science attitudes and governmental interventions of the Trump administration, many thousands of scientists and science advocates took to the streets in the spring of 2017, organizing a “March for science” in several towns – mostly in the USA; beyond the expected negative reaction from much of the conservative media, this kind of protest was also disapproved of by commentators who were otherwise sympathetic to the cause: the foreseeable objection was that the trust among most of the public in the non-partisan nature of science was jeopardized by strong stances which were clearly political (see e.g. Nisbet 2017, with references). In a REDemo environment such outbursts would likely be unnecessary, because scientists would have a robust institutional channel through which they could advance their reasons, much more effectively than with loud contestation; and the political moves of elected academics would be fully legitimized. Indeed, it must be noted that, after a boom in the first year, the success of the following marches decreased sharply; we believe that this is the unescapable destiny of similar initiatives, if they do not translate into permanent institutional changes.

¹⁶¹ “Inasmuch as philosophers only are able to grasp the eternal and unchangeable, and those who wander in the region of the many and variable are not philosophers [...] Whichever of the two are best able to guard the laws and institutions of our State – let them be our guardians.” (Plato, c. 370 BCE, Book VI, 484B-C)

whom? – via improbable training); 2. Elected scientists are in parallel and share power with party-politicians (they are not the only legislators/rulers); 3. The people is the democratic sovereign (there is no fear of mob rule that should be prevented by an oligarchic government); 4. Elected experts – as should be the case for other officials, and indeed for any institutional body, even non-elected – are bound to pursue constitutional objectives (they do not rely on supposed moral virtues which are considered typical of good philosophers).

This clarification should avoid REDemo being given the negative label of “democratic Platonism, or the idea of neutralizing the wrong while at the same time avoiding making the few the only political experts” (Urbinati 2014, Introduction): while we are confident that the active presence of elected scientists will neutralize some “wrongs” (mostly in pushing for constitutional “goods”), they will certainly not be the only political actors.

II.9. Scientification of politics: a shaky concept

Our reasoned rejection of technocracy challenges the not-so-clear notion of “scientification” (or “scientization”) of politics, allegedly an important issue for some scholars: this expression can be used in a lighter or stronger sense.

1.

The less stringent meaning of the term indicates (with disapproval) that, as may happen, different groups of specialists struggle excessively in endorsing their conflicting advice: we are invited to be aware of “the degree to which the policy expert can (and often does) *complicitly* join the political fray.” (Fischer 1989, p. 173, emphasis added). Under REDemo, such a concern would find a democratic solution, in that candidate scientists will transparently recommend certain options instead of others and will be able to (try to) implement them if elected. This way, experts will not incur the risk of being “complicit” in dubious, more or less covert advocacy.

2.

“Scientification of politics” can have also a stronger significance. Commenting on the increase in research and scientific consultancy undertaken at the order of the state, which has occurred since the end of World War II (presumably in the West), Jürgen Habermas states that “the dependence of the professional on the politician appears to have reversed itself. The latter becomes the mere agent of a scientific intelligentsia” (Habermas 1964, p. 63). Stunning words, given that the sweeping statement is not supported by any data or examples, so that the reader wonders in amazement where the author has ever seen political decision-makers abdicate their position in favour of pundits. On the contrary, the empirical research of recent decades tells us that the two categories are not at all balanced, do not have the same decision-making authority; today as yesterday, any delegation of some powers is entrusted to the unchallengeable assessment of those in office. This inescapable dynamic is clear: “science plays an increasing role in defining the problems for which it is then called to give advice about once these problems are on the political agenda.” (Weingart 1999, p. 155)¹⁶² Thus, scientists (sometimes) define a problem; it may be included in the

¹⁶² Note that the author was discussing Habermas’ position, of which the quoted words are – maybe inadvertently – a clear refutation. Instead, we agree that “many issues which are put on the political agenda are a product of perception through science.” (Weingart 1999, p. 155) The author gives ozone layer depletion as one example of issues raised by scientists, which has generated major international policy action, i.e. an effective legal-political treaty – the Montreal Protocol (see UNEP 2014). This may be seen as a strongly positive, but fairly rare, case of the influx of scientific advice on politics; yet, it may be that science was not at the helm of such a major policy action: “this outcome grew out of a fortuitous confluence of scientific controversy, politics, economics, and international diplomacy.” (Sarewitz 1996, p. 92)

political agenda; and only then experts are (may be) called to give advice. We are very far from the fictional view of technicians as actual rulers, Habermas-style.¹⁶³

Thus, office bearers, although influenced by several stakeholders, *are* the primary decision-makers: “government and legislatures are the most relevant actors in the political stream – because ultimately these are the actors who have to adopt a policy change.” (Herweg, Zahariadis, Zohlnhöfer 2017, Ch. 1, Kindle position 630) This basic fact was already clear to scholars in the 1960s: “ultimately authority is with the politicians but the initiative is quite likely to rest with others, including the scientists in or out of government.” (Price 1967, p. 68)¹⁶⁴ The inputs from science – and society in general – are filtered through the Schumpeterian lens of the incentives and motivations of those who make the actual choices, who are too often deaf or indifferent to requests which it is in their interests to ignore. If this institutionalised imbalance among the three protagonists – politicians, scientists, societal bodies – is not set right through opportune partial, but radical, interventions, as we propose, the discriminating element which makes the real (unfair) difference will remain at work: i.e. the concentration of power in the hands solely of the traditional decision-makers; and hard luck to civil society which often goes unheard and to a class of experts and academics who are disregarded one minute and manipulated the next.

In conclusion, “scientification of politics” *stricto sensu* does not exist: there is no experience of scientists replacing legislators and rulers (in democracies or otherwise).¹⁶⁵ Not even an example of symmetry between the decision-making power of politicians and a same-level scientific counterpart can be found. Indeed, the creation of such an institutional level playing field in which traditional officeholders and elected experts can act with the same authority, with the citizenry as a reinforced protagonist as well, is exactly what the REDemo project calls for.

II.10. Legitimacy

In our view, the formal legitimacy of the new scientific legislative-executive power comes from an appropriate change of the constitution of the country involved, perhaps to be confirmed by a referendum.

Although the institutionalisation of the new power is established in constitutions, a critic may note that the academic candidates come from within their own organisations, however public or quasi-public they may be, before being elected by citizens, who therefore seem to have only a second level choice. But lists of candidates offered by parties are made up according to their freely established criteria: for instance, candidates are selected through primary elections or other more or less inclusive, (semi-)democratic procedures (Spies, Kaiser 2014). The choice made by the electorate is always “second level”, but no less legitimizing because of that. And it must be remembered that, in a democracy, it is not always the election of representatives that gives authorization to a particular institution; magistrates, who are members of the third power of the state in accordance with the classical concept, in most cases are not elected but co-opted or appointed,

¹⁶³ Habermas’ text cited here dates back to the beginning of the 1960s: who knows if today the author would argue the same unrealistic point of view; in the meantime he might have read Downs, Buchanan, Olson...

¹⁶⁴ To be clear, Price was stressing the second part of his statement, meaning that experts in the 1960s in the USA were assuming more and more influence; on our part, instead, we underline that the first part of the phrase is what counts, i.e. that the real decision-makers are the elected officials. Price’s excessively optimistic view as regards the soft power of scientists as government advisors was actually criticized (see Bernal 1966).

¹⁶⁵ A partial exception is given by the existence of so-called independent authorities: yet, the delegation of power by legislators to expert autonomous bodies for the regulation of specific socio-economic sectors is seldom clear-cut and the scenario, even inside single countries, is composite. See the following chapter *Independent Authorities as partial “experiments” in Rationalized Democracy*.

and usually enter the profession through public competitive exams, just like university professors: they enjoy full democratic legitimacy though. Scholars at universities or in similar institutions are a legally well-identified category, in which co-opting takes place through public competition, in accordance with the terms established by the law:¹⁶⁶ while this procedure provides legitimacy to experts at a professional level, it may also act as a preliminary base for the justification of an official role which a certain number of academics, with a fixed-term mandate and adequate rotation, could cover in legislative and executive bodies.

Even the independent agencies/authorities, besides the quite different procedures through which their bodies are composed in various countries, see their top officials not elected by universal suffrage, but rather appointed on the basis of mixed technical and political considerations: nonetheless, these boards of experts, which regulate and supervise very delicate economic and social areas (from monetary policy with central banks, to competition oversight, privacy, energy, telecommunications, and so on) are legitimately included in the institutional mechanisms of many democracies.¹⁶⁷

Moreover, the fully rational legitimacy of the *current* institutional framework for democracies is questionable. The clear inability of the present law- and decision-making democratic architecture in facing enormous problems, above all environmental ones, in a timely manner – i.e. with the necessary, compelling urgency – challenges the existing legislative/governance structure and imposes the need to trace new routes: REDemo stems from such concerns. “[T]he capacity to solve problems that threaten the physical and social security of citizens is a central and important source of democratic legitimacy. Call this the ‘public utility’ view of democratic legitimacy. [...] The legitimacy of these democracies, and the supranational institutions they have created, such as the European Union and the United Nations, is thus compromised on public utility grounds.” (Di Paola, Jamieson 2018, p. 402-403). In our view, the “public utility” issues are part of a wider implementation of constitutionalized principles and aims: insofar as REDemo helps, it can be seen as *more* legitimate (at a *substantial* level) than the present, disappointing configuration. And, since experts would be elected on the base of precise programmes, their law-making and governing actions are authorized also on “expressed preference” grounds. (Di Paola, Jamieson 2018, p. 402)

In other words, our proposal seems solid on both sides of the legitimacy requests: “that governing processes are generally responsive to the manifest preferences of the governed (*input legitimacy*, ‘government by the people’)” and “that the policies adopted will generally represent effective solutions to common problems of the governed (*output legitimacy*, ‘government for the people’).” (Scharpf 2003, p. 4, emphasis in the original) Indeed, the election of experts on the basis of detailed programmes provides the input legitimacy, i.e. the responsiveness to citizen concerns; and output legitimacy, i.e. the effectiveness of policy outcomes, can be hoped for, since the scientific candidates elected should be less sensitive to Schumpeterian constraints (frantic vote seeking, aggressive opposition, pressure by economic elites, etc.), as we will explain point by point later on, and therefore in a better position to work for sound results – helped by their sectoral competence and a long-term view.¹⁶⁸ And we believe that REDemo could meet also the “throughput” desired level of legitimacy, i.e. “what goes on in the ‘black box’ of governance between input and output”; if the decision-making processes should involve “efficacy, accountability, and transparency [...] inclusiveness and openness to consultation *with* the people” (Schmidt 2013, Abstract and p. 2, emphasis in the original), such an improved participation of

¹⁶⁶ We are aware that this linear description is not always adequate: cases of nepotism and even worse malfeasance can emerge in academia – see some comments at the end of the chapter *Decreasing privileges and corruption*.

¹⁶⁷ See the chapter *Independent Authorities as partial “experiments” in Rationalized Democracy*.

¹⁶⁸ We share the conviction that input and output legitimacy criteria are *not* inherently in tension, which would necessarily imply trade-offs (Sternberg 2014): with REDemo, the two ends of the process are – must be – complementary.

citizenry is exactly what our *extension* of democracy foresees.¹⁶⁹

With REDemo, we would pass from “science advisers as policymakers” (Jasanoff 1990), a situation which is rightfully viewed as problematic due to the lack of democratic authorization, to *elected scientists as (co-)policymakers*, in a condition of full legitimacy. Now, “[t]he authority of the expert whose expertise is not validated by public achievements bears authority that comes into conflict with democratic processes.” (Turner 2003, p. 36) Under our framework, the knot is untied: academic experts are certified by state exams, and their authority in government is authenticated by voters – the democratic process *par excellence*.

As for the legitimacy of governmental actions, note that, in the case of collective binding decisions (laws and regulations), either taken by the legislative bodies or by the electorate via a referendum, which are clearly in denial of constitutional principles, a judicial review by a Constitutional court is frequently possible: democracies normally provide for such a mechanism, which is contentious (Waldron 2006, Lever 2009) above all where basic charters express values and aims in very general ways (e.g. in the USA, where this may imply a problematic “moral reading” of the Constitution: see Dworkin 1997), less so where they are more closely specified (Ferrajoli 2011). It is our opinion that the power of supreme judges to ascertain the constitutionality of laws, therefore possibly repelling a decision of the legislative power, is democratically legitimate (See Liveriero, Santoro 2017). This does not mean that supreme judges’ decisions will always be fair or even respectful of the constitution: with reference to American history, it has been pointed out that “courts can interpret constitutional rules in ways that systematically prejudice the part, stake and independence of particular groups.” (Bellamy 2006, p. xiv; see also Holmes 2012) The wider scenario is uneven: the question whether “national judiciaries play a role in resisting democratic backsliding” (Huq 2018, Abstract) may have a positive answer for certain countries (e.g. Columbia and South Africa), decidedly negative for others (e.g. Hungary and Poland). Yet, we may “defend judicial review without fetishizing it” (Macedo 2010). The needful consideration of constitutional values, beyond the observance of procedures, is actually the reason of a basic principle: in most democratic countries, when a law is declared unconstitutional, it is invalid.¹⁷⁰ With REDemo, this tenet is reaffirmed.

II.11. Reassessing the expert-public-democracy nexus

II.11.1. Properly democratising expertise, avoiding elitism

In our project, the interesting question about to what extent sciences, and in particular social sciences, are a cultural construct, is scarcely relevant: such epistemological debate is circumvented, due to the hard-headed *pragmatic* attitude that informs REDemo. Indeed, we can provisionally accept that the constitutional aims and principles, and the policy proposals that experts who are candidates will advance to achieve them, are socially/historically embedded and by no means universal or eternal: voters will choose the platforms they feel to be more coherent with their cultural/ideological orientation.

Our proposed model can also meet the expectations of those scholars in the so-called Second Wave of Science and Technology Studies (STS) who often lament a lack of proper democratic authorization for experts, when they have the power to make quasi-binding collective choices (see e.g. Jasanoff 2003a). An advancement has been proposed by the Third Wave in STS: establishing a “new advisory group” called “The Owls”, whose job “would be to look at the current state of expert knowledge and pass their conclusions on to the politicians, for them to use or over-rule.” (Collins, Evans 2017, p. 86). Yet, the over-ruling by policymakers of evidence-based advice can be dictated by opportunism or demagoguery. In the same vein, there are calls “to establish *evidence advisory*

¹⁶⁹ In this important text, the reference is to the EU governance framework, but the concepts may be applied in any democratic environment.

¹⁷⁰ Not so in certain jurisdictions, where the concept of parliamentary supremacy is paramount.

systems that promote the *good governance of evidence* – working to ensure that rigorous, systematic and technically valid pieces of evidence are used within decision-making processes” (Parkhurst 2016, p. 8). But, again, advisors may promote the best use of evidence and elected officials can ignore or dismiss it. Thus, although well formulated, these proposals are still within the rickety “Science speaks to power” fence.

With REDemo, such a barrier would be crossed – better: partially dismantled. In our framework, let us repeat it, scientific decision-makers are *elected* on the basis of precise *programmes* – the exquisitely democratic way to entitle them. Non-elected technicians and consultants who are members of policy advisory committees can be subsumed under the responsibility of their elected colleagues: which is a fair method to improve their empowerment. This would be a correct way to “democratize expertise”, because REDemo involves the necessary “proper consideration of the significance of experts’ epistemic performance, the need for divisions of labour in policy-making and the problem of epistemic asymmetry.” (Holst, Molander 2017, p. 236) Thus, elected scientists are transparently authorized, but this does not imply a misplaced relativism regarding their competence – which is the (justified) fear of many commentators (see e.g. Sherry 2007, Nichols 2017). Avoiding a “flight from expertise”, REDemo would be a democratically legitimated exploitation of it in collective decision-making; in other words, we try to offer a framework about “how to integrate the plausible idea that, with respect to some issues, some people know more than others, with a commitment to democratic ideals and principles.” (Kitcher 2011, p. 20). Under REDemo, elected experts would be (partially) in power *de facto* and *de iure*, properly fulfilling the expectations of public contestation and possible appeal, even reversibility of their views and decisions – without contrasting, indeed encouraging, the democratic need of “reasoning together” (Richardson 2012).

Furthermore, a classic distinction – which is often an opposition – between a person who is *in* authority (an elected official) and another who is *an* authority (a specialist in certain subjects of public interest)¹⁷¹ can be happily reconciled, when the expert is chosen by voters: “Liberal democracies seem to demand the ‘best of both worlds’ from their governments – an assured mandate to govern plus rationally defensible policies.” (Heazle, Kane 2015, p. 3) In other words: “most people recognize that it is impossible to make rational political decisions in complex societies like ours without relying extensively on expert advice and even expert decisions. On the other hand, democratic procedures arguably have inherent moral value: citizens have a right to equal participation. How are these concerns to be reconciled?” (Holst 2014, p. 2-3) “We need both strong democracy and good expertise to manage the demands of modernity, and we need them continuously. The question is how to integrate the two in disparate contexts so as to achieve a humane and reasoned balance between power and knowledge, between deliberation and analysis.” (Jasanoff 2003b, p. 398) To put it bluntly, REDemo is an institutional design to manage this crucial nexus, i.e. to cut the Gordian knot of the problematic relationship between science/expertise and politics; that is, avoiding the Scylla and Charybdis represented by “two different assessments of the problem of expert authority today – that expert authority is frighteningly powerful and that it is fatally weakened.” (Moore 2014, p. 64)

A critic may possibly complain that we are proposing “to give power to an elite”. Such an objection is misplaced, because it implies that our intention is undemocratic. In fact, the statement is correct, yet it has to be properly understood. Expertise or higher skills in different domains are a prerogative of certain individuals and groups: there are art elites, sports elites, technical elites – and this reality is widely accepted. Historically, oligarchic elites *seized* political control, against the will and to the disadvantage of the multitude. With REDemo, on the contrary, society – the original repository of democratic authority, the subject which “gives power” – can decide to assign (part of) decision-making capacity (“power”) to experts (“elite”) in order to take advantage of their skills,

¹⁷¹ “For convenience one might refer to the authority of an office holder as *procedural* authority and that of an expert as *substantive* authority.” (Brown 2009, p. 124)

under public authorization and control. It is *not* an unrestricted delegation: it is in citizens' shared interest. In this sense, we are at the opposite side of traditional "elitism" in politics (think of Pareto, Michels or Mosca): scientific elites chosen by voters, far from being a dominant oligarchy, will serve the collective. Therefore, our reform should pacify a long-standing, reasonable concern: "No government by experts in which the masses do not have the chance to inform the experts as to their needs can be anything but an oligarchy managed in the interests of the few" (Dewey 1927, p. 225). With REDemo, "the masses" (voters) will not only "inform" the experts, but *direct* them on how to govern – i.e. on what orientations ("interests") are preferred by the majority of citizens: our framework is constructed to refute "the dilemma of capitulation to 'rule by experts' or democratic rule which is 'populist', that is to say that valorizes the wisdom of the people even when 'the people' are ignorant and operate on the basis of fear and rumor." (Turner 2001, p. 123)

REDemo radically solves a persistent double puzzle of democratic theory (and practice): "what are the best institutional mechanisms for keeping experts responsible to the people's representatives – while still enabling their expertise to bear on and improve decision-making? [...] how does democratic authority give experts enough autonomy so that the voice of the expert represents the expert's expertise rather than the views of politicians or bureaucrats"? (Schudson 2006, p. 497) In the *rationalized* institutional mechanism, being responsible directly to the people as its representatives, elected experts will enjoy full democratic authority on their own: the problem of "the length of the leash" (as Schudson puts it), i.e. the limit of the autonomy that should be allowed to scientific advisors by rulers who command them, simply disappears. This way, we can safeguard "two distinct and equally important normative principles: fidelity to science on the one hand and democratic representation on the other." (Parkhurst 2016, p. 28)

II.11.2. Against misconceived "democratism"

Such a proper valorisation of expertise in democratic decision-making implies the rebuttal of an inexistent and inconsistent epistemic equality between scientists and lay citizens. So, it may be hoped that, under REDemo, the treatment of policy topics, and consequent decisions, will be less twisted by anti-scientific orientations, as happens sometimes today when elected officials follow the wax and wane of (a part of) public opinion – e.g. when mass vaccination plans are relaxed to satisfy vociferous minorities.¹⁷² We see this attitude as a biased "democratism"¹⁷³, that can also be called "vulgar democracy", insofar as it demands to invade the domain of public science: "Just as vulgar democracy would give the untutored majority sway in the determination of the course of research, so, too, a supposedly democratic proposal to leave the public arena to the voices that shout the loudest and demand constantly to be heard would not be an expression of the deepest democratic ideals." (Kitcher 2011, p. 221) "Regulating risk by listening to activists and complainers [...] is a close cousin of the 'scream method' traditionally used in government budgeting, with the allocation of funds based on the volume of screams. It means equating 'public opinion' with the views of activists, zealots, and the volubly disgruntled." (Hood, Rothstein, Baldwin, p. 102) Thus, in accordance with demagogic, opportunistic behaviour, politicians may adopt democratistic

¹⁷² Playing with words, the biased idea that scientific matters informing policy should be subject to the orientation of ephemeral waves that emerge in social networks has been dubbed "Facebook democracy" (Tagliabue, Miller 2018).

¹⁷³ In English, this word generally has a neutral meaning, e.g. "the theory, system, or principles of democracy" (www.merriam-webster.com/dictionary/democratism), "Support for or advocacy of democracy as a political system or ideology" (<https://en.oxforddictionaries.com/definition/democratism>); it can also be used with a negative tone though, as synonym of right-wing populism and plebiscitary democracy, judged as incompatible with constitutional values (Federici 1991). In other languages, e.g. Italian and French, the suffix "-ism" more frequently indicates an incorrect concept of democracy or a feigned, propagandistic posture.

inclinations, even in areas where highly technical subjects would suggest relying more on specific expertise, e.g. risk assessment and management of technical innovations: “The new governance agenda was intended to improve policy and regulatory decisions by making them more democratic. Instead it has led to a less democratic and less evidence-based system, in which risk regulation and restriction of specific areas of scientific and innovative activity are seen by some governments and policy makers, particularly in the European Union, as valid responses to societal pressures or the need for public reassurance, rather than a means of dealing with risks for which there is an evidence base.” (Tait 2014, p. 136)

Note that an extreme view of populist democratism has been indecently theorized: “Duly elected committees of laymen must examine whether the theory of evolution is really as well established as biologists want us to believe, whether being established in their sense settles the matter, and whether it should replace other views in schools” (Feyerabend 1978, p. 96). The problem with Feyerabend’s eccentricity is that he “romanticize[s] laypeople and their capacities”, blindly embracing “an exaggerated view of the epistemic capacities of laypeople” (Selinger 2003, p. 360). This bizarre aspiration of settling scientific matters by a show of hands must be avoided¹⁷⁴ – even derided; and it should be the same for any external imposition by any power on scientific/policy matters: when such a Procrustean bed has been imposed – in a dictatorship, not in a democracy; by rulers, not by the people – it has generated tragic results: the example of Lysenkoism¹⁷⁵ is an appalling one.

To better clear up a frequent misunderstanding: 1. In a basic sense, science *is not* (must not be) democratic: the criterion to ascertain the likelihood or truth of facts, hypotheses and theories is not the majority rule; even a wide scientific consensus can be challenged by new ideas, as far as their proponents adopt and follow science-based procedures and argue for their positions according to certain methodological rules. 2. In another important sense, science *is* (should be) democratic: in the ideal, normative prospect established several decades ago (Merton 1942), the second rule for the processes of good research is Universalism. The concept may be intended in a double sense: a. It prescribes that scientific results (laws of nature, facts of history, etc.) are endowed with explanatory power regardless of the historical/social context of their discovery: heliocentrism could have been ascertained as true by Aztec astronomers, rather than by Copernicus, a Polish mathematician who

¹⁷⁴ Sometimes votes are taken in scientific fields: for example, at a congress of the International Astronomical Union, a heated debate and a tumultuous final vote among scientists, all preceded and followed by arguments spread over the mass media and among the lay public, led to the “downgrading” of Pluto from “planet” to “minor planet” by a majority decision (<http://en.wikipedia.org/wiki/Pluto>). Yet, discussions and reasoned choices by majority vote on issues of definitions and methodology are one thing, as in the case of the astronomic status of Pluto; the factual and empirical truths which sciences seek out are another matter: nobody – except for some Feyerabendian crackpot – would imagine to *vote* on the hypothesis that Pluto orbits around the Sun, or vice versa.

¹⁷⁵ The Ukrainian agronomist had a leading role in drawing up Soviet agricultural and food policy in the period between 1940 and 1960: on the back of some significant success in increasing the yields of various crops (wheat, peas, millet), with Stalin’s approval and against what had become the established scientific consensus, which saw the emergence of the fecund combination of Mendelian genetics and Darwinism, Lysenko imposed an outdated vision of biology, and in particular of agriculture and of the techniques to improve cultivated varieties. By doing so, with the support of the State, the official and all-pervasive affirmation of a wrong-headed philosophy and policy led to the destruction of the blooming Russian school in the field of genetics (also by silencing opposing scientists in a “classic” Stalinist purge) and, as a consequence, to a series of falling harvests and general deterioration in the vital agricultural sector. This tragedy happened notwithstanding the fact that Lysenko was a scientist – not a dubious guru or a charlatan (See Liu 2004)

was probably building on Islamic Middle-Age theoretical heritage; or by several other scientists, anywhere in time or location. b. It makes clear that anybody may contribute to scientific endeavours, whatever her gender, nationality, etc.: such factors are irrelevant in respect to the actual advancements which derive from findings. For some observers, “science is somehow disreputable because it is the province of European white bourgeois males”: yet, it has been rightly replied that “Mendel was such, he was even an Augustinian monk, but he got it right about the wrinkled peas; and it would not have mattered if he had been a black handicapped Spanish-speaking lesbian atheist.” (Fox 1997, p.330) An adamant stance that various kinds of relativists seem unable to grasp.

Indeed, even a moderate version of the supposed necessary involvement of lay people in the scientific endeavours makes little sense: we are referring to the problematic idea that anybody should be put on an equal footing with the experts when risks related to new (and old) technologies are to be assessed, when the level of uncertainty is high, in particular for environmental problems: “quality assurance of scientific inputs to the policy process requires an ‘extended peer community’, consisting of all those with a stake in the dialogue on the issue.” (Funtowicz, Ravetz 1993, Abstract) The concept is dubious for the very simple reason that citizens *per se* are not scientific “peers” (as well explained in Collins 2014): the exposition of certain people to possible dangers does not translate into their ability to *assess* those hazards. On this topic, the internationally recognized orientation is straightforward: “There should be a functional separation of risk assessment and risk management, in order to ensure the scientific integrity of the risk assessment, to avoid confusion over the functions to be performed by risk assessors and risk managers and to reduce any conflict of interest.” (Codex Alimentarius Commission 2016, p. 125).¹⁷⁶ Therefore, citizens and groups have every right to be correctly informed and also to have a voice, in a deliberative fashion, in the *management* of risks; but, generally, scientific *assessments* are the duty of appointed recognized experts.

Yet, it must be noted that in certain cases there are groups of citizens who can actually offer empirically based expertise to contribute in assessing and managing technically difficult or scientifically uncertain situations. When experts ignore such skills built on actual experience, the outcome can be catastrophic – as exemplified by the disaster of the Vajont dam in Italy, 1963: in that case, the infrastructure planners downsized or ignored the practical knowledge of the local community, which had been aware for ages that the mountains surrounding the artificial lake were subject to landslides (Barrotta, Montuschi 2018). Therefore, a correct, meaningful categorization distinguishes the epistemologically untenable push to allow anybody to affirm and defend one’s unwarranted opinion from the need to take advantage of “specialist local knowledge that small groups possess by virtue of living or working in a particular place” (Collins and Evans 2017, p. 113): competences built on experience, which in certain cases can be precious.

Apparently, the rejection of democratism involves the hazard of allowing scientists too much ethical/political power: “The trouble with putting judgments of significance to majority vote is not the democracy but the vulgarity of the view of democracy it embodies. The reaction – to place decisions about significance in the hands of experts – might well be superior to the tyranny of ignorance that vulgar democracy would likely produce, but it arrogates to the expert community a judgment about values it is unqualified to make.” (Kitcher 2011, p. 113) With REDemo, this difficulty is solved: the programmes of candidate scientists are certainly non-neutral, insofar as they make reference – with expectedly differentiated approaches and proposals – to constitutionalized principles and goals: but any suspicion of elitist prevarication is ungrounded, because the choice among competing, value-laden platforms (also comprising questions of science policy) is in the hands of the collective – viz voters.

As a final remark, a residual misunderstanding must be dispelled. Citizens are not unlimited in deciding “the basic aims of society”, i.e. “the non-instrumental values [which] can include side

¹⁷⁶ This explanation is related to the scientific evaluation of agri-food safety, but it can reasonably be widened to risk assessment/management in any sector.

constraints on state action as well as goals to be pursued.” (Christiano 2012, p. 33) Those general constraints and goals are already established in the democratic constitutions, and sometimes are to be defended, opposing runaway societal forces: let us not forget that ample minorities – even majorities – of the public could push for undemocratic aims. Under REDemo citizens will indicate, through their vote (of candidate experts as well as of party politicians) which directions are the most promising to realize those constitutionalized ethical/political objectives; and, in a “lower” sense, what policies best meet their interests, their group identity, etcetera. So, we agree that “expertise is not as fundamental to the choice of aims as it is to the development of legislation and policy.” (Christiano 2012, p. 34) But the platforms that candidate experts submit to voters will not have their primary reference and source in citizens’ moods: public scientists will listen to society, on the condition and to the extent that inputs from the bottom up do not clash with constitutional principles – and it should be the same for traditional politicians.

II.11.3. Public participation – for those who wish – and “background” democracy

Where successful, the REDemo reform may revitalize the whole democratic scenario, stimulating civic engagement, improving the levels of political participation, and in particular changing the trends in voter turnout, the continual lowering of which in recent years, a reality measured and analysed in many countries,¹⁷⁷ is a major concern for students of democracy.

The “deliberative turn” in normative democratic theory and experience has gained strong traction in the last three decades. According to its supporters, “[d]eliberating microcosms such as the Deliberative Poll, which convenes a sample for the weekend, are carefully organized to enable citizen deliberators to weigh competing arguments, have access to competing experts, engage in mutually respectful and moderated small-group discussions, and carefully work through an agenda of choices ensuring that the pros and cons of each choice have gotten a hearing. [...] the participants arrive at their conclusions based on the merits of the argument rather than on some distorting pattern of small-group psychology.” (Fishkin 2018, p. 365) Yet, this optimistic account is not necessarily realistic. While different models of deliberative democracy show a “theoretical landscape extremely intricate and impervious” (Palumbo 2017, Presentation), it has been remarked that deliberative democrats “disagree on the kind of reasons citizens can advance, on what the common good is, and on which political procedures best capture the deliberative ideal”. (Fabre 2003, p. 107) Furthermore, overly confident views regarding the involvement of the public should be avoided: discussions are frequently doomed by risks of polarization, groupthink (Talisso 2017), “discourse failure” (Pincione, Tesón 2006); if hardwired cognitive biases – “motivated reasoning” above all – show that idealised rational debate is too often a chimera, this may even be seen as “the death knell of deliberative democracy” (Richey 2012). Critics argue that, in a misplaced effort to contain such inevitable drawbacks, deliberative sessions are strongly directed through the “discipline provided by the ‘neutral expert’ (normally an academic) who animates the deliberation”, so that “the restrictions on the nature of the debate – insistence upon public reasons, sanctions on emotion and rhetoric, the banning of party, prohibition of arguments based on interest, religious faith or illiberal ideology – admit but a fraction of democratic political discussion as commonly understood.” (French 2012, p. 533) It has also been argued that excessive “participation”, particularly in the USA, “breeds polarization as well as fragmentation” (Pildes 2014, p. 850). Notwithstanding these evident shortcomings, “scholars working at the intersection of science, technology, and policy studies [...] tend to exclusively highlight the positive aspects of increased public participation in the scientific process.” (Lahsen 2005, p. 159) Instead, the “apparent inclination to see public participation in the scientific process as an inherently positive

¹⁷⁷ See e.g. Figure 1. The failure of representation? A general decline in voter turnout at parliamentary elections since 1945: France, United States, United Kingdom, and Italy. (Cagé 2020, Kindle position 361)

development” (Aronson 2003) is questionable.

Indeed, supporters of deliberation admit that discussion must be guided, i.e. it is productive “when deliberative processes are well-arranged: when they include the provision of balanced information, expert testimony, and oversight by a facilitator.” (Dryzek et al. 2019, p. 1145). Sometimes, even sympathetic theorists of deliberation refrain from “impractical attempts to apply demanding forms of participation in every area of social life.” (Bohman 1996, p. 9); in particular, “[t]hrough eschewing fixed boundaries on where participation may occur, deliberative democrats have often seen participation in technical policy areas as the most impractical of all.” (Brown 2009, p. 131) In sum, the scholarly views about deliberation offer quite a composite scenario.

We do not worship popular involvement: the “extension” of democracy that we propose is designed for citizens who wish to engage, and for many this is not the case. Some scholars, even when they do not see the deliberative practices as a useless added burden (as Lee 2014 does), express a considerable dose of scepticism, remarking that “many people do not have much desire to engage in political debate to begin with” (Mutz 2006, p. 10).¹⁷⁸ Thus, one can be doubtful about the idea that people should be coaxed into active attendance to deliberative fora (let alone serve as representatives unwillingly selected by lot), a sort of civic duty that many do not appreciate. More than sixty years ago, lamenting how democratic theorists can be detached from the reality of the citizens’ life, E. E. Schattschneider wrote that “we try to whip the public into doing things it does not want to do, is unable to do, and has too much sense to do.” (Schattschneider 1960, p. 131) In other words, the prescriptive push on the need for citizen engagement is a dogmatic attitude; many people are not interested in politics: they are just content at not being bothered too much by public powers and they have no wish to get embroiled in what they see as a messy environment of never-ending, vain discussions. It is their choice and should be respected: “such self-exclusion, far from being arbitrary discrimination, would in fact give substance and reality to one of the most important negative liberties we have enjoyed since the end of the ancient world, namely, freedom from politics” (Arendt 1965, p. 280). We should also remind the concept of *rational ignorance*: “In general, it is irrational to be politically well-informed because the low returns from data simply do not justify their cost in time and other scarce resources.” (Downs 1957, Ch. XIII) Reflecting personal interests and attitudes, it is understandable that people keep themselves informed about political life only up to a certain point, investing just a portion of their time and energy in acquiring this knowledge, thus rationally leaving, by their own choice, an area of ignorance, the size of which varies in relation to the issues and the times. Such wilful behaviour on the part of citizens is *legitimate*: those who are not interested in politics have every right to refrain from involvement; yet, they should be offered voting choices that are science-informed and constitutionally consistent – qualities too often lacking in party-politics.

Another facet of this issue has been explored by political analysts who elucidated the concept of “stealth” democracy: the term was originally coined to label a certain attitude of American citizens (Hibbing, Theiss-Morse 2002), i.e. the desire for less selfish and less confrontational decision-makers, so that citizens could keep their monitoring to a minimum. The preference for “stealth”, compared to “direct” or “participatory” democracy, is being inquired in countries as diverse as Spain (Lavezzolo, Ramiro 2018) or Finland (Von Schoultz, Mattila 2009) and at cross-country levels (Fernández-Martínez, Font Fábregas 2018): results show a clear correlation with – respectively – centre-right and centre-left ideological orientation of voters. While scholars are still discussing the extent and depth of such a phenomenon, it is clear that, for a considerable number of people, a “less visible government” (VanderMolen 2017) that promotes efficiency and effectiveness, also making good use of independent experts, is preferable to a

¹⁷⁸ Participation in mini-publics is not at the top of people’s interests: “overall, the citizen response rate remains very low. When participants are not remunerated, it averages approximately 2%, rising to 10% when compensation is offered.” (Talpin 2020, Ch. “The Rise of the Random Selection Industry”, Kindle position 9400).

political arena where conflict is too common: this part of the population simply shuns participation, just wishing to go about their lives and businesses.

However, we see “stealth” as an unfortunate term: it seems to deny some basic characteristics of democratic decision-making – openness and transparency. We propose to replace it with “background” democracy, in that the governmental dynamics and operations can be understood as running on their own legitimately established rules, available for the public to control and inspect their proceedings though – as far as citizens wish to be active in politics.

Swiss voters are called on to express their will several times a year, usually on a range of issues, in which resolutions to be taken at national level are often added to local questions. 40-50% of voters take part. The argument that the choices made lack legitimacy because they are often approved by a minority does not hold true: all the electors are – must be – called to the ballot box; those who suffer from voter fatigue and do not have the time or desire to exercise their right will adapt to collective decisions taken by others. The same philosophy and methodology are supported in our reform.¹⁷⁹

Having given a warning as regards inflated expectations which are linked to deliberative bodies, we stress that REDemo may mean good news for societal actors who want to influence collective decisions. Start from the current situation: “Without a link to authorized decisions of one kind or another, deliberation risks becoming ‘just talk’ – a point well understood by the frustrated members of citizen juries and other deliberative forums when they fail to generate significant resonance with either ordinary citizens or public officials.” (Brown 2009, p. 125) Our Extension of democracy designs a comprehensive institutional arrangement – whose details, in this initial phase, are admittedly unspecified – to widen the mesh through which citizens’ proposals are filtered (see Figure 4 in the previous chapter *Graphic explanations*), therefore effectively entering policy formation processes. Under our model, mixed fora which link experts and laypeople, minipublics, consensus conferences, citizen juries, and other types of public involvement, are welcome. Positive social ferment can be better exploited in policy decisions, if the participants know that their effort will be placed inside a more inclusive and effective framework.

II.12. Accountability

As far as accountability is concerned, this aspect of democratic representation is peculiarly problematic. According to the “retrospective theory of political accountability” (heavily criticized in Achen, Bartels 2016, Ch. 4-7), an incentive for elected lawmakers to fulfil their promises is the threat of being sanctioned by voters at the next election: as far as they are under scrutiny by the public, they are supposed to be accountable. However, the efficacy of such motivation, if any, is limited – both for elected politicians and for elected scientists: today, the former can decide not to run for re-election, and therefore they have no fear of being punished by voters; the latter, in case they are not willing to stand again, or have already served for two terms and thus are barred from standing, may have less stimulus to work well.

The best method to assure the accountability of elected scientists and appointed scientific rulers (ministers, executive councillors) is to command their availability to deliberate with society: in particular, the envisaged mandatory mid-term and end-of-term reports, to be publicly discussed, regarding the progress in the fulfilment of their programme, is an obligation that may be fruitfully established also for elected party-politicians, therefore assuring an institutionally designed, constant responsiveness to the citizenry from both kinds of representatives.

¹⁷⁹ We are aware that voter turnout can be low for other reasons than voluntary disaffection, e.g. scarce information among the disadvantaged portions of the population; sometimes, even various obstacles exist that actually disenfranchise sections of voters (for the voting rights which are denied due to felony convictions in the USA, see Manza, Uggen 2006): yet, while democratic governments should take apt and due measures to allow and encourage participation, majority rule in referenda – even when actual voters are a minority of the eligible populace – remains a basic principle.

In other words, we call for the institutionalization of constantly activated tools for the public to control its representatives: the Extension of democracy encompasses “a democracy of indirect powers disseminated throughout society [...] which complements the episodic democracy of the usual electoral-representative system”, therefore empowering the triple dimension of “the people as watchdogs, the people as veto-wielders, and the people as judges.” (Rosanvallon 2006, p. 8 and 17)¹⁸⁰

II.13. Less semblance, more substance

Importantly, the foreseen method for scientists to promote their programme would minimise the detrimental – for democratic authenticity – use of the media show politics. Above all in presidential democracies, the public is prey to the frequently deceiving power of the image, the sickening prevalence and preponderance of the look: as the election day draws close, the inflation of empty slogans, fake smiles, noisy propaganda reaches its height.¹⁸¹ With REDemo, instead, politics would be sober and no-nonsense: this area of political communication would be basically free from the distorting power of “videocracy”, the disparaging term invented by Giovanni Sartori to indicate “the hegemonic role of television in dictating the content and style of politics” (Sartori 2000). The scientific candidates lack instruments to captivate the favour of voter, and therefore the explanation of their platforms would be more similar to academic congresses than to party conventions: no wasted time and money, no space (no need) for banners, balloons, flags, enthusiastic clagues – sorry, but we are engaged in down-to-earth policymaking; and we hate sound-bite politics.

The media, old and new, would be used by experts who run for office according to the actual meaning of the word: means to assure the link with voters – and useful venues for critical evaluation of programmes and free discussion of their implementation.

In the current institutional frame, “issue congruence is not the heart and soul of democratic representation. Rather, voters primarily look for politicians who match their identities.” (Achen, Bartels 2017, p. 313). In the USA and beyond, “elections are won and lost not primarily on ‘the issues’ but on the values and emotions of the electorate, including the ‘gut feelings’ that summarize much of what voters think and feel about a candidate or party. [...] in politics, it’s the gut that’s ultimately decisive.” (Westen 2007, p. 697 and 717). Instead, when voting for the scientific assemblies, the programmes – the “issues” – will be central; one of the aims of REDemo is to place drivers in politics (at least partially) in their logical order: first the mind, then instinct. Let us consider two kinds of cognitive and choice behaviour: *content rationality* “centers on the search for and detailed processing of information relevant to complex contexts. [...] The focus is about gathering as much information relevant to the diagnosis of the problem as possible, about inferences that can be drawn from the analysis and about treatment and remedies.” (Vibert 2018, p. 171-172) Instead, *source rationality* “relies on the identity of the source of the message to judge whether or not the message is acceptable. [...] we look at the personality of candidates for office (the messenger) and take our cues from those around us. We look at TV debates, if at all, because we want to assess personalities as much as policies.” (Vibert 2018, p. 172-173) Thus, also in choosing whom to elect the distinction between the two decision-making approaches is that famously assessed as “thinking fast” against “thinking slow” (Kahneman 2011). REDemo aims at

¹⁸⁰ We are afraid that the neologism “counter-democracy” coined by Rosanvallon (2006) is rather unfortunate: in the explicit intentions of the author, it does not refer to anti-democratic ideologies or initiatives, but indicates the collection of non-institutionalised democratic practices.

¹⁸¹ In the USA, in particular, the involvement of the citizenry had an exceptional witness, almost two centuries ago: “As the election draws near, the activity of intrigue and the agitation of the populace increase; the citizens are divided into hostile camps, each of which assumes the name of its favorite candidate; the whole nation glows with feverish excitement; the election is the daily theme of the public papers, the subject of private conversation, the end of every thought and every action, the sole interest of the present.” (Tocqueville 1835, Ch. VIII)

diminishing the effect of source rationality, while increasing the weight of content rationality – which, after all, is just the domain of expert reasoning. Let us see it from the two sides of the voter/candidate interaction: on the demand side (active suffrage), the voter may still use the frequently applied *fast* heuristic in choosing a scientific candidate and her programme; well, the scientist, who is on the supply side (passive suffrage), having studied the subjects and issues that are now offered in her platform, will have done the *slow*, more rational part – on behalf of the voter.¹⁸²

This is not to sterilize the importance of emotion: democratic constitutions are essentially built on values, which are a preeminent emotional motivation for people; our intent is to reaffirm the link of constructive emotions with concrete reality and invite the citizenry to focus on the energy that candidates and elected officials should devote to actual problems in our common lives – not to petty scandals or irrelevant postures of political personalities. Of course, the previous fame or reputation of some scientific candidates and their identity (e.g. gender or ethnicity) will have a certain appeal for voters: but it may be hoped that the attention will be drawn from the (often superficial, even deceiving) charisma of personalities to substantial matters of policy implementation.

II.14. “Science courts” and the like: unworkable and unnecessary

The need to give science a better place in policy decisions has been strongly felt for decades: some scholars offered ingenious attempts to fulfil that aim through the establishment of “science courts”. But we are afraid that the criticism encountered by such projects is well founded. Fortunately, under REDemo there would be no need to establish these controversial institutions.

It was hypothesized to submit every important policy decision to a preliminary process of “quasi-judicial review” through ad hoc technical committees: “one or more referees might hear the arguments pro and con. If there are no contrary arguments, some technical expert should be appointed to speak on behalf of the taxpayer against the proposed research or development. [...] The referees could then report their findings to those who have the responsibility for decisions.” (Conant 1951, p. 337-338) The proposal – which was never implemented – is original but problematic. First, it seems quite improbable that “no contrary arguments” would emerge during the pre-discussion of the matter. Second, when different options are feasible and technically well-assessed, several possible choices may remain on the table. Third, and mostly important, at the end of the preliminary examination, the experts will duly report to the usual decision-makers: it is true that the latter will be well informed, but there is no reason to believe that the Schumpeterian filter will not be active in their decision-making mindset.

In a similar vein, in the 1970s in the USA, an “Institution for Scientific Judgment” (later dubbed “science court”) was proposed, in order to overcome the detrimental level of political partisanship that, according to frequent remarks by scholars and commentators which dated back to the previous decade, often polluted the debates on controversial scientific/technical policy and legal issues: the idea was to establish a quasi-judicial institution, in which active scientists would act as advocates, while mature scientists with diverse specialistic backgrounds take on the role of judges. (See the detailed story as told in Jurs 2010) It was recognised that “scientific and non-scientific components of a mixed decision are generally inseparable” but “a final political decision cannot be separated from scientific information on which it must be based.” (Kantrowitz 1967 and 1975)¹⁸³ In

¹⁸² Certainly, also citizens can fruitfully apply correct reasoning tools, above all when they are participating in deliberative mini-publics and similar assemblies: “Deliberation encourages slow thinking and reflection on the interests of others, including future generations.” (Smith 2021, p. 117)

¹⁸³ Jurs’s paper calls for the establishment of a “Court of Scientific Jurisdiction”, i.e. a body to be collocated inside the American judicial system: the author makes clear that Kantrowitz’s proposal was distinct but analogous, in that his science court should have worked in the policy-making area.

other words, proponents of this new federal institution aimed at infusing a reasonable level of objectivity in the scientific assessment when it is preliminary to political decision-making. The idea attracted several comments – some less than benevolent – and circumstantial objections, both to procedural aspects (court “adversarialism” as antithetical to scientific inquiry) and for substantial reasons (authoritarianism, stifling of scientific dissent); yet, it was endorsed by twenty-eight leading scientific organizations. Moreover, somewhat surprisingly, it received backing at high governmental level – a Task Force of the Presidential Advisory Group on Anticipated Advances in Science and Technology was created – and the project was openly encouraged by the presidential candidates of 1976: but the political will faded after Carter’s election in 1976 and the project was buried. But, again, this attempt at creating an institution that could inject expertise into policymaking would have stopped the proposals at the door of traditional law-making and governmental bodies: those in power would remain free to ignore sound science-based advice. And the public would have had no say in the process.

Another notable arrangement was formulated by Stephen G. Breyer, just before his appointment as Justice of the Supreme Court of the USA. Instead of calling for an involvement of some new judiciary body in policymaking, the author, who is an expert in environmental and health matters, proposes to rely on a peculiar bureaucratic organism, to be lodged within the executive branch¹⁸⁴: it would be an elite group of super-regulators, hopefully insulated from excessive political pressure and from the oscillating views of the public and the media, charged with the “mission of building an improved, coherent [regulatory scheme], helping to create priorities within as well as among programs; and comparing programs to determine how better to allocate resources” (Breyer 1995, p. 60-61). Thus, these top-level civil servants would be located before and above the different government agencies, whose workings are widely recognized as being overlapping, uncoordinated, even messy. The idea has met several criticisms, regarding both its theoretical grounds and its practical feasibility. A major failing is that the super-regulators are still subject to the objection we have made against technocracy: having to decide how to balance environmental and economic considerations, which are frequently in conflict (e.g.: fossil fuels are cheaper but polluting; a contaminated area can be cleaned up to a certain point before the cost-benefit ratio becomes unsustainable), these unaccountable bureaucrats will necessarily adopt orientations which are exquisitely *political* – although the author does not seem to recognize that; furthermore, while it is largely accepted that the public frequently misperceives the real threats, experts and scientists themselves may disagree about the risk management, particularly when the danger of being exposed to products or processes, in home or work spheres, is difficult to assess clearly.

Under REDemo, such difficulties do not arise: the sometimes inextricable commingling of scientific and “trans-scientific” elements – either extremely difficult, almost impossible to evaluate and/or involving moral-political judgement (Weinberg 1972) – is openly recognized, but it does not represent an obstacle for voters to make their choices among platforms offered by candidate experts: programmes which, admittedly, deal with issues which have a scientific as well as a moral-political side. In our opinion, though, the bigger problem with Breyer’s design is that, although the imagined entity could be free from stress and pressure from politicians, society and the media, during its work in drafting hypotheses for a renewed regulatory organization, at the end the legislator is still the decision-maker. “Even with a super-regulator, the laws passed by Congress will remain the law of the land. [...] If the regulatory scheme is so disjointed and confused as to require an apolitical super-regulator to straighten it out, the legislative enactments necessary to implement that scheme will also be fraught with political deals and brinksmanship.” (Gouvin 1995, p. 488-489) According to our image, the Schumpeterian filter will sift, and possibly distort, any actual outcome at the end of the law-making process: it is democracy’s major flaw, whose perverse effects REDemo will hopefully diminish.

¹⁸⁴ Originally tailored for the American regulatory system, in theory the design could be adapted in other democracies: yet, the multiple criticism that we are going to explain would remain the same.

II.15. Independent Authorities as partial “experiments” in Rationalized Democracy

In our Figure 1,¹⁸⁵ (semi-)independent (regulatory) authorities/commissions/agencies are placed somewhere between the executive, the legislative and the judiciary.¹⁸⁶ Now present in the majority of countries around the world,¹⁸⁷ this category of public decision-making players can be seen as a limited and problematic realization of some principles which inform the REDemo project – with reference to the “rationalization” part: the pros and cons of such institutions are briefly discussed here.

II.15.1. Short overview

The situation is quite composite: in democratic countries, these hybrid bodies – which have been created more or less recently – range from a few units to several hundred, and scholars cannot agree on the list, as even the official details are often ambiguous in their identification. Here we will quickly review the USA, the country where the phenomenon originally started, and some EU member states.¹⁸⁸

The first American federal agency to take the lead of the Independent Regulatory Commissions (IRCs) was the Interstate Commerce Commission (regulation of rail and road transport), in 1887; it is, however, after the 1929 crisis, in the New Deal era, that various authorities of this kind come into being, on the back of Keynesian ideas favouring greater public intervention in the economy; there was then another small wave of new IRCs in the 1970s, after which their number remained almost unchanged. Today around a dozen public bodies can really be labelled independent commissions (a list is in Kernell et al. 2017, p. 329), since they are outside the departments of the federal executive: the best-known internationally are the watchdogs in the financial field, i.e. the Federal Reserve Board (regulation of monetary policy) and the Securities and Exchange Commission (supervision of financial and stock markets); other regulated sectors range from insurance to telecommunications, transportation, labour relations, consumer product safety, and the nuclear industry.

Since the intent which has always driven the establishment of IRCs can be summarised in the slogan “to keep regulation out of politics”, an essential quality of regulatory independence is immunity from the spoils system: the heads of IRCs do not lose their positions on the election of a new American President, as happens for many other senior managers in the administration; their removal can only happen due to “neglect of duty or malfeasance in office”. On the other hand, the power of politics makes itself felt, starting with the nominations of the members of the IRCs, which take place on the designation by the President “with the advice and consent” of the Senate. The

¹⁸⁵ See the previous chapter *Graphic explanations*.

¹⁸⁶ We are discussing here the phenomenon of such authorities at national level. In a wide, valuable analysis of “the unelected” bodies (Vibert 2007), the treatment rightfully includes various international organizations, from the World Bank and the International Monetary Fund to the World Trade Organization, from the European Commission to the United Nations and its agencies.

¹⁸⁷ A wide-range dataset lists 799 agencies in 115 countries, involving 17 policy sectors: the variables taken into account are regulatory responsibilities, managerial autonomy, political independence, public accountability. The main conclusion is that “the regulatory state shows greater variety than usually expected.” (Jordana, Fernández-i-Marín, Bianculli 2018, p. 524).

¹⁸⁸ We limit our overview to some democratic countries, because our intention is just to establish a theoretical link between the phenomenon of independent authorities and our proposed “rationalization” of democracy. Moreover, discussing the issue in other institutional contexts involves problems which are beyond our scope: for instance, as far as authorities regulating market competition are concerned, “authoritarianism, political-economic dependence on petroleum, and communist institutional legacies [...] discourage governments from creating independent regulators.” (Koop, Kessler 2020, p. 3).

relationship with the executive and the legislative is thus indicative of a form of independence which does not always seem full and effective. The IRCs report periodically to Congress but not to the President (unlike agencies within the executive branch, which report both to Congress and to the President), but at the same time their work can be examined, in accordance with the Independent Regulatory Agency Analysis Act which was introduced by Congress in 2012: under this bill, the President can issue an executive order establishing centralised review procedures for IRCs (Meijer 2013). In addition, the traditional decision-makers can exercise an indirect but significant influence over the IRCs by granting more or less funds for their activity: “The power of the purse has traditionally been a decisive source of legislative authority over any kind of administrative policy making.” (Freedman 1978, p. 67) This is the essence of “political regulatory capture”, which is to some extent the counter to “business regulatory capture”. IRCs can thus find themselves between the devil of interference by politicians and the deep blue sea of intrusiveness by companies and sectors which are being regulated.

The situation on the other side of the Atlantic is quite different. In various European countries, the link, which is relatively weak, with the traditional powers of the state and the consequent freedom of action were, and are, encouraged by the European Union’s integration process.

In the UK a category of commissions, indicated by the acronym *quangos* (Quasi-Autonomous Non-Governmental Organisations), came into being as from the end of the nineteenth century, and then grew sharply in number as from 1980 on, to stand at thousands up to 2010, when the government announced drastic pruning through a series of abolitions and mergers (the so-called “bonfire of the quangos”); their size and socio-economic impact vary considerably, with quangos operating both centrally and at regional and local level: among the best-known names are the legendary British Broadcasting Corporation and the network for cultural promotion abroad, the British Council. By and large quangos are advisory bodies, providing independent consultancy services to central and local authorities in a wide range of sectors.

The level of independence of British authorities from the executive is quite variable: the non-departmental bodies (which are thus not part of the executive) have a good level of autonomy, with regulatory-administrative functions in a range of areas¹⁸⁹ as do administrative tribunals, which regulate specific sectors of the economy. Yet, the appointments of senior managers are quite informal and the responsibility of the relevant ministries, with a strong suspicion of political patronage on the one side (the Commissioner for Public Appointments has been monitoring such risks since 1995) and of possible conflicts of interest on the other. Non-departmental bodies and administrative tribunals are distinguished from American IRCs above all due to the constant and frequent exchanges they have with representatives of citizens and consumers: it is the “participatory” model of independent regulation which is favoured by British tradition and the absence of a fixed constitution in the United Kingdom, where the division of powers is not inflexible; the delegation of regulatory powers to independent bodies is therefore less controversial than in other countries.

The UK independent regulatory agencies – to give them their full title but which are part of the galaxy of non-departmental public bodies – came into being in the 1980s, following the privatisation programs implemented by the Thatcher-led governments and the parallel pressure applied by the European Union in favour of these non-majoritarian institutions: indeed, the transfer of whole utility sectors from the State to private hands entails serious risks as regards the possible creation of oligopolies and anti-competitive practices, which the new authorities are required to supervise, including through controlling the prices of the services offered and the establishment of supply standards. As in other countries, the sectors which are usually regulated are those of telecommunications, finance, insurance, energy, and transport; and, a slightly special case, the

¹⁸⁹ The lists of these bodies are updated annually on the related website of the British Government: www.gov.uk/government/organisations

control over water quality and treatment.

In France too it is difficult to count the *autorités administratives indépendantes*, where around thirty bodies operate and have been established gradually since 1978 onwards. The sectors are the same as in other states: privacy, competition, telecommunications, energy, broadcasting, consumer protection; but also control over financing to political parties and supervision over the integrity of elections, administrative transparency, listening to the needs of citizens in regard to public institutions (through the *Médiateur*). The gradual establishment of the authorities was quite a bumpy ride in a country where bureaucratic and administrative centralism is an entrenched tradition: in some cases, the executive maintains a certain influence over the top management of the *autorités* through the presence of a government commissioner – although they do not have a right of veto over decisions. In any case, the appointment of the senior managers is a political decision, although not openly party political, but decided by higher representatives of the state (the Presidents of the Republic and of the two Chambers): *grand commis* are often co-opted and come from the top levels of the administration which they leave when they move to the *autorités*.

There are similar diverse situations in Italy, including authorities which are truly independent such as the Bank of Italy, the Privacy Ombudsman, CONSOB (supervision of financial markets) or those which regulate utilities (energy, transport); and, on the other hand, bodies whose independence is, in one way or another, limited by the traditional powers (telecommunications, anti-trust). The fundamentals which unite the Italian authorities with similar ones in other countries are: the appointment of the senior management by the legislature or the executive, through various formulae but with bipartisan criteria; the fixed duration of the mandate, which however is different in each commission; the impossibility of removing senior managers who are not subject to the spoils system, but at the same time the prohibition of combining their role with any professional engagement, whether public or private; a healthy degree of financial and organisational independence.

II.15.2. A real independence?

Wherever they have been created, what characterises these institutions is therefore their independence – more or less concretely realised – in regard to political and representative bodies and the assignment of sectoral regulatory powers. This point is tricky, because “the *de facto* independence of formally independent regulatory agencies can be seen as the combination of two necessary components, namely the (relative) self-determination of agencies’ preferences and the (relative) lack of restrictions when enacting their regulatory activity, both with respect to elected politicians and regulatees.” (Gilardi, Maggetti 2011, p. 5)¹⁹⁰

Indeed, the rationale is to establish constant and reliable rules which are not exposed to variations in party political thinking and to short-termism in policies: “Democracies are characterized by two types of inconsistencies: incumbents’ time-inconsistent policy preferences and policy inconsistency due to changes in government. [...] The regulatory instability resulting from the two types of time inconsistency may be anticipated by investors and may discourage investment and growth. This undesirable outcome could be partially avoided by delegating to electorally insulated bodies with longer time horizons.” (Koop, Kessler 2020, p. 3). Thus, the allocation of sectoral regulation and supervision to streamlined, light organisations, as most authorities are, enables these public decision-makers to follow the rapid technological evolution of the industries (particularly evident for energy and telecommunications), with timeframes more appropriate than those which parliaments might put in place. Albeit in differing degrees, and also with sharp divergences inside the same country, the authorities are therefore non-majoritarian institutions,

¹⁹⁰ For a useful list of the elements that result in a higher or lower formal vs. *de facto* independence, see the “Table 1: Operationalizing the independence of regulatory authorities” in Gilardi, Maggetti 2011, p. 5.

insofar as their managers are not rigidly subject to political and governmental guidance,¹⁹¹ nor are they elected by universal suffrage, but are appointed or co-opted in various ways.

Yet, the authorities' independence does not show a gap in terms of legality (these are not anarchical powers, they have been set up by precise laws), but a lack of legitimacy; as we have seen, unlike traditional administrations, independent authorities are often barely subordinate to the democratically elected body (the parliament) or scarcely controlled by the government. Since they must report regularly to the other powers, but are not always bound to be accountable, critics argue that, since this is a basic principle in democracy, one should be suspicious of the juridical grounding of the authorities. Likewise, there is considerable perplexity over a crucial aspect of the work of the independent commissions: given that they are often a direct source of law in form of regulations, albeit limited to the sectors they supervise, it does not seem unreasonable to equate them to mini-legislators; however, without popular investiture.

The perplexities are reinforced by the unclear nature of the authorities: it is hard to place them in one of the traditional powers of the state, because any of them, to a greater or lesser extent, can not only *make regulations* (legislative power) although limited in scope, but *governs* their sector (executive power) and even *sanctions* non-compliant companies (judicial power):¹⁹² as has been noted, using a zoological term which is humorously appropriate, they are rather like “duck-billed platypuses”, sort of composite bodies – difficult to situate in the tripartite framework of classical powers. And it may be not sufficient to say that “the multiplication of regulatory bodies exercising, in a limited sphere, legislative, judiciary and executive functions, shows, at the very least, that the triad of government powers is no longer considered an inviolable principle.” (Majone 1996, p. 10) One scholar goes so far as to “view them as composing a new branch of government and forming the basis of a new separation of powers.” (Vibert 2007, p. 5) Whether the independent authorities could and should be seen that way is questionable; although powerful and useful in their sectoral duties and tasks, they are diverse, asymmetric and scattered (both within and among countries), lacking homogeneity to be considered a coherent and consistent “new branch” – not even *in fieri*. Yet, this is a critical issue, not to be underestimated, because the collocation of such authorities in a number of crucial social and economic sectors is an important phenomenon: “Delegation to Non-Majoritarian Institutions has reconfigured the architecture of the state and the EU, altered public policies, and raised issues of legitimacy and accountability.” (Thatcher, Stone Sweet 2002, p. 19)

These fears of excessive independence seem exaggerated: the directives of the European Union, which exerted significant pressure on various countries to create the authorities (or to expand the autonomy of pre-existing commissions), have gradually specified the regulatory competences, setting their work in line with the general laws produced by the EU itself. In addition, the risk of excessive unaccountability is curtailed not only by *ex post* checks on the work of the authorities (anyone affected by their orders can appeal to the courts), but also *ex ante*: their objectives are clearly defined, the procedures require that regulators interact frequently and constantly with the regulated (with more or less formal meetings, exchange of opinions, guarantees of a right of reply), according to laws on administrative transparency. Some scholars consider the theoretical doubts over the limited legitimacy of the authorities a moot point; these institutions may be anything but classical, but they *work*, they achieve pre-set goals: “‘Output legitimacy’ is the

¹⁹¹ “The trick is to make executive interventions in the decision processes of a non-majoritarian institution sufficiently costly in political terms, so that the government is not tempted to interfere except in serious cases.” (Majone 2005, p. 12).

¹⁹² A US legal scholar: “Administrative agencies are seen as a constitutional anomaly because they seem to straddle the divide among the three branches of government. They are created by Congress, but are controlled more closely by the executive and ultimately overseen by the courts. Moreover, the agencies themselves sometimes act like a legislature by promulgating rules, and sometimes like a court by deciding disputes.” (Sherry 2007, p. 1058)

current standard of legitimacy for Non-Majoritarian Institutions” (Thatcher, Stone Sweet 2002, p. 18). In short: if the regulatory agencies are achieving the established goals without invading other areas of representative democracy, this is what counts. This appeal to healthy pragmatism does not seem, however, completely convincing: there remains what we might call the “dilemma of the authorities”, i.e. their acknowledged ability to regulate their sectors quite efficiently, rather free from party political influence (above all from governing majorities), but at the price of what seems to be a chronic “democratic deficit”.

II.15.3. The relationship with the REDemo project

Let us now clarify why these bodies are particularly interesting in terms of discussing our project of Rationalized Democracy.

First a spontaneous question: why in several countries does politics, with the creation of these new institutional actors, accept to take a step back, transferring – not without delay and resistance – significant portions of power to bodies created *ex novo* (recent authorities) or redesigned so as to increase and guarantee wider autonomy (older authorities)? An excellent answer is the following: “These bodies may offer elected politicians scapegoats for hard choices for which they might otherwise be blamed.” (Thatcher, Stone Sweet 2002, p. 9) A closely related aspect is crucial for our argument: if parties and governments may suffer the contingent pressure of lobbies which can help electoral candidates in various ways, independent authorities, since they have no concerns of this kind, can make stable and technically based choices. The attentive reader will already be aware that our proposal to *rationalize* democratic institutions, by creating a second technical-scientific player in the legislative sphere, and by assuring the joint presence of traditional politicians and experts in the executive bodies, responds to the aforementioned needs: directly and adeptly addressing the difficult questions which politicians tend to put off, thus often making issues more difficult to solve; limiting the invasion by sectoral interests (but certainly not to impede their operations: their role is essential in social and economic life); acting with far-sighted vision, free from electoral pressures which too often drive political choices towards favouritism, or to short-term thinking.

However, we think that the plan to reform democratic institutions that we have aired is much broader and more coherent. Let us compare the important and interesting experience of authorities and our proposal of Rationalized Democracy, boiled down to the following points.

1. While each authority covers a sector, an area for action, in a way that we would call “vertical”, the assemblies of experts that we propose, which are distinguished internally in terms of skills (legal scholars, economists, urban planners, etc.), and on the basis of these specialist competences are put forward to the popular vote, cover *all* the areas of public choices; the work of the scientific co-decision-makers is deployed “horizontally” and does not require the establishment of an unbalanced plurality of *ad hoc* bodies, which are often present in one country and not in another and which act in a wide range of areas in an uneven way. In other words, the meta-reform we have proposed – which will however be refined and perfected in terms of important details – must be decided just once in each individual country and is a general framework.

2. The criterion for including experts permanently in decision-making mechanisms, unlike that currently used for the top managers of the authorities, seems more legitimate and purposeful: while leaving solidly in place the prevention of and control over possible cases of conflicts of interest, the election of academic experts, with medium-term, rotating mandates, is far removed from the current mixed means of investiture by parliaments and governments, thus guaranteeing the greatest possible level of independence.

3. Our inclusion of specialists in the nerve centre of democratic institutions is not a hybrid solution: unlike authorities, whose nature is a tricky balance between the three traditional powers, the scientific assemblies, while they do not affect the autonomy of the judiciary, are firmly located in the legislature (in parallel with party bodies) and their delegates participate in the executive (together with traditional politicians).

4. With full and broad powers to make laws, and with the obligation to see their projects voted on in second reading by the parallel chamber of representatives and traditional elected councils (or vice versa), the scientific branch of legislative power does not face those limitations, which moreover are hard to define, which authorities do: IRCs and the like largely have a free hand in their sectors, but for crucial decisions they must follow the traditional lawmaker, the only one who has the legitimacy to write wide-ranging laws.

5. The worry regarding the technocratic risk which authorities constantly run into does not exist under REDemo: the necessary balance which is envisaged, both in the legislative and in the executive, between the party political and the scientific entities, ensures that neither of the two has much chance of being irresponsible or self-referential. If the non-majority institutions ask for “the elaboration of criteria of legitimacy and accountability” (Majone 1996, p. 12), our contribution may instead be seen as coherent: the new bodies of elected experts would be technically well-prepared and together would enjoy full majority-based legitimacy.

In this sense we would define the experience of independent authorities as “tests” of *rationalized democracy*: “experiments”, admittedly partial, uneven, incomplete, but very important from our point of view. Citizens will judge whether the model we have envisaged adequately answers the criticisms which have been moved against such authorities, and, above all, if it is true that REDemo really *rationalizes* institutions in a coherent way.

Our reform does not entail the idea of abolishing independent authorities: in an important sense, they have an advantage compared to entrusting co-decision-making powers to public scientists: as often happens, the heads of the current non-majoritarian institutions can be co-opted from business, professions and the top ranks of public service, perhaps thus running less of a risk of academic abstraction.

Rather we offer a daring hypothesis: if the institutional re-engineering that we propose were put in place, in each nation it would be possible to entrust the appointment of the heads of the authorities to the new legislative branch. The national scientific assembly would incur fewer political patronage risks which are nowadays all too common, by implementing a fair de-politicization on the selection of managers and thus avoiding any possibility of capture by party political interests. In addition, professors in the various sectors could fairly judge the candidates to high-level offices on the basis of their skills. Moreover: the independence of the authorities, the underlying notion which characterises them, is sometimes surreptitiously threatened by inadequately guaranteed financial independence; if “poor” authorities, unlike those which manage to finance themselves – at least in part – through contributions from the companies of the sectors being regulated, must normally count on public funds, the existence of a technical-scientific branch of the legislature would provide adequate supervision to avoid party politicians, by manipulating the related funds, trying to condition, or even to undermine, the basic autonomy of the authorities.

Should our project come to life, the authorities would no longer be “tests” or “experiments”, but, if we may say so, important “appendices” of Rationalized Democracy, starting from their current role as active protagonists in changing the economic paradigm: consisting of the move – gradual, uneven and still incomplete – from situations in which the economy is rather government-controlled, or the state is in itself the entrepreneur through ownership of public companies (with resultant dysfunction and waste), to the regulating state which does not encroach on the markets, but rather guides and oversees them as an impartial arbitrator.

II.15.4. A proposed combination of technocratic bodies with citizens’ assemblies

Despite the evident importance of independent commissions/agencies, literature on the subject is not abundant. It is interesting to briefly discuss an attempt¹⁹³ to justify the use of their

¹⁹³ The following quotations are taken from the short chapter “2.4 Technocratic agencies with citizen oversight and incentive alignment”, in Guerrero 2021, p. 427-428. The rest of this essay calls for the use of lotteries in democratic governance: we have already criticized such general

valuable expertise while limiting the two risks that many see connected to their operation: the concern “that they are easily captured by the industries that they are supposed to be regulating” and the democratic deficit inherent in their framework. The hypothesis is “to use citizens' assemblies – randomly chosen citizens – to serve as oversight bodies”. The proposed scope is actually wide-ranging: “these technocratic bodies could be expanded to take on the bulk of the political problem-solving role, if combined with the right kinds of additional mechanisms.”

Thus, the plan seems to be the transfer of the duties and operations of the whole governmental/executive sector to a mixed structure, led by unelected technocrats who are supervised by equally unelected citizen assemblies – nothing less. The idea misses several important specifications, in that it is not clear what would happen if an oversight body decided (on a majority basis?) that some regulations issued or proposed by the sectoral ruling agency were not to be passed: would the appointed citizens' veto imply a cancellation of the provision? Or would the agency be simply invited to revise its positions? Could the controlling assemblies have a “positive” role, i.e. advance amendments? In case of unsettled disagreement, what superior organism is supposed to cut the knot?

As usual with the proposers of sortition, the confidence in laypeople's capacities is set at a very high level. Consider the answer to a reasonable question regarding the (poor, if not inexistent) competence of average people on complex policy issues: “If randomly chosen citizens served for terms of three years (for example), focused on a particular agency, they would have time to develop competence so as to be able to follow the discussion and gauge the plausibility of what was being suggested.” Unfortunately, we strongly doubt that most people selected by lot would be up to the task – that three years' training (mandatory? full-time?) could teach an art dealer, or a restaurant maître, or a carpenter, the skills to judge financial sector regulation, big infrastructure planning, antitrust legislation.

Furthermore, it is foreseen that the public should be charged with other basic political jobs: “One source of concerns – that value questions are not properly settled by issue-specific technocrats – could be ameliorated by the combination of randomly chosen citizens in an oversight role, along with a broad participatory agenda-setting mechanism.” No hint is given about what criteria should inform the activities of these additional legislative/governmental bodies: any reference to constitutional principles, goals and aims is absent.

Even putting aside these basic criticisms, we note that the real point of the (quite undetailed) proposal is to eliminate the democratic linchpin of representation, following the author's radical dissatisfaction with its defects. Yet, the replacement of traditional politicians with a dubious mixture of technocratic experts and scarcely qualified citizens is definitely not convincing as an alternative for better government: we question the unrealistic idea that “epistemically effective political problem-solving” would result. We believe that democratic politics would fall from the frying pan of the current flawed mechanisms of elections/representation into the fire of a technocratic-populistic pipedream – or nightmare. Under REDemo, instead, all voters choose among different proposed programmes on issues; they don't just do “oversight” – an action that would be restricted, and also exercised by a relatively small number of citizens; and, generally, citizens do not set the policy agenda – although the role of societal actors is expected to be much broader than today.

In this sense, consider the question asked by the same author: “Are there mechanisms that enable the use of expertise but in a way that is ultimately monitored and regulated by the broader political community and filtered through the community's values and expert-informed preferences?” (Guerrero 2021, p. 425) Our answer is positive: such mechanisms are devised and articulated in the REDemo framework – in which also independent agencies/commissions find a more appropriate place.

proposals (see the former section *II.7. Citizens: equals in power, not in capability; or, against the sortition of lawmakers.*)

II.16. REDemo as a radical project – better constructed than various alternatives

We propose a radical change, designed and articulated to create a decisive improvement. Instead, we are afraid that the institutional reforms of democracies that have been proposed so far are mostly partial and disorganized, as patches on a worn dress. Crucially, new organisms – whether hypothetical or (rarely) actually implemented – too often have just weak advisory power, bereft of legislative bite and therefore are blunt tools: we refer to restricted assemblies with veto power over inadequate laws,¹⁹⁴ some new kinds of judicial institutions for directing law-making, ombudsmen to assess the sustainability of policy decisions, an obligation for legislative bodies to debate and decide on results of regularly conducted opinion/deliberative polls, introduction in legislative assemblies of trustees in representation of future generations¹⁹⁵ (see a review in Wallimann-Helmer, Meyer, Burger 2017, p. 211-214). Even a collection of interrelated reform proposals, addressing the defects of both officeholders and voters, leaves much to be desired, insofar as the recommended scheme¹⁹⁶ is still inside the current monopoly of party politics.

We examine three institutional reform proposals, outlined by outstanding theorists: Friedrich von Hayek, Pierre Rosanvallon and Julia Cagé.

II.16.1. Hayek: “demarchy” and the “model constitution”

The leading philosopher of liberalism in the twentieth century introduced the concept of “demarchy” (von Hayek 1979, sub-chapter Democracy or demarchy?, p. 38-40) and outlined a redesign of higher democratic institutions, i.e. the legislative and the executive plus a Constitutional Court (von Hayek 1979, chapter 17: A Model Constitution, p. 105-127). Together with several critics, we argue that the proposed architecture partially undermines the principle of universal suffrage, lacks procedural clarity and leaves areas of probable institutional stalemate, due to scarce coordination, significant overlapping and foreseen conflicts among state branches. Instead, the REDemo structure respects *in toto* every voter’s rights and provides for tools and procedures to solve such possible tensions.

¹⁹⁴ These watchdogs can be designed in very different ways. A scholar calls for an “epistocratic council” (Brennan 2016a, p. 215-216), composed of citizens who have passed a rigorous competency exam, demonstrating sound knowledge of social sciences and political philosophy: this body cannot make laws or issue regulations, but has the power to veto political/policy decisions made by legislative or executive bodies “on the ground that the decisions were malicious, incompetent, or unreasonable” – a strongly *qualitative* authority: very problematic, as far as democratic legitimacy is concerned. Another author imagines “a People’s Tribune of fifty-one lottery-selected, nonwealthy citizens who would wield powers reminiscent of those entrusted to the Roman tribunes” (McCormick 2011, p. 183): like the ancient institution, this body would point out the needs and promote the interests of the less advantaged echelons of a society.

¹⁹⁵ Offices for Future Generations, established in a few countries to advise parliaments and governments in order to promote the interests of citizens yet unborn, “are especially vulnerable politically because they lack a strong constituency that will offer political support when they are threatened.” (Smith 2021, p. 73)

¹⁹⁶ Ten interventions are called for (Moyo 2018, Chapter 7. Blueprint for a New Democracy), mostly aimed at combating officeholders’ and voters’ myopia and incentivizing the democratic system’s efficiency: 1. bind future governments to decisions taken by former legislators; 2. restrict amounts of campaign money; 3. pay officeholders more, and defer part of the pay and link it to policy outcomes; 4. lengthen office terms; 5. establish term limits; 6. improve the quality of politicians; 7. favor politicians’ competitiveness, i.e. reduce the number of “safe seats”; 8 impose mandatory voting; 9. establish civic education tests that citizens should pass to vote; 10. weight votes, in various ways (for our criticism of this last suggestion, see the chapter “*Epist- misunderstandings and inadequacies*”).

A terminological explanation is needed. Hayek believes that the term “democracy” has been too often and too long abused, mostly by communists with their “people’s democracy”, and turned “into a word-fetish used to clothe with an aura of legitimacy any demands of a group that wishes to shape some feature of society to its special wishes.” (von Hayek 1979, p. 38) Therefore, the author chose to give new substance to the old term *demarchy*, resurrected from its ancient Greek past: the word is etymologically similar to *democracy*, since *archy*, the second part of the compound, means power, government, but also *principle*.¹⁹⁷

Briefly said, and generally speaking, the author believes strongly in socio-economic progress, but he sees it hindered by the affairs of political parties and by the pressure of organised categories over elected representatives: moreover, the scope of intervention of public powers must be limited, since the processes which tend to regulate the free market are too often detrimental. If this is the diagnosis, based on empirical evidence bearing witness to the chronic malfunctioning of elective institutions, what appears quite new compared to vague and unrealistic technocratic recipes is the design of robust intervention in terms of institutional-constitutional engineering. To our knowledge, the “model constitution”¹⁹⁸ is the only tentatively developed proposal to institutionalise the presence of a certain type of sages in the state apparatus.

Two central parliamentary arms must be set up, a Legislative Assembly and a Governmental Assembly: the first – which is the real institutional novelty – holds higher legislative power, applying “law-making in the narrow sense” (Hayek 1979, p. 107), in other words promulgating laws inspired by “general rules of just conduct” (Hayek 1979, p. 116); the second deals solely, in conformity with the principles set up by the first house, with establishing guidelines for the government, which is therefore distinct from it, being an organ which works as executive arm. The members of the first assembly need “probity, wisdom, and judgment”; the second above all “effectiveness” (Hayek 1979, p. 112). Thus, Hayek “proposes a new tri-cameral system [...], in which a ‘Governmental Assembly’ would be entrusted with administration and what he earlier called ‘legislation’, what he confusingly calls a ‘Legislative Assembly’ would be charged with the continual task of gradually improving the general rules of just conduct or ‘law’, and a ‘Constitutional Court’ would be concerned with periodic changes in the semi-permanent framework of the constitution and the mediation of conflicts between the other two assemblies.” (Bellamy 1994, p. 426) Yet, we note that “the government proper”, instructed in its directions and actions by the Governmental Assembly, is seen as “an executive committee of the majority” (Hayek 1979, p. 119): as such, it might be considered the fourth tier of the whole structure.¹⁹⁹ Instead, the REDemo project easily dispenses with such a questionable enumeration of bodies, remaining faithful to the

¹⁹⁷ After Hayek, the term was used with a different meaning. See Burnheim (2006, p. 7):

“Democracy is possible only if the decision-makers are *a representative sample* of the people concerned. I shall call a polity based on this principle a demarchy.” The author gives due reference to Hayek’s primacy in the use of the word, while acknowledging the important difference in its substance. As he explains, “‘Demarchy’ is an archaic word which Hayek used to describe the view he advocated in *Law, Legislation and Liberty*. However, since he did not employ it persistently, it has not passed into current use and I feel justified in attempting to appropriate it.” (Burnheim 2006, p. 14). Here, we will analyse and criticize the concept as it translates into Hayek's Model Constitution.

¹⁹⁸ Note that, here, “constitution” does not refer to a state charter (which one may suppose exists in Hayek’s framework), but to the institutional structure.

¹⁹⁹ Indeed, five tiers can be identified in the model constitution: “the constitution itself, the constitutional court, the legislative assembly, the governmental assembly, and the administrative bureaucracy”. (Cheung 2014, p. 7) In our opinion this is confusing: the “constitution itself” is not a body, but the basic law – although Hayek does not provide a clear framework for the subject. Furthermore, since the commentator seems to have forgotten the “government proper”, it should be added to the list.

classic tripartite composition of state powers: it is true that our Scientific Assembly is foreseen as a brand new chamber, but it is firmly placed inside the legislative, in parallel and with functions which are strictly analogous to those carried out by the traditional party-political chamber – a form of perfect bicameralism.

A major institutional feature concerns passive and active suffrage for the election of members to the Legislative Assembly; the author envisages age-limited voting, but the words used to explain this very atypical mechanism are far from clear: he wants “each group of people of the same age once in their lives, say in the calendar year in which they reached the age of 45, to *select* from their midst representatives to serve for fifteen years.” (Hayek 1979, p. 113, our emphasis) The term “select” seems to have a double meaning here: every year, the limited cohort of citizens who turn forty-five would choose, only among people of the same age, the *candidates* for 1/15th of the Legislative Assembly to be replaced (passive suffrage) and the same small constituency would *elect* (active suffrage) the fraction of new representatives for a fifteen-year mandate. Therefore, this annual partial replacement would ensure the gradual but constant renewal of the higher chamber.

The candidates to the Legislative Assembly must have achieved clear success in their profession; they will have “made a reputation in the ordinary business of life” (Hayek 1979, p. 115), and never have been involved in politics in any party, not even as former members of the Governmental Assembly (Hayek 1979, p. 114): “Hayek’s rather unusual proposals for the election of members to these offices reflects his desire to shield legislators from the crude play of power politics.” (Williams 1997, p. 114) Objection: those elected do not have any political experience. Reply: the candidates will have undertaken a kind of apprenticeship in “local clubs of contemporaries” (Hayek 1979, p. 117), which are widespread through the community, bringing together potential future legislators. In this way, the Legislative Assembly would be a body collecting the best that civil society can offer: people who, unlike party politicians, have already made professional and entrepreneurial contributions. “They are Hayek’s natural aristocracy: an aristocracy of traditional virtue. Their preeminence in the legislative process is intended to inhibit interest-group pressure for measures contrary to the public good.” (Boykin 2010, p. 25) For these sages and notables, the disincentive to the corruption that infests traditional politicians would come from the economic independence assured by a fairly high salary; financial autonomy which is also guaranteed after the parliamentary fifteen-year period (therefore beyond age sixty), by a continuation of public service with honorary appointments as “lay judges” (Hayek 1979, p. 113). In addition, the long duration of the mandate ensures that they do not need to worry about collecting electoral consent for a re-election – which is not allowed anyway.

Hayek’s scheme is severely lacking on some important issues: 1. No indication is given about who – what offices or electoral committees inside the civic clubs, and of what kind and composition – are supposed to prepare the list of candidates, and on how to manage the possible over-abundance of candidates for the limited number of posts; 2. The problem of rules regarding the electoral campaign by candidates – or, we may better say, their self-promotion among their peers – comprising funding sources, is not addressed.²⁰⁰ 3. More importantly, the procedures for the composition of the Legislative Assembly clash with a basic democratic standard; the legitimacy of the narrow constituency seems quite dubious: “for people to disenfranchise themselves completely, as far as law in the specific Hayekian sense is concerned (except for the one shot at elections at age forty-five), is to violate the intrinsic, or constitutive, value of democracy.” (Müller 2015, p. 273)²⁰¹

²⁰⁰ Furthermore, no hint is offered regarding the *initial* formation of the higher chamber: assuming that its members would run into the hundreds, among whom would they be selected, and by whom elected? No such difficulty arises with the establishment of the first Scientific Assembly foreseen by REDemo, in which candidates are indicated by public research bodies and the whole citizenry would choose by voting.

²⁰¹ Thus, when Hayek apparently sticks to the basic democratic concept of universal active suffrage, foreseeing “periodic election of the whole body of representatives” (Hayek 1979, p. 112), he is

All told, the Legislative Assembly of the parliament imagined by Hayek is a kind of higher commission of guardians; which however, as in the Platonian vision, is not an operative government, but a senate of the – supposedly – wisest and most worthy citizens, the main duty of which seems to be introducing very general laws aimed at reining the excessive power held by the real rulers. This part of the project appears to be an epistocracy by another name.

The Governmental Assembly, on the other hand, should be elected using traditional mechanisms: by expressing the leading orientations of public opinion through the typical political debate in a majority regime, it gives directives to the government proper. This sort of pre-executive assembly apparently has a level of institutional standing which is lower than the first body, since “it would be bound by the rules of just conduct laid down by the Legislative Assembly” (Hayek 1979, p. 119).

Political scientists have not spared negative comments. According to one scholar, Hayek even calls for the “dethronement of politics” (Bellamy 1994): but this is not entirely correct, because he aims at insulating the Legislative Assembly from the unsatisfactory workings of current parliamentary politics, while clearly stating that the Governmental Assembly would function as any current House of Commons or Representatives or Deputies, with parties and interests represented. Yet, “[t]he effect of such a division of powers would be [...] to place in the hands of the lower house all substantive power to govern; for, while it could pick and choose which rules of conduct enacted by the upper house it wished to enforce, it could further enforce its own rules via the taxing power.” (Hamowy 1982, p. 138) “There is reason to be skeptical that such a scheme is capable of being actualized, given the obvious difficulties entailed in distinguishing general rule-making from administration and application.” (Williams 1997, p. 114) In other words: “Many laws fall within the jurisdictions of both Hayek’s chambers. How are we to determine when a law constitutes a ‘general rule of just conduct’ and when it pertains to ‘the conduct of government’?” (Hamowy 1982, p. 140) The answer is that everything would be supervised by a Constitutional Court for which the author envisages an important balancing role, not disguising that he expects frequent cases of “conflict of competence between the two assemblies, generally through the questioning by one of the validity of the resolution passed by the other.” (Hayek 1979, p. 121) Hardly a presage of positive operative-governmental fluidity...

Comparing Hayek’s institutional model with REDemo, the intricate mechanism of the former is open to some other criticism. First of all, in our proposed reform the age of the academics who stand for office is not a problem, quite the opposite: a thirty-something, or even younger, economist or urban planner could already make good use of their skills in the legislative as well as in the executive bodies; the threshold of forty-five years of age, which Hayek imposes for the Legislative Assembly on his notables who turn to politics is therefore an unnecessary, even counterproductive, limiting factor: it means renouncing the real contribution that can come from fresh minds. Conversely, the forced renunciation to select/elect people who are older than forty-five means missing out on a great number of potentially valuable candidatures. In addition, a mandate of fifteen years seems much too long: a service of four-five years, which may be renewed just once, would allow a greater turnover of members; also in REDemo there is no problem of retirement or of future unemployment which the temporarily seconded scientists must concern themselves with, since at the end of their term in office, if their age permits, they can return to their universities and public study centres.

Furthermore, there is no reason to believe that the 45-year-old straitjacket, imposed on both active and passive suffrage to the Legislative Assembly, would translate into a superior quality of candidates and voters alike. To put it bluntly, expecting these sages to be constantly *super partes* is naive: it is quite probable that among these supposed natural aristocrats there are many members of economic and financial powerhouses – companies, families. This is not negative *per se*, but their

making reference only to the Governmental Assembly, or second chamber, for which the usual voting procedures are applied.

legitimate presence – possibly prevalence – in elite clubs may interfere with the main purpose of these associations, i.e. their (hoped for) neutral devotion to the common good. In other words, it is hard to imagine that the successful businesspeople and professionals who make up Hayek’s upper chamber would be impervious to strong influence from economic lobbies: indeed, the fact that the people elected to it are citizens who have enjoyed particular success in the business world raises the spectre of possible conflicts of interest. It will be said that also the REDemo experts may be sensitive to excessive pressure from particular interest groups: it is true, the risk is always there, but committees of academics are probably less open to being lured.²⁰²

We observe then that, under REDemo, besides the full democratic legitimacy provided by the election of scientists on a universal suffrage basis, the added value provided by them is set within an adequate legal framework – a university/research centre career – which does not depend on generic, albeit real, socio-economic success which candidates to parliament must have obtained in the previous years. We also underline that the presence in institutions of sages independent from political parties, as imagined by Hayek, is limited to one of the two legislative institutions, i.e. it does not extend to the Governmental Assembly and even less so to the executive body; the “government proper” relies on traditional models – although under the supervision of the Constitutional Court. This is a serious limitation, since, without prejudice to the fact that the power of lawmakers is central, it is wrong not to envisage “exploiting” specialists in the executive, as proposed with REDemo: the specific technical know-how that experts bring to politics can successfully be deployed in actual government. Another unacceptable gap in the “model constitution” of Hayek’s “demarchy” is that the reform would be limited to the national parliament; on the other hand, the REDemo architecture stresses that the inclusion of experts in the mechanisms of legislative-executive bodies at geographically restricted levels, in the right proportions, is no less useful than the contribution they can give at central level.

Finally, we note that a reader may be puzzled by Hayek’s declaration: he does “not wish to suggest that any country with a firmly established constitutional tradition should replace its constitution by a new one drawn up on the lines suggested.” (Hayek 1979, p. 107) Thus, the actual purpose of the whole theorization remains unclear. Vice versa, the very ambitious aim of the REDemo project is to drive a real institutional change of law-making and governmental bodies in democracies.

II.16.2. Rosanvallon: “democracy of appropriation”

As another example of well-meaning reforms that lack consistent and robust institutional architecture, we briefly discuss a scheme which calls for the implementation of a “*democracy of appropriation*, in which citizens are able more directly to exercise democratic functions and duties that have long been monopolized by parliamentary prerogatives.” (Rosanvallon 2015, p. 10; emphasis in the original)

The hypothesis involves three new political entities (all the following quotations are from Rosanvallon 2015, p. 262-266; emphases in the original). 1. A “*council on democratic performance*, charged with formalizing the legal basis for principles underlying a permanent democracy (integrity of elected officials and transparency of government institutions foremost among them)”: the council should be “constitutionally recognized as a branch of government in its own right, alongside the executive, legislature, and judiciary”; 2. “*public commissions*, responsible for evaluating the democratic character of public policy deliberation and of the steps taken by administrative agencies to put policies into effect, in addition to sponsoring public debate on all relevant issues”: the members of these commissions are “[a] persons nominated by prestigious institutions for their technical competence (thus ensuring objectivity), [b] persons selected at random (thus promoting equality) and [c] members of citizen groups”; and 3. “*civic vigilance organizations*, watchdog groups devoted specifically to monitoring government performance

²⁰² See the chapter *Subduing the influence of special interests and the power of money in politics*.

(especially with regard to responsiveness, responsibility, and the clarity of political speech) and working to promote citizen involvement, training, and education.” Such organizations “would include public interest groups and private foundations committed to the advancement of democratic principles.”

This sketch is proposed as a general framework through which “a second democratic revolution” (the first having consisted basically of universal suffrage) may become a reality.²⁰³ Yet, we see several issues in this triple composition: problems of design, powers, governance and legitimation.

1. It is said that the members of the council on democratic performance are appointed; obvious, immediate questions: by whom? Among whom? Through what mechanisms? Where does the legitimacy of such a procedure lie? The council has the great task of formalizing the legal structure of a permanent democracy, but it is difficult to imagine that its components will be unanimous in their positions: will the good old majority rule be used to decide? Against such a scarcely specified layout which is all to be decided, democracies already have their legally principled grounds, in the form of a constitution or the like: one can easily imagine that a limited number of carefully thought-through amendments to basic charters (acting on their procedural parts) may realize the desired aim of renewal and improvement. Furthermore, suppose that this initial major task has been concluded: what is the routine work of the council? A sort of a highest court to judge the integrity and transparency of the executive? If so, a well-conceived enlargement of the powers of Supreme courts should allow them to control the governments, without the need to create a problematic fourth branch.

2. Also the imagined public commissions raise a few points. Their number, geographic and/or sectoral remit and powers are not even generally indicated; apparently, these bodies are devoted to sifting governmental decisions (possibly vetoing approved laws?), also involving the citizenry: beyond the rule that would permit their decisions (again: by simple majority?), what if a commission judges a policy as unsatisfactory? Would it be cancelled, or resubmitted to the government (or to its agencies) or to the parliament? The composition of the commissions is questionable: [a] the “objectivity” of technical members is offhandedly taken for granted – but we know that this technocratic aspiration is far from realistic; [b] the idea of members selected at random generates the paradoxes and intricacies that we have already discussed,²⁰⁴ and [c] as for the members coming from citizen groups, no indications are given about the status of such groups (legally recognized NGOs? Of what sort? In every country there are thousands). Nor is any hint given about the methods by which these individuals are selected/appointed/sorted.

3. The organizations of civic vigilance would include public interest groups (again?) and involve the public (again?): what powers these entities are supposed to have (either a veto, or ex-ante/ex-post advice to governments, or some kind of reinforced advocacy) is not described. This last matter is even more indeterminate than the former.

Furthermore, the institutional and procedural structure of the envisioned three new bodies partially overlaps (e.g. the civic groups or organizations or NGOs are supposed to be involved both in the public commissions and in the civic vigilance), and no idea is offered regarding the management of the most likely conflicts of competence, procedures and decision-making roles within and among them.

The plan “does not operate over an area already marked out and divided up by ideological disagreements and conflicts of interest. The end it aims at is by definition consensual, and its methods are expressly designed to win the approval of the greatest number. It is for this reason that

²⁰³ Indeed, the project is openly ambitious: “a *charter of democratic action* could be brought before the public for debate and formal approval, and perhaps one day be accorded a status in many countries equivalent to that of the Declaration of the Rights of Man and the Citizen in France.”

²⁰⁴ See the chapter *Citizens: equals in power, not in capability; or, against the sortition of lawmakers*.

it cannot be brought into being by means of election.” Thus, elections as a tool to establish the composition of these bodies are rejected, due to the inherent partisanship and divisive attitudes that the competition for popular vote necessarily generates: but no feasible alternatives, with clearly indicated arrangements, are foreseen; a generic appeal to the citizenry to support the proposed reform is barely useful; such an indefinite desire to reach a broad societal consensus without minimally describing the structure and workings of the new important bodies amounts to nothing more than a goal which is devoid of realistic substance.²⁰⁵

On our part, we acknowledge that the REDemo structure is far from being accurately detailed, but we believe that the basic cornerstones and main walls of the framework have been theoretically posed and built: a more elaborate description is beyond the scope of this book, thus we necessarily defer it to upcoming publications.²⁰⁶

II.16.3. Cagé: abatement of money in politics and socio-economic representativeness in legislative assemblies

An articulated proposal for a democratic reform foresees a double institutional intervention: 1. the drastic limitation of private (both corporate and individual) funding to parties and candidates, to be (mostly) superseded by equal public financing; and 2. “replacing the present national assemblies with mixed assemblies, whose members will be elected under a proportional party-list system with at least 50 percent of the candidates from the popular classes (workers in manual and office jobs or without secure employment).” (Cagé 2020, Kindle position 3768) Since we have already expressed our appreciation for the first point,²⁰⁷ we now discuss the second one.

The basic intent is to remedy the historical over-representation of candidates and elected officials who, in any democracy (also contemporary), mostly come from higher socio-economic echelons – a *de facto* elite: “a third of seats in the national assembly will be reserved for ‘social representatives,’ elected proportionally on lists reflecting the socio-occupational reality of the population. [...] two elections will take place simultaneously to elect representatives to the national assembly. The voting rules for two-thirds of the seats (those held by deputies from local constituencies) will remain unchanged, while in the other third there will be a system of proportional representation based on national lists *with socio-occupational parity*. A minimum of one half of the candidates on each list²⁰⁸ will be required to exercise a (broadly defined) working-class occupation at the time of the election, including, of course, all the new precarious jobs and forms of micro-entrepreneurship. The popular classes will thus be significantly more represented on the parliamentary benches than they are today, with tangible consequences for policy directions”. (Cagé 2020, Kindle position 786)

Thus, the author imagines a double distinction. A. The first derives from geographical criteria: 2/3 of the seats in the parliaments²⁰⁹ will be filled with those elected in classic local

²⁰⁵ The author openly states his reluctance to offer a particularized design for his new framework: yet, the reader cannot fail to be puzzled by the contrast between the long, deep, rich historical/cultural/theoretical journey which covers most of the book and the paucity of concrete proposals at the end of the argument.

²⁰⁶ Beyond the chapter *Some hints to procedural matters*, see also some of the papers briefly anticipated in the *Addendum*.

²⁰⁷ See the chapter *Asymmetry between lobbies and the collective, and money distorting democracy*.

²⁰⁸ That is: both the lists based on local districts and the nationwide lists.

²⁰⁹ Reference is made by the author to the French Assemblée nationale, the German Bundestag, the British House of Commons, the U.S. House of Representatives; second chambers are not mentioned.

districts and 1/3 with those elected in one nationwide district. B. The second – the significant one – requires that at least 1/2 of any candidatures must be reserved to “popular” workers.²¹⁰

A. The reason for this provision is not clear: since, in any case, the presence of low-income individuals is assured, whether they are voted for by local or national constituencies does not seem important; no justification for such a novelty is put forward.

B. This is the crux of the project, whose intent is manifest. Yet, the proposed arrangement raises several difficulties – although none of them, we believe, jeopardizes its basis.

A preliminary objection is the following: reserving half of the *candidatures* to people from less advantaged social strata does not mean that a parallel percentage of *seats* will be occupied by them: theoretically, the mass of voters may elect people from the other half, leaving the parliaments still filled with elite legislators. We acknowledge that such a scenario is improbable, but it must be underlined that one thing is the provenience/nature of candidates, another thing is the same for those elected.

While a legislative assembly containing many “popular” individuals would certainly be more representative of a country in sociological terms, we see some sticking points: a. It may be difficult to ascertain the eligibility of a person as belonging to low-level economic categories; should both employees and small independent professionals be accepted as candidates on the basis of their tax declaration? It could be hard to assess their real income, above all in countries where fiscal evasion is diffuse; b. Where does the employee/small professionals category finish, before the beginning of the non-popular category (i.e. higher level white-collar workers, such as managers and richer professionals/entrepreneurs)? Deciding such a watershed implies a dose of arbitrariness. c. What about the executive (government proper)? Depending on the configuration of the existing balance among the three powers (the executive is more powerful in presidential and semi-presidential states), a change involving only the legislative side risks being barely incisive. Yet, it would not be difficult, theoretically, to expand the design of the proposed reform to the executive branch – maybe foreseeing a proportional presence of “popular” ministers in the cabinet. In any case, it seems that the new institutional layout would be more effective in parliamentary than in presidential democracies; d. Reference is made to national parliaments only: the importance of geographically smaller assemblies and governments is overlooked. But important policies are decided and implemented at sub-state levels – according to the degree of devolution in a given democracy. Also here, one can imagine expanding the scope of the reform to geographically limited legislative/executive bodies.

Importantly, the author does not think “that each individual should vote by virtue of his or her social group attachment; separate electoral colleges of this kind are a democratic aberration.” (Cagé 2020, Kindle position 4638) Instead, “all citizens should vote for lists under a system of proportional representation (PR) that reflects the reality of social groups”. (Cagé 2020, Kindle position 4641) Thus, the idea is that the *passive* electorate should be sectioned, i.e. half of candidates should belong to lower socio-economic strata; but the *active* electorate would have no internal distinctions (one person, one vote). In our opinion, this schema does not violate any democratic principle.

We think that the weakest aspect in the proposition is the answer on whether the reform “leave us with a Parliament of incompetents?” (Cagé 2020, Kindle position 5725) The author believes not, because “the intelligence of the Parliament is not the sum of its members’ competences; it is the intelligence of its representatives as a group (which increases with their diversity).” That *intelligence* or *competence* increase with *diversity* in any group is one favourite talking point for supporters of deliberative democracy; yet, the theoretical and empirical robustness of such a belief is far from established. When the author tries to reinforce her argument, it gets worse. Discussing “whether

²¹⁰ How will the other half of the lists be composed? Apparently, also by candidates who are not blue collars/”employees”/uncontracted workers.

citizens have the capacity to vote on certain technical matters”, the answer is that “[e]vidently, each citizen can acquire this capacity—for example, by becoming a parliamentarian. If parliamentary representation was introduced in our modern democracies, *it was precisely because* technical expertise is necessary in various fields, and because it takes time to consider a draft law, to digest its complex implications, and to propose improvements.” (Cagé 2020, Kindle position 4740, our emphases) This paragraph seems a mix of overly optimistic, misplaced hope (that any person has the capacity of becoming competent in some matter is not “evident” at all) and of an astonishing misreading of the history of democratic representation: the necessary or inevitable introduction of “technical expertise” into legislative bodies has remained an unrealized technocratic dream, while we are not aware of any period or country in which the composition of parliaments has had a major development – either by institutional design or as a matter of fact – building on rational and evidence-based deliberation of laws and policies; we seldom see elected officials taking full advantage of available expertise or studying to themselves become proficient in some law-related technical matter. In other words, we believe that the distorted features we have tried to dissect as the “seven flaws” of democracy – among which the incompetence of many politicians is paramount – have been and are preponderant in the mindset and behaviour of policymakers, who are not there with the main purpose of making good laws and enacting constitutionally sound governmental actions.

This major difficulty regarding the imaginary accrual of intelligence and acquisition of competence by candidates or elected officials is further problematic, because the reform imposes “a ban on repeated terms in the assembly” (Cagé 2020, Kindle position 5713): such a provision necessarily implies a regularly repeated “rookie” effect, i.e. the new parliamentarians will always be beginners.

Thus, it is our opinion that the faith expressed in the envisaged reform about the possible improvement of the general competence of elected representatives is unwarranted: yet, the insertion of “popular” lawmakers would have the clear advantage of diluting the elitist composition of parliaments. All in all, we note that the proposed rearrangement of the first chamber is *not* an alternative to REDemo; it could be a significant addition, that we may gladly support.

II.17. A few possible examples of REDemo at work

We offer some imaginary examples of our system’s application, underlying that what counts is not the accuracy of the details, but the general sense.

II.17.1. Infrastructure

The research office of the French industrialists’ association has drawn up a plan which highlights the benefit to energy procurement from the construction of three regasification facilities, partly financed with public money. These are large-scale plants where natural gas, which has been converted to a liquid state near the point of extraction and pumped onto transport ships, is turned back into gas in areas located closer to where the fuel will be consumed. Through open promotion, the stakeholder collects a number of signatures sufficient to put the proposed law to the scrutiny of the legislative powers: both the *Assemblée nationale* and the parallel *Assemblée scientifique* (which has replaced the *Sénat*) examine and vote on the proposal. The party assembly approves it, indicating some minor changes. The technical-scientific elected body rejects the proposal, on the grounds that public investment in energy management is best given to support non-polluting mini- and micro-local generation equipment; reference is made by experts to the *Charte de l’environnement de 2004*, a basic document with constitutional value, which recommends policies to be as environmentally friendly as possible: and it is well known that burning natural gas is a major source of the greenhouse effect. Since it has not received a positive vote from both legislative branches, the proposal is rejected. The industrial lobby, however, wishes to press on, and therefore legitimately turns to the decision-makers of last resort, i.e. the electors: it increases the collection of signatures until it exceeds the quorum required to include its proposal in the list of issues for

approval. If the proposed law wins a majority in the referendum, it will come into force. If not, it will be consigned to oblivion. For better or worse, the ultimate mechanism of direct democracy has decided.

The example illustrates in what sense the reform we have outlined envisages both institutional use of scientific skills (*rationalization* of democracy), and enhancement of the propositional/decision-making power held by the collective (*extension* of democracy).

More generally, proposals related to infrastructure will be formulated inside constitutional directions and restraints: for instance, there may be mandatory provisions that exclude certain historical areas or natural reserves from urban development. Among the range of candidates/platforms, which will certainly offer different approaches and opposing perspectives, voters will be free to choose.

II.17.2. Fishery

Another hypothetical scenario covers both environmental and economic matters. Trawlers catch increasingly fewer fish from the Adriatic Sea; a detailed scientific study – undertaken by researchers from, say, Zadar university in Croatia – has shown that it would be necessary to reduce the catch drastically and for a number of years because, at this rate, it is statistically certain that numerous types of fish will disappear from this area of the Mediterranean: the fishing industry will, in any case, be faced with a dramatic crisis, and putting off decisions will only worsen the situation. No traditional officeholder will back a rigorous law: acting in this way means putting their consent at risk, since rival politicians are poised to profit from moves of this kind.

The chronic delay with which decision-makers intervene may cause a fishery eco-system and the economy connected to it to collapse: this is what happened in the North Western Atlantic (http://en.wikipedia.org/wiki/Collapse_of_the_Atlantic_northwest_cod_fishery), where huge shoals of cod had been a major resource for half a millennium. Given the quasi-eradication of the populations of this species due to unchecked overexploitation, in 1992 the Canadian Government declared a permanent moratorium on cod fishing, annihilating the income of thousands of families in the area who had lived on the capture, processing and sale of the fish. Note that the cod stocks had been constantly monitored for decades and were seen clearly and gradually diminishing. And yet politics did not intervene until the situation was compromised, perhaps irreversibly: right up to 2018, the cod population in that area showed insufficient signs of recovery, which is jeopardized by recently renewed overfishing (Rowe, Rose 2018). Europe is heading towards similar emergencies, seeing that objectives are set (limitation on the number of and workdays for trawlers, ceilings on the quantities fished, a fall in subsidies, etc.) which are not even remotely respected: EU decision-makers pledge to follow the scientific advice, and then do not do so. (Nature 2015) This is hardly surprising.

In our system, a similar ecological-economic disaster in the Adriatic area could be avoided. Economists and ecologists in the Croatian national scientific-legislative assembly, knowing that there is a very narrow way out, could address the situation as follows: detailed explanations of the issue would be widely circulated, with numerous local meetings; subsidies would be moved to alternative jobs which could be undertaken by the current fishermen, for example sustainable aquaculture; tax incentives to stop fishing and to scrap equipment would be set; etc. It is highly likely that elected scientists would get in touch with their colleagues/counterparts on the two sides of the Adriatic, also involving non-elected academic specialists and industry experts, to agree common regulatory action. The transition from a current economic activity, which has no future, to sustainable jobs in a similar sector, can only be driven by someone who has a far-reaching vision and has no need to fear the loss of vital electoral popularity: the party-political arm may even be relieved of carrying the burden of such initiatives, easily giving its approval.

An important clarification: the response by scientists, in situations where traditional politics is getting nowhere, is not a guarantee to solve the problem; the environment is a complex area and the future is uncertain. The choices made may prove wrong, but this is the risk of every collective

decision: yet, scientific legislative-executive committees could intervene competently and promptly where politicians are reluctant.

II.17.3. Climate crisis

Making reference to the notorious “Lomborg case“, we will now try to show that the intricate knot of the growing climate emergency may be undone – at least partially – if democracies adopt REDemo.

The author published a book (Lomborg 2001) in which he went decisively against the mainstream scientific opinions on the on-going global climate change and the terrible socio-economic costs of the (un)natural mechanism currently underway. The book aroused enormous reactions, well beyond the scientific field, and ended up with a range of political stances being adopted and a bitter debate in the international media; at the same time, the scholar received detailed and sometimes harsh replies to his theories from several sectoral scientists (for a useful summary see van den Bergh 2010; a very complete documentation in Fog 2012). Lomborg has scientific credentials, not as a climatologist, rather as a political scientist and a statistician (at the time he was at Copenhagen university). The observations he made are anything but vague: in short, he maintains that the socio-economic damage from undeniable global climate change is overestimated; he notes that there will be geographic areas (those at low latitudes), and consequently broad societies, which will benefit from the higher average temperatures in their territories; and he calculates that, even should a global strategy be decided to combat the phenomenon, the approach used to devise the Kyoto Protocol is not valid, in terms of the cost-benefit analysis. The author then went on in his studies, publishing a second book on the subject (Lomborg 2007) and editing a volume of collected papers on the issues at stake (Lomborg 2009), the contributors to which are scientists – with their imaginable differences of opinion.

Why has Lomborg been subject to heated attacks, in addition to strong but emotion-free scientific criticisms of his ideas? Because, as it was easy to imagine and as most scientists feared, the Danish academic was immediately “enrolled” by those who fear losing significant advantages, should real and effective policies to combat global warming be put in place. Although it is well-known and generally accepted in the scientific sphere (also by Lomborg himself) that the main culprits of the phenomenon are greenhouse gasses, released above all through the use of fossil fuels, it is obvious, for producers and sellers of oil and gas, to fight in political terms initiatives aimed at contrasting and discouraging the use of such products – which, furthermore, are heavily subsidized²¹¹; and they do so by skilfully aggrandising the doubts legitimately raised by a “dissident” scientist. As realists, we should not be surprised that lobbyists for traditional forms of energy are vigorously engaged in seeking to combat possible measures that would go against their interests, which could be taken by decision-makers. All this has its own logic, in the current institutional context of democracies: bereft of any real power, while they swallow the bitter bill of the difficulty of getting through to law-makers, scientists can only see it as a smokescreen, beyond all scientific objectivity, when anyone – even indirectly – supports those who raise scarcely grounded doubts about the realities which specialists worldwide, by a vast majority, consider as fact: disastrous man-made phenomena which seriously harm large populations – in particular the

²¹¹ The numbers are astonishing: “Globally, subsidies remained large at \$4.7 trillion (6.3 percent of global GDP) in 2015 and are projected at \$5.2 trillion (6.5 percent of GDP) in 2017. [...] Efficient fossil fuel pricing in 2015 would have lowered global carbon emissions by 28 percent and fossil fuel air pollution deaths by 46 percent, and increased government revenue by 3.8 percent of GDP.” (Coady, Parry, Le, Shang 2019, Abstract. See also Myers, Kent 2001). Environmental and health issues apart, while public money may be reasonably expected to subsidize hard-pressed industries or interesting new ventures, it seems difficult to justify financial transfers from states to burgeoning private companies (see e.g. <https://news.exxonmobil.com/press-release/exxonmobil-earns-208-billion-2018-6-billion-fourth-quarter>)

poorest. (Hallegatte et al. 2016)

Now, let us imagine that our “sceptical environmentalist” is one of the various members of a national or international Assembly of elected scientists, equipped with real co-decisional powers regarding the policies to be implemented – on environmental questions and beyond: any disagreement on the part of most of his colleagues about his positions could certainly be expressed in lively tones, but, it is reasonable to think, without that edge of understandable animosity. To the opportunistic politico, who proclaims that there is no consensus among scientists, and that therefore the programmes against greenhouse gases must be reduced, rethought or cancelled, the academics on the co-decision-making committees – in any given democratic nation where the REDemo framework has been implemented – may reply that the great majority of climatologists believe that Lomborg and similar critics are wrong. Laws for the rapid elimination of subsidies to fossil fuel producers, and in parallel the granting of rising tax incentives to renewable energy consumers may be preapproved; if those bills meet fierce opposition from several representatives in the party-political chamber and an agreement between the two legislative bodies cannot be reached, the popular referendum will be used. Today, this looks like an utopian scenario, that can become reality if the institutional changes we hope for are made; otherwise, most politicians will continue “rationally” to skirt the issue, scientists to burn with impotent frustration, citizens to pay for the financial and regulatory benefits of one side, involving costs which legally rebound to everyone by the action of a few powerhouses – while the environmental and social damage continues to grow.

In other words: if the reform set out here were introduced through adequate institutional changes, the cases of disagreement with the prevailing scientific thought from “heretic” academics would not be seen as spokes in the wheel. The spleen which Lomborg was subjected to is linked above all to the fact that there was fear that his ideas – however flawed – would be grabbed and exploited by those who oppose, for ideological reasons and/or for personal/party/corporate profit, the policies recommended by most experts in regard to climate disruption.

II.17.4. Varia

We will only add a hint to some other examples.

Economists who stand for office will explain their orientation on whether taxes should be, say, reduced for (new) companies to sustain entrepreneurial endeavours, or otherwise destined to improve welfare, or encourage consumption to stimulate growth, or relaunch state investments; the proposed apportionment of public money will be made clear. Some state charters establish that taxation must be progressive in relation to a person’s income, and therefore no flat tax rate can be proposed: among the available platforms, the electorate will decide.

Other possible policy actions are obviously numerous and sectoral: a candidate physicist may devise a practical plan to reform the organization of the nation’s research laboratories; a plant breeder may propose a renewed regulation for agri-food biotechnologies; a jurist may submit a bill aimed at speeding up the timeline of trials; and so on...

II.18. Benefits of renewed democracy, i.e. relieving its seven shortcomings

REDemo can contribute to amend the defects of elective representation – the seven capital sins of constitutional-liberal-representative-participatory democracy.

II.18.1. Minimising compulsory vote-hunting

We have argued that the mindset and attitudes of politicians are mostly “Machiavellian-Schumpeterian”: to a greater or lesser extent, in addition to the dubious vote-raking efforts, the elaboration of laws and the public decisions are immersed in a dynamic that privileges obtaining and maintaining power (i.e. electoral consent, popularity, funding sources), for oneself and for one’s own party, rather than pursuing the realization of constitutionalized aims and goals. University experts are not, on the contrary, angels who always tell the truth and are unceasingly caring of the

people's welfare: but they will not *need* to be elected or to stay in office. Imaginably, when explaining to voters their concise and specific platforms, they will display their eloquence and some rhetoric can be expected: after all, they are promoting themselves. But they will not have to strive in order to convince – or to trick – masses of more or less gullible electors to gain – or to cajole – their votes: from the experts we may expect a more genuine orientation towards the accomplishment of their programmes.

In a text on clientelism, a phenomenon which is often the precursor of full-blown corruption, commenting on the reticence of the Italian political class (but certainly a similar consideration could apply, to a stricter or larger extent, in every democracy) to make effective reforms of the public administration due to the fear of losing votes, the author writes: “It is *perhaps* for this reason that, in Italy, the most telling reforms have been made by «technical» governments, *which have little attachment to electoral consent* and are called on to administer emergencies which professional politicians could not manage without permanently damaging their political popularity.” (Piattoni 2007, p. 120, our translation and emphases) We believe it is *precisely* for that reason. Co-legislators and co-rulers from public scientific institutions, who are elected, and thus fully democratically authorized, but allowed to use only limited means for vote-seeking, would not be attracted by, or subject to the mechanism of, the *do ut des* with voters, because they lack one of the two elements to the transaction: since experts who stand for election are largely precluded from looking for votes in the party-political ways which are most at risk of populism – not out of heavenly purity, but due to a well-designed regulation – they do not have to barter (expected) votes with public resources given to certain groups of citizens. Since both a “supply-side” and a “demand-side” of clientelism are necessary, the first is scarcely active with the scientific candidates; the practice of “buying” votes is hardly applicable, because any possibility of an exchange of favours is really cut to a minimum. The academics who run for office will not need vote-brokers to handle the workings of any political machine:²¹² they are therefore freer than traditional democratic politicians, and in a strong sense.²¹³

In addition, for university experts who give their availability, the fact of not being drawn to be on the lists of candidates, or of not being voted for by electors, or of automatically being removed from office after a certain period, should not be a drama like that of the politicians who are kicked out at the polls. For public scientists, popular appointment to the related legislative assemblies will not be their main or unique professional aim: in Weberian terms, they will (temporarily) work “for” politics, without earning a living “from” politics.

Will scientific candidates tend to overstate the benefits that are foreseen if their proposals translate into laws? It is possible. Yet, even before respecting a deontological code, academics have a reputation to defend: they are unlikely to inflate the expectations for their recommended policies, knowing that after a limited term they will go back to universities and research centres; we may be confident that they will not indulge in the demagogic boasts which are so typical of office-craving politicians – and are too often taken back after elections.

All in all, candidates from universities and research centres are expected to have *incentives* and *institutional/procedural constraints* which significantly differ from those of party candidates; yet, a critic may point out that this is only a hope – and we must agree. Indeed, we had better foster a healthy skepticism as regards personal ambitions on the part of scientific candidates; but we believe that it is a matter of magnitude, if we imagine comparing experts' and politicians' longing for power. Of course, as REDemo is an untried situation, this is a matter of pure speculation.

²¹² An energetic, well-argued defence of party machines is offered in Rauch 2015.

²¹³ This is actually a challenging proposition. How could candidate and elected scientists do without any support from party-like organizations? Our (provisional) answer: they may be assisted by a small staff composed of a number of civil servants with secretarial functions, formally destined to help with office-related duties, and the Scientific Assemblies would rely on their own bureaucracy – just like today's National Chambers and local councils.

II.18.2. Reducing political frenzy, balancing powers in a better way

The detrimental mechanism of systematic conflict between majority and opposition is not a necessity with assemblies of experts: as often already happens in scientific institutions, we can foresee heated discussions, personal antipathies, sharp disagreements, perhaps irreconcilable positions, dissents that will be resolved only by a majority vote. We know that controversies in academic meetings can be very lively; yet, we are confident that the scientific assemblies will not be frequently interrupted by vociferous shouting between factions, or even physical attacks: a spectacle that is not infrequent in elected parliaments and councils. The insincere roughness of debates in aggressive politics is highlighted by another professor who had a real-world experience of the political arena, before going back to his university job – relieved: “You can never admit you were wrong, at least not until so long after the event that it doesn't matter, because your opponents will immediately jump upon an admission of error as a sign of weakness. You quickly learn that the most effective response to attacks is not a reasoned reply but a quick ad hominem smear. So I'm happy I returned to the academy before political practices totally infected my brain.” (Flanagan 2009, p. 2)

Thus, we can hope that, in general, the inevitable disputes will be related to differences of opinion on the best strategies, the most effective methods, the processes which are considered objectively valid to address the problems to be tackled by legislative-governmental action. The mechanism we propose will encourage the reaching of *consensus* inside the assemblies; it is the deliberative and decisional procedure currently used e.g. in constitutional courts, expert committees inside independent agencies and similar non-elected bodies. In such environments, “even though participants may have strong convictions and engage energetically in debate, consent is governed nearly exclusively by argumentation norms”; members are aware that some among them are more competent in specific areas and are ready to recognize that: thus, “[t]he concern for equality of participation peacefully coexists with recognition of legitimate inequalities of influence” (Urfalino 2006, p. 22-23. The author dubbed this method “Areopagus”). “The consensus approach model assumes that the scientists on the panel will learn from each other as they listen to evidence, and weigh and discuss different viewpoints.” (Goldstein 1989, p. 350) In other words: “if you gather a group of scientists in a room and let them discuss an issue amongst themselves, even if (and maybe particularly if) they have conflicting positions and views going in, the norms of scientific discourse will tend to dominate, including the primacy of data [...]. In the end, the group will naturally tend to gravitate toward consensus.” (Marchant 2012, p. 201)²¹⁴

The former descriptions are probably too stylized: personal and ideological rivalries, even enmities, can negatively affect arguments among pundits and technicians, and we are afraid that such detrimental attitudes would tend to be higher than in academia, were a real legislative and governmental power be involved. More generally, we should not foresee the workings of scientific assemblies as elevated to an Olympian tranquillity, far from the messiness of the actual decision-making process – as it is in reality, e.g. in a cabinet meeting vividly described by a scholar who is a former Canadian minister: “the general lack of preparation of members, their constant arriving and leaving, the shortage of time, the phone calls, the reading and writing of messages, the fatigue and drowsiness, the effects of alcohol and food, the diversions onto the terrain of current crises and tactics, the political preferences of the chairman and her secretariat which drafts the minutes and the decisions, the relative political capital of the various protagonists – in short, the fact that policy making is deeply embedded in the ongoing drama of political life.” (French 2012, p. 536-537)

Yet, the degree of partisan, even parochial, antagonism between two or more pre-determined blocks, which is typical of sclerotic parliaments and party-political councils, should not impinge on the activity of the scientific assemblies. Even if someone is pursuing individual goals, there will not

²¹⁴ For a slightly ironic but realistic description of the different ways of discussing between scientists and lawyers (who are certainly more polite than politicians though), see Judson 1999 (quoted at length in Marchant 2012).

be factions which are *systematically* required to oppose and denigrate each other. Confrontational attitudes among standing experts may be further discouraged by rules regarding the promotion of one's programme: comparing it to those of other candidates would be allowed, but "negative advertising" (Runciman 2018, p. 3), also called "negative campaigning", i.e. the attempt to paint an opponent's positions and proposals in a bad light, so common in party politics, will be ruled out.

Inside the legislative expert organisms there will be little incentive to negotiate backroom deals between contending armies, the wheeling and dealing of infamous *logrolling*; moreover, filibustering is hardly imaginable. We can also hope for a notable reduction in the allocation of resources for particularistic ends (*pork barrelling*): indeed, if the members of the scientific legislative bodies are elected from a single national list (for the central scientific assembly) and – by hypothesis – are at least half from other counties/districts/regions/provinces (for the scientific assemblies with a more limited geographical scope),²¹⁵ there is little interest or incentive in wooing the clients-electors of this or that constituency.

Generally, we believe that the public service engagement for elected scientists will be demanding, but we may hope that their life would be easier than that of politicians. Let us see a list of drawbacks which drain energy from office-seekers and officeholders, based on self-reported accounts by elected officials themselves: "long hours (6 am to mid-night), busily spent responding to constituent needs, fashioning policies and attending meetings, media events, dinners and fundraisers"; being "on show all of the time" – to the detriment of private life; "perpetual uncertainty [...] about the intentions of voters, constituents, colleagues and opponents"; getting "physically tired and emotionally a bit spent from campaigning" (Corbett 2015, p. 477-479). Under REDemo, academic experts "on loan" to lawmaking and government will certainly use up time and effort in long meetings and taxing encounters with journalists, voters and stakeholders, but they would not feel as if they are constantly under the hanging sword of Damocles facing a consent-eroding backlash, always fretting about some negative aftermath: "The first reflex of the politician is to imagine the media treatment of and public reaction to any act, expression or policy announcement". (French 2012, p. 534) Scholars who become involved in politics should also be spared the anxiety regarding election/re-election: while "for those members who do not occupy 'safe seats' constituency dynamics dictate whether or not they will be employed" (Corbett 2015, p. 479), professors temporarily devoted to policymaking should be relieved from such nerve-racking tensions; being unsuccessful in their run for office may be quite disappointing, but it would not represent a matter of professional life or death. Furthermore, although public scientists who are involved in politics and government are obviously more "visible" than in academia, it can be hoped that their privacy will be less affected by the disturbing gossip-related curiosity which is often so stressful for political leaders. All in all, we may expect the work of mid-term elected experts to be less hectic; and more fruitful, if their energy is less employed – or, rather, wasted – in squabbling with opponents and trembling over voters' oscillating moods.

Importantly, while elected experts are not members of pre-determined factions, they are not even "representative" of groups of citizens or particular constituencies. They are delegated by the entire electoral district (national or local) to face collective problems, with particular reference to their area of expertise; to some extent they are voters' agents – although their mandate (the programme they submit for elections) is not imperative, and scientific assemblies must be seen as a whole.

The reform proposal would better implement the concept of balancing legislative and executive powers – *from the inside*. While we stress again that REDemo is *not* a technocratic reverie, we may clarify our stance by replying to a challenging series of questions which Robert Dahl asks of anyone proposing to confer power on a para-Platonian government: "1. How is the Guardianship to be inaugurated? 2. Who will draw up the constitution, so to speak, and who will

²¹⁵ In those cases, the elected expert's participation in legislative/executive bodies could be part-time.

put it into action? 3. If Guardianship is to depend in some way on the consent of the governed and not outright coercion, how will consent be obtained? 4. In whatever way the Guardians are first selected, will they then choose their successors, like the members of a club? [...] Yet if the existing Guardians do not choose their successors, who will? 5. How will abusive and exploitative Guardians be discharged?” (Dahl 1998, p. 74, questions numbered by us) Note the sceptical and even ironic tone: the author seems to see any hypothesis aimed at promoting the role of scientists or experts in the functioning of democracy as a modern version of elitist theories.

Our answers: 1. REDemo is set up through carefully targeted institutional changes; 2. The constitution, in almost all democracies, is already written (or the basic principles are available in disparate laws and statutes) and need therefore only be amended/supplemented; it is put into practice by the three powers of the state, of which the legislative and executive powers are *rationalized* with the involvement of experts; the democratic regime is then *extended* by the greater effective power placed in the hands of the collective and its intermediate bodies (associations, unions, stakeholders, etc.) through old and new instruments of deliberative and direct democracy; 3. The consent for the reform is free from any form of coercion: it is hoped that approval of the project, in the various countries, will be achieved through mass adhesion by civil society; 4. The designation of academic scientists (who have very little in common with the ethereal and oligarchic Custodians) will occur by collecting volunteer groups of candidates within public science institutions; their pragmatic programmes will be judged by the voters; their successors will also be elected by universal suffrage and will periodically replace colleagues whose mandate has expired; 5. Whoever misappropriates or abuses their power will undergo the legal sanctions envisaged by the law.

The institution of scientific legislative and executive co-power will ensure that a dual and reciprocal control by the two symmetric actors is put in place, i.e. the traditional bodies of party-political representation and the new and parallel assemblies of elected experts: this may represent an effective remedy to the lack of accountability and balance of current power arrangements, without at the same time creating a new fault of a technocratic nature.

II.18.3. Subduing the influence of special interests and the power of money in politics

Candidates and members to the scientific assemblies are not allowed to look for electoral contributions: therefore, they will be essentially immune to the financial lure of lobbies – however significant it can be for party-politicians. Political scientists and law experts, when enjoying decision-making power, may push for rules aimed at drastically cutting electoral financing and expenses. A strict ceiling in this sense was recommended by John Stuart Mill: “Not only the candidate should not be required, he should not be permitted to incur any but a limited and trifling expense for his election.” Furthermore, electoral spending should use public financing, not private funding: “no payment of money for election purposes should be either required or tolerated on the part of the person elected”. (Mill 1861, cap. X) This would produce the twofold positive effect of trimming the main instrument of persuasion for financiers and also enable the less well-off to try for a traditional political career. We believe that, should REDemo be implemented in a given nation, this dramatic abatement of the power of money in politics may be seen as one extraordinary result, being the realization in the real world of a crucial tenet of democratic theory.

In his notable book, Winters (2011) defines oligarchs as the extremely rich in property and income, therefore endowed with enormous material power, independently of whether they rule a people/territory or not. The author convincingly argues that, in certain countries, oligarchy and democracy actually coexist – i.e. they are not mutually exclusive – showing evidence that, at least in the USA for most of its history, a relatively small number of super-wealthy people have been able to coax the government into burdening the less affluent levels of society (comprising the “merely rich”) with the bulk of taxation; above all in recent decades, these tax-averse individuals and families have been feeding an “Income Protection Industry” of lobbyists, professionals and consultants, all devoted to creating legal or quasi-legal tools in order to minimize their clients’ fiscal

disbursements. We dare to foresee that, if the REDemo reform comes into force in one or more states, a progressive tax system – if required in the Constitution – may be enforced also on the very top income earners; in other words, while their legally detained property rights are secured by law (no democratic constitution imposes vast and forced redistribution of property through expropriation or similar means), the tycoons too will be adequately regulated as to pay their fair share of income taxes.²¹⁶ This hope is grounded in the fact that many scholars at the highest levels (e.g. Nobel laureates in economics such as Krugman and Stiglitz) have been repeatedly calling for a reduction in economic inequality, to the benefit of the 99% of the population, without such a partial rebalance affecting the wealth of the magnates but only marginally; they have been advocating effective policies for decades, with zero impact: just voices crying out in the wilderness – we may dub this the “Isaiah effect”. Our belief – nothing more than this, to be clear – is that the presence of social scientists in the government, as far as they can resist the influence of self-serving elites, may change this deep-seated state of things: “taming” oligarchs and decreasing oligarchic “intensity” – in Winters’ words.

More generally, our reform could rebalance the democratic system in order to combat poverty and favour the least advantaged citizens – as foreseen in many constitutions. The fear of economic elites is a significant motivation of conspiratorial attitudes in populist propaganda (Castanho Silva, Vegetti, Littvay 2017): with its explicit aim of weakening the influence of such powerhouses, REDemo can combat populism.

Consider another difficulty, “when politicians face pressure from powerful interest groups whose interests do not align with those of the politicians’ constituency”, so that, meeting the lobbies’ expectations, “they run the risk of angering their constituents. [...] Regardless of what they decide to do in such situations, politicians will jeopardize their re-election chances and be accused of doing only what is best for their re-election chances.” (Medvic 2012, p. 43) Under REDemo, experts – either candidates or in office – should not face such a Kierkegaardian dilemma²¹⁷, because the push from economic/financial elites would be less strongly felt and the constituency is the entirety of voters – nationwide for the National Scientific Assembly, on restricted geographical areas for local elections.

As for other forms of undue profit that vested interests often gain to the disadvantage of the collective (namely, rent-seeking and regulatory capture), we are afraid that elected experts may be sensitive to the ability of economic powerhouses in influencing policies for their benefit: even the current relationship between governments and public science bodies is not immaculate (for the USA, see Greenberg 2007). It will probably depend on single situations, i.e. on the kind of local bonds there are between companies and academia. What kind of disincentives can be put in place to avoid possible biases is a matter of further reflection: indeed, as our project is brand new, we are in an area of mere conjectures.

II.18.4. Informing policy with competence

With REDemo, the skills used to study the appropriate legislative and governmental policies will be the best available: the starting point of the assemblies of experts will be a systematically informed, *competent* approach. We hope the reader will be kind enough to spare us predictable remarks regarding how scientific knowledge is always limited, often imperfect, sometimes biased,

²¹⁶ Yet, it must be noted that, since the REDemo reform as we are outlining here applies at the national level, financial oligarchs may easily find ways to regularly transfer most of their income to offshore tax havens – as frequently happens today.

²¹⁷ This is the paradoxical, bewildering quotation from Kierkegaard’s book *Either/Or*: “Hang yourself, you will regret it; do not hang yourself, and you will also regret that; hang yourself or do not hang yourself, you will regret both; whether you hang yourself or do not hang yourself, you will regret both. This, gentlemen, is the sum and substance of all philosophy.”

<https://en.wikiquote.org/wiki/Either/Or>

never pure: just compare the expertise of elected scholars with the intermittent wavering of politicians when they do not know what they are legislating about – although they were able to reach power.

The foreseen sections of the scientific assemblies should mostly involve the areas in which public choices can be helped by policy-related competence (law, political science, economics, sociology, land/urban planning, industry/infrastructure design, biotechnology, agriculture, education, health, the environment, culture, university and research, and moral philosophy): these are the kinds of expertise that can have a beneficial “return” if translated into rationally designed, evidence-based, constitutionally-grounded collective decisions.²¹⁸ As important and significant as all fields of knowledge can be, we think that government can take the greatest advantage from specialists in fields which have a direct connection with socio-political-economic life – but professors of arts and literature may be excellent legislators and ministers in education policy or cultural heritage.²¹⁹

One could object that too often experts, besides being in strong disagreement among themselves, are not good at forecasting politics-related issues (Tetlock 2017). But our point is different: we are not glorifying scientists’ abilities in predicting the future,²²⁰ but we are calling for the creation of an institutional channel through which science-informed and constitutionally sound laws can be funnelled. There are plenty of subjects where the need to implement actions is not controversial for most citizens, e.g. provisions to encourage job creation, the fight against pollution, containment of corruption in the public sphere – just to name a few issues: while elected experts are certainly expected not to be unanimous in their proposals and decisions, such problems would not be faced with a primary eye on consent returns, or even neglected, as happens today in Schumpeterian politics. In other words, the limits of expertise are clear as regards forecasting applied to the results of presidential elections or to the directions of complex geopolitical scenarios: but elected scientists will have no need of a crystal ball to start enabling evidence-informed and democratically respectful governmental actions.

Economic policy is certainly the field in which the role of specialist advice is most contentious.²²¹ In particular, in the wake of the major financial crisis (the explosion and peak was

²¹⁸ A useful reference: “applied science” means using existing knowledge, or curiosity-driven “basic science”, in problem-solving which targets real-world situations; somewhere in the middle of these two concepts, we can speak of “use-inspired science”, a third category which better describes the area of fundamental, cutting-edge research that is responsive to society’s needs. Stokes (1997), in outlining this distinction, looks at the figure of Louis Pasteur as a paradigmatic use-inspired scientist.

²¹⁹ Indeed, the development of “disinterested” search for knowledge should be encouraged. The value of cultivating science zones which apparently have no immediate practical use is shown by a recent example of startling advancements in the life sciences: techniques of gene editing (in particular CRISPR), which are extremely promising in various biotechnology sectors (medical, agri-food, bio-remediation of polluted soils, etc.) were developed from studies regarding certain obscure mechanisms of defense that bacteria operate against viruses (see EASAC 2017). The two scientists who discovered the phenomenon and foresaw its applications were awarded the Nobel prize for chemistry in 2020.

²²⁰ In this sense, the title of Tetlock’s book is misleading: its subject is not experts’ political “judgment” (a wider concept), but “forecasting” (guesses about the future).

²²¹ We are aware that economic/financial policies are often decided by supranational organisms, both political (meaning that elected officials have a role, although less incisive than in national parliaments: e.g. the EU) and mostly technical (e.g. the World Trade Organization, the International Monetary Fund, the World Bank): however, while the REDemo framework we outline here is applied at nation-state and more restricted levels, we believe that the contributions from elected economists in single countries would be beneficial.

approximately in 2008-2011, but a negative aftermath continues), strong appeals to better assess the role of experts and the democratic accountability of political elites have been launched (Engelen et al. 2012). We share this concern and we believe that REDemo offers an institutional framework to encourage the proposed orientation. Similarly, economists who authored a lengthy and in-depth analysis of technical economic advice, also with reference to historical cases, are particularly cautious in trusting their fellow experts, maintaining that the virtues of openness and modesty are too often disregarded. They recommend assuring that: 1. “expertise is constrained by democratic consensus”; and 2. the “economist as expert is constrained by discussion and transparency.” (Levy, Peart 2017, p. 7) This valuable binary approach is perfectly matched by REDemo: 1. with the *rationalization* of the institutional framework, the proposed policies from economists who stand for office are chosen by voters; and 2. with the *extension* of deliberative tools and the mandatory availability to be accountable, experts in office are constantly under the public’s scrutiny.

II.18.5. Adopting long-term views

The REDemo proposal is an attempt to answer important questions: “Are there mechanisms that ensure or incentivize focus on the most pressing actual political problems and issues, rather than those issues that are most divisive or most entertaining or otherwise interesting? Are there mechanisms that improve the system's ability to focus in a long-term way, looking out for big but perhaps more temporally distant problems?” (Guerrero 2021, p. 425) It may be hoped that elected experts will adopt a wider and deeper view than traditional lawmakers. Upcoming crises can be diagnosed and faced without the frequent, detrimental delay. One concern of the scientific assemblies will be strong legislative and government action in certain areas – such as the administration of justice, sustainable economic development, land management,²²² environmental protection, culture and scientific research – which are fundamental for the long-term wellbeing of nations but are too frequently approached by elected officials without the necessary strategic perspective. Scientists in co-power would be in the position to offer possible solutions to societal problems which are overlooked by politicians, because, notwithstanding their importance, they are not able to enter the decision-makers’ agenda. We can understand this with reference to one explicative theory of policy processes, the Multiple Streams Analysis (MSA): according to it, three indispensable elements (“streams”) are necessary to emerge as topics which attract the attention of rulers: problem, policy, politics (see Cairney 2019, ch. 11). Elected experts, who are aware of the importance of a matter, and have duly listed it in their programmes, would not need to wait for an “opportunity window” (for instance, sudden emergencies, major scandals, intensive media campaigns): they would have the power to unearth the issue and bring it to the fore according to its actual importance for the collective, as perceived by mainstream science. REDemo opens an institutional lawmaking path for agenda-setting of problems which, in the current framework, would

²²² The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services is an independent body, counting 130 member States. It “provides policymakers with objective scientific assessments about the state of knowledge regarding the planet’s biodiversity, ecosystems and the benefits they provide to people, as well as the tools and methods to protect and sustainably use these vital natural assets” (www.ipbes.net/about). IPBES has produced an outstanding scientific work regarding the state of land degradation and restoration at worldwide level, with in-depth consideration of several geographic areas. Accordingly, it has issued a detailed report for policymakers (IPBES 2018). Such articulate analysis calls for immediate, wide-ranging policy actions, whose benefits – which will be positive even in pure economic terms – are expected to manifest in the medium- to long-term (around 2030 and beyond). Any bookmaker would place the odds of prompt and consistent decisions by politicians, in any nation, at a very high level. In other words, to put it more bluntly, the wise and far-sighted recommendations from scientists to inevitably myopic lawmakers amount to nothing more than wishful thinking.

be postponed, downsized, even neglected – as the MSA realistically predicts with its obligatory three-stream bottleneck.

Peculiarly perverse dynamics may occur: politicians can gain electoral consent by consciously avoiding taking care of the long term. In the USA “voters reward the incumbent presidential party for delivering disaster relief spending, but not for investing in disaster preparedness spending. These inconsistencies distort the incentives of public officials, leading the government to underinvest in disaster preparedness, thereby causing substantial public welfare losses. We estimate that \$1 spent on preparedness is worth about \$15 in terms of the future damage it mitigates.” (Healy, Malhotra 2009, Abstract)²²³ Our expectation – our hope, our bet – is that elected scientists would have different incentives: the prevention regarding possible future adverse events should be a substantial part of the programmes for experts in office, with less attention on the electoral return.

Furthermore, fast societal changes which need suitable regulation, above all when scientific and technological evolutions are involved, may be promptly addressed, even anticipated by informed scholars.

The elected experts will be subject to rotation, at the end of their mandate: however, we expect from scientific assemblies, *as institutions*, long-term vision, strategic continuity in planning and action, and consequent far-reaching direction in policy proposals and decisions, as naturally deriving from the scientific mindset.²²⁴

An interesting criticism seems to undermine the idea that scientists can enjoy a long-term vision which is denied to almost all politicians: an important American academic, commenting on his own experience as a member on consultative committees, in fact stressed that “the training and expertise of experts were more likely to predispose them to short-sightedness and bureaucratic inflexibility than to serving a broad conception of the public interest” (the concept is in Bernstein 1955, summarised in Jasanoff 1990, p. 10). However, paradoxically, this acute observation is grist to the mill of the reform we propose: taking for granted that some academics can prove to be too limited in scope in their knowledge and too rigid in the positions they support, the interlacing of the elected expert with colleagues from other disciplines and the constant interfacing with party politicians ensures a broader examination of the questions under discussion. Famously, Isaiah Berlin distinguished between “foxes” and “hedgehogs” (https://en.wikipedia.org/wiki/The_Hedgehog_and_the_Fox), i.e. specialists whose knowledge is wide and inclusive (“the fox knows many things”) from those whose expertise is narrow and deep (“the hedgehog knows but one”): with the presence of the two types of approach, the dialogue and interchange in the scientific assemblies can be fruitful. Thus, we acknowledge that “each discipline tends to frame research questions in unique ways, bring different methods to the table, and look at data through distinct lenses. All academics are not the same. Rather, they live and operate within a unique culture that shapes how they see the world.” (Bogenschneider, Corbett 2010, p. 19) But a composite scientific assembly, in its debates with the parallel party-political body and with society at large, would balance the possible narrow-mindedness of sectoral experts.²²⁵

²²³ The title of this important paper highlights only one side of the coin, focusing on “myopic voters”.

²²⁴ Of course, this overly optimistic prediction will be falsified when, in the National Scientific Assembly of any given “rationalized” democracy, a majority of neo-Keynesian scholars is replaced by a preponderance of Austrian school economists (or vice versa), who will probably convince the majority of their fellow lawmakers that the fiscal policy adopted previously must be overturned. As far as democratic procedures are concerned, this is fine: experts proposing one or another economic policy orientation have been elected by voters.

²²⁵ We are aware that we are simplifying the concept of “two communities” (Newman, Cherney and Head 2015), i.e. politicians and experts; more properly, complex dynamics involve a multi-level and multi-faceted relationship between knowledge and its possible uses in public policy, as masterly

In other words, the sector-specific skills of elected scholars must not be taken as absolute: the preapproval of bills created within their assemblies (national or local), or their discussion of the projects put forward by the traditional chambers and councils, will obviously involve all the members of the scientific assemblies, even if it is very likely that the proposals will be drafted and more closely examined by those who have most knowledge in a certain area: but the high average intellectual level of the scientific assemblies will ensure that the bills, albeit arising from relevant experts, are profitably discussed also by their non-specialist fellows – always in the light of democratic constitutions.

Thus, REDemo would create a more coherent structure for contributions from experts to collective choices: today it may happen that one or another *social scientist* exercises a strong personal influence in the decision-making processes of a committee or of an office for which she is a valued consultant; on the other hand, it is considered impossible that *social sciences* as a whole may exercise such influence. (Wilson 1978) A balanced institutional set-up in which sociologists, political analysts, legal scholars and economists (the social scientists) take their place on co-decisional scientific assemblies in respect of the balances between the different disciplines and positions held, would transform the aforementioned impossibility into reality.

II.18.6. Decreasing privileges and corruption

The coming into force of the new science-based representative arm may entail a radical clean-up of the costs of politics to the public finances: a reduction in the number of representatives in all traditionally elective bodies, ceilings on their remuneration, cuts to superfluous expenditures, strong anti-corruption rules. Scientific assemblies will constantly vet and oversee all the spending provisions which traditional politicians might try to push through for personal or factional gain.

Since they are not saints, the elected experts may be enticed to grant some privileges to their institutions and themselves, in monetary or other terms: but we may be hopeful that parasitical behaviour and squander will be curtailed. Even if we see the possibility that governing scholars may give in to temptation and take part in the banquet of personal advantages with party-politicians, the foreseen benefits of the “rationalized” democracy are so high that we should run some risks.

A critic may observe that behaviours in academia are not always irreproachable: cases of intentional scientific misconduct in the pursuit of career advancement on the part of researchers, such as manipulation of data, from disregard of professional standards to fabrication of results, or episodes of plagiarism which sometimes amount to outright fraud, are exposed.²²⁶ The main instrument of control, i.e. the mechanism of rigorous peer-review, now and then shows its limits (McCook 2006); indeed, corrections or retractions of faulty outcomes may be too little and too late. It is not our intention to deny or dismiss such evidence, but we should point out that corruption in the scholarly environment does not seem to be as diffuse and endemic as it is in politics. Furthermore, scientific bodies have codes to implement actions aimed at identifying bad apples and

explained in Bogenschneider and Corbett 2010 (see in particular Table 2.1, Table 4.1, and Table 9.1). But a thorough treatment of the subject in the current framework is beyond the scope of this book.

²²⁶ A particularly negative perspective is outlined in Judson 2004 and Freedman 2010 (although the latter book conflates “scientific experts” with “informal experts” – maybe better labelled as “fake experts” – such as celebrities or other kinds of odd gurus).

getting rid of them: this is true for universities and similar centres²²⁷ and for scholarly publishing²²⁸. In recent years, scientific publishing has been facing a significant problem: the boom of “predatory” journals which ask authors for publishing fees, under the deceitful guise of “open access” charges (https://en.wikipedia.org/wiki/Predatory_open-access_publishing). The publishers of such outlets are hardly indictable, because they pretend that they are following academic rules and procedures, and it is difficult to ascertain when they are simply profiteering on the “publish or perish” imperative which oppresses younger researchers. Whether this pollution of the scientific environment could be cleansed by new laws, aimed at curbing the malfeasance while avoiding straight censorship, is an interesting question. Indeed, a different attitude must become a rule inside the same scientific community: “incentives should be changed so that scholars are rewarded for publishing well rather than often.” (Alberts et al. 2015, p. 1421)

Constant attention and effective reaction may be lacking in science²²⁹, but are not common in political institutions, notwithstanding the rules which are normally in place. A statistical evaluation of the incidence of wrongdoing that broadly compares the scientific and the political domains does not seem to exist: on an anecdotal basis, we are under the impression that discovered and reported episodes of misbehaviour are much more frequent in politics than in science – which can nourish hopes for good results from REDemo.

One expected benefit from the establishment of lawmaking scientific bodies is the action against influence-peddling in public companies. Yet, scholars should, first of all, clean up their own homes, because cases of cronyism and patronage, while certainly diffuse in public and private organisations, are noticeable also in academia (Martin 2009). For instance, in Italy “the probability of name-sharing is boosted when professors work in the same institution or sub-discipline” (Allesina 2011, p. 1); a similar situation is apparent in France, while it is less common in the USA (Grilli, Allesina 2017). This last study shows that, in Italy, the nepotistic trend is declining, after a law aiming at countering such phenomena was passed in 2010.

II.18.7. Containing conflicts of interest

From elected law experts and political scientists coming from public research centres,²³⁰

²²⁷ See e.g.: The European Code of Conduct for Research Integrity (www.allea.org/publications/joint-publications/european-code-conduct-research-integrity); for the USA (with an universal meaning) National Academies of Sciences, Engineering, and Medicine 2017; and, as an example of a single university (Oxford) www.admin.ox.ac.uk/personnel/cops/researchintegrity. Yet, experts of ethics in research believe that substantial improvements are needed: see Gunsalus et al. 2019.

²²⁸ See e.g. the Committee on Publication Ethics (COPE): <https://publicationethics.org>.

²²⁹ The accusation of misconduct can lead to a prosecution, but the slowness of justice may cause protracted uncertainty: see e.g. an Italian case of alleged data fabrication in scientific papers as described in Abbott 2017.

²³⁰ To be clear, there are many valuable scientists and experts in the private sector. However, in our view the new legislative-executive bodies should be composed of public scientists only, for a twofold reason: minimising their conflicts of interest and avoiding the widespread suspicion of industry among the public, in particular when for-profit entities fund the research. In a vast survey on the specific subject, “[c]lose to three in five Europeans (58%) agree that “we can no longer trust scientists to tell the truth about controversial scientific and technological issues because they depend more and more on money from industry”. (European Commission 2010, p. 23). Yet, in an analogous survey at least half of EU respondents stated that they expect a positive impact on a variety of policy relevant areas through science and technology over the following 15 years (European Commission 2014, p. 20). We are confident that elected experts will be able to take advantage of the precious knowledge which is produced in private scientific environments and is often made publicly available.

who are requested not to have significant personal/commercial stakes in economic enterprises, we can count on bills that really impact on conflicts of interest. Note that, under REDemo, the actual obligation to exclude monetary interests for candidate experts goes beyond the mandatory *disclosure* of such existing conditions, an action which – paradoxically – may even make the situation worse for the relationship between advisors (financial, medical, etc.) and their clients, be they individuals or firms (Cain, Loewenstein, Moore 2005). That is why we call for a pre-emptive *removal* of any such potential conflict. This should include the prohibition of candidatures by public scientists who are giving an otherwise legal paid consultancy to businesses.

It has been argued that (economic) experts may have skewed motivations, apart from financial stakes, i.e. the tendency to side with the interests of private or public clients they advise, or the desire for approbation from peers whose ideological attachments they share: such dynamics “might influence an economist’s model specification or choice of estimation technique, which, of course, in turn yield specific conclusions in favor of the presupposed (but hidden) commitment.” (Levy, Peart 2017, p. 193) In a call for the best possible level of transparency, it is underlined that “the commitments themselves might constitute relevant information as the results (or advice) become public.” (Levy, Peart 2017, p. 193). Interestingly, this is not a problem for elected experts under REDemo: their policy options, being the substance of proposed platforms, are public *by definition*, both when the candidatures are submitted to voters, and when mid-term or final reports are discussed with the public.

Elected academics are somewhat at risk of excessively raising endowments and grants for their institutions, or, more in general, they may put in place laws and governmental actions in science policy that could be considered biased in favor of scientific bodies, compared to other societal stakeholders. While we acknowledge this possibility, we point out that this is not a really dangerous conflict of interests, which normally involves (suspicion of) financial returns or other similar benefits: in any case, this is an area where the balance with the party-political counterparts – and vigilance by the public at large – certainly involves a useful control.

II.19. Trusting – and challenging – public scientists

Articulate analyses show that democracy indices have been suffering in recent years (see e.g. Freedom House 2018): in a multi-authored, wide presentation of the current scenario, both in general and with application to several countries, scholars speak of “democracy in retreat,” “democratic recession,” “democratic backsliding,” “democratic deconsolidation”, “constitutional retrogression”, “constitutional failure”, “constitutional rot”. (Graber, Levinson, Tushnet 2018, Introduction)

We may hope that REDemo comes to the rescue, because, in an age of striking disenchantment towards socio-political institutions, public researchers and experts seem to enjoy the favour of the majority of citizens in many nations of the world.

According to a vast international survey, in 2016 (data collected in October-November) we were witnessing the largest-ever drop in trust related to government (41%, but leaders 29%), business (52%, but CEOs 37%), media (37%-50%) and NGOs (53%); yet, people were still confident in certain categories: a person like you (60%) was as credible as is a technical (60%, from 67% 2015) or academic (60%, from 65% 2015) expert (Edelman 2017, data summaries at p. 11 and 14). Two years after, the same updated report shows a minor but significant rise in trust for certain categories, especially for experts: 65% (+2% on the former year) for a “company technical expert”, 63% (+2%) for “academic experts”, 61% (+7%) for “a person like yourself”; journalists and government officials (approx. 35%) are at the bottom of the rankings (Edelman 2019, data summary at p. 32). In 2019, the trust in company technical experts (+3%) and academic experts (+3%) is still growing; trust in scientists among the international public is set at a remarkable 80% – the highest among all social categories (Edelman 2020, p. 63 and 17).

More: “a new international survey finds scientists and their research are widely viewed in a positive light across global publics, and large majorities believe government investments in scientific research yield benefits for society.”²³¹ (Funk et al. 2020, p. 6)

Similarly, many people in a number of countries with diverse socio-political systems, mixed cultural backgrounds and different levels of economic development, when asked about their “Confidence in Universities” gave various answers: in democracies, respondents who declared “A great deal” or “Quite a lot” are in the range from 16.8+63.1% (Australia) to 12.6%+47.9% (Chile): that is, positive opinions regularly constitute a robust majority of 3, even 4 out of 5. In the same international survey, people were asked their opinion about “Political system: Having experts make decisions”: in democracies, generally, respondents who declare that the idea is “Very good” or “Fairly good” are around 50%. (World Values Survey 2010-2014)²³²

In the USA, in 2017, 21% of the surveyed declared “a great deal” of trust in scientists, 55% a “fair amount”, 18% “not too much”, 4% “no confidence” (Funk 2017); a four-year comparison (2016-2019) shows a growing confidence in scientists (from 76% to 86%) and medical scientists (84%-87%), even higher than in the military (79%-82%), a category traditionally held in great consideration by the American public – while elected officials (27%-25%-37%-35%) trudge back (Funk et al. 2019).²³³

In Sweden, confidence in universities and research is high and rising (84%), while many citizens believe that “science has too weak influence on politics (43 percent)” (Bergman, Bohlin 2018).

In the UK, teachers, professors and scientists are among the most trusted professions, with an 89-85% score – while “government ministers” and “politicians generally” rank almost at the bottom with 22% and 19%; differences in opinions among conservative vs. labour supporters (1-4%) are scarcely relevant (Ipsos MORI 2018). Again in the UK, approx. 85% believe it “important” that “when making difficult decisions, politicians”: 1. “consult a wide range of professionals and experts”; 2. “demonstrate that the decision is based on objective evidence”. So, pollsters can remark that “people have not ‘had enough of experts’²³⁴; they still want them involved in decision making.” (Institute for Government 2016, p. 4 and 1)

²³¹ Survey across 20 publics (October 2019 - March 2020): Europe, Russia, Americas, Asia-Pacific region. A caveat is needed: questions in this poll mostly concern “science” with reference to medicine (medical treatments) and the STEM (Science [natural sciences], Technology, Engineering and Mathematics) group of disciplines: social sciences are not part of the investigation. The same focus on STEM is found in the State of Science Index Survey 2020 (3M 2020), which reports an important change in public attitudes: comparing the results of polls from several countries (Brazil, Canada, China, Germany, India, Japan, Mexico, Poland, Singapore, South Africa, South Korea, Spain, UK and the USA) carried out in 2019, with surveys conducted in roughly the same group of countries six months into the Covid pandemic (July-August 2020), “appreciation for science and trust in scientists has increased significantly”. See also European Commission 2020 – about the PERiTiA project (Policy, Expertise, and Trust in Action) in times of Covid.

²³² We do not think that these last numbers are very useful for our purposes, because positive answers to such a question can be interpreted as declaring a preference for technocracy, as opposed to democracy – or vice versa: the question did not indicate whether those ruling experts had to be elected, or in some way appointed regardless of the will of the citizenry.

²³³ Not unexpectedly, “Americans have confidence in scientists, but there are political divides over the role of scientific experts in policy issues.” (Funk et al. 2019) REDemo is fine with this: candidate experts will presumably offer different programmes on hot topics, and voters will choose.

²³⁴ This is the infamous phrase uttered by Michael Gove, MP who campaigned for Leave during the Brexit referendum (https://en.wikiquote.org/wiki/Michael_Gove). Interestingly, the percentage of respondents who voted Leave and endorse the positive role of expertise is almost equivalent to those who voted Remain.

Therefore, contrary to a diffuse perception, this context “seems to suggest that the so-called populist backlash against science and expertise as a general claim is a figment of the imagination, itself in the land of opinion and post-truth.” (Grundmann 2018, p. 3)

Democratic societies can draw on significant help in the effort to take better collective decisions, including public scientists in the legislative-executive structure. In a sense, this means opening up to a particular form of aristocracy: in the etymological meaning of the term, the component “aristo-” stands for “the best”; indeed, scholars and high-level academic technicians are in top positions in their fields of study, not of course in an ontological or moral sense. If we want to consider them as an important part of the aristocracy of knowledge and expertise, their ability will be at the service of the democratic sovereign, the social collective, which has decided to co-opt them in a new and effective way into the process of policy choices, by institutionalising and constitutionalising their contribution.

One may fear the possibility that elected scientists go astray: after all, during the first part of the 20th century, many intellectuals glorified autocratic regimes, even Nazism; for decades, during the Cold War, renowned Western European political philosophers insisted in defending Soviet-style or Maoist dictatorships (Aron 1955); even more recently, some big names in philosophy and social sciences can hardly be called democrats (Lilla 2016). A biased misreading of Darwinism was the base of “scientific” negative eugenics, i.e. coaxed or even forced sterilization for the “unfit” in some countries (for the USA, see Cohen 2016); colonialism was justified also by the argument of objective anthropological inferiority of “primitive”, “backward” populations. Until the recent past, not a few scientists were openly racist (on historical “scientific racism”, many examples at https://en.wikipedia.org/wiki/Scientific_racism), and ethnic- or gender-biased attitudes are still alive in academia (Martin 2009). We acknowledge this concern as significant: yet, it seems difficult to imagine, today, a *majority* of elected law- and policy-making academics endorsing strongly biased positions as has happened in the past. In any case, we believe that the required strict adherence and reference of the programmes to constitutional articles, the balance with democratic party-politicians and the constant deliberation with the public would defuse such threats.

Another possible problem is the presence of “fringe” scientists inside the assemblies: frequently, the mainstream consensus on certain important issues is challenged by vocal individuals who may have qualifications in the field, but have decided to embrace “heretic” positions, be it for conviction or in search of celebrity (and money deriving from TV appearances, sale of books, etc.).²³⁵ Such characters are generally more successful, in terms of visibility, than most scholars, because they are often strongly committed to affirming their ideas, and because the media, always looking for confrontational debates which boost their audience, too often adopt a “false balance” attitude, inviting both authoritative specialists and unconventional personalities to discuss scientific/policy matters. These people may be tenured academics (we are not making reference to extravagant gurus here) and therefore eligible to stand for the scientific assemblies, with proportionally higher possibility of success, mostly due to their relentless engagement to asserting with the public their otherwise discredited points of view. Therefore, their election would mean for their colleagues the need to constantly confront obstinate opposers, inside the same law- and policy-making body.

The risk cannot be denied, but the probability for it to become real is low, if we consider the possible numbers. First, if the academics who are willing to be candidates for, say, twenty positions as elected experts in a given area number many more (e.g. ninety out of a pool of several hundreds), the names would be reduced to fifty or sixty by sortition: the rationale for this initial stage is that, considering 10-12 sectors of the scientific assemblies (economists, political analysts,

²³⁵ Examples may be biodynamic agriculture supporters or HIV-AIDS deniers. One sad case of a scientist who actually embraced some of the weirdest beliefs is the American biochemist and Nobel laureate Kary Mullis: he maintained that climate change, ozone depletion and other significant scientifically established issues are due to government conspiracies; and he credited astrology.

land/urban/infrastructure planners, biotechnologists, etc.), each one with its candidates, voters, while having the opportunity to choose, cannot be presented with ballot sheets offering thousands of names; therefore, eccentric candidates would probably (statistically) be skimmed off, sorted out in advance. Second, even if some “upstream” scientists manage to be elected, they would certainly be a tiny minority among their peers.

Similarly, the scientific assemblies may run the risk of seeing some elected members who are diehard relativists/postmodernists and the like: the kind of scholars who have been incessantly questioning the inherent value of the scientific point of view and the derived expertise. We welcome such a possibility: confronted with the hard work of drawing up and discussing laws and regulations, negotiating policies with their colleagues and with the party-political branch, such legislators will exercise their ability in “socially constructing” various kinds of policies and governmental actions: it may be a fruitful immersion in the objective reality whose existence they are so eager to deny.

The citizenry may be willing to adopt REDemo also following an “appeal to the wallet”. Remember that, in democracies, universities and research centres are mostly paid for with taxpayers’ money: also private high education entities, when publicly recognised, often benefit from state financial support. Knowledge and competence that are created via that flow of funds are underused in informing law-making and governmental actions; not exploiting that scientific wealth to help manage societal problems is simply silly.

The Rationalized Democracy framework can come close to realizing what we may define “Burke’s aspiration”. The Irish MP famously claimed that representatives should act independently, using their judgment to make decisions about the general good, even going against their constituents’ interests and preferences (Burke 1854). Party politicians are deterred by such a perspective, while elected experts would be released from the concern regarding possible negative reactions by particular groups of voters. This may arguably be considered the best *trustee model of representation*, therefore offering a clarification to the “mandate-independence controversy”: “Should (must) a representative do what his constituents want, and be bound by mandates or instructions from them; or should (must) he be free to act as seems best to him in pursuit of their welfare?” (Fenichel Pitkin 1972, Ch. 7, p. 146) For scientists in office the only *imperative mandate*, broadly intended, would be to propose and implement policies which are in line with the constitutional objectives and aims – in ways approved by voters.

An articulated analysis of the different kinds and levels of trust in a democratic society correctly points out that widespread distrust in politicians is due to well-founded suspects of insincere partisanship, self-dealing attitudes, possible corruption and similar motivations; therefore, “[i]nstitutions that make warrants available for good trust decisions should be a key consideration in the design and reform of democratic institutions.” (Warren 2017, p. 36). Our proposal can hopefully meet such a difficult task.

Scholars who are willing to influence public policy on many topics have authored legions of clever, documented, promising studies, but their suggestions are almost always destined to have little or no impact, due to the structure of the current decision-making process: realizing that talking the talk is seldom effective, it is time to walk the walk. Thus, the REDemo project is also a (constructive) challenge to public scientists: will they take up the gauntlet and engage, to show they can do better than politicians? Paraphrasing Marx,²³⁶ our invitation to scientists is: you have only (tried to) influence policy in various ways; the point is to make it!

Today, many scholars who could offer important contributions to governance are put off by the feeling that “[t]here is less status and reward for academics engaging in policy- and practice-

²³⁶ The famous 11th thesis on Feuerbach reads: “The philosophers have only interpreted the world, in various ways; the point is to change it.”

(www.marxists.org/archive/marx/works/1845/theses/theses.htm) These words are also inscribed upon Marx’s grave.

relevant work than publishing in traditional peer-reviewed journals” (Nutley, Morton, Jung, Boaz 2010, p. 142): incentives for scientists to aid with policy in the current situation are low. REDemo may provide a renewed boost: having the possibility to jump from the bench – or, better, from the chair – to the trench, professors who now complain about politicians ignoring their advice will have more good reasons to become involved directly. Here and there, some hints are promising: “Many academics approach engagement [e.g. as advisers to politicians] as a duty, a responsibility born from financial or moral obligations to a public who via one route or another fund academic positions and research. Jane Lubchenco (Oregon State University) calls engagement part of scientists’ Social Contract. In the words of Matthew Davis (University of Michigan), ‘Knowing something is a deflated currency – academia must bridge the ‘know’ to ‘do’ gap to be successful and relevant’.” (Hoffman et al. 2015, p. 14). Currently, such a laudable desire to help produces scarce effects. Instead, we imagine that under REDemo many clever contributions from social scientists could avoid a recurrent sad destiny: “Most policy research is probably born to die unseen and waste its sweetness on the desert air.” (Weiss 1995, p. 146)

A limited but significant demonstration of the positive influence of a scientific approach on informing policies is given by the work of Italy’s eminent pharmacologist and neuroscientist Elena Cattaneo. In 2013, she was appointed Senator for life (www.cattaneoinsenato.it) – a prerogative of the President of the Republic. Since then, science has had a reputable voice in the Italian Parliament. Her intervention was decisive in knocking some sense into her fellow representatives’ law-making, e.g. about issues such as pseudoscience in medical stem cell treatments (Cattaneo, Corbellini 2014). Her position also favours the publication of informed articles on similar subjects in mainstream media outlets. Just imagine the positive impact that a full scientific co-legislative body would have on collective choices and policies in any Rationalized and Extended democracy.

Co-empowering scientific assemblies with the *rationalization* of the democratic polity framework, voters would trust those who know better on sectoral disciplines of public interest; at the same time, with the *extension* of direct democracy, society would not give up the power of proposing, deliberating, approving and even rejecting public decisions taken by elected rulers – the ultimate, sacrosanct right of citizens.²³⁷

Conclusion

We are not naïve. To be implemented, REDemo faces major hurdles. Let us consider two aspects of the matter, i.e. the foreseeable resistance by those who benefit from the *status quo* and the need to gain massive endorsement from the citizenry in any given democracy.

1

The promotion of our reform will openly take on long-standing, vested interests and deep-rooted centres of power: many current politicians – and all those who make a living and prosper from shady or corrupt politics – are expected to firmly oppose REDemo. Even if the project meets the public’s approval, there is a major procedural hurdle: it should be voted for by the current legislative bodies, which would, thus, institutionalise a reduction in their authority, limiting and counterbalancing the dominance they currently enjoy. “The distorted, money-driven political system that we want to reform is the same political system that will have to be used to get reform

²³⁷ The dynamic between *rationalization* and *extension* of democracy may be explained through an analogy that we borrow from a prominent political scientist: “While it makes good sense for us to defer to someone who we have reason to think is a medical expert, the doctor’s right to make decisions and perform procedures on us comes mainly from our consent, not from the doctor’s expertise.” (Estlund 2008, p. 3)

proposals adopted.” (Page, Gilens 2020, p. 239) In other words, “there is a catch-22: The majority is unlikely to vote to reduce the power of the majority.” (Caplan 2006)²³⁸

A possible way to defuse such predictable hostility is to avoid the reform hitting those in power *now*. It cannot be excluded that national legislators may vote for an institutional redesign that is not immediate, and therefore does not affect them directly; they may be wise enough to appreciate the merits of a radical democratic renovation. Would a time gap between the approval of the new framework and its entry into force diminish, even disable, the opposition by many of those who should decide to make it a law?

A hint of hope comes from considering one element of the already explained dynamic which characterized the creation of independent authorities, particularly the wave of new such bodies in the decades around the turn of the millennium: one reason why elected officials actually gave up part of their power may be to “pass the buck” to other decision-makers in knowledge-intensive sectors, but at the same time avoiding the transfer of power to political rivals: non-majoritarian institutions “may have started life as a result of governments wanting to avoid blame and to buttress their position with the public.” (Vibert 2007, p. 82) Now, scientific legislators and ministers as foreseen by REDemo would be elected, but (hopefully) less worried with voters’ moods than traditional politicians, who “are motivated primarily by the desire to avoid blame for unpopular actions rather than by seeking to claim credit for popular ones.” (Weaver 1986, p. 371). We may imagine that chambers and councils of elected experts, parallel to the analogous party-political ones, would be more likely to take the lead with policies in sensitive areas. Current legislators may even see in a favourable light the birth of a scientific branch that could charge itself to face issues and propose decisions which are likely to create discontent in some lobbies or limited constituencies. (We hope that our fantasies are not going too far...)

2

It is hard to foresee whether the necessary involvement of the public in supporting the REDemo project will materialize: we are proposing a “cold” reform, based on rational argumentations rather than emotional motivations. The problem is that “constitutional provisions tend to be enacted at times not of sober rationality, but of high political feelings.” (Rubinfeld 2001, p. 129) “Compared with other collective bodies, constituent assemblies stand out because of the turbulent environment in which they operate. ‘No liberal democratic state has accomplished comprehensive constitutional change outside the context of some cataclysmic situation such as revolution, world war, the withdrawal of empire, civil war, or the threat of imminent breakup.’” (Elster 2013, p. 84, quoting Russell 2004, p. 106)

Furthermore, “[i]t is more difficult to mobilize people for action in support of a better constitution. The cultural or material interests of citizens are prejudiced indirectly, rather than directly, by institutional inadequacy. Leaders of dissent on this ground cannot appeal simply to community or group interests, but must try to educate their fellow-citizens to a higher level of political awareness and sophistication.” (Birch 2007, p. 100)

Implementing the REDemo reform looks like a problematic endeavour indeed. Yet, those who believe in democracy should try.

A very short coda

We assume that scientific advisors are used to reading letters like this from political officeholders: “Dear professor, we received your final report with the policy advice regarding issue [x]. We thank you for your valuable contribution. Rest assured we will hold your opinion and suggestions in highest consideration. We look forward to speaking to you soon.” (Translation: don’t hold your breath...) In a Rationalized and Extended democracy, if such a letter arrives from elected

²³⁸ We don’t expect “turkeys voting for Christmas”...

https://en.wikipedia.org/wiki/Turkeys_voting_for_Christmas

scientific colleagues, the experts called who have worked hard to give their support will be much more confident that these words will not remain just hot air.

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* 7th AIEAA Conference: “Evidence-based policies to face new challenges for agri-food systems”, 14-15 June 2018, Conegliano (Treviso), Italy. Conference paper: www.researchgate.net/publication/329246025_An_Extended_and_Enhanced_framework_of_democratic_institutions_to_implement_evidence-based_policies

* 23rd ICABR Conference: “Regulation and Finance of Innovations for a Sustainable Bioeconomy”, 4-7 June 2019, Ravello, Italy. Conference paper: www.researchgate.net/publication/331974216_Extended_and_Enhanced_Democracy_Innovating_the_Institutional_Framework

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The text of the book was revised by Paul Garwood.

Addendum: Further papers on the reform project, and on a roadmap to implement it

Here is a list of the subjects that will be explained and discussed in further articles:

“Rationalized and Extended Democracy”: Applying the Framework to the Italian Politics-vs-Science Case

Since forever, politics in Italy has underused or ignored scientific knowledge available to inform law- and policy-making. Some examples of such inadequacy are given, and several attempts to fill the gap, proposed by organizations from civil society, are discussed. Furthermore, the troubled trend of Italy’s public science policy is briefly illustrated. Some hints are given as regards the imagined reform in the Italian context.

A wide survey among Italian public scientists about the “Rationalized and Extended Democracy” project

A wide-ranging survey will be carried out among public scientists who work in Italian public science bodies, such as universities and the Consiglio Nazionale delle Ricerche (CNR, National Research Council), in order to collect data regarding opinions on the REDemo project from those who may be willing to enter the imagined legislative/executive scientific bodies.

Applying the “Rationalized and Extended Democracy” model: examples of amended constitutions

The implementation of the reform at nation-state level implies changes in the constitutions currently in place. The basic laws of several democracies are examined, and the proposed amendments (creation of the Assemblies of elected experts, new/improved tools of direct democracy) are explained and shown in parallel texts. The only provision that we would add to the “aims and values” sections of present democratic constitutions, where not already included, may be: “Everybody has the right to enjoy the benefits of science and sustainable technologies.”

Collecting examples of science-based policy proposals

Public scientists in various areas have outlined myriad evidence-informed and constitutionally oriented projects that offer solutions to pressing societal problems. Under REDemo, such studies could be translated into laws and governmental actions. A rich collection of detailed, operative policy options targeting many issues in several countries is offered.

“Rationalized and Extended Democracy”: A roadmap for implementation

After talking the talk, it is time to walk the walk through the creation of nationwide political movements, aiming to push for the reform country by country via several courses of action: alliances with domestic civil society organizations, links with the media, promotion aimed at the citizenry and the public at large, collection of endorsements in academia.

“Rationalized and Extended Democracy” beyond state borders: The internationalisation of the reform movement

A perspective for the reform at supranational levels is outlined: building on the hoped for success in a number of nations, we explain how the project can be exported and may impact international organizations, being faithful to its two basic principles, i.e. the election of public scientists by universal suffrage and involvement of, and deliberation with, the public.

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The year enclosed in square brackets refers to when the text was finished, which could be different from when it was published. The year mentioned usually indicates the first or only edition available, unless otherwise indicated. Subsequent editions are considered and indicated only if they are not mere reprints, but they contain significant differences. Each reference also includes, at the end, the relevant edition consulted (usually the most recent one).

The notes sometimes do not indicate the page number from which a certain quote was extracted. This is the case of quotes from websites and for e-books distributed by Amazon, if the relevant paper-version reference has not been made available by the publisher. In this case only the chapter (and the paragraph, if any) is indicated, followed by the Kindle position number.

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