THE
DEMARCHY
MANIFESTO

FOR BETTER PUBLIC POLICY

JOHN BURNHEIM

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Manifesto

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John Burnheim

Cover design by Miguel Yamin

For Luca Belgiorno-Nettis

You showed how to get things moving

The sickness of a time is cured by an alteration in the form of life of human beings, and it was possible for the sickness of philosophical problems to get cured only through a changed mode of thought and of life.

Ludwig Wittgenstein

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Preface

The message of this book can be stated quite succinctly. We face problems that call for collective decision on matters of unprecedented importance and difficulty. If we are to have any chance of getting those decisions right, the procedures by which we come to them must be divorced from struggles for political power. There is a way of doing this that can be institutionalised without any exercise of power, just by voluntary organisations. I can't prove that my proposals will work, but I hope to convince enough people to give my suggestions a trial.

My views are based on a lifetime of academic study of all the various dimensions of the problem. If you spread your attention over so many fields your knowledge of most of them is going to be very thin. I can't claim to be an authority on any of them. The arguments in this book are put in simple language. Inevitably that involves a lot of over-simplification. What I ask of you, the reader, is that you make allowance for that, at least provisionally, until you can look at what I'm saying in a new perspective. The question I want you to ask is this: How do we get sound public policy?

Democratic theory and practice has been focused on problems of power. It is torn between two objectives, giving power to the people and minimising power over the individual. I accept that our present democratic institutions are a reasonable solution to most of those problems, but they are not a satisfactory way of getting sound policies on many matters. The focus has to be on what to do about that. I think that focus needs a

new name. So I've tried to appropriate the word 'demarchy' for it.

The present text adopts an entirely different perspective from my *Is Democracy Possible?* That book was frankly utopian, speculating about the possibility of a complex of councils chosen by lot exercising all the functions of government. The present text is concerned with immediate practical problems. The time may come when the older text may take on a more practical relevance, if my present proposals are successful.

Over a very long lifetime I have acquired a host of debts to colleagues and friends with whom I have discussed the topics raised in this book. To do justice to those whom I should credit would call for a host of footnotes that my failing memory couldn't produce and readers could hardly assimilate. I confine myself to thanking those who have read and commented on various drafts of this book: Geoff Gallop, Paul Crittenden, Luca Belgiorno-Nettis, Creagh Cole, Denise Russell, Iain Walker, Keith Sutherland, Lyn Carson, Marcus Green, Elizabeth Johnston, Catherine Burnheim, Gavan Butler and Margaret Harris. I'm indebted to each of them for significant improvements to earlier drafts, as well as for their encouragement.

My editor, Kate Manton, helped turn a rambling mess into something more presentable. Thank you Kate.

To Margaret Harris I owe, beside her careful checking of the text, the fundamental gift of having kept me in excellent health and spirits into advanced old age.

John Burnheim
Sydney
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Introduction

What I call 'demarchy' is primarily a process of transferring the initiative in formulating policy options from political parties to councils representative of the people most directly affected by those policies. The task of those councils would be to distil from public discussion the most acceptable policy in a particular matter. It would be up to voters to insist that the politicians heed them. There is no question of constitutional change, no new parties or new laws, no call for a mass conversion of opinion, but a suggestion about how to initiate a change in accepted practice, starting with actions that may seem of little significance in the big picture, but are still justified by their specific purposes. My focus is on how policy is produced and adopted. I am not concerned with questions about the philosophical basis of state power, or human rights, or crime and punishment. The precise forms these things take in practice are a matter of conventions, which I do not propose to challenge. There is already much debate about these matters. I am concerned about what I see as a more important, but neglected, question.

I begin by concentrating on how to establish some new practices and initiatives in policy formation, empowering those most affected to take the initiative in formulating what they want. It is no advantage to have a choice of products if none of those on offer meets your requirements. The best situation is to be able to say exactly what you want and commission specialists to supply it. Or is that analogy anachronistic and inappropriate in the era of mass production and distribution? I try to

analyse our unique problems. My ultimate aim is to transform our political culture. I intend to show how different practices of policy formation are appropriate to different problems at every level from the local to the global and how they might come to be accepted.

Changing the paradigm

I am attempting to do three things:

- Show how to improve policy formation in government at the local and national levels, using procedures that confront politicians with an authoritative expression of what informed public opinion believes needs to be done in specific policy matters. The aim is to constrain politicians to legislate and administer in accordance with those policies.
- Propose that similar procedures could be used in establishing specialised global authorities strong enough to constrain national governments to conform to their decisions without anything like a world state.
- Suggest that we need to change some of the assumptions underlying much of our political thinking and practice in the light of the global ramifications of so many of our activities.

A central idea is to change the model of political communities that has dominated traditional thinking and practice. Political communities, typically nation-states, have been *personified* and taken as complete in themselves. All the diverse components should act in unison under the direction of the head, the brain. In a top-down sequence the design of the society is decided by a single authority and the other elements of the whole are forced to conform. In a constitutional state what the head is entitled to do is limited. Democracy also gives people a say in choosing those who exercise supreme authority. Each state is entirely independent of all the others. Relations between them can only be regulated by mutual agreement. There is no authority with the power to alter or enforce the set of conventions that constitute international law. On occasion groups of nations agree to punish other nations for what they

see as breaches of international law, but they have no institutional authority to do so.

In early-modern times, when nation-states were largely homogeneous and self-sufficient, the model of the community as a person had a certain plausibility. I want to suggest that in the contemporary world it is obsolete and misleading. Instead, I suggest, the appropriate model of our situation is that of a global ecosystem consisting of a host of diverse subsystems, each with its specific needs and activities. Each of these subsystems has its relative independence from and interconnections with other systems. The order of any such whole arises from the interactions of its diverse constituents.

From an economic perspective we live in a world of international markets in all the most important commodities, of global communications, internationalised lifestyles and of moral concern about the rights of people all over the world. Freedom of trade, communications, lifestyles and action on human rights all depend on explicit and enforceable arrangements. At present we have no very satisfactory way of setting up such arrangements. In particular, we have developed physical and social technologies that change the processes on which all our ecosystems depend. Many of the activities we invent have systemic effects that can be very destructive. Those effects must be identified and controlled if the ecosystem we depend on is to survive and flourish. Our modern forms of life are oriented towards discovering more things to do individually and collectively. In many ways the social ecosystem is even more complex than its biological substrate. So the world we live in is changing rapidly, inevitably creating new problems or posing old ones on a new scale. It is essential that we develop flexible and effective ways of responding to these problems. What I am trying to get people to do is to look at my proposals in the light of that need, not just in terms of our habitual assumptions and aspirations.

Generating policy

People have become increasingly aware that the existing political processes cannot be relied on to produce sound decisions about matters of public policy.

What is wrong with politics? Many things: reliance on expensive and misleading advertising to sell package deals to the electorate; the power that gives to the media and to big money; the adversarial party system which limits and distorts people's choices, and so on. But the basic one is that many important matters are decided, not on the specific merits of the case, but according to the strategies of professional politicians seeking to maximise their power. Whether the politicians are motivated by a desire to serve their constituents or some philosophical ideal, as politicians they have to win the contest for power. I shall return to this problem in more detail later.

In both the struggle to attract key sections of the voters and the struggles for power within parties and coalitions, poor decisions are made and entrenched. Politicians are driven to make rash promises, to play on imaginary hopes and fears and to misrepresent the issues. There is much talk of accountability, but that usually reduces to getting politicians to make very specific promises and trying to hold them to fulfilling their undertakings. As the saying goes, sometimes the problem is that politicians break their promises, but often the problem is that they keep them. In the struggle for power in the legislature, politicians have to make deals for support in which they undertake to support measures and politicians they don't like in return for those others giving them support that would not otherwise be forthcoming on other matters that are usually irrelevant to that issue. To assure that particular policy proposals are assessed on their specific merits rather than on their tactical advantages we have to find ways of disentangling them from the struggle for power.

The political process has four stages or aspects: policy formation, legislation, execution and judicial enforcement. At present policy formation is in the hands of political parties, which, by a very poor set of decision procedures, attempt to

present themselves as preferable to any of the other contestants. The electors are faced with a take-it-or-leave-it choice of packages that entrust the parties with many blank cheques. What my proposals aim to do is unscramble the packages and give people an effective say in policy formation, especially in matters that affect them directly. Public discussion of specific issues will be effective to the extent that it focuses on considerations directly relevant to those issues. By entrusting the task of formulating best policy on each issue to a distinct group of people who form a representative sample of the various people most directly affected by the outcome, we can ensure that no proposal is adopted for reasons that are irrelevant to its merits. On the other hand, any authority these decisions might claim would not rest on any formal status, but simply on their being seen as the best decisions available.

What I envisage is that the parties seeking election to legislative and executive office would present themselves to voters, not on the basis of promises or ideologies or sectional interests, but as willing and able to implement the policies that emerge from a sound decision process. At least the most important policy decisions would be made by the people, not the politicians. Instead of the public being offered whatever choices the politicians give them, the public now can make specific proposals and challenge the politicians to implement them. That should put an end to the cult of the leader as the guarantor of public policy. Creative leadership is needed in every activity, but it cannot be monopolized by a single person.

A new perspective

What I suggest, then, is that 'we' (just relatively small groups of people like you and me) can, if we so desire, initiate a revolution in the way our communities make decisions about public policy and public goods and services at every level, from the very local to the global, without a revolution in the classical sense of seizing state power and reforming things from the top down. Instead I argue that it is not just possible but necessary that we start from very specific problems and approach them in

a new perspective, making much more use of practices that are already in use in limited contexts. Getting started does not presuppose any legislative change or official authorisation or even general agreement. The aim is to win recognition, not assume it. We have to support bodies that stimulate sound discussion and are capable of producing good, practical policy decisions.

The change of perspective I want to persuade you to adopt is as follows. Set aside for the moment the democratic obsession with giving everybody a vote on every matter that could possibly affect them, however little they know or care about it. Set aside visions of national self-sufficiency. Concentrate instead on how to get the best practical decisions on the very diverse matters where it is advantageous to make collective decisions. I am *not* saying: leave it to the experts, especially the producers. What I advocate is putting specific areas of policy in the hands of councils that are representative of those who are most substantially affected by those decisions, the key stake-holders in those matters, and getting them to coordinate their decisions with other councils by negotiation rather than direction from above. The point is to develop the ecosystem by ensuring the flourishing of its diverse constituents rather than to fit them into some preconceived design.

Present political practice acknowledges the fundamental importance of public opinion, as well as of expert opinion. Effective social policy has to be endorsed and valued by the community generally. Politicians are driven by polling and tie themselves in knots attempting to put an attractive spin on the policies they advocate, while their opponents attempt to vilify them. Public discussion is too often dominated by such adventitious factors. The results of answers to poll questions at best reflect what people see as particularly salient, not some balanced and informed discussion of the question. What we lack is a sound process of discussion and decision that is directed by concern about specific problems, enlightening public opinion about them, attempting to get beyond uncritical assumptions and ideologies. Bodies that can do that will have

an authority that present forms of 'consultation', as well as partisan think-tanks and lobby groups, lack. The attitude that needs to dominate discussion and decision is that we are faced with a situation of diverse and often conflicting considerations, needing to find a practical, generally acceptable, solution to the problems of doing something constructive about them. Not everybody is going to agree with that solution, but nearly everybody will be prepared to accept it as the best we can do at the moment and look forward to reviewing its performance in due course.

My strategy is strictly practical. All that is required to get enough politicians to take notice of any proposed solution to a particular problem is that most uncommitted voters are in favour of it. The 'rusted-on' party faithful will tag along, once they recognise that accepting the proposal in question is preferable to losing power. It is not even necessary that most swing voters be convinced of the merits of my overall pro-posals. If they see the merits of the solutions that the councils devise to a number of important questions, they will gradually come to see those procedures as the best way of bypassing the partisan politics dominated by the struggle for power. The crucial task is to get a number of such councils up and running, each addressing some specific problem, independently of political parties and vested interests. They need to be adequate-ly designed and funded so that they get the chance to prove themselves. I need to persuade enough people with the necessary resources to devote to that task.

I expect that the existence of impartial councils will have a salutary effect on public discussion. Interest groups in urging their cases will not concentrate on defeating their adversaries, but on reaching some acceptable compromise with them. They should try to influence the bodies that are working to evolve such compromises rather than relying on politicians to favour them over their adversaries. Power struggles will go on as long as there are institutions that operate by bloc voting, but those procedures will become increasingly irrelevant to the substance of our decisions and the perspectives in which we frame them.

I shall delay discussion of objections to my proposals until the third part of this text. For example, an obvious danger is that the orientation towards consensus favours feeble compromises at the expense of bold and incisive policies. My hope would be that concentrating discussion on very specific problems would minimise the effect of vague and familiar conceptions that often obscure more relevant considerations. If concentration on specific policies is seen as an experimental procedure, a process of collective learning by trial and error, policy-makers should be encouraged to try bold approaches where politicians are inclined to play it safe.

We live in an extremely complex network of interactions between various agencies. Our overriding common interest is that each and every one of the various operations involved in this global order should function as well as possible. Think of that order as an ecosystem, not a machine. Machines are designed for a purpose to which each part is wholly subordinate. Ecosystems are immeasurably more complex and have no overriding purpose. We are both part of a global ecosystem that adapts by natural selection to changing circumstances and also part of a social complex that operates by a mixture of design and unconscious interactions that often subvert design. We cannot avoid doing things that constitute making collective choices that have important effects. The ecosystem depends on biodiversity. Where we have to intervene is when our actions threaten that diversity. We also have the option of introducing new 'genes' into old contexts. Where the ecosystem analogy falls down is that we do not have to rely on natural selection or accept the catastrophic extinctions it can produce. We cannot control any large biosystem in the way we control machines, but we can, within limits, intervene to maintain the health of our biological ecosystems and improve the sustainability of our farms and gardens within them. Similarly, we can maintain the healthy growth of our social systems, our communities and networks, not by centralised planning, but by tackling specific problems on a scale and by methods that are appropriate to each case.

The shape of this text

I begin with some general considerations that seem relevant to understanding the presuppositions on which my proposals are based. The focus is on what various kinds of authorities can do, particularly in view of the limitations of their means of making sound decisions and implementing them. That leads me to suggest that in many contexts we need to develop new procedures, better adapted to specific problems. I try to characterise the procedures I have in mind in general terms and suggest some examples of how we might go about applying them to deal with some urgent problems. I conclude with answers to objections and some reflections on my hopes. My views are intended to be assessed pragmatically as proposals, not as theories that are supposed to cover all possibilities. They are calls for experimentation, not ideological commitment.

I am striving to get people to understand my proposals against a broad background with many dimensions, in the hope that they will be seen neither as just tinkering with our problems nor as a utopian dream. On the one hand, I want to insist on the importance of paying close attention to specific problems and starting from them. On the other, I want to suggest that the sort of approach I advocate can offer the hope of a new political order, a hope that may stimulate people to think and motivate them to act. This is most important, because the initiative has to come not from politicians but from popular movements inspired by a vision of a better political order. When politicians propose citizen juries to reach a consensus on some matter, they are usually seen as attempting to evade difficult decisions or construct a bogus endorsement for their own policies. So I am addressing neither politicians nor political theorists but people who are actively concerned with getting beyond our present situation. I want to get them thinking about how public opinion can be developed and made more effective as the driving force of a diversified polity.

The second part, outlining some specific suggestions, can be read on its own, but I fear that these suggestions may be dismissed as hopelessly vague. In fact, as I see it, all one can

offer at this level of discussion is necessarily vague. Effective suggestions have to originate from within a particular practical context. Even the first and the third part can be read selectively, since they consist of remarks on distinct topics. But I hope you will take in the whole picture and be stimulated by the prospect.

The core ideas in this book were presented thirty years ago as an exercise in political theory,[1] attempting to explore what might be possible. Other political theorists declined to pursue the questions it sought to raise. It was all too utopian. A perceptive reviewer said it would have been much better to present them as practical proposals. I have been encouraged by increasing interest in these and closely related suggestions[2] to follow his advice, rather belatedly.

What follows is sketchy. It does not aim to prove anything. It is directed towards getting people to test my proposals in practice. I have used the word 'demarchy' to label my pro-posals. 'Demarchy' was used centuries ago in much the same pejorative way as 'anarchy'. F.A. Hayek attempted, without success, to appropriate it for his political proposals, which never gained much traction, even among his disciples. I attempted to steal it from him, again with limited success. And other people have attempted to steal it from me. I am making another attempt to grab it back. In wars over words usage decides. I would be happiest, however, if the word came into general use to mark the difference between democratic regimes focused on power and sovereignty and regimes focused on sound decision-making. That might restore the term to the broad sense that Hayek had in mind, of supplanting many of

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[1] *Is Democracy Possible? The alternative to electoral politics.* By John Burnheim. Cambridge, Polity Press; Berkeley, University of California Press, 1985. 2nd ed. Sydney University Press, 2006; setis.library.sydney.edu.au/democracy. Kindle edition on Amazon.

[2] The Sydney-based New Democracy Foundation has attracted a wide range of support, especially from politicians and academics. For international developments see the appendix at the end of this text.

the defective procedures of populist democracy while remaining faithful to the concerns for people's freedom and well-being that have inspired it.

The essential change is to minimise power politics, symbolised by the suffix 'cracy' in such words as 'autocracy' and 'democracy' and in slogans like 'power to the people'. I claim that what is wrong with populist democracy is the assumption that there is an entity, the 'people', usually identified as a particular race or historical group that can and should exercise ultimate decision power in all public matters that affect those who live in a certain territory, or belong to a certain historical group, or a certain religion, or a certain class. This leads to unsatisfactory structures and processes at the national level and to a disastrous failure to address our urgent global problems.

On traditional democratic assumptions what matters is the choice of those who exercise ultimate sovereignty on behalf of the people. Democracy is usually taken as demanding that the rulers be chosen by mass voting on a universal adult suffrage from candidates who belong to unified parties. This procedure has the unique merit of enabling the people to throw out a ruling team, which is certainly something that must be preserved. However, in the absence of other means of arriving at policy decisions, it also means that voters have to buy a package of policies, leading politicians to claim a 'mandate' to implement those policies, many of which people voted for only to get rid of the previous government. This has led to a growing backlash, an insistance that in voting for a party people are not giving it a blank cheque. Those most affected by specific policies need to be consulted before they are implemented. The ways in which this 'consultation' proceeds at the moment are very defective. There are better ways of achieving good policy decisions and getting them accepted.

Demarchy's ambitions

If demarchy is to become a practical movement, not just a theoretical speculation, it is bound, like the regimes it strives to replace, to appeal to different people for different reasons,

particularly in view of what they see as the key deficiencies in democracy as we know it. Opinions will differ about what is desirable or at least worth trying. Among the desired changes I hope will emerge are the following transitions:

- From bundling together different issues to distinguishing the specific considerations and constituencies most relevant to each.
- From looking at particular issues as weapons in a struggle for power to judging them on their merits.
- From according absolute supremacy to national sovereignty to treating global issues in a global perspective and communities within the nation in the light of their particular needs.
- From seeing the public interest as a totality to seeing it as a complex of many overlapping mini-publics, each based on different kinds of interactions and areas of decision.
- From the illusion that there is such a thing as 'the will of the people' to the realisation that we all have, even within ourselves, conflicting interests between which we need to negotiate practical compromises.
- From the idea that we each have a single identity and set of interests to seeing ourselves as having multiple interests and connections of different sorts.
- From glorifying or just accepting zero-sum or even lose-lose games to constructing win-win ones.
- From emphasis on 'freedom from' to 'freedom to'.
- From fear of organisation as potentially tyrannical to designing particular limited organisations as suited to doing specific things that need to be done.
- From aspirations to construct the sort of society we want by centralised top-down action to seeing society as built from the bottom up by appropriate decisions in a host of different activities.
- From elections by mass voting to sortition (selection by lot), as the characteristic means of citizen representation in policy-making bodies.

- From seeing a society as a single organism to seeing it as a continually evolving ecosystem, resulting from the activities of a host of different interdependent but unplanned organisms and processes.

As will become apparent, I think all of these transitions, and many others, are both desirable and possible, but this is not a package that has to be accepted or rejected as a whole. What demarchy proposes is a revolutionary change in the way we make decisions about public goods without a revolutionary mobilisation of power. It is a constructive process of introducing and testing better ways of public decision-making. Our perspectives and problems are bound to change in the process.

That, you may say, is a list of vague hopes. If this is a manifesto, it should be a call to action. So what do you want us to do? And how are we supposed to do it?

1. Set up a public foundation, financed by voluntary contributions, run by an executive that inspires trust, completely divorced from any political party or commercial interest. Its sole objective is to promote discussion of public policy issues.

2. The foundation identifies a particular policy issue that requires discussion and formulates it as a practical problem that needs attention.

3. The foundation announces its intention to invite public submissions from any source on what needs to be done, and promises that they will be carefully and publicly debated by a select council with a view to getting a clear conclusion about what needs to be done.

4. At the same time it invites people who are interested in serving on that council to volunteer to join a panel from which the membership of the council will be selected by lot within certain categories, reflecting the different ways in which ordinary people are most strongly and directly affected by policy in the matter under discussion. The panel must accept this arrangement almost unanimously.

5. It is made clear to the members of the council that they are there to comment publicly on and adjudicate between the

various considerations raised in public discussion. They are not there as representatives of whatever interest they have in the outcome. Usually most of the proposals put up for discussion will come from experts. A large part of the role of council members in the discussion is to make sure that what the experts and amateur theorists propose is acceptable to those who have to bear the consequences of whatever is decided.

6. Neither the foundation, nor the panel, nor the council claims any right to speak on behalf of anybody else. The policy they decide on needs to be widely accepted as a fair conclusion from the public discussion for it to have any claim to authority. If the members of the council fail to get their work accepted on that basis they will just be wasting their time.

7. In the light of a general recognition of the need to deal with the problem, what the council decides may well be generally accepted as the best policy to follow in the circumstances, even by many who would prefer another approach. That attitude should become prevalent if such decisions are subsequently implemented and turn out well.

8. Faced with a clear expression of public opinion the government would be under very strong pressure to implement the council's policy. Politicians would compete as efficient managers of public business, rather than as constructing policy packages.

9. If this process gave good results in practice, it should become accepted as best practice in arriving at policy decisions and continually be refined and developed in the light of experience. It should result in divorcing discussion of public policy from struggles for power, educate public opinion, and produce increasingly better outcomes.

What is wrong with democracy as we know it? Too many decisions are the result of political deals based on the power strategies and tactics of politicians, not on the merits of the case. The voters can only accept or reject the packages the parties offer them.

The Demarchy Manifesto exploits the possibilities of modern communications to give a new role and focus to public discussion. It proposes taking the formulation of public policy out of the hands of political parties and putting it into the hands of those most strongly affected by particular issues. The aim is to tell the politicians what we want, after serious and focused open, discussion. Burnheim explains why this needs to be done, and how it can be achieved through voluntary means without constitutional change.

John Burnheim's *Demarchy Manifesto* isn't just an insightful and deeply pragmatic inquiry into the legitimacy and effectiveness of contemporary representative democracy but also a handbook for citizens looking for a meaningful way to bring new energy and much needed relevance to the way we determine public policy. He puts skin on the bones of what it means to find the public good by arguing for a community-based transfer of policy-making from political parties to deliberative councils, representative of those most directly affected in the case at hand.

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John Burnheim taught philosophy at the University of Sydney from 1960 to 1990. His book *Is Democracy Possible?* (1985) explored the possibilities of democratic alternatives to voting. It was the first modern book-length treatise on 'sortition' – the choice of citizens for public office by random selection rather than voting.