

# 6.4 Billion Points of Light

## Lighting the Tapers of Democracy

### Roger Wood

As humans we know from personal experience that very few situations are simple; that very few decisions are simply yes or no. We know that something as basic and consequence-free as picking ice cream is not just a “vanilla or chocolate?” decision; it is a series of choices of varying complexity – Cup or cone? One scoop or two? Three? Organic, regular, low-fat, extra-fat, lite or sugar-free? Chocolate, Vanilla, Chunky Monkey®, or some combination of dozens of others? Sprinkles? Nuts? It can take 10 minutes just to read the menu. With experience, we even know that no two chocolates are the same. Our personal experiences teach us that there is detail and nuance and complexity in our everyday decisions, and reason leads us to believe that the decisions made on our behalf by our government are no simpler. Good conscience demands that when decisions affect the lives of thousands or millions or even billions of people, they deserve a bit more than 10 minutes of consideration.

As citizens, we respond to events and circumstances. We watch, powerless, as terror, tyranny, scandal, destruction, death and suffering are brought into our homes through our radios, televisions and computers. We crave simpler times and simpler problems – simple enough to understand. It may take 10 minutes, but we can wrap our minds around an ice cream menu. These bigger, political decisions we don't understand. We don't understand the repercussions of withdrawing from a treaty, or the economic implications of different industrial emissions standards – even people who have spent their entire careers studying these things cannot provide a simple menu of options for us to understand. We rely on our governments to understand, to make decisions and to take action. We feel like spectators as the issues we consider important flash through the public conscious. If they never make the news cycle, we feel disenfranchised and irrelevant.

Politicians feed on these feelings by creating the impression that situations are black and white, decisions are yes or no, and answers, and more dramatically, questions, are obvious, clear and simple. They craft and test slogans and sound bites. They give us debates with 90-second answers and 30-second rebuttals. The media feeds this impression because it's easier and cheaper to work with a slogan than to explore an issue. The only issues worth exploring are the ones that can grab the attention of the mass market so that attention can be sold to advertisers. Both are betting that we can't understand. Both are counting on us to remain ignorant and uninterested so they can remain unaccountable.

It is the very definition of representative democracy that citizens place their trust and fate in the hands of their chosen leaders. Citizens must believe that their leaders act in their collective best interest; that they will do the right things. They must believe, even as they are increasingly uncomfortable with the results. Today, those results are brought to everyone instantly, from around the world, through a global real-time media network. Perhaps it is, in part, a loss of faith in these leaders and the social and political structures upon which they rely, which brings to our attention the questions Joichi Ito, Ross Mayfield, Jon Lebkowsky, Mitch Ratcliffe and others explore as we consider this concept of emergent democracy.

It is the nature of democracy that there is no final answer. Democracy is always unfinished, always adapting and always inadequate. Emergent democracy is a synthesis, bringing together several seemingly unrelated ideas. It is an attempt to address some of the problems of modern government. It is not a prescription, solution, or a formula for success. It is a model, and an incomplete one at that, but it is enough to begin the debate. Here, I hope to provide some perspective – to give you a few broad concepts to consider, from the most general (the problems of scale) to the most specific (individual legal precedents) as we begin to develop the tools of a new democratic form.

Please select your ice cream, citizen, and explain why your selection is better than any other. You have 90 seconds.

Let the debate begin.

## The Functions of Democratic Government

Broadly speaking, the functions of a democratic government are similar to those of any form of government; to do for its citizens what they cannot do as individuals. As expressed in the United States Constitution, to “establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare.”

The word democratic has been used to describe a vast array of institutions, ranging from utopian visions of enlightened self-government to the German Democratic Republic and its infamous *Ministerium für Staatssicherheit* (Stasi).

Democracy is perhaps the most promiscuous word in the world of political affairs. She is everybody’s mistress and yet somehow retains her magic even when a lover sees that her favours are being, in his light, shared by another<sup>1</sup>

Here, we use *democratic* to describe those governments that derive authority and power by the consent of the governed and include both free universal elections and guarantees of personal civil rights. These features impose additional challenges: to preserve liberty and freedom for the governed, to protect the minority from the majority, to bear the inefficiencies of the democratic process, and to maintain the trust of a distrusting electorate.

Democracy is neither simple nor efficient; it is deliberative and redundant. Democracy requires that the same questions constantly be asked. It requires that decisions be reviewed and considered before being put into action. It is ponderous and tedious and frustrating, but it is also resilient and strong.

Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time.<sup>2</sup>

With effort, democracy might be more agile and responsive.

## Is the Democratic Republic Viable?

Democracy exists at many scales, and it is at the highest scale – the nations and the world – that democracy meets its greatest challenge. It is a bold thought to consider that ordinary persons have the wisdom to govern themselves at this scale. In the democracies of the world, we live a grand and amazing, but forever unfinished, experiment. Merely being democratic does not guarantee the long-term security, freedom and rights of the citizens – an incomplete gloss of history reveals that democracies are overthrown in military coups (Spain – 1923, Argentina – 1943, Ecuador – 1963, Pakistan – 1999). They self-destruct when opposition is outlawed (Italy – 1926, Germany - 1933). They collapse under the boots of invading armies (Belgium, Denmark, France, Netherlands, Norway – 1940). They suspend or revoke democratic institutions (Greece – 1936, Philippines – 1972, India – 1975, Zimbabwe – 1987). They even, occasionally, go to war with each other (American Civil War – 1861, Spanish-American War – 1898, Boer War – 1899, First World War – 1914, Croatian Revolution – 1991). Perhaps democracy doesn't work in the long term; perhaps there is something better. Establishing a democratic government is not the ultimate and permanent solution to the challenges of governing a nation, but democracy does have a fairly laudable track record.

From the ancient democracies of Greece and India to the birth of the American Republic and on to the crafting of the 2003 Afghan constitution, educated persons, having the luxury to ponder and write on the subject, have debated this question...

The mere establishment of a democracy is not the only or principal business of the legislator, or of those who wish to create such a state, for any state, however badly constituted, may last one, two, or three days; a far greater difficulty is the preservation of it.<sup>3</sup>

...whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.<sup>4</sup>

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<sup>1</sup>Crick, Bernard (1964) *In Defense of Politics*.

<sup>2</sup>Churchill, Sir Winston (1947, November 11), Hansard.

<sup>3</sup>Aristotle, (350 B.C.E.) Book 6 – Part V, *Politics*

<sup>4</sup>Hamilton, Alexander (1787, October) Federalist #1 – General Introduction, *The Independent Journal*.

But a constitution is not a model for a new society. It is an agreement among the people of the existing society about how to live together in a better way. It has to embody the people's hopes for a better life, but if it cannot be implemented, it does not matter how good it sounds on paper.<sup>5</sup>

The question remains unanswered, and it is important to keep asking. It is the continuous debate of the governed that keeps democracy from degenerating into tyranny or crumbling in the hands of despots. Democracy distrusts institutional power. Democracy vests power in the individual and makes the bold assertion that we, as individuals, should not blindly trust our leaders. Rather, we should question, challenge and change them often.

A genius of the democratic republic is that it also recognizes the limits of human knowledge and experience. The founding documents of the United States, more than anything else, provide that they are incomplete, that they are flawed, and that they can, and indeed, should be changed as time and wisdom reveal their shortcomings.

## **The Source of Power**

No social or political structure is endowed with reasoning abilities or the power to cause action. It is not the society or the state or the corporation or the family that takes action. Individuals may act with consideration of their role in a larger structure, but it is always the individual that formulates a thought and chooses how, or whether, to act. The individual chooses the social structures in which they will participate. The individual chooses how much participation and attention they will devote to these structures. The individual balances the demands on their time and attention, and sets their own priorities. Individuals decide to engage or disengage each issue they face in their daily experience. All initiatives are born, all decisions are made and all actions are taken by individuals. The individual human, uniquely endowed with the capacity for thought and reasoning, is the source of all political action. Power, as the ability to cause action in society, comes only from people.

Respecting this, democratic institutions rely on and place the full burden of responsibility on the individual. Democracy relies on the ability of individuals to transcend their personal priorities and act on behalf of the larger social unit – the town, the city, the state, the nation and even the world.

...all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants and at all times amenable to them.<sup>6</sup>

And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.<sup>7</sup>

Individuals may act alone or in groups. It is the structure of these groups that determines the character of a society and the nature of the governing structures within that society. Individuals do not; however, act in isolation – they communicate within social groups, and both influence and are influenced by them. The social and political structures we create are the results of, not the source of, individual human interaction.

## **Platforms and Privacy**

Debate is a foundation of functional democracy, and free, open and spirited debate requires both a platform from which to speak, and the assurance of privacy to consider the material presented from the platform.

To preserve the substance of debate, those willing to speak – willing to share their thoughts – must be given a means to reach an audience. This platform must provide exposure to supporters, dissenters and the merely curious, and it must be available to even the most radical and threatening people.

We must learn to welcome and not to fear the voices of dissent. We must dare to think about 'unthinkable things' because when things become unthinkable, thinking stops and action becomes mindless.<sup>8</sup>

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<sup>5</sup>Rubin, Barnett R., (2003, June 5) Presentation to the Constitutional Commission of Afghanistan, Kabul

<sup>6</sup>Mason, George (1776, June 12) The Virginia Declaration of Rights, adopted by the Virginia Constitutional Convention.

<sup>7</sup>The Unanimous Declaration of the Thirteen United States of America (1776, July 4) Signed by 56 representative individuals.

Individuals must be free from threat or intimidation as they explore the materials provided in the public discourse. The ability to listen, reflect and respond to ideas, even controversial ideas, must be preserved.

It does not require a majority to prevail, but rather an irate, tireless minority keen to set brush fires in people's minds...<sup>9</sup>

These principles are enshrined in the United States Constitution (First and Fourth amendments), the Universal Declaration of Human Rights (Articles 12, 18, 19, and 20), and the constitutional documents of most (if not all) modern democracies, including the new Afghan constitution (Chapter 2).

A healthy debate need not take place on a stage between people standing behind lecterns. Debate can occur in any forum, through any medium that provides communication among the people which have taken an interest in a given issue.

Facing what was, at the time, probably the most significant decision of their short life as a state, the people of New York struggled with the question of the form of government under which they would live. Perhaps it is a rare subject that merits such intense and serious debate, but the ratification of the United States Constitution gives us a window into an amazing deliberative process that took place in the state of New York beginning in the fall of 1787.

After an unequivocal experience of the inefficiency of the subsisting federal government, you are called upon to deliberate on a new Constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences nothing less than the existence of the Union, the safety and welfare of the parts of which it is composed, the fate of an empire in many respects the most interesting in the world.<sup>10</sup>

Thus began a series of papers written by three individuals (Alexander Hamilton, John Jay, and James Madison), and published anonymously in a number of newspapers, to make the case for the adoption of the recently-drafted United States Constitution. The 85 Federalist Papers contain nearly 200,000 words. If they were read aloud at a comfortable 150 words per minute, the presentation would last more than 22 hours. This was just one side of the debate, and only one presentation of the federalist case. These papers prompted countless words (and no doubt, the occasional physical confrontation) among their readers. Unfortunately, no Nielsen ratings for the Federalist Miniseries are available.

Today, what passes for debate and discussion is still the final product of a long and deliberative preparation process, but the citizens are only invited to witness the final presentation. We citizens are only engaged once the ideas and statements have been clarified, simplified, and reduced to phrases that the professional issue-handlers believe we can understand. Our prospective leaders are presented to us with short, convenient lists of talking points, in short and over-simplified sound bites and campaign slogans, with very little substantive material. The issues are packaged together into party platforms and sold, in bulk, to the electorate based on one or a few issues that that polls show the likely voters (and not just citizens) feel strongly about.

This distrust of the electorate, the assumption that the citizens are incapable or unwilling to consider issues of substance sows the seeds of distrust of the elected. Worse, for discourse, the issues presented are often issues of principle and personal responsibility carefully selected to win or avoid losing votes, so the attention of the citizenry is consumed on subjects that have little bearing on the operation of government. Little time is left to discuss matters of state.

I believe this distrust is based on a flawed presumption. It is not that the citizens can't understand the issues that are important, it is that they don't have the time or disposition to understand *all* of the important issues. One insight of emergent democracy is that some people understand each issue, even if all don't understand all issues. The challenge (and opportunity) is to find a way to bring relevant material to interested citizens, and then give them both a platform for debate and the security to think and debate freely.

## Evolution of Media

Long ago, the herald and the handbill fell out of favor as means of reaching a significant audience and communicating an idea. Certainly, they are still used, but they have a limited reach, and often only reach the agreeable people that are nearby.

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<sup>8</sup>Fulbright, James William.

<sup>9</sup>Adams, Samuel

<sup>10</sup>Hamilton, Alexander (1787, October) Federalist #1 – General Introduction, *The Independent Journal*.

Now, the platform is the media, but media is a product of available technology, and change in technology is relentless. From vehicles that could move papers quickly over a large geographic area to radio and television that blanket entire metropolitan areas, to telecommunications networks that span the globe by bouncing messages off satellites and pushing them through glass under the oceans, technology provides the new platforms from which individuals make their cases today.

We have built these new, global platforms, and done so at great expense. Now we have to ask if we are using them effectively for debate. We have to ask if we are using them to further the democratic process or to stifle it.

We can delegate our opinions – we can certainly join organizations or groups and designate individuals to speak on our behalf on some issue – we can even pay them to do so. But political action is about focusing the attention of individuals, not accumulating or spending money, and there is a failure when the people in an organization divide their attention between between raising funds and addressing issues.

## **The Burdens of the Past**

In the experience of modern democracy, we live with a number of burdensome legacies. Transcending these may be the greatest challenge democracy faces in the modern world. I can't possibly address all the issues that face democracies, but I will attempt to explore several that have become quite prominent in the United States. Beginning with the most general, to some that are very specific, it is important to recognize that these are inter-related and not permanent conditions.

### The Burden of Scale

Having earlier identified the source of power and the foundation of all social endeavors, we find the first critical limitation of the democratic structure: No individual can possibly understand all the issues that a large social or political structure will face. No one person has the mental capacity or education to comprehend, consider and make informed, intelligent decisions on everything. If such a person did exist, they would function much more efficiently in a monarchy – they would not be burdened by the thoughtless, irrelevant and time-wasting concerns of their fellow citizens. Given a sound moral perspective, our leader would always make just and proper decisions.

To balance a large state or society, whether monarchical or republican, on general laws, is a work of so great difficulty, that no human genius, however comprehensive, is able, by the mere dint of reason and reflection, to effect it. The judgments of many must unite in this work; experience must guide their labour; time must bring it to perfection; and the feeling of inconveniences must correct the mistakes, which they inevitably fall into in their first trials and experiments.<sup>11</sup>

Absent the omniscient (and moral) philosopher-king (and with appropriate apologies to Plato), we operate in an inefficient democratic framework. This framework expands to address the increasing complexity of modern society, with advisors brought in to address particular issues. Whole new organizations are created and staffed by thoughtful, motivated and generally noble (if underpaid and underappreciated) individuals that have decided to work on our behalf to provide some measure of understanding for our chosen leaders.

This evolution of support around our democratic institutions largely parallels the hierarchical structures of business and corporations. Departments, administrations, industry groups, lobbying committees and other organizations are created. Budgets are allocated, organizational charts created, procedures and policies are crafted and implemented. The structure expands as new needs or new issues are identified - a new group of people is brought in to study, understand and address each. People are hired to influence other people, to speak on behalf of people, to make a point or craft a position. Titles and duties of these individuals are adjusted as priorities change and philosophies conflict. This is the history of our democratic political organization, but as it happens, it means we citizens influence an ever-smaller subset of the government we elect to serve us. More and more of the decisions and action occur outside the elected leadership and inside the unaccountable support structures that grow up around them.

This is an entirely reasonable response to the ever-expanding number of issues and decisions that face leaders in a complex society. There is no practical way we could hold enough elections to pick enough people to think about all the problems we face as a nation. Even several steps removed, electing people who elect people who think about issues and then elect people who make decisions, we simply cannot practically address everything that must be addressed. To even consider otherwise is simply unreasonable. Or is it?

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<sup>11</sup>Hume, David (1742) *Of the Rise and Progress of the Arts and Sciences, Essays, Moral and Political*, Volume 2.

### The Burden of Growing Demands on Our Individual Attention

In the course of human events, we are faced with an ever-expanding array of things demanding and competing for our attention. We have work, school, food, personal interactions, finances, entertainment, traffic, weather – and a thousand other things that we focus on to navigate through our daily lives. Scattered among most of these is a constant barrage of advertising for products, services, and, in the periodic election season, political issues. As these demands on our attention increase, the amount of time and energy each individual allocates to social or political issues they consider important is threatened. Every person is faced with decisions that seem overwhelming – do I stop for 10 minutes at a fast-food restaurant on the way home, or spend 45 minutes cooking after I get home? Few would question that a nice well-prepared meal at home is certainly the preferable option when it comes to quality and health, probably even personal enjoyment, but 35 minutes is 35 minutes, and we all have things to do.

In this environment, where the overall constraints are not subject to change (there are only 24 hours in a day), what becomes important is the effort to capture those fleeting moments of attention from a busy individual life. In politics, the response to this has traditionally been to isolate and simplify the content. Our prospective leaders approach us with statements that fit on bumper stickers, and repeat them until we offer them no more attention.

This is not a constructive engagement and does nothing to further the democratic process or the underlying critical debate. Given a global platform, and the multitude of messages that individuals feel are relevant, we face again a problem in the modern process of democracy: the limited attention span of the normal, busy, human.

### The Burden of Specialization and Communications Barriers

The limits of language have been recognized at least since the story of the Tower of Babel. A more modern observation by George Bernard Shaw, that “England and America are two countries separated by a common language,” only begins to illuminate the issue.

As we specialize more and more in modern, complex, technological societies, the participants in a given field develop a language particular to their works and interests. Within the field, this facilitates rapid, efficient communication, forming a shorthand and providing a set of common references and metaphors that allow the participants to make progress rather than constantly rehashing familiar territory. To the rest of us, it's jargon.

The problem of specialization and jargon becomes apparent when an issue rises to prominence in the general public debate. When the broader audience comes to the platform without the correct jargon, even when these newcomers ask important and relevant questions, they are often dismissed out-of-hand. Outsiders are ignored or actively shunned because their contribution to the discussion is not easy to integrate into the established language. When debate is approached with different languages, it becomes an exercise in talking past one another rather than actually engaging in matters of substance. Issue handlers define new less-precise but more palatable terms to simplify complicated issues and limit debate.

But no language is so copious as to supply words and phrases for every complex idea, or so correct as not to include many equivocally denoting different ideas. Hence it must happen that however accurately objects may be discriminated in themselves, and however accurately the discrimination may be considered, the definition of them may be rendered inaccurate by the inaccuracy of the terms in which it is delivered. And this unavoidable inaccuracy must be greater or less, according to the complexity and novelty of the objects defined. When the Almighty himself condescends to address mankind in their own language, his meaning, luminous as it must be, is rendered dim and doubtful by the cloudy medium through which it is communicated.<sup>12</sup>

Lacking a universal language, we are forced to spend time educating participants before the substance of a discussion can begin, or, perhaps more often, the would-be participants give up and move on to other things.

### The Burden of Increasing Regulation of Expression

The concept of intellectual property was created largely to provide economic incentives for people to think, invent and create new things – to contribute to and advance society. The first copyright law, the statute of Anne in 1710, is specifically crafted to encourage learning:

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<sup>12</sup>Madison, James (1788, January 11), Federalist 37, *Concerning the Difficulties of the Convention in Devising a Proper Form of Government*, Daily Advertiser.

An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of such Copies, during the Times therein mentioned.<sup>13</sup>

In the United States, copyright is created by Constitution, also specifically to stimulate those fields of human endeavor that contribute to the social good:

The Congress shall have Power... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries<sup>14</sup>

Today, with the expansion of intellectual property and the litigation that surrounds it, we find these original values compromised. Copyright, patent and trademark laws are increasingly used to stifle and limit thought and expression. No longer a tool to temporarily limit economic competition and provide an incentive to create, these laws are expanding in both letter and application to restrict commentary and criticism.

This discussion is important to the evolution of democracy for one simple reason: only within the sphere of unregulated thought and expression can multilateral open political debate exist.

If we restrict access to the debating platforms only to those people with substantial economic resources and powerful legal representation, we have effectively ended the debate. Intimidation by lawsuit is as deadly to democracy as a violent coup. Without a broad, available and accessible culture to draw upon, even those individuals with interest, the time to engage, the attention to understand, and a platform from which to speak on an issue have no way to express their thoughts.

### The Burden of Expanding Corporate Power

While corporations have done amazing work in economic terms, they represent a gathering threat to democracy and its citizens.

In the past, the platforms for debate were generally public spaces – they were the street corners, the town halls, and the air that carries the sound of the voice. As public spaces, they were available to all, accessible to all, and provided no advantage to one voice over another in the democratic discourse. Only the power of an argument and the person delivering that argument mattered.

Today, this has changed significantly. While the electromagnetic spectrum is, in theory, a public space, it is licensed to corporations with few obligations. The satellites and glass fibers that carry the bulk of our communications in this modern world are privately owned. We've allowed this to happen, with the assumption that communications is good, and the corporations that can afford to provide the necessary infrastructure must be granted the ability to operate them in the free market and make a profit. There's nothing wrong with this approach, except that we have made no provision for the operation of our human society among the corporate players.

Corporations are generally chartered to make money. They are held to no standard other than return on investment and growth. As such, the horrible inefficiencies of the democratic process are in direct conflict with the fiduciary responsibilities of the corporate decision-makers. Nothing about discussing agricultural subsidy structures helps the bottom line at the satellite operations center, so someone must pay to have the issue placed on that platform. We have compromised the public good for the sake of the quarterly financials.

The town hall simply does not compete effectively with the geostationary satellite in the service of democratic debate, and the geostationary satellite is not available unless you can afford it.

### The Burden of Legal Precedents

Of particular interest in the discussion of democracy in general and emergent democracy in particular are two United States legal precedents that conspire to diminish the influence of people in their own democracy. These two precedents create the legal fiction that money is, in some matter, equivalent to speech and that corporations are, in some manner, equivalent to people.

*Buckley v. Valeo* (1976) gives us the theory that money is equivalent to speech. The issue is ripe for debate, if for no other reason than money is not equally available to all citizens in society, while we are all equally endowed with one mind. This, combined with the

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<sup>13</sup>Statute of Anne (1710).

<sup>14</sup>United States Constitution (1787), Article I, Section 8.

expansion of corporate control over the platforms of debate give some members of society a much different sort of voice than others. Many of us may be able to launch a free blog and share our opinions on an issue with everyone on the web, but only a few of us can afford to operate 24-hour media outlets or launch communications satellites to drive attention to our issues.

Money is not speech, it merely creates (or pays for) a platform for an individual to speak.

A corporation is a social construct. It has no mind, no reasoning, no thought and no action absent the people that operate on its behalf. Corporations are granted perpetual life (something that would be interesting for citizens) and, to varying degrees, are sheltered from liability (something that would also be very convenient for people). Over the past 100 or so years, corporations have accumulated many of the rights and protections guaranteed to persons by the Constitution, without also being subject to the burdens or responsibilities that are incumbent on persons.

A series of court cases have established 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 14<sup>th</sup> amendment protections (and surely, many others) for corporations. This trend apparently begins with *Santa Clara County v. Southern Pacific Railroad Company* (1886) which seems to have established that the corporation is a natural person, without actually ruling on the issue.

Corporations are not people, they are legal fictions we allow to operate because they provide economic efficiency that individuals cannot, on their own, achieve.

## Overcoming the Burdens

Progress is made at the expense of the past. This is not to say that there is no value in history. There is, and I've made an attempt to draw some relevant lessons from the past. The legacies of our democratic institutions are not the only possible answers to the problems they address. We often accept them without question, and this is counter to the critical debate necessary for a functional democracy.

### Scale

Perhaps the most fundamental limit is that of scale. There are simply too many issues that are relevant to each individual. The scope of issues, from how often trash is collected in the neighborhood to multinational trade agreements is simply beyond the comprehension of any one person. To address scale, we can designate people we trust to act on our behalf on particular issues. This creates specialists (and more problems), but it works.

The United States Congress is filled with committees and subcommittees. They conduct their deliberations and go through their processes, and make recommendations to the whole of Congress on issues that merit a vote. Not every congressperson is fully engaged on every issue. We know this, we accept it, and generally it serves us well. Where it fails is that while our leaders acknowledge that they cannot comprehend the full scope of issues placed before them, they assume that their electorate cannot either. These structures operate behind closed doors, on appointment and with no substantial accountability to the public at large. The voice of the public is dismissed, because it takes a panel of experts to even begin to address the problem.

A response to scale may be focus, not dismissal. Those members of the electorate that are interested in an issue could engage that issue. They could then hold both the process and the participants accountable. By making the debate granular and specific, perhaps reasoned, intelligent conclusions can be reached.

### Attention Limits

As we engage the members of the electorate on specific issues to address the problems of scale, we can also begin to address the issues of attention limits. By providing access to smarter, focused debate, the tendency to oversimplify complex issues is reduced. By limiting the engagement to issues of concern to particular individuals, the total demand on their time can be reduced, and the demands that are placed on their time and attention are more welcome, because they are considered more relevant.

If the electorate is invited to participate in a comfortable manner, on issues they find worthy of attention, they are both more likely to contribute to the debate and the value of their contribution is likely to be higher. To do, citizens may be engaged on a continuous basis and only on those issues that they consider attention-worthy. Rather than devoting the majority of media resources to rehashing the same small set of divisive issues and packaging them to appeal to established constituents, people who have devoted their attention to more specific issues may be granted the platform from which to engage the debate.



Given the opportunity to make a substantial contribution to issues that concern each citizen, the perceived value of that contribution may lead to greater participation in general.

### Specialization and Communication Barriers

This is, again, related to the value of the minority opinions in the democratic process. Either specialists must adapt to a more general form of the language (less jargon) or they must be willing to take the time to educate their audience, or no effective communication can take place.

Here, the emergent democracy framework provides some potential, in that the debate can be continuous, documented and available to the public. Jargon can't be eliminated, but if specialists are encouraged to engage the broader public on a more continuous basis, those citizens that do devote some of their attention to the field may be able to make substantial, relevant contributions.

### Regulation of Expression

A response to the increasing regulation of expression may simply be a return to unregulated, free speech. The people of the Creative Commons project are working to re-establish the public domain, and it is an important first step. Another step may be to challenge existing intellectual property regimes based on their actual effects, which seem largely to stifle and limit the progress of the sciences and useful arts.

By framing the question in terms of individual expression and the stated intent of intellectual property laws – to encourage progress, not discourage it – it may be possible to develop a new, democracy-friendly intellectual property regime.

### Expanding Corporate Power

To address the growing influence and power of corporations, we must decide if the social structures we create exist to serve the individual, or if the individual exists to serve the structures. We must continue to ask the question, and consider whether we are comfortable as a nation of employees and consumers, or a nation of citizens.

### Legal Precedents

The response to the legal precedents is generally new precedents. Cases must be brought to the courts that can challenge and eventually reverse the established legal constructs of both speech and corporations. These opinions were not reached without dissent.

To ascribe to such entities an 'intellect' or 'mind' for freedom of conscience purposes is to confuse metaphor with reality.<sup>15</sup>

The state need not allow its own creation to consume it<sup>16</sup>

The blessings of perpetual life and limited liability... pose special dangers in the political sphere<sup>17</sup>

...it cannot be said to be deprived of the civil rights of freedom of speech and of assembly, for the liberty guaranteed by the due process clause is the liberty of natural, not artificial, persons<sup>18</sup>

The prevalence of the corporation in America has led men of this generation to act, at times, as if the privilege of doing business in corporate form were inherent in the citizen; and has led them to accept the evils attendant upon the free and unrestricted use of the corporate mechanism as if these evils were the inescapable price of civilized life, and hence to be borne with resignation. Throughout the greater part of our history, a different view prevailed<sup>19</sup>

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<sup>15</sup>Dissent by Justices Rehnquist, Stevens and White, in *Pacific Gas & Electric Company v. Public Utilities Commission* (1986)

<sup>16</sup>Dissent by Justices Brennan, Marshall and White in *First National Bank of Boston v. Bellotti* (1977)

<sup>17</sup>Dissent by Justices Rehnquist in *First National Bank of Boston v. Bellotti* (1977)

<sup>18</sup>Comments of Justice Stone in *Hague v. Committee for Industrial Organization* (1939)

<sup>19</sup>Dissent of Justice Brandeis in *Louis K. Liggett Company v. Lee* (1933)

These comments form a basis for reviewing and perhaps changing the concepts that threaten the democratic process. I've highlighted two (principles accepting money as speech and corporations as persons), but there are many more dangerous precedents in our American legal history.

These burdens can't simply be whisked away with some carefully-crafted bits of technology. Technology provides tools that may, to some extent, mitigate these issues, but it is often a matter of how you use the tools that determines the outcome.

While the specific challenges I've described here are very much based on the American democratic experience and its long history, they are important to discuss in other contexts. Perhaps newer democratic structures can avoid some of these mistakes entirely. Perhaps others can avoid following the same path without asking critical questions.

## Restoring Trust

To operate in a democratic republic, we must trust the process, if not the people. Individual representatives may be untrustworthy, but we must believe that the system will identify them and correct their indiscretions. To secure and maintain the benefits of democracy, the electorate must maintain a healthy measure of distrust, but this distrust must manifest in a change of representatives, and not as resignation that all representatives are unfit and untrustworthy.

Trust is not a measure of agreement, but of expectation. It's possible to trust that some people will consistently do the wrong thing. You can trust that some people will make reasoned decisions. You can trust that some people will be late. You can trust that some people will take risks. It is subjective, personal, and non-transferable. It is fragile. And it has been compromised.

The law giver, of all beings, most owes the law allegiance. He of all men should behave as though the law compelled him. But it is the universal weakness of mankind that what we are given to administer we presently imagine we own.<sup>20</sup>

Once the trust relationship is violated, it's much more difficult to restore. Today, our leaders attempt to restore trust when the lapses become so obvious that they cannot be ignored. Independent commissions, blue-ribbon panels and special prosecutors are drafted into service to lay bare before the people the facts of a situation. They expose the unseemly details that led to an unfortunate crisis or action. They are supposed to be above the process, so they can fairly and reasonably examine the process. These responses are reactionary, and it is increasingly obvious that we don't trust these independent institutions either.

A transparent process is the only way to establish and maintain the trust of the electorate. For any issue an individual considers important, the current decisions (and actions), as well as a record of the deliberative process through which those decisions were made should be readily available.

The evidently general assumption in much of modern politics is that the crucial decisions are already final. Minds are made up. Very little effort is spent on major issues anymore, and the individuals (citizens, voters) are a lost cause – they can't be educated, they can't be converted, they can only be polled and assembled into voting blocks. I think this assumption is simply false. I think that citizens are not convinced by politicians making political pitches because they don't trust that the politicians understand the problems they claim to address – they have no credibility as anything but politicians (and sometimes, not even as politicians).

We have not agreed to disagree on some issues. We do not hold our representatives accountable to all citizens. Our elected officials increasingly cater to the few, large issues that they managed to assemble as the focus of a successful campaign, and ignore or suppress the opposition.

The best weapon of a dictatorship is secrecy, but the best weapon of a democracy should be the weapon of openness.<sup>21</sup>

The world is not a simple place – nuance is critical. As we explore technologies that allow people to participate in ongoing critical debate on subjects that concern them, so-called domain experts – the people who have spent their lives studying a given problem, may be faced down by people who have spent their lives experiencing the results of expert but remote decisions. Debates that have been largely theoretical, if only because the affected population has no means to respond, are given not just a voice, but a presence in the political process.

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<sup>20</sup>Wells, Herbert George.

<sup>21</sup>Bohr, Niels

No longer can we go to war against a population and avoid broad exposure to the perspectives of people on the ground, under our assault. No longer can we espouse economic policies and avoid exposure to the realities of the people affected. No longer can we assert moral authority based on questionable intelligence information. The truth will come out, the perspectives of all the people affected by our decisions will be available. We can decide to embrace these perspectives and engage them, or we can wait for scandal and intrigue to further erode public confidence in our governments and their decision-making processes.

## **Better Government Than We Deserve**

Do we trust representatives to set aside personal gain for the larger social structure? Do we trust representatives to apply judgment and not bend to popular opinion? Do we trust representatives to act in our best interests, even when we disagree with those critical decisions? Do we trust the democratic process to self-correct when flaws are found? Increasingly, it seems that we don't. We seem to have adopted the position that our representatives should merely echo our own opinions on matters of state.

If this is the government we deserve, then our technologists can build secure polling systems that collect and present statistically valid majority opinions on every issue, and we can eliminate the representatives from our democratic republics. We have this technology. This is a simple problem.

Democracy is a device that ensures we shall be governed no better than we deserve.<sup>22</sup>

On the other hand, if we demand restored trust in our representative processes, we have a much more difficult task before us. We have to be willing to accept mistakes and disagreement in a democratic society. We have to acknowledge that issues are complex, that decisions are made with incomplete information. Most importantly, we have to trust that the people making decisions on our behalf are, in fact, considering our best interests.

The framers of the United States Constitution hoped to provide the people with a “more perfect union.” They aspired to address the weaknesses of forms of government that had come before, and to provide a foundation that would evolve and change with time and wisdom. To a large extent, it has been a successful experiment, but now, with more than 200 years of experience, and under the heavy burden of modern communication and commerce, flaws have been exposed. The solutions to these flaws are not quite as obvious.

We must continue to ask the questions. Should those that govern us be the ones that govern us? Have they demonstrated moral and proper action on our behalf? Have they earned our trust? Can we do better?

Government must also protect us from ourselves. No person can reasonably be expected to know, understand, consider, debate and act on every issue that impacts their lives in modern society. Today, it is certainly possible to equip the whole population of the world with a simple voting device and periodically ask them to vote on various issues. We can have a global, gadget-enabled direct democracy, but we need something better. We need to engage people who aren't merely voting their instincts or self-interest to make decisions on issues that we do not and will not understand. Mindless representation is the worst possible democratic circumstance.

"Certainly, gentlemen, it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinion, high respect; their business, unremitting attention. It is his duty to sacrifice his repose, his pleasures, his satisfactions, to theirs; and above all, ever, and in all cases, to prefer their interest to his own. But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion."<sup>23</sup>

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<sup>22</sup>Shaw, George Bernard

<sup>23</sup>Burke, Edmund (1774, November 3) Speech to the Electors of Bristol.

## Emergent Democracy?

When a great truth once gets abroad in the world, no power on Earth can imprison it, or prescribe its limits, or suppress it. It is bound to go on till it becomes the thought of the world<sup>24</sup>

Democracy has blossomed across the world in the past hundred years, surging after each of the two World Wars and again starting in the late 1970's. Today, just less than 60% of the world's population lives under a democratic government (with another 5% under a restricted democratic government)<sup>25</sup>. As more and more of the world's population embraces democratic values and begins to engage in the perpetual debate, more individual perspectives become available. Each mind engaged in the deliberative process casts some bit of light onto the issues that have gained the attention of that individual.

Democracy is not utopia. It is an imperfect, incomplete and challenging form of government.

As telecommunications technology advances, allowing small groups of people with similar interests to cluster, engage and debate each other, the number of issues that become available to the debate increases.

Did you select the chocolate ice cream? You might be responsible for the destruction of rain forest that was cleared to make room for a plantation. You might be responsible for the exploitation of child laborers that harvest the plantation. You might be responsible for the job loss impact and agricultural waste product impact of sugar and dairy subsidies.

Then again, that wasn't on the menu, was it? By the time you make your selection, a whole web of previous decisions by other individuals, acting on behalf of social, corporate and political structures have already been made. You may not care so much about the rain forest, but do you trust the people that made the decision on your behalf? If you do care about the rain forest, are you confident that your opinion was heard when those decisions were made?

The challenge of emergent democracy is to describe a framework that avoids the impossible technological utopia, embraces the human component of debate and reason and does not presume to provide all the answers, but can be extended to address new challenges.

## Lighting the Tapers

Our deepest fear is not that we are inadequate. Our deepest fear is that we are powerful beyond measure. It is our Light, not our Darkness, that most frightens us.<sup>26</sup>

There are some 6.4 billion individuals on this lonely planet Earth, and each of them has a unique set of interests, experiences and values. Each person brings some measure of attention to those questions or problems that concern them individually. Prosperity allows some of us the luxury to bring our attention to bear on problems esoteric and general – those that do not have specific bearing on our own lives. Each of these issues may ultimately affect us all.

Every individual has a contribution to make; the question is will they be empowered to make it? Perhaps 6.4 billion points of light is enough to illuminate our path into the future. Perhaps with each issue illuminated by the thoughts and consideration of those that share concern, that deem it worthy of their attention, some measure of understanding and well-considered decision making is possible.

He who receives an idea from me, receives instruction himself without lessening mine; as he who lights his taper at mine, receives light without darkening me. That ideas should freely spread from one to another over the globe, for the moral and mutual instruction of man, and improvement of his condition, seems to have been peculiarly and benevolently designed by nature, when she made them, like fire, expansible over all space, without lessening their density in any point, and like the air in which we breathe, move, and have our physical being, incapable of confinement or exclusive appropriation.<sup>27</sup>

We are meant to keep doing better. Perhaps we will.

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<sup>24</sup>Douglass, Frederick.

<sup>25</sup>Freedom House (1999, December), Democracy's Century: A Survey of Global Political Change in the 20<sup>th</sup> Century.

<sup>26</sup>Williamson, Marianne (1992) A Return to Love: Reflections on the Principles of A Course in Miracles.

<sup>27</sup>Jefferson, Thomas (1813, August 13) Letter to Isaac McPherson.