

THE CONVERSATION

Flipped elections: can recalls improve democracy?

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The recall is a democratic tool for active citizen participation and intervention. United Nations Photo/flickr, CC BY-NC-ND

This article is part of the Democracy Futures series, a joint global initiative with the Sydney Democracy Network. The project aims to stimulate fresh thinking about the many challenges facing democracies in the 21st century.

The recall, a mechanism that allows citizens to remove an elected holder of public office before the end of their term, became law in the UK in March. Earlier, in 2010, it was debated in New South Wales and has kept constitutional experts on their toes ever since.

Even if the procedure appears new to some, negative election procedures such as the recall originated from the ancient democratic practice of ostracism. In the fifth century BC, a minimum of 10% of the Athenian Assembly could select an individual and order him to leave the city for ten years.

Before ostracism, the power of political exile was in the hands of the elites. Its transfer to the demos had the positive effect of moderating the use of political exile and contributing to the consolidation of a democratic system. Even critics of democracy like Aristotle acknowledged ostracism to be a conditionally good democratic institution.

Ostracism was a method by which democratic cities thwarted tyrannical or aristocratic attempts of subversion. It was aimed against individuals who monopolised power and concentrated political credit by undemocratic means.

Evidently, the ancients recognised that political corruption went hand-in-hand with anti-democratic rule. They probably would not have tolerated the likes of Berlusconi and Gaddafi for as long as we did.

Switzerland and the US adopted ostracism's modern incarnation, the recall, in the mid-to-late 19th century. Its use, however, has certainly increased over the last two decades.

In the US, Arnold Schwarzenegger was elected governor of California after the recall of Gray Davis in 2003. At the end of that year in Venezuela, the exhaustive attempt to recall the president, Hugo Chavez, was just beginning.



Governor-elect Arnold Schwarzenegger and his wife Maria Shriver after his defeat of Gray Davis in California's 2003 recall election. flickr/gail mrs gray, CC BY

Recalls are normally triggered by the collection of a minimum number of signatures. This is usually around 25% of the last voter turnout. In most cases, voters need not disclose the grounds for demanding a recall, although some jurisdictions require ratification by a court.

It is also common for a recall petition to take place simultaneously with the election of the replacing candidate. Though recalls are mainly used for local officials like mayors and state governors, they may touch presidents, MPs or entire legislatures.

Arguments for citizens' right to recall assert their potential to increase the public accountability of elected officials. They thus guard against political misconduct. In addition, recalls encourage close monitoring of public officials' activities and enable citizens to resist widely unpopular policies.

On the other hand, recalls are chiefly criticised on the grounds that they produce high levels of polarisation between political parties. This is because they provide an implicit invitation to sabotage the performance of a rival. The chilling effect of the possibility of a recall, critics say, could also undermine the parliamentary culture of deliberation and decision-making by preventing politicians from making daring but necessary political decisions.

Re-conceptualising representation

Does the act of recalling threaten to destroy free parliamentary mandate? If recalls force elected officers to execute only what their campaigns promised, representatives may be prevented from deliberating freely and exercising autonomous judgement regardless of any new or specific circumstances that arise.

These restrictions of parliamentary mandate do not cohere with the dynamic process of politics. Different problems are identified all the time and solutions debated and negotiated. Ultimately, depriving representatives of their capacity to think constructively and argue as free individuals will severely limit their ability to do their job well.

But will recalls inevitably put a break on democratic government? There is evidence indicating otherwise.



Voting ostraka (pottery pieces) used by the Athenian Assembly during the ostracism process in the fifth century BC. Carole Raddato/flickr



Can the citizenry's right to recall obstruct democratic government? Montecruz Foto/flickr

First, secret voting makes voters “invisible”. This prevents MPs from knowing who voted for them and what exactly their expectations and individual wills are. It follows, then, that they cannot be bound by these individuals' wills.

Second, it is commonly accepted that elected officials represent not only their supporters, but the whole constituency. Even if their political mandate is a continuous relation of ideological sympathy and communication with the plurality of their constituents, they are vested with sovereign power on behalf of the entire abstract commonwealth (the people, the state, the nation).

Hence, elected officials reason in terms of the general will – not in favour of the individual wills of those who voted for them. Recalls do not challenge this multidirectional scheme of representation and its adjacent premise that autonomous judgement is necessary for representatives to capture and defend the interests of the commonwealth as a whole.

On the contrary, recalls strengthen the legitimacy and representativeness of the non-recalled legislature.

Do recalls foster populist politics?

Another substantial criticism against recalls is that by politicising corruption they play directly into the hands of populist parties. Through their inherent nature, recall petitions construct a bipolar image of a corrupt political class and a united and morally superior citizenry.

The accusation is that instead of political pluralism, recalls promote a materialist and socially exclusive definition of the “people”. The concept does not comprise the political class, but only the non-elected people, specifically those from the lower and middle classes.

In reality, however, recalls serve the opposite function. By providing a public stage to interrogate and debate allegations of political corruption, they protect against conspiracy theories and any ill-founded allegations that may be channelled into political action.

Recalls can pull the rug out from under the feet of populists. This is because their political identity mostly capitalises on highly popularised, yet often unsubstantiated scandals. Forced to find support for their accusations of political mischief, populists are stripped of the opportunity to “own” the anti-corruption movement.



Efforts to recall Wisconsin Governor Scott Walker began when he announced plans to limit collective bargaining rights for state employees. Lena/flickr

However, the risk of political opposition adopting recalls as a tactic to get rid of their rivals remains. In addition, the mechanism's potential to mobilise a majority of the population against specific individuals may reproduce discriminatory tendencies. This is a risk especially in countries where political divisions reflect ethnic, linguistic or other characteristics.

Fortunately, proper institutional arrangements can avoid both of these problems. For example, excessive political polarisation can be addressed by disallowing recalls too close to an election. The challenge to minorities can be overcome by imposing high thresholds for validating recalls, or even requiring legislative review of recalls.

A form of democratic self-defence?

The type of political rationale developed around the recall deserves special attention. Besides issues of transparency and accountability, the obvious, yet unacknowledged, reason recalls are urgent today is that they are a tool for democratic self-defence.

When the extreme right is on the rise in Western democracies, counter policies are easily tarnished by controversy. In the face of this, the recall could serve as an opportunity to legitimately withdraw the mandates of non-democratic politicians.

Without recalls, democracies are set to resort to one of two existing paradigms for pro-democratic action.

The first is the model of militant democracy. This constitutionally protects democracy and thus allows banning political parties and curtailing individual freedoms in its name.

The model basically stipulates that representative institutions must be guarded from substantively undemocratic decisions, even if this involves bypassing the democratic process. Militant democracy is often criticised as a system where the democratic ends justify the undemocratic means.

The alternative is procedural democracy. This system does not pose limits to political expression. It generally prioritises democratic procedures over the quality of decisions they produce, even if these are substantively undemocratic.

As a result, procedural democrats are accused of passively resigning to the rise of undemocratic movements within democratic societies. Or, they may resort to increased security measures and policing, which may de facto narrow down individual liberties.

What we need, then, are democratic procedures that have the potential to counter extremism without predetermining the substance of decisions produced through their use. Essentially, such a neo-procedural approach to democratic self-defence would move towards reinforcing democratic procedures that are designed specifically to protect the system from being undermined by internal forces.

Recalls offer the best possibility of this. They take place separately from regular elections and apply the procedural standards of democratic elections while employing a distinct type of (negative) political judgement. They hand more power to the demos by inviting voters to make decisions on any elected representatives who harm our democracy.



The 2004 rally held in support of the recall of Hugo Chávez in Venezuela. Carlos Granier-Phelps

Such a reliance on the demos for guarding the representative system may seem counter-intuitive for those who take the voting demos to be the source of (and certainly not the solution to) extremism.

However, a general distrust of the masses is itself an anti-democratic outlook influenced by postwar elitism. It partly resulted from a skewed attribution of the rise of Nazism to mass participation. This ignored the importance to the Weimar “accident” of constitutional manipulation and the collapse of intra-party negotiations.

Unless this ill-founded suspicion of democratic participation is overcome and voters are recognised as defenders of (and not threats to) the democratic state, the potential of recalls to function as democratic tools against extremism cannot be tapped.



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