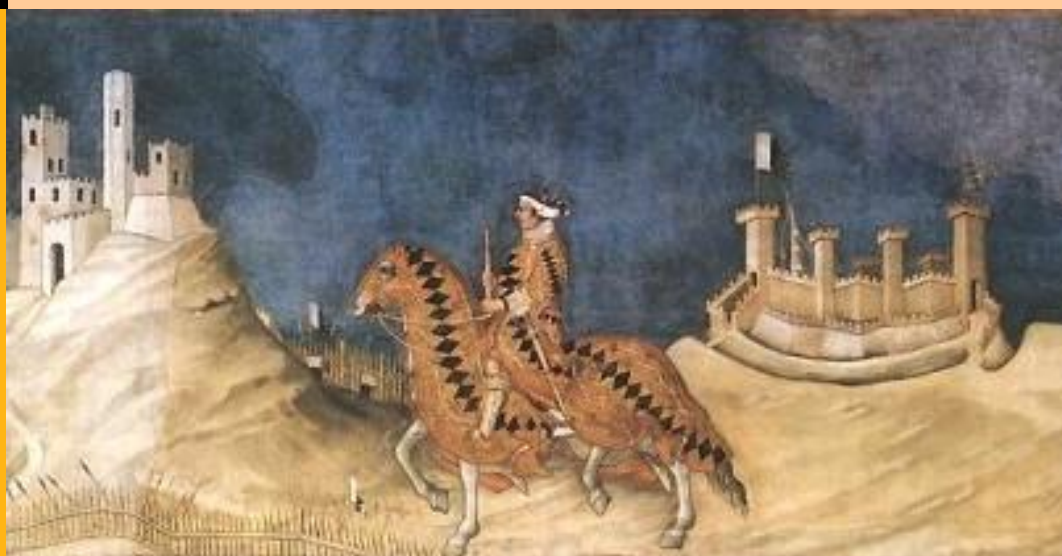# UNIVERSITÀ DI SIENA
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Political representation and the right of recall: A proposal

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Abstract

In a representative democracy, members of parliament should be accountable to the voters who elected them. For this to be actually the case, the latter require an instrument of deterrence, a mechanism of control over opportunistic representatives, for example the right to recall them at any moment. However, two obstacles, one ideological and one practical, hinder legal recognition of this right. The first is due to the doctrine by which members of parliament legislate in the public interest, and therefore should not be constrained by a mandate binding them to their particular voters. The second consists in the fact that voting secrecy hinders the identification of which voters elected any one member of parliament. In this article, leveraging the potential offered by modern Information and Communication Technologies (ICTs), I propose a model for an electoral system that dissolves the first problem and resolves the second. According to my model, electoral platforms constitute the formal instructions by which members of parliament are held accountable, and an electronic vote makes it possible to associate each member of parliament with his or her voters while still guaranteeing voting secrecy. Voters are then able to evaluate the decisions made by their representative and may recall them when they fail to comply with instructions.

Keywords: Election law, civil law, e-democracy, right of recall

Introduction

If all citizens shared a fundamental interest, the goal of parliament would be to discover it by means of rational deliberation. However, in this case – assuming citizens are rational and well informed – there would be no need for elected representatives, nor even to make public decisions by majority rule. Members of parliament could be drawn randomly and laws would be approved unanimously or almost so (Przeworski, 1999, 12). On the other hand, if citizens were not rational, a parliament might be unable to define the common good, and absolute monarchy with an enlightened and benevolent king would be a more efficient form of State.

A motive why democracy requires elected representatives and majority rule is that citizens have conflicting interests and hold different opinions. This implies that representatives must be authorized by their voters and should be accountable to them. Yet the existence of an effectual accountability is problematic, and this is a reason why representative democracy itself is problematic (Köchler, 1987; Pitkin, 2004; Urbinati, 2008).

A member of parliament has no obligation to obey her voters. She has only the duty to pursue, to the best of her ability, the voters' objectives, and may do so with full autonomy in her choice of means. The problem of accountability is threefold: 1) How do representatives recognize the goals of the voters they represent? 2) What ensures that they do in fact pursue those goals? 3) By what means may voters compel them to do so?

The first problem centres on the definition of the mandate to which a parliamentarian must adhere, and is quite similar to the problem posed by incomplete contracts. Electoral platforms may be considered formal instructions. These, however, are necessarily sketchy and partial, because public decisions depend on the specific circumstances in which political dynamics develop.

The second problem involves the parliamentarian's good faith. As Engels (1872, 280) observes, "this was the proper way to use an imperative mandate. The delegate complies with it if it suits him and if not, he pleads unforeseen circumstances and ultimately does what is to his advantage". If the instructions take the form of incompletely defined political platforms, members of parliament must be free to interpret them as part of their decision-making. The point is: what guarantees that their interpretation coincides with that of their voters?

The problem should not arise if members of parliament were persons of the highest moral rank. Such an assumption however seems implausible. More realistic is Machiavelli's (1517, 167) observation that

"what ruins kingdoms from the highest
hills is this, that the powerful
of their power are never sated."

Professional politicians are self-interested and pursue power and wealth. Most of them try to win elections and maximize their own good independently of their voters' will (Maravall, 1999, 154; Manin, Przeworski and Stokes, 1999, 29). "The predictable conclusion is that election works to empower a professional class that deliberates over the heads of the citizens, whose only function is to 'accept' or 'refuse' their leaders and never interfere with them while they go about their business" (Urbinati, 2006, 26). One understands why almost all existing constitutions forbid the binding mandate – after all, constitutions are written by politicians. A plausible answer to the second question, therefore, is the following: in a true democracy, only the voters' judgement and their power of control may ensure that a representative's interpretation is aligned with their own.

This brings us to the third problem: how may voters effectively exercise control over their representatives? In particular: what deterrents do they possess to discourage politicians' opportunism? In contemporary political systems, the prevailing opinion is that citizens' only instrument of dissuasion is the faculty of not re-electing a member of parliament for a subsequent term. However,

retrospective voting does not seem very effective, mainly because, if control is exercised only once in four or five years, at election time citizens tend to forget most information about politicians' behaviour. Moreover, if devious representatives cannot be recalled at any time, they may go on to do damage for four or five years.

The mediation offered by political parties might be used to circumvent this problem. Parties, which define the electoral programs, may exercise control over elected representatives by claiming to have implicitly received a mandate from the voters. This however only shifts the problem further upstream: *quis custodiet ipsos custodes*? What prevents the parties from behaving as organizations of professional politicians rather than as agents of the citizens they claim to represent? What, then, prevents a democracy from becoming a particracy, i.e. an oligarchy dominated by party leaders?

The only effective way to dispel this problem is to grant citizens the power to kick the rascals out at any moment, that is, a right of recall to be exercised when representatives do not comply with the instructions contained in the electoral platforms. Formal instructions and the right of recall must be linked in order for either to make sense. In fact, instructions without the right of recall are useless if the people's representatives are not blessed with great morality; while the right of recall is not justifiable if representatives are not bound by some more or less precise instructions about the aims they are meant to pursue.

The good news is that ICTs have opened enormous potentials for democracy – to the point that many scholars did not hesitate to speak of concrete possibilities for introducing a more direct and continuous form of democracy than has yet been observed (Aikens, 1996; Barnett, 1997; Bryan, Tsagarousianou and Tambini 1998; Hague and Loader, 1999; Tambini, 1999; Anttiroiko, 2003; Hilbert, 2009; Lee, Chang and Berry, 2011; Jafarkarimi, Sim, Saadatdoost and Hee, 2014). Despite the many challenges still to be addressed, the idea of a new system of democracy, known as "electronic direct democracy", is taking hold, where citizens participate in legislative activity either by voting directly and/or by controlling how their representatives vote. Although the debate on this idea is extensive, it seems to me that one of the most intriguing possibilities has not yet been fully explored: ensuring an effectual right to revoke political mandates.

In this article, I propose a model[1] for an electoral system that leverages modern ICTs to help realize a true democracy, namely, a political system that encourages and supports citizens' continuous participation in the political process through permanent dialogue with their representatives and a greater ability of controlling them. But before putting forward the proposal, I would like to clarify my view of political representation.

What is political representation?

The definition of what a political representative is and what she does has traditionally been framed within two opposing concepts theorized by James Madison and Edward Burke (Pitkin, 1967, 161-62). According to Madison, a political representative is a *delegate* who pursues her voters' objectives. She is solely a spokesperson and cannot follow her own independent opinions in decision-making. According to Burke, in contrast, a representative is fully autonomous from the represented, and is a *trustee* who uses her superior wisdom to act on behalf of the people according to her own understanding of the public interest. The former kind of representation is often called "direct" or "phonetic"; the latter, "virtual" or "iconic".

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[1] I already advanced a similar proposal in Screpanti (2013). There is some overlap between my model and the approach known as 'liquid democracy' (Blum and Zuber, 2016; Valsangiacomo, 2021) or 'proxy voting' (Miller, 1960; Alger, 2006; Green-Armytage, 2015), according to which citizens may choose either to directly vote on a particular issues or to delegate their vote to a representative. Rather interesting is the case of "absolute delegation", whereby citizens delegate someone across all issues but preserve the right to revoke their mandate at any time.

Virtual representation is not considered very democratic because it deprives citizens of any voice in law-making processes. Nevertheless, the notion of "trustee" has some merit, which becomes apparent when one understands that a political representative cannot be a mere delegate. In fact, if it is not possible to define completely and precisely the instructions to which a parliamentarian must adhere, it becomes necessary to afford them a certain interpretive discretion. In other words, a political delegate is always, to a certain degree, also a trustee.

This is recognized by many scholars. Let me mention just a few who, in spite of their different theories of representation, converged on such an idea and contributed to enrich it. Pitkin (1967)[2] maintains that, regardless of the juridical form of representation, and even when this is understood as *formalistic*, a representative must retain a certain degree of autonomy. Communication between the represented and their representative must be constant and active precisely because it is based on the responsive independence of the latter, so much so that representatives are required to justify any divergence from the former's opinions. Young (1990) proposes to interpret representation as a differentiated relationship which, in order to enable a representative to stand for the voice of a political subject, e.g. an ethnic group, compels her to sidestep those of others, e.g. gender groups. Moreover, representation is an ongoing process that continually shifts from moments of authorization to moments of accountability, and any evaluation of the representatives' actions is always uncertain and incomplete. Williams (1998) argues that a representative is associated to the citizens she represents by a relationship of trust, but must always act as their voice in legislating and government, even when she helps them in the process of their political formation. Urbinati (2000; 2006) conceives of representation as a kind of advocacy entailing a relationship of relative autonomy of the representatives from their voters, but also implying the defender's passionate dedication to the cause of those she defends. The word "advocate" is especially significant in its ambivalence. It means "champion" but also "patron", and evokes the typical relationship of mandate that links a lawyer to her client. Mansbridge (2003) proposes the notion of "promissory representation", according to which representatives are accountable on the ground of the promises they make via their programs during electoral campaigns. Rehfeld (2009) is explicit in theorizing that representatives are both delegates and trustees and argues that this can be so in three different ways, depending on whether one focuses on the definition of the aims of representation, the source of judgment, and the nature of responsiveness. Finally, Disch (2015) observes that representatives perform both an epistemological and a political function when they interpret citizens' standpoints by working within popular movements; therefore, they concur to the construction of group identity and shared political discourses. This fact does not lessen accountability as a condition for legitimate political representation.

The idea that emerges from these observations is that, in a true democracy, the people's representatives cannot be tied either to a too strict *imperative mandate* or to a too loose *free mandate*. They should be elected on the ground of platforms that, although necessarily incomplete, nonetheless impose a certain degree of responsibility.

In defining the juridical nature of the relationship between representatives and their represented, some scholars refer by analogy to the *contract of mandate* (Manin, Przeworski and Stokes, 1999; Heywood, 2013; Tomba, 2018), others to the *contract of agency* (Brennan and Hamlin, 1999; Marques-Pereira and Siim, 2002; Brandsma and Adriaensen, 2017). The former is an agreement whereby a party, the mandatary, takes on the obligation to perform a certain act for the other party, the mandator, who entrusts her by means of definite instructions. Either party can terminate the relationship at any time. The agency contract, on the other hand, is an agreement by which a party, the agent, is entrusted to act as a representative of the other party, the principal, with the goal of creating other agreements with third parties. The principal takes responsibility for the obligations signed by the agent, but may revoke the agent's authority at any time. There is no need to dwell upon

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[2] See Dovi (2016) for a thorough appraisal of this now classical work and an extensive reconstruction of its influence.

the differences between these two kinds of contract. In view of an application to political representation, they are equivalent in that both oblige a party to pursue certain goals posed by the other party while remaining free in the choice of means.

This brings to light the principal-agent problem. Economists have clarified that an inefficiency may arise whenever a principal entrusts an agent to pursue some goals in his own behalf. If the agent is self-interested and enjoys asymmetric information (especially ex-post information of the moral hazard kind), she could use her decision-making power to maximize her own utility to the detriment of the principal's. The agent's deviation from the principal's interests causes some "agency costs" that might prevent the relationship to be established. In an electoral system, this implies a low turnout rate. Most of the solutions devised in the economic sphere (piece rates, profit sharing, commissions, sharecropping, stock options) are unfeasible in a political system.

There is one, however, that could be applicable in political relationships: performance monitoring coupled with the threat of termination. The agent will tend to align to the principal's interests when she runs the risk to lose her job, especially if she is paid an "efficiency wage", i.e. a pay higher than market wages. In order to lower monitoring costs, the principal implements a slack form of control in a somewhat random way. Since the agent is paid more than market wages, she faces a cost of job loss caused by the risk of being fired. This opportunity cost to shirking functions as a discipline device, which might be reinforced by a drop of reputation if sacked agents were marked by an opportunism stigma. Applied to a political system, the solution implies that parliamentarians' pays are higher than the market wages they would receive in case of recall, although the monetary incentive could be substituted by the social prestige associated to the role of people's representative. Electors exert monitoring, and the fact that this could be random means that normal citizens need not collect full information on their representatives' behavior. For this solution to be effective, it is necessary that the principal has access to some information on the agent's behaviour and, above all, has the power to terminate the relationship. There are no big problems with the first condition in a liberal democracy where the freedom of the press is in force. The real problem arises with the second condition, since almost none of the existing liberal democracies grants citizens the right to terminate a mandate of political representation.

Another way of looking at the problem is as follows. To the extent that political programs or formal instructions cannot be laid down exhaustively, the election of a representative by some citizens could be likened to the signing of an incomplete contract. Normally, only one of the two parties in an imperfectly defined transaction exerts residual control over the decisions not provided for by the contract. In a democratic system, electors are the principals and therefore residual control should belong to them. However, citizens hardly have the final say against their agents if they do not hold effective means of deterrence, and this is why their representatives tend to usurp residual control.

Now, with the agency analogy in mind, we could define political representation as "acting in the interest of the represented, in a manner responsive to them" (Pitkin, 1967, 209). More precisely, we could see it as being based on an agreement characterized by:

Authorization of the representative to act on behalf of the represented.
Obligation of the representative to pursue the goals posed by the instructions.
Accountability of the representative toward the represented.

In a democratic system, authorization is given with an election, and electoral programs define the instructions that delineate the representative's obligation. The real problems arise with accountability. To be effective, this requires two conditions: 1) the representative has a binding mandate to act in keeping with the instructions, 2) the represented have the power to sanction the representative if she does not comply with said instructions (Fearon, 1999, 55). The latter is the crucial condition, for there can be no real accountability if there is no real power of control. This power may be created by granting voters the right to revoke their authorization at any time, precisely in the same way a principal can terminate an agency agreement whenever he wishes.

A typical objection to the right of recall, at least in the form of implementation it has taken historically, is that it only ostensibly allows for the proper expression of the voters' interests and opinions. In fact, the simplest form of implementation occurs in majority or plurality systems with single-member electoral districts. A member of parliament is elected by a simple majority (or even a relative majority) based on a platform that expresses the majority's particular interests, and therefore cannot represent minorities who voted for candidates with alternative platforms. The problem is that *the voting secrecy makes it impossible to identify the voters of a particular parliamentarian*. Then, the tale is told that the latter represents *all* the citizens of her district, even those who voted for the competing parties. To support this fiction a Burkean mystification is used. It is postulated that there exists a common interest shared by all citizens of the district; that this interest prevails over those of its particular social groupings; and that the elected is accountable on the ground of this supposed common interest. What occurs in reality is that, if the district's citizens have conflicting interests, the wills of some are sacrificed. Can you imagine a parliamentarian elected by the Ku Klux Klan who legislates in the interest of black citizens too?

Such a mystification is practically unmasked by a peculiar kind of instability. The mere shift of a few voters in a single-member district from one political orientation to another might be sufficient to transform a former minority into a new majority. Then the mandate could be revoked by a majority which is not the one that had given the instructions to the member of parliament. In reality, the elected is authorized not by the entire constituency but only by a part; and not based on a supposed common interest but on some specific instructions. Yet, a new majority may recall her on the ground of alternative instructions. Such a contradiction shows that the right of the principal to recall the agent is a sham, and in two ways. First, the real principal, the majority who elected the agent, may be superseded by the former minority in recalling the agent. Second, the constituency comprising an entire district is a fictitious principal, because the real instructions are defined by only a section of the district.[3]

To eschew these inconsistencies, the electoral system must be proportional. A proportional system seems fairer and more democratic than a majority system with single-member electoral districts (Urbinati, 2000, 760-1). In this case, however, the real problem, the practical one, can no longer be ignored: how may a certain member of parliament identify her respective voters if she is elected by secret ballot? And who should be entitled to the right of recall if those voters are unknown? My proposal aims to resolve this problem.

Electronic voting and the political mandate

The model I am proposing is rather simplified. I refer to a proportional electoral system with multi-member districts. Candidates are chosen by political parties and are declared in party lists. Each candidate can be declared for only one electoral district. Voters vote for a party and may cast a preferential vote for a candidate of its list. Candidates are elected according to the votes cast for their party, and taking account of the number of preferences they receive. Candidates who are elected without having received any preferential votes, are selected according to their order in the party list.

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[3] Apart from the problems of accountability, another macroscopic flaw of a majority (or plurality) system with single-member electoral districts is that it "distorts popular preferences, in the sense that party representation is not commensurate with electoral strength", making it difficult to claim the winning party "*has a popular mandate for anything*" (Heywood 2013, 209-10). This system could even produce an outcome where a party with a minority of citizens' votes obtains the majority in parliament. Small minorities, in any case, are thoroughly excluded from representation. Another flaw consists in the fact that the two prevailing parties tend to be big tent parties. They compete to conquer the median voter, and therefore are likely to formulate amorphous programs and adopt beguiling slogans that appeal to voters' ignorance. Among its merits, on the other hand, many ideologists boast the stability it ensures to governments, i.e., to the successful politicians' power.

Parties publish provisional platforms. Individual candidates may present their modifications to their party's platform, thus defining personal platforms. Citizens may express criticism and suggestions, following which the platforms are modified in the course of public debates. A month before the elections, definitive platforms are registered with the local authority and published as official programs. All parties must register their platforms, while individual candidates may choose to do so. All candidates adopt their party's platform, to which any personal platforms are then added. The registered programs constitute the formal instructions defining the mandates.

The ballot is electronic and supported by a centralized computer system that carries out the recording and encrypting of votes, as well as the calculation and tabulation of poll results. It takes place in polling stations. To avoid computer frauds and to enhance the citizens' trust, the electronic vote may be combined with a paper ballot, for example, a printout from the electronic voting machine that the voter then places in a ballot box. Each voter has an electoral smartcard or an identity card endowed with a computer-readable microchip, which must be inserted in the voting machine to accomplish voter registration. Before voting, voters choose a personal *nickname* and a *password* to decouple their vote from their identity.

Consider an electoral district with the following characteristics:

v the number of voters
s the number of seats
p the number of parties
$q=v/s$ the number of votes required for a candidate to be elected[4]
v_i the number of votes for party $i=1,\ldots p$
$c_i=v_i/q$ the number of candidates elected from party i
v_{ij} the number of voters for party i who expressed a preferential vote for member of parliament M_{ij}, with $j=1,\ldots c_i$

Parliamentarian M_{ij} is elected by a set of voters that includes all those who express their preference for her, if $v_{ij} \geq q$; alternatively, if $v_{ij} < q$, all those who vote for the candidate's party, v_i. All voters who express their preference for M_{ij} contribute to her election with a vote weighing 1. All other voters for the same party contribute to the parliamentarian's election with a vote weighing $(q-v_{ij})/(v_i-v_{ij})$. Therefore, if M_{ij} does not receive any preferential votes, that is, if $v_{ij}=0$, each of the party voters contributes to her election with a vote weighing $q/v_i=1/s_i$. If $v_{ij} \geq q$, party voters who do not give the candidate their preference do not contribute to the candidate's election.

Let us look at some examples for an electoral district with $v=1,000,000$ voters and $s=10$ seats. In order to be elected a candidate must obtain at least $q=100,000$ votes. Party i receives 300,000 votes[5] and has three parliamentarians, M_{i1}, M_{i2} and M_{i3}. Let us suppose that M_{i1} receives 120,000 preferential votes, M_{i2} receives 80,000 and M_{i3} does not receive any. M_{i1}'s voters are the 120,000 who express their preference for that candidate. Those of M_{i2} are the 80,000 who express their preference for M_{i2}, together with, and secondarily, all the others who vote for the party. M_{i3}'s voters are all those who vote for the party.

Each member of parliament is associated with his or her set of voters, and has a legally recognized IT platform with a personal blog and an *official forum* which is only accessible (using nicknames) to

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[4] For the electoral formula to allocate seats, I adopt the Hare quota, $q=v/s$, which is simple and sticks to proportionality (see Benoit, 2000; Gallagher and Mitchel, 2005).
[5] In this example I assume, for the sake of simplicity, that there are no remainders. If there were, the simplest way of dealing with them would be to grant an additional seat to the parties with the largest remainders. For example, if party i receives 370,000 votes, it would have the right to 3.7 seats. If two other parties receive 410,000 and 220,000 votes, and therefore would have the right to 4.1 and 2.2 seats, party i would obtain 4 seats and the others, 4 and 2 respectively.

her or his voters. In this kind of forum, citizens can communicate among themselves and with their representative, and can therefore attain true accountability and effective control.[6]

Members of parliament are free in their political choices, yet remain accountable to their voters for the pursuit of the objectives defined by their platform. It may happen that some voters are unsatisfied by their representative's behaviour and will not be able to modify it by means of criticisms and suggestions. In that case, they may request that her mandate be revoked. A recall vote must be requested by at least a certain share of voters φ. Voting is valid if at least a quorum ρ of the people entitled to vote participates. Then a debate takes place in the parliamentarian's official forum, and, after a certain number of days, the recall will be decided. For instance, let us assume $\varphi=0.1$ and $\rho=0.5$. Thus, if at least 12,000 of M_{i1}'s voters request a recall vote, all 120,000 voters are called upon to vote again. The recall voting is valid if at least 60.000 of them vote. If more than half voters recall their representative, M_{i1} loses her mandate.[7]

A problem arises with control over those parliamentarians for whom $v_{ij}<q$, that is, those who receive fewer preferential votes than is required for election. Part of their set of voters is comprised of all the others who vote for their party, v_i-v_{ij}. A way to work out this problem is to assume that voters delegate to the party the control for those parliamentarians who receive less than q preferential votes. In voting for the recall of parliamentarian M_{ij}, those who expressed their preference for her have v_{ij} votes, the party has $q-v_{ij}$ votes. Obviously, in considering this solution, we must ignore the problem of party leaders' moral hazard. In any case, it is possible to exclude the party from control.[8]

In the case of parliamentarian M_{i2}, at least 10,000 voters must request the recall vote. Then her 80,000 voters are personally called upon to vote for the recall, the party to vote with 20,000 votes. The parliamentarian's mandate is terminated if more than half voters vote for the recall. In the case of parliamentarian M_{i3}, the recall is decided exclusively by the party. Obviously, we assume that parties adopt majority rule in all its decision-making organs, which could be established by law.

Among other things, the model should produce an interesting effect of *predominance of preference*, which may reduce the risk that a representative democracy becomes a particracy. Note that, if less than 30,001 of the voters who gave their preference to parliamentarian M_{i2} decide to recall her, it is beyond the party's reach to revoke the mandate. For example, if only 24,001 of the voters who cast a preferential vote support a recall, in order to reach 50%+1 of recall votes the party must have the strength of 26,000 votes. This however is out of place, because only $q-v_{ij}$=20,000 of the party's votes were instrumental in electing parliamentarian M_{i2}. Therefore, the parliamentarian is not recalled. Such an effect becomes stronger the higher the number of preferential votes a candidate receives.

The predominance of preference makes sense. Voters who give their preference choose a specific candidate with a type of vote that, precisely because of the choice specificity, carries a greater weight of control over the parliamentarian than that held by voters who do not give their preference. A positive consequence of this effect is that voters who cast preferential votes retain greater leverage than that enjoyed by party apparatuses in the choice of and control over parliamentarians.

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[6] To discourage and sanction any attempt at misconduct, official forums must use a public identity management system that guarantees the protection of anonymity. A State-owned provider stores the information regarding the voters' identities, and can be authorized to disclose it only by a court order.

[7] The simplest way to substitute a recalled parliamentarian is as follows: in the very moment a citizen recalls his representative he also votes for a substitute by choosing her from the same party list of the recalled one.

[8] If we assume that voters who do not cast a preferential vote do not actually intend to transfer to the party their right of recall, we must resort to a slightly more complicated form of control than that described above. All voters who cast a preferential vote for M_{ij} may participate in a recall ballot, and, if $v_{ij}<q$, also the others who voted for her party. Each voter who cast a preferential vote has a vote that weighs 1 in a recall ballot, while those who voted for the party but did not cast a preferential vote for M_{ij} have a vote that weighs $(q-v_{ij})/(v_i-v_{ij})$. This system is rather cumbersome when a party has many parliamentarians in a district who received less than q preferences, because every party voter would have many representatives. A way to reduce such a kind of complication would be to set up small electoral districts, so that voters of each party have few representatives. If this is not possible, it is likely preferable to adopt the system that delegates control to the party.

By virtue of their control over organizations and the media, party leaders retain considerable influence. Not only they determine the candidate lists, but they may manipulate the primaries (where they exist) and pilot the representatives. Well then, voters who cast preferential votes can overturn the candidate order dictated by party leaders and hence slacken their control over the members of parliament.

If the party has the power to exercise the right of recall for all q-v_{ij} votes, this power is weakened when used against those parliamentarians who receive many preferential votes. A campaign to revoke a mandate, launched by the party for reasons of internal politics rather than because the mandate was breached, would be unsuccessful on those parliamentarians.

By virtue of this effect, citizens are motivated to express their preference. Those who do not do so would be unable to exercise the right of recall. Candidates, on the other hand, are encouraged to seek as many preferential votes as possible, and therefore to express citizens' specific interests. In fact, elected representatives who obtain many preferences gain autonomy from their party.

The potential of e-democracy

Within a group of voters composed of a limited section of society that shares a basic interest, a widespread opinion and a political will, a common good exists and can be defined more or less explicitly in an electoral platform. The official forums of parties and individual parliamentarians may be used to provide a special kind of *voter feedback mechanism* (Adonis and Mulgan, 1994) which is compatible with a liberal system of representative democracy. "Typically, experiments to enhance voter feedback and citizen communication provide avenues for deepening political participation within existing patterns of liberal representative politics […] And they enrich, in principle, the scope and nature of public debate." (Held, 2006, 250). Yet, they could also trigger a process capable of bringing about a more advanced political system – a system that might "be interpreted as a new radical model of democracy" (Held, 2006, 252). How can this mechanism be brought about?

Already more than twenty years ago, it was acknowledged that modern ICTs have modified the functioning of democracy (Grossman, 1995; Carlini, 1996; Rodotà, 1997; Gimmler, 2001; Anttiroiko, 2003), but also that they have done so in a contradictory way. On the one hand, the role played by ICTs in the mobilization and organization of popular movements is well known. Just think of the anti-globalization movement (Bimber, 2003; Pickerill, 2004; Della Porta and Mosca, 2005; Vecchi, 2015). On the other hand, a backlash by traditional politics caused a colonization of cyberspace (Resnick, 1998; Barber, 1998; Davis, 1999) which, although only partially successful, is modifying the mechanisms of consensus formation. Professional politicians make ever more frequent and systematic use of new and old media to extend their electorate, influence citizens' opinions and increase their power. In the absence of an adequate institutional system, they often do so in a demagogic way, thus producing infotainment and misinformation rather than accurate information (Hilbert, 2009, 4-5).

What is yet uncertain is the possibility of realizing the democratic potential of the new media by enabling citizens' increased participation in the decision-making of public institutions.[9] The fact is that technological innovations are not, in themselves, sufficient to expand democracy. Political innovations and institutional reforms are necessary. A step in this direction could be made with the creation of an electoral system that regulates the interaction between representatives and their voters in a more democratic way. Such a system should be characterized by: authorization with formal instructions; clear identification of each representative's voters; and well-defined rules of accountability and control. My model seeks to provide a contribution to this endeavour, and might be used to realize the democratic potential of the ITCs.

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[9] Among the skeptical scholars, see Hill and Hughes (1997), Margolis, Resnick and Wolfe (1999), Bucy and Gregson (2001) and Lusoli (2014), whose research is however limited to the United Kingdom and/or the United States.

Final thoughts

In various conversations I had on this subject, four criticisms of my proposal have emerged. The first is that the model is too complicated, with all those symbols and suffixes, and that the average voter would end up rather baffled. Actually, I realized that even some refined readers of an article similar to this (Screpanti, 2013) were a little puzzled and tended to discard the whole proposal as too intricate. Yet, one has to realize that, once the model has been transformed into an algorithm, a computer does all the work. Voters need not read this article. They have just to insert their smartcards in the voting machine and carry out a few operations: define a nickname and a password, then choose a party (and a candidate, if they wish) from lists appearing on the machine's touch screen. It seems no more complicated than a typical paper ballot.

The second criticism is a classic: if a member of parliament is accountable to her own voters, she will have to legislate in a way that serves the voters' particular interests and not in view of a superior public interest, and this is wrong. Such an idea, however, is a mystifying "political theology" (Tomba, 2018, 12). What is mystifying is the idea of a holistic subject, "the people", to which a common interest and will are attributed that should be rendered explicit by its trustees. I have already discussed this issue in dealing with the accountability of a parliamentarian in a single-member electoral district. Clearly, the mystification becomes even more disquieting when referring to an entire nation. All generalizations about "a people" endowed with an indivisible public interest must be treated with suspicion. Both in a nation and in a district "there is only a collection of electors who each possess particular interests, sympathies, allegiances and so on" (Heywood, 2013, 215). Therefore, this "criticism", far from being an objection, becomes a supporting argument. In fact, if in every society, especially one as complex as ours, we find classes and groups of citizens each with their own diverse and conflicting aspirations, it is only fair that they are all represented. Parliamentary debates should express the interests of the conflicting classes, at the very least those declared in official platforms. Obviously, the implementation of my proposal presupposes an amendment to those constitutions – almost all the existing ones[10] – that forbid the imperative mandate.

A third criticism involves the degree to which formal instructions may bind a member of parliament. If instructions were too generic, it would be as if they did not exist and parliamentarians could do as they please. However, if they were too detailed, there would be no need of parliamentarians in the first place. As Engels (1872, 277) sarcastically commented, "if all the electors gave their delegates imperative mandates concerning all points on the agenda, meetings and debates of the delegates would be superfluous". In any case, without going to such an extreme, one must observe that, if formal instructions were too detailed, parliamentarians might not have the means to find the best solutions to new problems as they arise.

In practice, since formal instructions are none other than electoral platforms, they are never too generic; otherwise, they would be undistinguishable from those of competing parties. Neither are they too detailed, precisely because they need to be open to changes occurring during a parliamentary term. Normally, electoral platforms propose well-defined solutions for major issues and, for the rest, establish guidelines for political decisions, in addition to the ethical and ideological principles that should inspire them. It is reasonable to presume that recall elections would be set in motion only when addressing major issues and overriding contingencies. In the legislative work of ordinary administration, the guidelines established in electoral programs should be sufficient to orient the parliamentarians' activity. This form of gatekeeping in terms of the relevance of major issues should emerge spontaneously from the fact that the typical citizen does not wish to be overwhelmed with the

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[10] To my knowledge, the right of recall is recognized in Colombia, Kenya, Nigeria, Peru, Venezuela, as well as in a few Argentinian provinces, some Swiss cantons, some states in the USA, and in British Columbia, Canada.

investment in time and research that direct involvement in politics requires (Coleman, 2005).[11] It could be strengthened by a law that establishes a *participation quorum*, so that a recall election is only valid when a minimum share of voters participate.

The fourth criticism is based on the argument that members of parliament might find themselves prisoners of political cliques that would try to influence their decisions by threatening a recall election (Bellanca, 2016, 101-2). This does not seem a strong objection. Anyone wishing to send a parliamentarian home must do so in dialogue with all the parliamentarian's voters. The parliamentarian herself may intervene in the discussion and present her motivations. In the end, if a clique succeeds in convincing the majority of voters to revoke a mandate, it means that its arguments are valid, and therefore that it served a purpose. Certainly, it would be difficult for a clique or a lobby that does not control a great number of a parliamentarian's voters to convince the majority to vote for a recall; and equally unlikely, therefore, is the possibility of blackmailing the parliamentarian with a threat of recall. This is so because participation in the debate and the right of recall are reserved to the parliamentarian's particular voters, who remain anonymous. It is true, however, that such a threat could be more efficacious when made by a party's faction, all the more so the lower the number of a parliamentarian's preferential votes. This is a further reason for a candidate to try to serve her personal voters' real interests in order to obtain as many preferential votes as possible: to defend herself from party factions. In any case, to increase representatives' ability to defend themselves, the coefficient φ and the participation quorum could be raised.

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[11] Yet it is true that an intelligent use of ICTs reduces the time and the skills needed by citizens to contribute to public debate (Hilbert, 2009, 22).

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