

Liquid Representation

On the Political Legitimacy of Liquid Democracy

Lena Voorbergen

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Supervisor: dr. Frederik van de Putte

Advisor: dr. Laura García-Portela

Third reader: dr. Nicholas Vrousalis

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ACRONYMS

LD	Liquid Democracy
RD	Representative Democracy
DD	Direct Democracy

INTRODUCTION

Democracy is in trouble. Trust in political representatives and government has been declining steadily (Van der Meer and Zmerli 2017: 1-2). At the same time, extremism is growing (Newton 2017: 367). Democratic theorists are speaking of a ‘crisis of representation’ (Tormey 2014). Hyperbolic language or not, these developments have inspired academics in the last three decades to think about new ways to include citizens in the political process beyond elections. These theoretical ‘democratic innovations’ have by now led to numerous real-world practices of citizen participation.

In practice, most of these processes lead to policy documents with an advisory status. They end up on the desks of established officials who are not bound to follow them to the letter. A frequent complaint is that the outcomes of participation trajectories are seldomly followed through, making citizen participation a mere administrative step. Whenever we increase the stakes of such a procedure to making binding public decisions, new questions emerge. In particular, the matter of legitimacy becomes important. Would it be acceptable if the outcome of a participation process was binding to all citizens, in the sense that it is validly enforced through the coercive powers of the state?

The question cannot be answered for democratic innovations generally, as it depends on the structure of the decision procedure in question and how it is applied. Here, I focus on one such democratic innovation: Liquid Democracy (LD). LD is a method of collective decision-making that combines elements of direct and representative democracy. Voters are free to delegate their vote for specific topics to someone else, a proxy. This proxy is then free to further delegate votes to another proxy. Voters can recall their delegation at any time in order to vote personally. In representative democracy, the composition of parliament is fixed until the next election. In LD, the ‘liquid parliament’ differs in composition for every topic on the agenda and continuously changes over time. Everyone is free to become a representative, to be an independent member of the liquid parliament, or to leave it all to someone else.

Many popular democratic innovations, such as deliberative citizen assemblies, rely on active involvement by individual citizens (Dryzek et al. 2011). LD, however, integrates representation in a new, much more dynamic and inclusive manner. In the eyes of its proponents, LD combines the ‘best of both worlds’ of direct and representative democracy.

LD is not frequently utilised, but is gaining popularity. It was famously applied by the German Pirate Party for intra-party decision-making (Paulin 2020). Some authors advocate for the application of LD as a form of e-participation in large organizations such as companies and political parties (Behrens et al. 2014). Blum and Zuber (2016), Hélène Landemore (2021) and Chiara Valsangiacomo (2021) discuss the model as intended for public governance, at both local and national levels.

Landemore (2021) argues for a combination of LD with other models (lottocracy and self-selected assemblies in particular), while Valsangiacomo (2021) proposes an integration in existing institutions:

In a population with universal suffrage, LD can be used as a voting scheme for governmental policymaking, at the local, regional, and national levels. In other words, LD can be integrated into existing democratic systems, potentially replacing existing electoral processes and reshaping current legislative mechanisms.

(Valsangiacomo 2021: 2)

Normative philosophical work on LD's democratic credentials is still relatively sparse. Specifically, the question of political legitimacy remains understudied. When and where could LD be a legitimate system of binding collective decision-making? This is the central question this thesis addresses.

I start out by defining LD and political legitimacy in the first and second chapter respectively. In Chapter Three I argue, first, that LD in small-scale implementations can appropriately be interpreted as a version of direct democracy which includes a mechanism of vote-copying. In practice, this means that the size of the demos would have to be limited to such an extent that everyone can participate (actively or passively) in deliberation and decision-making. That is one way in which LD can be legitimate. In Chapter Four I argue that LD can also be interpreted as a 'liquid' form of representative democracy, which is the more appropriate interpretation whenever direct democracy is not feasible. The decision-makers, the 'liquid parliament', would have to properly represent those outside it and be able to deliberate in order to satisfy the conditions of legitimacy. This introduces certain constraints on the size of the demos and complexity of decision-making.

There are a number of on-going debates that I do not engage with here. A prominent topic of debate is the epistemic performance of LD. How likely is it that voters get to 'correct' well-considered decisions through delegation and transitivity? Some are sceptical (Kahng et al. 2021), while others are more optimistic (Halpern et al. 2021; Becker et al. 2021). This debate mostly centres around the question of whether LD leads to a concentration of power in a small number of voters and what the epistemic drawbacks of this would be. One interesting result is that network connectivity seems to play an important role in limiting this concentration of power and improving the epistemic performance of the LD model (Becker et al. 2021; Zhang and Grossi 2021b). Other work has set about fixing more specific problems within the LD paradigm, such as delegation cycles (Brill and Talmon 2018) and irrational or inconsistent outcomes (Christoff and Grossi 2017). Though certainly relevant to the project of Liquid Democracy as a whole, I limit my scope here to LD's (democratic) political legitimacy, with a focus on its scheme of representation specifically.

1 CHAPTER ONE: THE WHY AND WHAT OF LIQUID DEMOCRACY

1.1 INTRODUCTION

LD is a system of collective decision-making that combines elements of both direct democracy and representative democracy. In a direct democracy (DD) the citizens themselves decide on policies. In a representative democracy (RD), citizens rely on representatives to make those decisions on their behalf. In LD, citizens are free to either vote on policies themselves or to delegate their votes to someone else to vote on their behalf. This broad idea is not at all new¹, but has regained popularity in light of advancements in digital technologies (Ramos 2015). Through technology, large scale DD appears within reach. Combining DD with proxy delegation avoided the need for significant time investment by all citizens. Everyone could decide for themselves whether to engage in a division of labour by delegation to someone else, or to engage personally in DD through electronic voting.

For the first time, this increase in popularity led to actual real world implementations of LD. The German Pirate Party has adopted the model for decision-making procedures within their political party between 2010 and 2015, and a group of other organizations around the world have followed them (Paulin 2020). Most of these implementations were limited to ‘e-participation’ (Wirtz et al. 2018), which means that they were used to survey the opinions of groups of people in a (generally) non-binding way. This noncommittal nature arguably played a big role in the eventual failure of LD in the case of the German Pirate Party. The board frequently refused to accept outcomes and the LD platform² started to dwindle (Paulin 2020: 458-459).

As a foundation for the following chapters, I start out in this chapter with the motivations behind LD and its defining characteristics. I first discuss the different problems of traditional electoral RD that LD supposedly addresses. Next, I outline the key principles of LD.

1.2 THE DRAWBACKS OF REPRESENTATIVE DEMOCRACY

As mentioned in the introduction, the crisis of representation has been an incentive to theorize alternative modes of democracy. We can interpret LD as one such initiative, though the explicit aspirations of its proponents are often more modest. Many proponents of LD do not advocate an altogether replacement of traditional electoral democracy with LD (Behrens et al. 2014). And yet, the ideas behind LD are intimately connected to a set of problems that are part of electoral RD.

¹ According to José Ramos (2015), the logician Charles Dodgson was the first to articulate ideas resembling LD in 1884. Dodgson is better known under his pseudonym, Lewis Carrol, the author of *Alice in Wonderland*.

² The German Pirate Party used ‘LiquidFeedback’ as the digital platform for LD decision-making (Paulin 2020).

In this section I present two of the most important shortcomings of RD that LD is supposed to address: 'inaccurate representation' and 'lack of inclusivity'.

In electoral RD, elections supposedly make sure that there is a congruence between the composition of parliament and the composition of the electorate in terms of political positions. This congruence enables the attribution of parliamentary decisions to the 'demos' as a whole. As a democratic legislature, the decisions of parliament hold a legitimate authority in virtue of that attributability. There are two factors that erode the congruence between parliament and the demos in RD. Together they constitute what I refer to as the 'inaccurate representation' problem.

First, there is the factor I call 'inflexibility'. Once every four years eligible citizens get the chance to vote on candidates. The winners get to represent them until the next election. In the meantime, representatives cannot easily be removed from office by their constituents. The wish to do so can arise for a number of different reasons. The representative can perform poorly, or act in a different way than was promised during their election campaigns. The voter can also change their political attitudes through learning new information or in other valid ways. Through these different potential changes, the congruence between the representers and the represented can be undermined. Because of the inflexibility of electoral democracy, however, no adjustments to fix this are possible in between elections.

Second, there is the factor of 'forced compromise'. In RD, voters are forced to compromise with respect to the positions of their favourite candidate. No party program, or the program of an individual candidate, will align for one hundred percent with the position of the individual voter. Sometimes there is a clear winner on all issues, that comes closest to your own views, but even then, you are likely not fully satisfied. Often choosing between candidates is more complex. For example, party X can be closest to your own views regarding climate policy, while party Y is closest with respect to immigration. Whatever you choose, there will be a degree of compromise.

Why would such a compromise be a problem? In the Schumpeterian view of democracy, political parties (or candidates) compete with each other for votes (Schumpeter 1976). Voters have preconceived political preferences that they are trying to realize through voting for one of the parties. The parties have an interest to satisfy the preferences of as many voters as possible, or convincingly claim they will do so. In a Schumpeterian model, a forced compromise means that there is incomplete satisfaction of those political preferences. One way in which reality is different from the Schumpeterian model, however, is that political preferences are not fully independent from politics itself. For example, voters can become members of political parties and identify actively with these organizations. Through this loyalty, they will let their political preferences be shaped by the collective processes of these parties or movements (Brader and

Tucker 2012). To be able to speak of a compromise, there must be a set of preconceived political views with which to compare the eventual voting decision. If there are no pre-political political views, such as in the case of voters who fully agree with their party's program *because* it is their party's program, this becomes difficult.

If we grant that there is a group of voters that is not forced to compromise, because they wholeheartedly agree with the program of the party or candidate they identify with, we are still not out of the woods. The groups that are actively involved in party politics will face the same forced compromises in internal party decision-making when these decisions revolve around chosen representatives. All in all, a lot of information about the political wishes of the electorate gets lost through the election of representatives out of a limited set of candidates. Increasing the number of available parties or candidates improves the potential fit between voter and representative, but will not resolve this problem completely. The problem of forced compromise, together with the inflexibility problem, leads to a gap between the positions of parliament and of the represented.

Following Hannah Pitkin, I grant that there can be good justifications for a gap. In particular, there are reasons to allow a representative a certain degree of discretion to adapt to new information or strategic considerations (Pitkin 1967). The two factors leading to the problem of inaccurate representation I mentioned here, however, do not belong to this category. The inaccuracies of forced compromise and inflexibility are prior to the incongruence that is inherent to the work of a representative.

Imagine your ideal political representative would be a Christian environmentalist. Sadly, no such candidate is available this election. As a compromise, you vote for an atheist environmentalist. This is the first level of incongruence between voter and representative. The government proposes to build a new nuclear power plant. You disagree, but your representative voted in favour. This is a second level of incongruence. This second level, contrary to the first, can be justified as part of what it means to be a representative. Maybe the representative explains her choice of voting afterwards. She might cite a number of important government and scientific sources in favour of building the power plant, which you did not read yourself. There is no way, however, to salvage the incongruence at the first level. The representative likely would not even know what kinds of compromises hide behind their constituents' voting choices. Forced compromise and inflexibility thus constitute a pure loss of the accuracy of representation, even though other justifiable kinds of incongruence exist. In Chapter Two, Three and Four I discuss representation and legitimacy in more detail.

Inaccurate representation is not the only problem plaguing RD. There is a second problem: lack of inclusivity. Fundamental to democratic ideals is the idea that public office should be open to all. In practice, however, there are massive obstacles to running for office.

Elections are costly and it takes a lot of time and effort to climb the ranks of political parties. A relatively homogeneous group of people turns out to succeed in overcoming these obstacles. Many social groups such as poor and less educated people are not represented as well as other groups (Rosset and Stecker: 2019).

Deliberative democrats and advocates of citizen participation seek to improve RD both with respect to accurate representation, but also in regards to the inclusivity concern. Some bring these two together and criticize the lack of inclusivity purely in terms of accuracy. For example, Méndez (2022) argues that underrepresentation of specific social groups means that their interests remain obscured, which undermines the epistemic credentials of democratic institutions. Beyond such epistemic concerns, it first and foremost conflicts with the ideal of political equality. I discuss both the principle of political equality, epistemic democracy and how they relate to political legitimacy in more detail in Chapter Two (Urbinati 2011: 6, 17-18).

1.3 THE DRAWBACKS OF DIRECT DEMOCRACY

RD is commonly understood as a necessary division of labour in large scale societies. Engaging in political decision-making requires a significant time investment, that may better be left to a smaller group of dedicated professionals. In a DD, on the contrary, all citizens partake in collective decision-making or at least have the ability to do so. In very small societies it would be possible to gather everyone in a central place to discuss and make all of the collectively binding decisions. At larger scales however, such as the nation state, this becomes impossible.

The development of digital communication technologies was accompanied by various utopian visions of digital DD. Some authors theorised that new technologies could enable DD even in large complex societies (Van Dijk 2012: 49-51). While it is true that digital communication has made geographical distance a non-issue, it does not address the problem of the demandingness of the required time investment. The complexity of modern public problems, the huge number of political decisions to be made and the amount of information one needs to process to make informed decisions makes engaging in democratic politics a demanding task. Furthermore, there would be significant differences between citizens in terms of their capability to engage with politics, threatening inclusivity. Digital communication thus does not change the fact that we have a lot to gain from a division of political labour, organised in a way that respects political equality.

In addition to this problem of 'inefficiency' in DD, there is a worry that ordinary people are not capable enough in certain important respects to engage in politics. This worry is as old as the idea of democracy itself and is most commonly known as the 'mob rule' concern. The fear is that a DD would quickly deteriorate into a dictatorship of a majority of the common people. The idea of mob rule is closely connected to the worry of demagogues swaying the population in a manipulative way. Engaging

in politics supposedly requires that you have a sense of justice and are adequately knowledgeable. Without these skills, one is easily swayed by charismatic leaders into problematic directions.

At first impression the mob rule worry may seem a bit old fashioned and certainly elitist. In recent years however, partially in response to political developments like Brexit and the election of Donald Trump, more people both inside and outside academia have been expressing similar concerns. Note that these concerns are raised against representative democracies with a universal right to vote.

One telling example is Jason Brennan's plea for epistocracy in his book *Against Democracy* (2017). According to Brennan, a system where the more knowledgeable citizens have more voting power would be beneficial for everyone, because it leads to better collective decisions. It is even beneficial for the non-knowledgeable, or so he argues (Brennan 2022: 45-48). Though the mob rule concern can be applied to RD as well, it is DD that is arguably even more vulnerable to it. If large portions of the electorate are already not competent enough to vote for representatives, why would they be competent enough to vote on political matters themselves? Though radical positions such as Brennan's remain highly controversial, it is still the case that general worries about the competences of ordinary voters are common. A novel method of democratic decision-making should ideally address these worries.

To sum up so far, I have identified two problems with RD: (1) inaccurate representation and (2) lack of inclusivity. Inaccurate representation consists of two factors: inflexibility and forced compromises. Given the new digital means of communication, we might ask if it would not be better to revert to DD. There are at least two reasons not to: (1) inefficiency and (2) mob rule. The inefficiency problem primes us to organize a division of political labour. Mob rule is a controversial but common worry related to a perceived lack of essential competences of the electorate. If LD is to be an attractive model of collective decision-making, it needs to deal with these four issues in a convincing way. In the next section I define the central principles of LD. In section 1.6 I explain why these different principles contribute to solving the aforementioned four problems of direct and RD.

1.4 THE WHAT: THE PRINCIPLES OF LIQUID DEMOCRACY

In this section I present my definition of LD, which consists of four key principles: (1) voluntary delegation, (2) transitivity, (3) instant recall and (4) open ballot. I base my definition on earlier conceptualizations by Blum and Zuber (2016) and Valsangiacomo (2022). They have provided the clearest and most developed philosophical definitions of LD so far, but I see reason to deviate slightly from their accounts. Specifically, I argue these four principles are better understood as distinct features rather than subsuming them under 'voluntary delegation' (which is Valsangiacomo's (2022) proposal). I discuss the key principles one by one. I will also explain if and why I deviate from earlier definitions.

1.4.1 Voluntary delegation

Voluntary delegation means that every eligible voter is free to delegate to someone else to vote on their behalf: as a 'proxy'. Voluntariness means that voters can also choose to vote personally. This means that contrary to both representative and DD, no particular division of political labour is forced upon the electorate. If you want to, you are free to participate directly. However, if you feel like you do not have enough time or do not consider yourself competent enough, you are also free to give your vote to someone else. Maybe you do not know a lot about agricultural policies, but you happen to have an aunt who is very passionate about it. You can delegate your vote to her. Or maybe you are not interested in reading up on international relations, but you trust that a particular author is very knowledgeable and has a moral compass that you consider similar to yours. Delegations can be motivated by different reasons. You may simply lack time to vote personally, or you think others would be more skilled in furthering your interests than you are yourself.

Voluntary delegation can work similarly to a very familiar voting situation. Imagine being with a group of thirty or so people in a single room. You need to vote on a number of issues by raising hands. Naturally, sometimes you will feel strongly about your own position regardless of the votes of others. Occasionally, however, you would look at what specific other people vote and copy them. Essentially, this is the same in voluntary delegation. By delegating your vote to someone, you are deciding to vote whatever that proxy decides to vote. The 'voting in a room by raise of hands' analogy is helpful to intuitively illustrate the principle of voluntary delegation (Behrens et al. 2014: 22), but it also has its limits. In the second chapter I discuss the vote-copying interpretation of LD in more detail.

The principle itself is very general and leaves some questions open. First, who should you be able to delegate to? Typical of LD is that anyone can be chosen as a proxy by anyone else (Behrens et al. 2014: 21-26). The principle of voluntary delegation would thus be 'mirrored' by a principle of universal candidacy. The first guarantees that everyone is free to be represented, while the latter guarantees that anyone can become a representer. Full universal proxy-candidacy would also be attractive given the goal of tackling the lack of inclusivity in RD. Still, I do not include such a principle in my definition of LD. There is a case to be made that a potential proxy should first consent to being a proxy. I explain why this could be attractive in section 4.3.2. Such an element of self-selection does not mean the system as a whole could no longer be called 'Liquid Democracy'. Some authors, like H el ene Landemore (2021: 124), already assume this self-selection to be a part of LD.

Second, what is the precise extension of the delegation? The Dutch parliament voted on 4545 motions in 2019, almost ninety per week (Boom 2022). If the extension of a specific delegation is limited to a single voting proposal, all voters would have to make a massive number of decisions continuously. In applications within smaller organizations this does not have to be a problem, as the number of votes is a lot smaller. There is a trade-off here between precision and demandingness. A

smaller number of decisions to be made allows for a narrower delegation, while larger more complex implementations like in national politics would probably require much more general delegations, like ‘climate policy’ or ‘international relations’.

Delegations that apply to topics rather than specific proposals can stay in existence without an active intervention by the original voter. Typically, platforms for LD use a more expanded extension of delegation that encompasses a certain field of voting proposals rather than any single proposal. Every voter then remains free to ‘override’ the general delegation with a more specific one for any given sub-topic. For instance, a voter could delegate all votes on climate policy to A, except when they specifically concern nuclear energy, which the voter delegated to B.

In the most well-known LD platform, LiquidFeedback, voters themselves submit proposals and it is up to the submitter to group them together with others in specific topics and subtopics (Behrens et al. 2014). For example, imagine a group of citizens that needs to decide on the design of a new town square. Citizen A proposes a fountain at the centre of the square. Voter B wants to propose ornamental fences around the edges of the square. Voter B decides to propose it separately from A’s submission. Voter C really wants a statue at the centre of the square. Because C sees such a statue as an alternative to the fountain, she groups it together with A’s submission under the same topic: ‘centre of square decoration’ for example. In the discussion phase, the voters agree that a fountain and statue can actually be combined in a single structure. They modify the proposal as such and manage to secure a majority in the final round of voting. Particularities like the precise demarcation of different topics and the way discussion is embedded in the process will be very different from one LD-platform to the next. This is why it makes more sense to regard them as secondary issues rather than a defining characteristic of LD.

Both Blum and Zuber (2016) and Valsangiacomo (2021) recognize voluntary delegation as a defining feature of LD. I agree with them, as this principle allows for the unique synthesis of direct and representative elements that is characterizing of LD.

1.4.2 Transitive delegation

Voluntary voting means that voter A has the option to delegate their vote to voter B. Transitive delegation (or ‘transitivity’ in short) then entails that voter B is free to delegate both of their votes to a third voter: C. Voter C is then free to either vote on behalf of B and A or to delegate to voter D and so forth. Recall the example of people voting by raising their hands. You are free to copy the vote of someone else, but the same applies to them. If Alice raises her hand when Bob does, and Bob raises his hand when Charles does, then in effect Alice raises her hand when Charles does.

An advantage of transitive delegation is that is not necessary to select the right proxy in the first instance. Maybe you want to delegate your vote to an expert in green energy, but you do not

know anyone like that. It is possible that you do know someone who is very interested in climate policies. They would likely know who to trust with your (and their) delegation.

Valsangiacomo (2022), contrary to Blum and Zuber (2016), does not incorporate transitivity into her definition, because it supposedly follows from voluntary delegation. I make a different choice here and present it separately. In the hand raising example, transitivity necessarily follows from voluntary delegation, but that need not be the case in other scenarios. In most electoral democracies, for instance, citizens have the right to delegate to someone to vote for them. The proxy voter is then not free to further delegate the vote to someone else without the consent of the original voter. Furthermore, we can imagine a digital platform where votes can only be transferred once. Voter A delegates to voter B. If voter B then decides to delegate to voter C, then voter C only gets B's vote. A's vote gets lost. We can introduce voluntary delegation without transitivity of delegations, and vice versa, which is why it makes sense to treat them as separate principles. Transitive delegation does not logically follow from voluntary delegation, but the two taken together are distinctive of LD as a model for collective decision-making. This is why I include both of them as separate principles in my definition of Liquid Democracy.

1.4.3 Instant recall

Blum and Zuber (2016) identified 'instant recall' as a defining feature of LD. Instant recall means that everyone is free to cancel their delegation whenever they want. Imagine again that A's votes regarding climate issues, for example, ended up via B at C. If A notices that C voted in favour of policies promoting wind turbines, but is personally vehemently opposed to it, she can decide to recall her delegation. She could then decide to either vote personally on climate related proposals, or to delegate her votes to someone else.

Valsangiacomo (2022) treated the 'instant recall' property as a secondary issue, to be subsumed under voluntary delegation. She interpreted voluntary delegation as a broader principle of self-determination, of which instant recall is an indispensable part. I argue it is more appropriate to treat it separately, however. It does not logically follow from the other principles and it is a key departure from RD that deserves separate attention. In RD, once your representative has been elected, her position is secured for a fixed term. During that term, barring some exceptions, you have no option to recall your vote and elect someone else to represent you. This is the inflexibility problem that I presented before, which contributes to the broader problem of inaccurate representation in electoral RD. LD uses instant recall to overcome this problem. It enables flexibility in light of new information, a change of heart or other valid developments. Accuracy in terms of capturing the preferences of voters is then improved, as the composition of the 'liquid parliament' is not lagging behind as would be the case with traditional parliaments in the years after the latest election.

Instant recall ensures that voters are never truly alienated from their voting rights, while they would be to some extent in RD. The starting point in LD is that all eligible citizens should be able to vote directly on matters of public policy. Only if they want to, they would delegate these votes to others. At any point in time these delegations can be recalled, reverting to the original direct democratic starting point. As Valsangiacomo (Valsangiacomo 2021: 7) points out, the principle of instant recall in a way transforms the representative into an employee of the original voter(s). The representative is installed with an open-ended employment contract (as opposed to a temporary position of four years) that can be ended by the employer at any time.

1.4.4 Open ballot

An 'open ballot' means that one's votes are visible to other voters. This visibility can mean two different things: ex ante or ex post openness. Ex ante openness means that it is visible for others what someone is about to vote. In the analogy of voting by raise of hands, this refers to the brief window where participants raise their hands but the vote has not been finalised yet. This window enables others to base their choices on the choices of others. Ex post openness is what is most commonly thought of when talking about an open ballot. It means that others can retrospectively see what you have voted. Except when I explicitly state the contrary, I am referring to ex post openness when I mention the open ballot.

The open ballot is a staple of the most well-known platform for LD: LiquidFeedback (Behrens et al. 2014). According to the LiquidFeedback team (ibid.: 39-57), an open ballot is a necessary requirement for digital voting to be verifiable. LD is a model for collective decision-making that must rely on electronic (digital) voting, because otherwise it would quickly be too complex on larger scales to arrange (transitive) delegation efficiently and transparently. The *Wahlcomputerproblem* refers to a trilemma that plagues the proponents of electronic voting. According to the trilemma, you can only ever satisfy two of the following: (1) electronic voting, (2) verifiability and (3) anonymity (Behrens et al. 2014). Voting with pencil and paper is anonymous and verifiable. Votes cannot be traced back to individual voters and results can easily be verified by manual counting. Electronic votes, however, become impossible to verify if they cannot be traced back to individual voters.

Putting aside the *Wahlcomputerproblem*, the principles of LD can exist without the open ballot. There are good reasons in favour of openness, however. In RD, we place much importance on the transparency of voting inside parliament. With some exceptions, the votes cast by representatives are public information. This information is necessary to be able to hold members of parliament accountable. In LD anyone can become a member of the (liquid) parliament. For the same reason as in RD, it would be important that the members of the liquid parliament vote openly. Another reason in

favour of the open ballot is that it makes it easier to select your proxies. Someone's voting history can be a good indicator of their future choices.

An open ballot would also introduce difficulties. In most democratic states, the closed ballot is regarded as an essential feature of fair elections. The closed ballot is meant to guarantee that the voter is free to vote their conscience without worrying about repercussions from others. It protects against problems like clientelism, where powerful actors get people who depend on them to vote what they tell them to vote. The team behind LiquidFeedback acknowledges that the open ballot is the primary reason why their platform might not be suitable for government politics outside of single organizations such as corporations or political parties (Behrens et al. 2014: 53).

There are good reasons to favour an open ballot in LD. At the same time, the principles of LD can theoretically function without it. It might be worthwhile to develop a hybrid system, where for example only the votes of people you delegated to are open to you, while remaining closed for others. I still include 'open ballot' in my definition of LD because regardless of the particulars, the openness of the ballot in LD would clearly be a departure from RD that deserves further scrutiny. As I mentioned in the introduction, I do not address the matter of open or closed ballots here in any more detail. I do, however, end this section by acknowledging its relevance for future research.

1.4.5 Deliberation?

Valsangiacomo (2021) includes (online) deliberation in her definition of LD. In most applications of LD, it is indeed more than just a scheme of voting. In the case of LiquidFeedback, for example, there is a fixed period between the phase where voters submit proposals and the eventual voting (Behrens et al. 2014). In this intermediary period, voters can engage in a discussion and propose modifications to existing voting proposals.

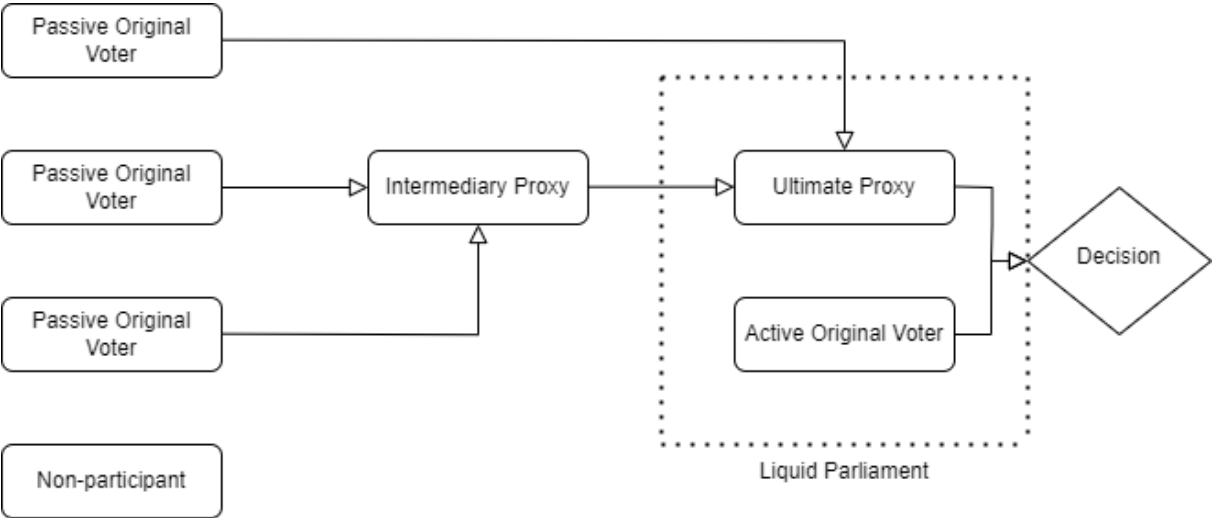
Contrary to Valsangiacomo, I do not propose deliberation as a defining feature of LD. LD is compatible with deliberation, as is any other scheme of voting. As I will explain in the second chapter, I go even further and argue that deliberation and voting are both necessary when political legitimacy is concerned. The fact that LD needs deliberation, however, is not the same as claiming that deliberation should be part of LD's definition. In defining LD, I believe it is more worthwhile to focus on its distinctive properties, in particular the properties that distinguish it from its competitors. Voluntary delegation, transitivity, instant recall and open ballot are such properties. LD does not significantly change the way deliberation takes place as compared to direct and representative democracy.

Though deliberation is not part of my definition of LD, I will discuss it at different points in the coming chapters. As I will explain in Chapter Two, deliberation is one of the conditions for political legitimacy. I discuss deliberation in LD insofar as different aspects of LD risk making deliberation

difficult, thus jeopardizing LD’s legitimacy. The primary focus, however, remains on the way representation in LD differs from RD and DD and how we should evaluate these differences in light of political legitimacy.

1.5 DIFFERENT ROLES IN LIQUID DEMOCRACY

In this section I introduce some terminology that I will rely on in the remainder of the thesis. The principles outlined in the previous sections result in a set of different voter ‘roles’ in LD. At any given point in time, a snapshot of the electorate in LD would consist of five different kinds of voters. First, there are the active original voters. These participants vote actively on the different proposals, without delegating their votes to someone else nor by receiving any delegations from others. Second, there are the passive original voters. These voters are involved, but have delegated their votes to someone else. Third, intermediary proxies have received delegations from others but decided to transitively delegate them to yet another proxy. Fourth, the last voter in the transitive delegation chain is the ultimate proxy voter. Ultimate proxies received delegations without delegating them to anyone else. They make use of their increased voting weight by voting on proposals with a – potentially – very large number of delegations behind them. Finally, there is the remaining category of the non-participants. Non-participants can vote, delegate or receive delegations, but decide not to. In the schema below I illustrate the five different roles of voters in LD.



It is important to point out that in most circumstances these categories will not be fully distinct groups of individuals. As I explained in section 1.4.1, delegations would generally apply to ‘themes’ or ‘topics’. This means that, for instance, the same individual can be a passive original voter when climate policy is concerned, an active original voter when the decision concerns foreign policy and a non-participant

when housing is considered. For simplicity, I will discuss these types of voters as if they are fully distinct categories.

A further relevant concept is that of the Liquid Parliament (LP). The LP consists of all the voters who end up making the decisions (Valsangiacomo 2021). As the schema above demonstrates, the LP is made up of the categories of ultimate proxy voters and original active voters. The LP consists of all 'actively involved' voters, while all 'passively involved' voters remain outside of it.

1.6 THE CASE FOR LIQUID DEMOCRACY

The principles of LD outlined in the previous sections form a coherent whole that supposedly performs better than RD and DD. In section 1.2 I presented two problems of RD: inaccurate representation and lack of inclusivity. As explained before, inaccurate representation consists of two factors: inflexibility and forced compromises. The principle of instant recall provides voters with the option to opt out of any prior delegation, avoiding the problem of being stuck with a particular representative even when you do not want to anymore. The principle of voluntary delegation avoids forced compromise. Regardless of whether candidacy is universal or self-selected, the number of potential representatives would be much larger in LD than in RD. Furthermore, you can always avoid compromise by voting personally.

Whether the principle of transitivity successfully deals with the lack of inclusivity is a complex matter. It certainly avoids the institutionalized party-based elitism of RD. However, some authors have expressed worries that LD would result in an oligarchy if voters only delegate to a specific group of popular individuals (Landemore 2021: 124-127). Or else, if voters only delegate to experts, there is a risk of ending up with a small group of very well-known intellectuals possessing disproportionate amounts of power. That would resemble an 'epistocracy', which is generally not regarded as a desirable political system (with some exceptions: Brennan 2017). Landemore referred to this risk as the 'super star voting' problem (2021: 125).

I will not fully address the 'super star voting' worry here. The worry ultimately relates to an empirical question regarding the actual behaviour of voters in LD. Empirical studies looking into the behaviour participants in LD-platforms are very sparse. According to Alois Paulin (2020) there has been only one such empirical study, which focused on the adoption of LiquidFeedback by the German Pirate Party (Kling et al. 2015). On a more theoretical level, some authors have proposed a number of small modifications or additions to LD that should make it less prone to elitism (Behrens et al. 2014: 59-111, 189-194; Revel et al. 2022). One study shows that in simulations of LD, the interconnectedness of voters in a network seems to limit power inequalities (Zhang and Grossi 2021b).

A closely related, but distinct worry concerns the barriers for voters to participate actively in deliberations and voting. Participating actively requires an investment of time that is not possible for

everyone. An inequality would possibly emerge where the privileged end up deliberating and acquiring delegations, while the less privileged would resort to being passive original voters.

LD is certainly not immune to this worry, but it has the credentials to perform better in this respect than RD. One already present instrument to empower passive original voters in LD that is absent in RD is the principle of instant recall. Instant recall can be a powerful tool against oligarchy, as undesired agents can quickly be removed from their position. The principle both holds representatives accountable and ensures that the door to the liquid parliament remains open for everyone, even those who initially chose to delegate. Whether the principle of instant recall actually promotes a fruitful relationship between proxies and those they represent, is a complex question. I discuss it in Chapter Four. For now it suffices to say that LD has two main advantages compared to RD with respect to problem of lacking inclusivity: (1) party politics is replaced by voluntary delegation and universal or self-selected candidacy and (2) instant recall lets citizens opt out of representation in LD while this is generally not possible in RD.

In addition to the problems of RD, I presented two problems for DD as well: inefficiency and mob rule. The principle of transitivity supposedly addresses both. Voters do not need to identify the best representative for them in one go. Their intermediary proxy possibly knows even better who to trust with their votes. Voting power then supposedly flows to those voters who are regarded as trustworthy, knowledgeable and representative (Blum and Zuber 2016). Because voters remain free to vote personally, this is no complete solution to the mob rule problem. Still, at least in the eyes of its proponents, LD is more likely to avoid it than DD because of the possibility of (transitive) delegations to knowledgeable proxies. The selection of good representation is spread out over multiple steps in what Valsangiacomo (2022: 6) calls a 'chain of trust', which leads to an efficient division of labour. Citizens do not need to spend a lot of time figuring out the very best representative on education policy, for example. All that is required is that they select someone more likely to know who would be suitable than themselves.

1.7 CONCLUSION

To sum up, I define LD in broad terms as a system of collective decision-making that combines properties of representative and DD, characterized by a voluntary division of political labour. More specifically, I presented four key principles: (1) voluntary delegation, (2) transitivity, (3) instant recall and (4) open ballot. The principles can exist independently, but form a coherent whole in LD. Together they create a 'dynamic scheme of representation' (Behrens et al. 2014: 15-16) that improves upon RD by being more accurate and inclusive. At the same time, it improves upon DD by avoiding mob rule through an attractive selection mechanism for expertise. It is also more efficient, as it does not demand significant time investments by every voter.

2 CHAPTER TWO: LEGITIMACY

2.1 INTRODUCTION

Legitimacy is a central but contested topic in political philosophy. There is no single agreed-upon definition. One common view is that legitimacy justifies the coercive power of the state (Buchanan 2002). Legitimacy is always bound to a specific population – the demos – on one hand, and a certain political decision, policy or political system on the other hand. To say that a particular collective decision is legitimate for that collective is to say that it can justifiably be enforced on them.

In the remainder of this thesis, I will sometimes refer to the ‘political system’. By political system, I mean the procedures and associated institutions that are used to generate collective, binding decisions for the group in question (Easton 1965). I use it interchangeably with political process or political procedure.

I take a political system to be legitimate for a collective when it generates normatively binding decisions for that collective. The concept of legitimacy is thus closely connected to that of authority. Though contested by others, some argue that a political system is legitimate when it is authoritative in the sense that people are normatively bound to obey its decisions (Buchanan 2002). Thomas Hobbes ([1651] 1996) famously defended the legitimate authority of an absolute monarchy through contract theory. In contemporary thought, however, the concept of legitimacy is connected to that of democracy. Nowadays, most would contend that only a state of which the policies arise from a democratic process of decision-making has legitimate authority, though views differ on what it means to be democratic. I take a specifically democratic approach as well, as will become more clear later on. In the remainder of this chapter I will defend the view that democratic political legitimacy requires both deliberation and political equality, with the latter leading to a requirement of representation. If Liquid Democracy is to generate legitimate collectively binding decisions, it should meet these conditions.

Though literature on legitimacy typically discusses the political system of the nation state, the concept of a legitimate political system is not limited to it. Within companies and other kinds of organisations, decisions are made with a binding character for employees or other kinds of members of the collective in question. This introduces the question of legitimacy into those spheres as well, although with some qualifications. I do not engage with the debate on workplace democracy (Frega 2019) here. I do not ask which collectives and what kinds of institutions require democratic legitimacy. There is a wide range of mostly public, but also private institutions that are either normatively required

to have it or at least have decided to strive for it. The aim of this thesis is limited to the question of under what conditions LD can fulfil that need for democratic legitimacy, where this need exists.

So far, I have briefly discussed what legitimacy does, but not yet what makes a political system legitimate. In the following sections I discuss the different possible approaches to that question. In the end I will defend a combination of both deliberation and representation as constitutive of legitimacy. These standards are necessary conditions for LD if it is to be a legitimate political system. When and where LD meets these conditions is the subject of chapter three, four and five.

2.2 LEGITIMACY: KEY QUESTIONS

What makes a political system legitimate? Answers to this question can be categorised based on the answers to a set of subsidiary questions. Here I roughly follow Fabienne Peter’s (2007) taxonomy.

2.2.1 Aggregation or deliberation?

The first question is about whether democratic legitimacy demands (fair) aggregation or deliberation. Aggregation means synthesizing individual preferences into a group decision through a voting procedure which respects political equality. One view of aggregative legitimacy is the pure procedural or ‘populist’ view. Under this view, a fair aggregative procedure such as majoritarian voting is enough to provide legitimacy to the outcome. In classic populist theories of aggregative democracy such as Rousseau’s, voting without discussion leads us to the general will ([1762] 2012: 179-183). Whenever a collective decision is grounded in the general will, it is an expression of popular sovereignty and possesses democratic legitimacy because of it.

Aggregative democracy has been criticised both from social choice and deliberative democracy perspectives. Two important insights from social choice theory are that (1) the agenda and voting rules can determine the outcome and that (2) there is no single voting rule that is objectively superior compared to all the others. The following example helps illustrate this.

Two possible voting rules are ‘Borda count’ and ‘pairwise majority rule’. Borda count means that alternatives get points based on how high they are ranked by the different voters. The alternative with the highest sum total is the winner. Pairwise majority rule means that the alternative that beats the others in a majority of pairwise comparisons is the winner. Both rules have their advantages and disadvantages, but one is not uncontroversially better than the other. And yet, the two rules can yield different winners on the same profile:

Three voters:	A > B > C > D
Two voters:	B > C > D > A

Three voters prefer A the most, then B, then C and least prefer D. Two voters put B in first place, then C, then D and A in last place. Let us say the Borda count assigns three points for every first place, two for every second place, one for third places and zero for last places. This leads to the following score:

A	$3 \times 3 + 2 \times 0 = 9$
B	$3 \times 2 + 2 \times 3 = 12$
C	$3 \times 1 + 2 \times 2 = 7$
D	$3 \times 0 + 2 \times 1 = 2$

B obtained the highest score, so B is the winner according to the Borda count. Applying pairwise majority rule leads to a different result, however. A beats both B, C and D for three out of five voters, which is a majority. This means that under pairwise majority rule, A should be the winner.

This brief example is meant to illustrate to those unfamiliar with social choice theory how a choice in voting rule can determine the outcome of a vote, given the same ‘input’ of preference rankings. Furthermore, there is no single voting rule that is superior to all others in all respects. Arrow’s impossibility theorem showed that no voting rule completely satisfies a set of desirable properties; all rules can be found lacking in one or more crucial ways. For the purposes of this thesis it is not important to get into the details of Arrow’s theorem. Something that is relevant, however, is the way William Riker used it to discredit populist aggregative democracy. Riker famously argued on the basis of Arrow’s impossibility theorem that the outcomes of a voting procedure cannot simply be attributed to the unique ‘general will’ of the people (Riker 1982). It would thus not make much sense to base political legitimacy on such a notion, which undermines the aggregative populist conception of democratic legitimacy.

In addition to concerns from a social choice perspective, aggregative democracy can be criticised for its lack of deliberation. Imagine, for example, that the group you are a part of decides through a majoritarian vote, without any discussion, that you will be sent to prison for life. That would be unacceptable, regardless of what you did to maybe deserve this sentence. The intuition is that whenever a decision has been made without any exchange of arguments, the one who ends up drawing the short end of the stick can always reasonably object (Peter 2007: 334-337). There thus appears to be a legitimacy deficit due to the lack of deliberation.

Given these problems, a deliberative approach seems more fruitful. Deliberation refers to a discursive exchange where participants share arguments and try to get to a collective decision through

discussion³. According to David Estlund (1997), embracing deliberation forces one to commit to an epistemic understanding of democracy. Epistemic democrats value democratic decision-making processes because of their knowledge-producing properties (Peter 2007: 330). If knowledge production is totally irrelevant to the value of democracy, then Estlund asks how we can explain the importance of deliberation. Estlund (1997) argues that deliberation is valuable specifically because it improves the epistemic quality of decision-making. By exchanging arguments, we improve our chances of getting to correct decisions. Attempts to ground deliberation purely in procedural fairness (also called 'fair deliberative proceduralism') are unsuccessful:

Fair Deliberative Proceduralism [...] cannot really explain why deliberation is important. If the outcome is to be selected from individuals' views, it can perhaps be seen as enhancing fairness if their views are well considered and stable under collective deliberation. If the goal is fairness, though, why select the outcome from individuals' views? It is true that if the outcome is not selected in this way it might be something no one would have voted for. But that does not count against the fairness of doing so. It is just as fair to choose randomly from the available alternatives.

(Estlund 1997: 178)

In other words, emphasising deliberation on fairness grounds still does not exclude settling matters by flipping a coin. It seems as though deliberation, which we intuitively value, can only be justified from at least some minimal commitment to democracy's epistemic value.

It is important to note that valuing deliberation does not necessarily mean renouncing voting. Granted, there are some 'pure perfect deliberative proceduralists' (in Peter's terminology) who argue that a fair deliberative procedure results, or at least should result, in consensus (Peter 2007: 338-339; Cohen [1996] 2003). A more common view, and the one I subscribe to, is that deliberation alone cannot resolve all disagreements. As Simone Chambers and Mark Warren (2023) recently argued, voting 'completes' deliberation. It improves a deliberative decision-making process in a number of key ways. Amongst other things, it serves to force a conclusion whenever there is no consensus. It also arguably protects democratic equality, which can become obscured when a procedure is limited to discussions (ibid.).

³ Whether deliberation should always be decision-oriented is a matter of debate (Mansbridge 2015: 30-34), but I take it here to be aimed at a binding collective decision.

2.2.2 Pure or rational proceduralism?

Epistemic democrats value democracy as a knowledge-producing process. Many epistemic democrats, like David Estlund (1997), believe that this entails that there are procedure-independent standards that political decisions need to meet. Estlund famously wrote that if there are no independent standards and only political equality matters, we might as well decide all matters by flipping a coin (1997: 176). Procedure-independent standards typically rely on a notion of 'rational justifiability' and apply to the substance of decisions (Peter 2007: 337-338). Decisions cannot simply be justified by referring to the aggregation procedure, but must be justified through reasoning about, for example, justice, welfare or the common good. It is for instance not valid to say that a government legitimately closed its borders purely on the grounds that its electorate wanted that. It would have to be justifiable with respect to the common interest, or some other procedure-independent standard.

There are two big problems with procedure-independent standards for legitimacy. First, whether a decision is 'correct' or not is difficult to determine with certainty. There generally is a degree of uncertainty regarding social facts on top of disagreements on what moral principles political decisions should respect. Second, if non-democratic political systems are more likely to lead to correct decisions, we must prefer them (Peter 2007: 339-343). For example, if it is true that restricting voting rights to citizens with university degrees improves the quality of decisions, we must do so.

Estlund (1997) himself has found a way out of these problems, without sacrificing the epistemic value of democracy. He grants that our social reality is shrouded in uncertainty. Even though we must acknowledge that it is important that our decisions are 'correct', we have no way of knowing for sure whether they are or not. This is why we need to focus on the procedure itself: "Democratic legitimacy requires that the procedure is procedurally fair and can be held, in terms acceptable to all reasonable citizens, to be epistemically the best among those that are better than random." (Estlund 1997: 174).

Estlund (2008: 7-8) draws an analogy with court trials to explain his view. In a trial, it is important that the verdict is truth-tracking. Because it is impossible to directly assess whether or not a verdict is correct, we must focus on the procedure itself. What kinds of evidence are acceptable? Who gets to speak and when? We want a trial to be both fair and likely to generate a correct verdict.

Peter (2007) criticises Estlund's theory primarily on the grounds that it still implicitly relies on an elusive procedure-independent notion of correctness as relevant to legitimacy. Furthermore, it is not parsimonious because it presents procedural fairness as a separate condition while it can in fact be subsumed under the epistemic goals of democratic decision-making. Peter (2007) manages to do this in her own theory, which she calls 'pure epistemic proceduralism'. She still subscribes to the knowledge-producing value of democracy, but rejects procedure-independent standards. In her theory

(ibid.), the epistemic quality of decision-making is fully created by the inclusivity and fairness of the procedure.

The question of whether or not there are procedure-independent standards remains a topic of debate. For my present purposes it is not necessary to definitively settle it. It suffices to state that a political system necessarily requires a form of deliberation in which every member of the demos can have an equal influence, followed by voting where again everyone has the same voting weight. I will treat legitimacy as a property of political systems, and only by extension of the particular decisions that follow from it. Decisions are legitimate insofar as they followed from legitimate procedures.

Political equality does not exclusively have to equate to voting with equal voting power. In fact, in Peter's epistemology it primarily refers to the equal value attributed to everyone's situated knowledge in deliberation (2007: 343-344). Deliberative equality is violated when certain participants, like higher educated men (Sanders 1997), for example get more speaking time and are taken more seriously than others. There is an open question of whether citizens who are fully informed, have no time constraints and engage in equal rational deliberation would always eventually reach consensus. In non-ideal settings, however, we would have to accept that the preconditions for such a consensus – if it hypothetically exists in the first place - are not there. Like I mentioned before, this leaves us with equal voting as the means to complete deliberation (Chambers and Warren 2023).

2.3 PROCEDURAL FAIRNESS AND REPRESENTATION

Imagine a demos of a hundred people. They need to settle a political conflict: should we raise taxes? The need for deliberation is met by gathering everyone in one big assembly discussing the matter in detail. Consensus is typically out of the picture. Like I mentioned in section 2.2.2, this is either due to the non-ideal constraints of real-world politics or because it is more fundamentally impossible, depending on your position. Whenever consensus is absent, there is a need for settling political conflicts in a way that safeguards political equality. After a long discussion, the citizens in this example vote through simple majority voting, with one vote per person, and decide to raise taxes. Because of the preceding discussion, the choice can be justified with arguments. Additionally, the decision was made fairly in accordance with political equality. Some will be unhappy with the result, but cannot object that it is illegitimate.

But what if the demos was much larger? At some point it becomes physically impossible to gather everyone in one single assembly to deliberate and vote. The task of making the necessary collective decisions would have to lie with an individual or a subset – a committee - of the whole demos (resembling some kind of monarchy or aristocracy). For those who believe that the unique rational consensus exists, such a subset could be legitimate as long as we can be sure that the group would actually reach this consensus. But if we were to ignore this relatively extreme position, it is clear that

this construction violates political inequality in a problematic way. The citizens who happen to be part of the committee possess all of the power, while those outside of it are deprived of any political say.

This is where representation comes in. Representation, from the Latin *repraesentare*, is about making something present that was absent before (Pitkin 1967: 3). A scheme of representation makes the citizens outside of the committee ‘present’ inside it. Representation thus reconciles the unequal division of political labour with the requirement of political equality.

At this point it is important distinguish representation from representation. Representation refers to a congruence between the views, arguments and perspectives present in one deliberating body of agents and the group they are representative of. By ‘representation’ I mean a relationship between a representative and one or more represented persons, built on accountability of the former to the latter. A person or group can be representative without doing any representing in that substantive sense. For instance, a randomly sampled group of citizens can be said to be ‘representative’ of the whole population, without being its accountable representatives. A person or group can also represent, without being representative. People can have good reasons to let themselves be represented by someone unlike them. I may choose a specific solicitor to represent me in a court case, for example, because they are much more knowledgeable and skilled in legal matters than I am.

I argue it is accountable representation, rather than representativeness, that is important with respect to legitimacy. Imagine we were to randomly sample a group of citizens in such a way that they are perfectly representative of the whole demos in terms of political views and demographics. Should we give them total decision-making powers without any kind of accountability to those outside of this ‘mini-public’? Even fierce advocates of lottocratic citizen assemblies⁴ accept that a scheme of accountability would be necessary (Landemore 2021: 98). Without a relationship of representation, with accountability at its core, a division of political labour would violate political equality and hence lack legitimacy.

Most contemporary representative democracies use a political system that revolves around general elections and parliamentary representation. In elections, citizens authorise politicians to represent them in parliament, where legislative decisions are made. A smaller subset of the demos makes the decisions, but because they remain accountable representatives, political equality is not violated.

The deliberative requirement is supposedly met by parliamentary discussions. The quality of these discussions is often criticised (Brennan and Hamlin 1993), however, and many proponents of deliberative democracy advocate for much more deliberation both inside and outside traditional

⁴ The composition of lottocratic citizen assemblies is determined by lottery.

democratic institutions (Landemore 2021). In principle, I contend, RD satisfies the criteria of deliberation and political equality.

Because political equality and representation are so intimately connected, I propose a criterium of representation as a necessary condition for the legitimacy of a political system. Whenever a procedure violates political equality, some part of the demos had more say than another part. We might as well say that there is a discrepancy between the decision-makers and the demos that is not accounted for through representation.

2.4 CONCLUSION

Legitimacy is a virtue of political institutions. More specifically, it justifies the binding collective decisions of a particular political system. To be politically legitimate, a political system must involve deliberation in its decision-making processes. Without deliberation, there are valid grounds for people to object to the outcome of such procedures. Additionally, it is essential that political equality remains respected. I translated this principle into a representation requirement. Whenever there is a division of political labour, which is the case in all non-direct democracies, a scheme of representation is what ultimately makes it compatible with political equality.

The principles of LD are all about voting. As I discussed in this chapter, voting alone cannot be a legitimate political system. It can, and should, serve to complete deliberation in a more elaborate system of decision-making. Both direct and RD can in principle meet the conditions of legitimacy. What about LD? When and where does LD meet them? That is the subject of the next three chapters.

3 CHAPTER THREE: DIRECT OR LIQUID DEMOCRACY? DELEGATION AS VOTE-COPYING

3.1 INTRODUCTION

In the previous chapter I defended two criteria for the legitimacy of a political system: deliberation and representation. In the remainder of this thesis I engage with the question when and where LD can satisfy these criteria and be a viable alternative to both direct and RD. The ‘when and where’ question depends on a number of different variables.

The first variable concerns the group for which LD is supposed to be a system of collective decision-making. I refer to this group as the ‘demos’. This can be all of the residents of a specific city, or all of the employees of a certain company, for instance.

The second, closely connected variable concerns the domain of decision-making. What kinds of issues are the collective decisions supposed to be about? It is possible that the demos encompasses

the staff and students of an entire university, for example, but the domain is limited to decisions regarding sustainability policies. Here I do not go into domain in much detail. It is primarily of interest because it leads up to the third variable: complexity.

The third variable is about the complexity of decision-making. This variable actually consists of two separate parameters: the quantity of decisions (or voting proposals more concretely) and their technical complexity. It makes sense to group these two together because they both increase the 'demandingness' of decision-making in terms of the required time investments by participants.

As a fourth and final variable there is considerable space for interpretation within the principles of LD. In every concrete implementation these abstract principles need to be fleshed out further. The different choices that can be made there can play a role in the question of legitimacy as well.

Together they make up the most important characteristics of any specific LD-system and its context. LD is not legitimate or illegitimate in and of itself. I argue that its legitimacy depends on these variables. To make my case I start out in this chapter by evaluating a hypothetical implementation of LD in a demos of limited size, with a limited number of decisions to make without too much technical complexity. I argue that in such a context, it makes most sense to interpret the principles of voluntary delegation, transitivity and instant recall as a mechanism of 'vote copying'. Under such an interpretation of the principles and in such a small-scale simple implementation, LD can satisfy the requirements of legitimacy. At the same time, however, its distinctive advantages compared to digital democracy itself would be modest in these kinds of circumstances.

In section 3.2 I present two competing interpretations of delegation in LD. I argue that the vote-copying interpretation makes most sense in the simple settings that are the subject of this chapter. Next, I explain how LD can satisfy the requirements of legitimacy in such cases. Finally, I reflect on the relationship of LD with DD.

3.2 INTERPRETING DELEGATION AS VOTE-COPYING

In the LD-model, voters can take an action to delegate their vote regarding a certain political issue to someone else. This act of delegation can be interpreted in two different ways. First, one could see this as an act of authorisation, granting the (intermediary or ultimate) proxy certain rights to act on behalf of the original voter. Authorisation plays an important role in classic theories of representation (Pitkin 1967: 14-37). The archetypical example is a solicitor who acts on behalf of her client. The client, through signing a contract, transferred certain powers from herself to her solicitor. The solicitor then has the freedom to act on the client's behalf within certain boundary constraints and with specific responsibilities vis-à-vis the client. Under this reading of LD, we could say that an intermediary or ultimate proxy formally represents a passive original voter in a similar way. Intermediaries are both

representing and represented. The act of delegating a vote is the formal step that installs this relationship of representation. This is the interpretation that H el ene Landemore (2021) uses in her discussion of LD. Like Landemore, I will use the term ‘liquid representation’ to refer to this interpretation of LD. I will discuss it in more detail in Chapter Four.

There is an alternative reading of the relationship between passive original voters and (intermediary or ultimate) proxy voters that points in a different direction. Recall the example of the room of people voting by raise of hands. As discussed in Chapter One, we can think of vote delegation as copying the vote of someone else (Behrens et al. 2014: 22). Voter A does not really ‘transfer’ her vote to B, but rather decides to vote whatever B decides to vote. Transitivity means that B at the same time can decide to copy C’s vote, resulting in A actually copying C’s vote as well.

Voters who delegate their votes are not in fact resigning their voting power to someone else. Under this reading, voters are only ‘piggybacking’ on other citizens’ voting decisions. The principle of instant recall, which I defined in the previous chapter as essential to LD, ensures that the original voter remains fully in control. Whenever an ultimate proxy votes in a way that severely contradicts a passive original voter’s views, she can immediately retract her delegation and vote personally instead. The same applies to an intermediary proxy. Whenever an intermediary proxy transitively delegates her vote to someone she really does not trust, she is free to instantly recall the delegation.

The vote-copying interpretation has been used in the computer science and social choice literature on LD (Christoff and Grossi 2016), but remains undiscussed in the most prominent political philosophical perspectives on it (Blum and Zuber 2016; Landemore 2021; Valsangiacomo 2021; Valsangiacomo 2022). This is striking, given the implications of the interpretation for political representation in LD. Under the vote-copying interpretation, intermediary and ultimate proxies do not represent the original voter in the full sense of the concept. The fact that voter C determines the votes of both A, B and C herself is in a sense ‘accidental’ and not part of any particular authorised relationship between these voters.

The term ‘delegation’ would be purely metaphoric under this vote-copying interpretation. No vote is actually ‘transferred’ from one voter to another. LD is then merely a device for tracking who is copying whom. This also means that intermediary and ultimate proxies have no particular responsibilities to their original voters. In the analogy of the room, voter A is free to copy the vote of voter B, but this choice does not transform voter B into a representative. B is not all of a sudden obligated to confer with A regarding what to vote, or to consider A’s preferences when deciding to copy C’s vote (to transitively delegate to her).

3.3 WHEN IS VOTE-COPYING LEGITIMATE?

In LD there is a distinction between actively involved voters and passively involved ones (see section 1.5). One way to justify this distinction in light of political equality is by pointing out that the active voters represent the passive ones. As I explained in section 2.3, whenever there is a division of political labour we need a scheme of representation that makes it compatible with political equality. But what if there is no representation? Given that under the vote-copying interpretation of LD an act of delegation does not introduce a relationship of representation, there seems to be a problem. In this section I explain how this problem can be overcome. To support my claim, I will draw an analogy with Athenian DD as conceptualised by Nadia Urbinati (2000). I argue that this sidetrack into classical democracy helps clarify in what way LD, interpreted as vote-copying, could be a legitimate system of collective decision-making. In short, I contend that a distinction between actively involved voters and passively involved voters exists in direct democracy itself, which we would not classify as an illegitimate political system. LD as vote-copying is similar to direct democracy and can be legitimate on the same grounds.

It is a common misconception that Athenian DD entailed the active involvement of all free Athenian citizens (Urbinati 2000). Most did not even attend the regular assemblies at the *Pnyx*. Of those who did, only a small number would actually give speeches and engage in debates. Mogens Hansen (1993) distinguished the ‘standing participants’, who were present and voted but did not contribute to the debate, from the ‘wholly active citizens’ who actually participated in the public deliberations (Urbinati 2000: 762-763). There was a small number of Athenians who would let themselves be heard at these assemblies, while the other participants would listen to all the arguments before picking sides when it was time to vote. Urbinati (2000: 762-768) points out that there is a certain ‘indirectness’ in this DD. The wholly active citizens represent certain interests and viewpoints that are shared by members of Athenian society who remain silent themselves.

There is a difference between actively involved and passively involved citizens, but this distinction (referred to as indirectness by Urbinati) is of a specific kind that makes it justifiable. Urbinati (2000: 767) calls the indirectness in Athenian society ‘synchronic’, which refers to the fact that deliberation happens at the same time and place as the decision-making, in the presence of the *demos* itself. Modern RD also has indirectness, but it is ‘diachronic’. Surrounding the elections there is public debate, based on which citizens decide their votes. The actual legislative decision-making then happens after that period in a separate institutional sphere and timeframe. One way of putting it is that in synchronic indirectness, the passive voters still vote on actual policy decisions. In diachronic indirectness, however, the passive voters merely vote for candidates, who then later end up voting on policies.

The subset of the people in the assembly who decide wholly independently end up making the decisions. This group is not identical to the demos as a whole, but they also do not represent in the substantive sense. They have no particular responsibilities with respect to the people who decided to copy their votes. As mentioned earlier, at first impression this appears to be in conflict with the legitimacy-requirement of representation (as a derivative of political equality). A group of citizens is seemingly making the decisions for the whole demos, without being accountable to it. It is legitimate, however, because the indirectness here is synchronic. As mentioned, synchronicity entails that the deliberation and decision-making are happening in the same time and place where also all of the passive participants are present. They are actively aware of what is going on and are free to adapt their vote-copying whenever they want. Furthermore, they are free to decide to engage in deliberation themselves, meaning that there is no barrier between the active and passive participants⁵. They are not excluded in any way that requires further justification. While it appeared as if there is a clear division of political labour, the decisions of the wholly active participants can directly be attributed to the standing participants as well due to their presence in synchronic decision-making. This means that the group who makes the decisions is in composition identical to the demos as a whole and is not just limited to a subset of it.

The vote-copying interpretation of delegation in LD operates in a way that is similar to Urbinati's sketch of Athenian DD. Voters never fully abandon their power in favour of a representative, but decide to copy the stances of certain key figures they agree with. The standing participants are the passive original voters and intermediary proxies in this analogy, while the wholly active citizens correspond to the ultimate proxy voters and active original voters.

Urbinati and Hansen's analysis of Athenian democracy clearly illustrates how indirectness, or a distinction between active and passive involvement, can exist within a legitimate direct democratic system. If we interpret LD as an elaborate system of vote-copying, it is similar to an Athenian assembly. Instead of a synthesis between RD and DD, it then becomes a particular version of DD where only some of the participants participate in full. As long as there is synchronicity, LD can distinguish between actively involved voters and passively involved voters in a way that does not violate political equality, in a way that does not rely on representation.

Synchronicity is only possible in limited circumstances. The scale of the demos and the complexity of decisions can be obstacles to it. One can only be involved as a 'standing participant' when it is at least possible to listen to all of the deliberations and monitor the voting behaviour of the wholly active citizens. In LD, passive original voters need to be able to listen to the different exchanged

⁵ In Athens there was such a barrier, based on status (Urbinati 2000: 762-763). Such a barrier would conflict with political equality, so it is important that the synchronicity in LD avoids any kind of problematic barrier between the active and passive voters.

arguments and monitor the voting decisions of ultimate proxies. Only then can we really speak of vote-copying without representation in a way that is politically legitimate. Whenever the demos is large and either (or both) the number and complexity of the issues is high, these abilities are compromised. It becomes too demanding for voters to duly consider all of the different proposals and to spend time monitoring the decisions of ultimate voters.

In addition to representation, deliberation is necessary for political legitimacy. There is nothing in LD, when interpreted as direct democratic vote-copying, that would hinder deliberation. Like in the direct democratic Athenian assembly, deliberation would be feasible and accessible for the whole demos due to its limited size. To repeat, synchronic decision-making, involving deliberation and involvement of the whole demos, is only feasible on a limited scale. One way for LD to be a legitimate system of decision-making would be as a version of direct democracy that includes vote-copying in a demos that is small enough to enable synchronic decision-making.

3.4 CONCLUSION

In Chapter Two I presented two conditions for political legitimacy: deliberation and representation (as derived from political equality). In this third chapter I set about to analyse whether LD can be a legitimate system of collective decision-making in settings with a small demos and low complexity decision-making. A necessary first step was to clarify an ambiguity in the relationships between the different kinds of voters in LD. In particular the relationship between passive original voters on the one hand and both intermediary and ultimate proxies on the other hand is of key interest. This relationship can be interpreted either as liquid representation or as vote-copying. I argue that in small and simple circumstances the vote-copying interpretation is more appropriate. By building on Nadia Urbinati's analysis of Athenian DD, I defended the legitimacy of LD in those cases where there is synchronicity.

Proponents of LD would likely not be satisfied with this conclusion. As I explained in Chapter One, LD is intended to facilitate a flexible division of political labour. This division of labour is particularly attractive in cases that are larger in scale and higher in complexity. It is in those circumstances, where many members of the demos are unable or unwilling to participate actively, that LD provides a compelling alternative to traditional RD. In this chapter I argued for one particular path for LD to be a legitimate system of decision-making, but the path is clearly limited in terms of the kinds of contexts where it is applicable. In the next chapter I answer the question how LD can be legitimate in those circumstances where synchronic decision-making is not possible.

4 CHAPTER FOUR: REPRESENTATIVE DEMOCRACY OR LIQUID REPRESENTATION?

4.1 INTRODUCTION

Let us take stock. The aim of this thesis is to clarify when and where LD can be a legitimate and viable system of collective decision-making, as an alternative to either DD or RD. So far, I have defined LD in terms of four principles: voluntary delegation, transitivity, instant recall and open ballot. I also presented two conditions for political legitimacy: deliberation and representation. In the previous chapter I argued that LD can satisfy these conditions in cases where the demos is small and decisions simple. These requirements enable synchronicity of decision-making, which is essential for the legitimacy of LD as a system of vote-copying.

LD is, however, attractive precisely in those circumstances where synchronicity of decision-making is not possible. As a system of voluntary, flexible decision-making, it is meant to accommodate participants who are not interested in active involvement. So how does LD fare if the demos is very large and decision-making highly complex? As mentioned earlier, many proponents of LD, such as the team behind LiquidFeedback, are quite modest in their ambitions for LD (Behrens et al. 2014). They do not advocate a full or even partial replacement of RD by LD. Rather, they discuss its applications in companies, universities and other localised cases (ibid.).

Landemore discusses a more ambitious implementation of LD in her book *Open Democracy* (2021). She evaluates LD as a model for decision-making at the level of national politics. She argues that LD is particularly attractive because it has the potential to make RD much more inclusive and diverse:

Liquid representation considerably opens up the status of representatives to anyone trusted enough by their friends, families, and other acquaintances. Anyone has a chance to become a liquid representative. As a result, LD also diversifies the profile of people who are able to operate as representatives. Anyone, in theory, could occupy a spot on a liquid “open-seat” parliament.

(Landemore 2021: 124)

Ultimately, she concludes that LD can play a role alongside lottocracy and self-selected assemblies in revolutionising politics at all levels of decision-making (Landemore 2021: 11), although she remains worried about a number of remaining problems. I touch on the most important ones in this chapter: star voting and deliberation at a large scale.

In her evaluation of LD, Landemore builds on earlier work by Chiara Valsangiacomo (2021). Like Landemore, Valsangiacomo considers LD as a model for decision-making at the level of national politics (ibid.). She defends LD's democratic credentials and is optimistic about its ability to organise representation in a more inclusive, fluid and epistemically fruitful way (ibid.). So both Chiara Valsangiacomo (2021) and H  l  ne Landemore (2021: 11, 121) have theorised about LD in the context of national politics. What if LD was to be a method of making decisions on matters of national government? Would it be a viable and legitimate alternative to RD?

By setting national politics as the target, I filled in the variables of demos-size (all citizens), domain (all of government policies) and decision complexity (high volume of decisions and high technical complexity). At this point, it is necessary to fill in the remaining variable of fleshing out the principles of LD, by first selecting one of the two possible interpretations I presented in the previous chapter. Delegation as vote-copying is not suitable because the scale and complexity does not allow for synchronic decision-making. Instead, I propose we adopt the 'delegation as liquid representation' interpretation.

In the next section I discuss this interpretation in more detail. In sections 4.3 and 4.4 I discuss a number of different factors that undermine representation and deliberation in the Liquid Parliament in highly complex applications. I consider potential remedies, but ultimately conclude that LD fails to satisfy the conditions of legitimacy in such applications.

4.2 INTERPRETING DELEGATION AS LIQUID REPRESENTATION

In the previous chapter I explained the two different interpretations of the act of delegation in LD. Delegation can be interpreted either as vote-copying or as authorising someone to represent you. Under the vote-copying interpretation, LD can be understood as a slightly modified version of DD. The liquid representation view places LD more in the vicinity of RD. I argue H  l  ne Landemore (2021) interprets LD in such a way. She presents it as a more inclusive and fluid 'update' of traditional RD. She introduces the term 'liquid representation' to point to this new type of representative politics.

4.2.1 Political representation

The liquid representation interpretation sees delegation in LD as analogous to the relationship between voter and representative in RD (RD). As I explained in the previous chapter, this relationship is traditionally understood as a formalised division of political labour (Pitkin 1967). The voter transfers some of their power to a representative. The representative then has the responsibility to use this power in the interest of the represented. Pitkin traces this formalistic view to Max Weber and even further back to Thomas Hobbes (Pitkin 1967: 14-37, 39-40).

What the responsibilities of the representative with respect to the represented entail has been a topic of debate. A particular source of disagreement is whether a representative should act as a

delegate or a trustee. A delegate should simply convey the preferences of the people they represent. A trustee should consider what is ultimately best interest of the represented. The difference matters, because in many instances there will be a discrepancy between the articulated preferences of (a majority of) the constituency and whatever is all things considered the 'best' choice for them. The most obvious cause for this discrepancy is the information asymmetry between the representative and the represented.

According to Hannah Pitkin (1967), the delegate-trustee controversy cannot be settled in abstraction. It is not necessarily better or worse to be a trustee or a delegate. There is a spectrum between these two extremes. The appropriate balance differs between different instances of representation. The representative should act in the objective interest of the constituency and ideally they agree on what this amounts to. Whenever they diverge, a representative should at least be able to explain why she voted differently from what constituents themselves thought of as the right choice.

4.2.2 Diachronic decision-making

For decision-making at the level of the nation state it is not possible to gather the demos in one big assembly to deliberate and vote. Though obstacles of geographical distance can be overcome through digital technologies, the problem of the demandingness of decision-making persists. The domain of national politics encompasses a vast range of different issues, with often high levels of complexity and a sizeable volume of policy decisions to make. It would be too demanding to expect citizens to be involved, even as mere 'standing participants'. Synchronic decision-making is then no longer feasible and has to make room for diachronic processes. In diachronic decision-making, there is a separation of public involvement and the legislative process. In a RD, citizens consider and voice their positions primarily in the period leading up to general elections. The actual legislative decisions are then made in a separate space and timeframe, mostly out of view of the general population.

As I explained in the second chapter, whenever there is an unequal allocation of political power, a scheme of representation must be present to reconcile this unequal division with the principle of political equality. Without it, there would be a legitimacy deficit. Representation 'makes present' in parliament the otherwise excluded citizens outside of the assembly. Especially when decision-making is diachronic and active involvement by the whole demos is impossible, it is crucial to pay close attention to the scheme of representation. As Urbinati puts it:

Whereas in Athens the citizens' visibility was immediate and needed no particular effort on their part, save to go to the Pnyx, in a RD their standing itself is symbolic and needs to be constructed and nurtured. Thus, speech acquires a broader significance because it is a kind of medium that in order to do its mediating work, has to give body and configuration to the

"standing participants." One can say that in a RD, words 'give life' because citizens [...] need to make themselves heard if they want to make themselves visible and to communicate with the wholly active citizens sitting in the assembly. (Urbinati 2000: 767)

Diachronic decision-making needs qualified relations with those who are not actively involved. Formal authorisation in the form of an election is not enough. Representatives have an unavoidable, and in many ways desirable autonomy from their constituents. But as Urbinati pointed out, a communicative link between them and their constituents remains valuable. This ties in to Pitkin's earlier recommendations regarding the delegate-trustee controversy. Representatives should act in their constituent's best interests. Representatives can judge this differently than voters, but should be held accountable for these judgements. More specifically, representatives should engage in dialogue with their constituents to explain and justify their decisions. Etienne Vandamme (2020) refers to this kind of relationship as 'recursive representation'. I introduce and use the term 'recursive accountability', to specifically single out the accountability aspect of this representation relationship.

To sum up so far, in large scale complex cases such as the nation state, synchronic decision-making is impossible. Diachronic decision-making concentrates power in a sphere that is separated from the demos as a whole. Legitimacy requires political equality, which demands a scheme of representation in order to 'make present' the excluded parts of the demos. The core of representation is often envisioned as a formal act of authorisation. As both Pitkin (1967) and Urbinati (2000) have demonstrated, however, representation should involve a relationship of accountability as well. This is especially the case when representatives are likely to judge differently regarding the interests of their constituents than the constituents themselves. LD, when applied at the national scale, would face the same challenges. Decisions would be made by the liquid parliament, but due to the demandingness of politics at this level, the passive original voters would not be able to be present in the synchronic sense. They need to be made present through representation.

4.3 OBSTACLES TO REPRESENTATION IN LIQUID DEMOCRACY

Whether traditional parliaments satisfy the expectations raised by Pitkin and Urbinati sufficiently, can be contested. Elected politicians clearly face some accountability through re-elections. The more substantive 'recursive' kind of accountability generally happens along party lines, but with limited party membership we can doubt whether this is sufficient. In principle, however, I assume RD meets the requirements for legitimacy, while still leaving room for considerable improvement. If LD is sufficiently similar in the right ways, it would meet these requirements as well on the same grounds. Sadly, there are two key differences between RD and LD that make it impossible for the liquid parliament to be sufficiently representing at the level of national politics. The first problem revolves

around transitive delegation chains, which I address in section 4.3.1. The second, related problem concerns the limited responsibilities of proxy voters with respect to those they represent. Both problems can in theory be addressed by a strong scheme of accountability. In sections 4.3.3 and 4.3.4 I discuss accountability in more detail. In section 4.3.5 I briefly discuss a couple of potential remedies to the obstacles in these sections.

4.3.1 Transitivity and Representation

As discussed before, under the formalistic definition of representation, a citizen authorises a representative to act on their behalf by electing them. Traditional parliaments are authorised by the demos to legislate in their name. The liquid parliament works differently. Because delegation is voluntary, you are free to become an active original voter and thus join the LP. If you do decide to delegate your vote to someone else, it is not a given that they will actually become part of the LP. Due to the principle of transitivity, the recipients of delegations are free to further delegate these votes to yet another voter. Only the ultimate proxy voters end up being part of the LP, while the intermediary proxies and the passive original voters remain outside of it. This means that it is not true for all passive original voters that they at some point in time personally authorised their representative in the liquid parliament.

While the principle of transitive delegation introduces transitivity with respect to votes themselves, there are reasons to doubt whether the 'representation relationship' is transitive as well. When A delegates to B and B delegates to C, C ends up voting with a voting weight of three. A's vote is transitively carried over to C. When adopting the liquid representation interpretation of LD, B becomes A's representative in the full sense of the word. As we have seen in the previous section, this relationship encompasses certain responsibilities. When B then decides to delegate to C, does C end up being A's representative, including all of the accompanying responsibilities of accountability and responsiveness? And what if C was to transitively delegate to D, D to E and E to F? Would F be A's representative?

The team behind LiquidFeedback argues that when voters receive a number of delegations from others, they would obtain a sense of responsibility to consider their interests when picking someone to transitively delegate to (Behrens et al. 2014: 136). The idea is that this would guarantee the alignment of ideals between passive original voters, intermediary proxies and ultimate proxies. This alignment would then enable the ultimate proxies to represent the voters further down the transitive delegation chain.

There are problems with this argument. When receiving large numbers of delegations, it is likely that there will be variation in the motivations behind original voter's preferences for that particular proxy. When this proxy then decides to transitively delegate to another proxy, a decision needs to be

made on how to balance these differences. Imagine some people delegated their vote to you because they share your religious beliefs, while others delegated to you because they trust your expertise in the area in question. For some reason you do not wish to vote in the liquid parliament yourself. Do you transitively delegate to someone who is even more technically experienced in the area? Or do you choose someone with the same religious beliefs? With which part of the passive original voters behind you do you want to maintain alignment?

This problem exists in RD as well. Representatives, or even political parties, have a diverse constituency. Often when deciding what to vote, a representative must choose which sides of their constituency to favour. Neglecting one side too often would lead to them to for someone else at the next election, making it a careful balancing act between favouring the different sides of her constituency at different votes.

Though it exists in RD as well, the problem becomes even greater in LD due to the principle of transitive delegation. Imagine voter A decides to delegate all votes on healthcare policies to voter C, because she likes C's pro-choice stance on abortion. Voter B decides to delegate his vote to C because she trusts C's experience in the medical field. C could then decide to transitively delegate her, as well as A's and B's, votes to D. D is a pro-choice activist with a lot of knowledge on reproductive rights, but without any experience in the medical field. B's preference for being represented by someone with a lot of actual experience in the medical field is then failed to be met.

If B finds this unacceptable, she can instantly recall her delegation and delegate to voter E instead. This is not a complete solution, as there is nothing stopping E from then transitively delegating votes to F with wholly different motivations than B's. In RD, C herself would take seat in parliament and try to respect both A's and B's motivations in her representative work. In LD, however, transitive delegations can lead to the loss of entire motivations of voters prior in the delegation chain. I refer to this problem as 'transitive delegation drift'. As mentioned before, this is problematic because it can undermine the alignment of original and ultimate proxies. Representation is about acting in the interests of someone in a way responsive to them (Pitkin 1967), but both alignment of interests and responsiveness can get lost in (long) delegation chains.

A possible remedy might be to allow vote splitting rather than having to delegate all voting power to a single other voter (Ford 2014). Vote splitting is certainly a promising refinement of LD (Zhang and Grossi 2021a), but it does not fully solve the problem. Whenever picking someone to delegate to, one needs to evaluate the 'closeness' of the proxy to your own ideals. Would this person vote like I would if I had the same amount of knowledge, skills and time? But closeness can be evaluated on many different potential dimensions. At every step in the transitive delegation chain, someone is judging closeness based on one or more such dimensions. Ideally, these dimensions align along the chain, but it is unavoidable that there will be subtle or significant changes in interpretation along the way. Even

when vote splitting is possible, these differences in interpretation will add up, causing a potentially severe amount of information to be 'lost in translation'. There will be a drift away from the original intentions of the first voter that disturbs the representation of the liquid parliament. Though a sense of representative responsibility is clearly important for both intermediary and ultimate proxies, it is not a full solution to the tension between transitivity and representation. Given the need for representation in order to obtain political legitimacy, this tension has to be resolved.

4.3.2 Voluntary delegation and the responsibilities of proxy voters

In the previous section I explained how the principle of transitivity can become an obstacle to representation. Another key property of LD is the principle of voluntary delegation. Anyone can become an intermediary or ultimate proxy. Like the principle of transitivity, voluntary delegation risks making representation more difficult. When anyone can be become a representative through no choice of their own, simply by the act of delegation by another, it is impossible to attach any demanding responsibilities to the position of representative. Like I explained in section 4.2, we should expect from representatives that they are responsive to the people they represent and engage in 'recursive accountability'. As I mentioned before, recursive accountability means that the representative explains the rationale behind voting decisions to the people they represent. It is an important aspect of representation, but very difficult to expect from someone if they became a representative through no choice of their own.

One possible solution would be to demand that voters 'enable' the receiving of delegations in the digital platform, or allow them to signal that they do not plan to act as a representative. With such a modification, still anyone can be a representative while no one can be forced to be. This modification was unnecessary in the case of the vote-copying interpretation of delegation, because proxies did not have any representational responsibilities with respect to the original voters. It becomes essential, however, when we adopt the liquid representation interpretation.

Though this 'acceptance requirement' would make it easier to raise expectations of good representative behaviour, we are not out of the woods. The case remains that the liquidity of representation makes it difficult to establish substantive relationships of accountability between the liquid parliament and those outside it, especially as it adds up to the problem of transitive delegation drift in the previous section.

4.3.3 Instant recall and proxy accountability

A powerful tool to combat both the transitive delegation drift and the potential lack of accountability of proxy voters, is the principle of instant recall. Both Blum & Zuber (2016) and Valsangiacomo (2021; 2022) stress the importance of instant recall for the accountability of proxy voters. Whenever voters notice a drift through a transitive delegation chain, or they notice a proxy voter is not responsive to

them in the way they want, they are free to cancel their delegation. They can then delegate to someone else or vote personally.

A possible objection to the usage of instant recall as an instrument to ensure alignment and accountability, is that it risks going too far and compromising the valuable autonomy of representatives. As discussed in section 4.2, a certain degree of autonomous trusteeship is part of good representation (Pitkin 1967). Etienne Vandamme (2020) provides two different avenues for combining instant recall with representative autonomy (in representative democracies). First, he argues that so called ‘intraparty’ recall avoids a lot of the different problems that a general kind of recall could face. Intraparty recall means that the members or other bodies in a political party can remove their own politicians from office. If recalls are only possible within political parties, it is not an instrument that can be strategically utilised by the opposition for example. More generally, it is likely that the instant recall option will not be used in a particularly hostile manner when the basic political attitudes of representative and represented are similar.

Though LD does not use political parties, this line of argument can be applied to LD as well. Voters can only recall a vote they first delegated to the particular proxy. They are not part of the same political party, but they were at least like-minded enough at some point in the past to make delegation attractive. This like-mindedness enables the application of Vandamme’s line of argument to the case of LD.

Second, a representative can decide to act differently from how the represented would, as long as she is confident that she is able to convincingly explain her choice afterwards. As I mentioned before (section 4.2), Vandamme refers to this as ‘recursive’ representation, but I refer to it as recursive accountability. From the perspective of the represented, or passive original voters, a certain trust is necessary that the representative can and will engage in these explanations. Vandamme (2020) argues that a ‘deliberative relationship’ is absolutely essential to make these interactions possible. Without this relationship, instant recall would be a harsh measure that is utilised at the first instance the proxy votes in a way that contradicts the proxied voter’s expectations.

4.3.4 Monitoring of proxies by original voters

Even when instant recall would only be used when accompanied by recursive accountability, there would be a remaining obstacle. In complex, large scale implementations such as the level of the nation state, active monitoring of delegate behaviour by original voters would be a difficult task. This is particularly true when the divergence of representative voting choices and the explicit preferences of the original voter is a given. Then it is not feasible for an individual original voter to evaluate their mutual alignment. When it is not feasible to look into your representative’s behaviour yourself, you

can only rely on trust. Relying on trust is hard when the voter who represents you has been chosen through a long transitive delegation chain rather than by yourself.

In such circumstances, we can doubt the legitimacy of the liquid parliament's decision-making on the ground that it fails to satisfy the requirement of representation. Its composition is not identical to that of the demos and neither is the scheme of representation adequate. Due to transitivity-related drift and a lack of accountability, there is a problematic gap between the LP and the demos as a whole. The principle of instant recall supposedly addresses these two problems, but is not effective when the scale and complexity make it impossible for original voters to evaluate their representative's performance.

One could object that traditional RD (RD) faces the same problems. Parliament is barely responsive and accountable to citizens outside of elections and the performance of representatives is not easily evaluated by ordinary voters. Earlier in this chapter I already assumed that RD is legitimate, so it would be inconsistent to criticise LD on the same problems that were acceptable for RD.

It is good to point out that the lack of accountability and responsiveness is definitely an area of improvement in RD. Addressing these issues is one of the core motivations behind the rise of participatory and deliberative democratic innovations (Bherer et al. 2016). There are however key differences between RD and LD that make the otherwise similar problems more severe in the case of LD. The most important one is transitivity, which could create a distance between the original voter and their proxy. As I explained in section 4.3.1, in a chain of transitive delegations the first original voter did not actually select their ultimate representative in the liquid parliament. Every step in the delegation chain introduces more potential 'drift' that can lower the chances of an ultimate proxy's alignment with all of their passive original and intermediary voters. Though distance and drift can be problems in RD as well (see section 1.2) the principle of transitive delegations makes them even more worrisome in LD.

4.3.5 Earlier proposed solutions: political parties and limited transitivity

Distance as such does not have to be problematic, as long as it is accompanied by accountability. In traditional RD there is a party infrastructure for evaluating a representative's performance. When a member of parliament drifts too far from party lines, they can be kicked out. Political parties have more expertise and resources to monitor their politicians than the general public has. LD, however, lacks this party infrastructure.

Different solutions have been proposed to the problems outlined above. Chiara Valsangiacomo (2021) has argued that political parties could still have an important role to play in a Liquid Democratic state, albeit on a par with regular interest groups. Bryan Ford (2002) has proposed limiting transitive delegations to just one level. When A delegates to B, B can delegate to C, but C then needs to vote and

cannot transfer A's and B's delegation to D. C would either not be allowed to delegate, or A's and B's votes would be lost in the process. Both Valsangiacomo's and Ford's proposals might soften the problems I outlined in this section.

These modifications may succeed in securing LD's legitimacy at the level of national politics, but they would also compromise LD's distinct advantages. A limit to transitivity would reduce the epistemic benefits of LD (Valsangiacomo 2021). The introduction of political parties risks reintroducing elitism and rigid institutionalism in a platform that was originally intended to make democracy more fluid and inclusive. In a way, the problem is similar to that in the previous chapter. At both the very simple and highly complex levels of application, LD is either illegitimate or not that distinct from traditional direct or RD respectively (depending on how one fleshes it out precisely).

4.4 DELIBERATION IN THE LIQUID PARLIAMENT

An additional problem for large scale complex implementations of LD that was acknowledged by Landemore (2021: 126) is that it would be difficult for a sizeable and dynamic liquid parliament to deliberate. Limited size and consistent composition both facilitate deliberation, while the liquid parliament in the case of national politics would be neither. As argued in Chapter Two, however, deliberation is essential for the legitimacy of the decisions made by the liquid parliament.

In addition to being a basic requirement of political legitimacy, a deliberative sphere of decision-making that transcends individual policy issues is essential for managing policy cohesion. All political issues are to a certain extent connected. For example, the decision to build a new nuclear reactor or not is intimately intertwined with the question of whether or not to build another park of wind turbines at sea. In a way these matters are alternative answers to the same political question: how should we transition to green energy? But even when issues are not bound by the same topic, there is a degree of connectedness. Different policies ultimately have a bearing on the same single government budget. Expenditure on infrastructure thus has an impact on the budget for healthcare, for instance. Plans should be evaluated in light of all the other plans, even when they appear to be unrelated in terms of content at face value.

Issue cohesion is a potential problem for LD at large and complex levels of decision-making. In LD, voters can decide to delegate their vote to someone else per issue or topic. This likely leads to quite specialised representatives who have a mandate for only one specific field and not any others. Specialisation is also common in representative democracies, where political fractions allocate topics to specific representatives. In parliament, however, there are still meetings at the level of fractions and parties where representatives transcend their personal topics. Through these interactions they can safeguard issue cohesion. Due to the principles of transitivity and instant recall, the composition of the liquid parliament on the other hand is continuously changing and potentially large in size. There

is no institutional structure to arrange deliberations regarding the cohesion between different political questions. The importance of a deliberative approach to particularly complex policy issues has been acknowledged before (Fishkin 2011; Durose and Richardson 2015), but it appears as if LD at larger scales would not be able to accommodate it.

The problem of issue cohesion has been identified in the past by Blum and Zuber (2016). They suggested to trust the executive branch with the responsibility to safeguard issue cohesion and financial stability (2016: 181). Cohesion certainly has technical aspects, which is why it would make sense if a government was to provide advice regarding submitted voting proposals. Such a procedure would be similar to how governments in representative democracies typically provide a short positive or negative response in reply to submitted parliamentary motions before they are voted on.

The problem is, however, that cohesion is in the end all about priority setting. And determining the priority of different proposals competing for the same budget, for example, is a normative political task and not a mere technical one. Blum and Zuber (2016) seem to acknowledge this, which is why they stress that this executive has to be elected. Still, there appears to be a tension between the democratic ambitions of LD and a shift of power in favour of the, albeit elected, executive. The background premise of the LD program is that we need more democracy, which conflicts with the notion that we should strengthen the role of the executive significantly.

4.5 CONCLUSION

In the previous chapter I argued that if we interpret LD as a system of vote-copying it can succeed in being legitimate at levels of decision-making where synchronicity is possible. In this chapter I asked whether LD can be a viable and legitimate alternative to RD at the large and complex level of national politics. Synchronicity is impossible in this context, so we need to rely on the alternative interpretation of delegation as liquid representation, rather than vote-copying. Due to transitive delegation drift and a possible lack of accountability of proxy voters, the liquid parliament would lack representation. Instant recall cannot be an effective means to combat drift and ensure accountability in contexts where political deliberation and decision-making are too complex. Given that national politics arguably is such a context, LD would not be a legitimate system of collective decision-making at that level. Remedies proposed by Ford and Valsangiacomo might be successful in solving the problem, but risk compromising on the distinctiveness of LD compared to traditional RD⁶.

⁶ That is not to say that LD has nothing to offer at the level of national politics. As Marco Deseriis (2022) pointed out, LD could still be valuable as a system of knowledge sorting rather than public

5 CONCLUSION

5.1 INTRODUCTION

RD is plagued by declining political trust and growing extremism. This crisis of representation has inspired new forms of democracy. In the ‘participatory turn’ citizens are included in policy making processes in ways that go beyond traditional electoral representation. To the frustration of many, most of the outcomes of novel participation processes end up having limited impact. They are generally non-binding and leave decision-making powers wholly in the hands of established institutions. What if we were to empower these new modes of democratic decision-making by having the outcomes be binding? One example of a democratic innovation is LD, which combines elements from direct and RD and makes use of modern digital technologies. Could LD be a legitimate system of binding collective decision-making?

I defined LD in terms of four key principles: voluntary delegation, transitivity, instant recall and open ballot. I then defended two conditions for political legitimacy: deliberation and political equality. From political equality, I derived a requirement of representation.

5.2 WHEN AND WHERE CAN LIQUID DEMOCRACY BE A VIABLE AND LEGITIMATE SYSTEM OF COLLECTIVE DECISION-MAKING?

In Chapter Three I outlined two different ways of interpreting LD. One interpretation sees LD as a system of vote-copying. Under this interpretation, LD can be a legitimate system of collective decision-making as long as decision-making is synchronic. Synchronicity, as introduced by Nadia Urbinati (2000), means that the demos is present during deliberations and decision-making. Presence does not have to be physical, like in classical Athenian democracy. An online digital platform for LD can make present all of the members of the demos for shared deliberation and voting. The conditions for LD as vote-copying to be legitimate are the conditions for synchronic decision-making itself. Synchronic deliberation and voting are only possible when the size of the demos is (very) limited. At such small scales, direct deliberative democracy is a feasible and legitimate system. LD is better co-opted as a specific form of direct (digital) democracy which facilitates vote-copying, rather than being a fully distinct system.

At larger scales, when synchronic democratic decision-making is no longer feasible, there are more elaborate conditions that need to be met. At these scales, it makes more sense to interpret LD as a system of liquid representation, rather than vote-copying. In Chapter Four I analysed LD as a

choice. As a knowledge sorting system, LD could be a model for crowdsourcing expertise in order to improve the quality of decision-making in RD without in any way replacing it (Deseriis 2022: 470).

potential political system for national politics. At face value, LD has a lot to offer as a more inclusive and dynamic alternative to RD. The analysis also exposed, however, a set of obstacles to legitimacy that need to be overcome.

I argued that, first, the scale of the demos has to be such that the eventual size of the Liquid Parliament does not inhibit deliberation. As I discussed in section 4.4, a massive Liquid Parliament would be incapable of deliberation. Restricting the number of possible ultimate proxies would not be compatible with LD's commitment to either universal candidacy or self-selected candidacy (see section 1.4.1). The remaining way to do so is limiting the size of the demos where LD could be implemented legitimately.

Next, both the quantity and the technical complexity of the proposals discussed and decided on by the LP need to be limited. More specifically, they need to be limited to such an extent that the following three interconnected actions and relationships are possible: (1) proxy monitoring by original and intermediary voters, (2) recursive accountability and (3) effective use of instant recall.

Passive original voters and intermediary proxies should be able to clearly see what happens with their delegated votes. Does their ultimate proxy in the LP vote in a way that is aligned with their ideals? Do they perform well? It is impossible to answer those questions when the quantity and complexity of voting proposals is too high.

When monitoring is possible, voters can discover that their ultimate proxies vote in ways they disapprove. Passive original voters and intermediary proxies should be connected to their ultimate proxies in a deliberative relationship. Within this relationship, a discovery of potential misalignment or poor performance can be a reason for voters to hold their proxies recursively accountable. In recursive accountability, proxies explain their voting (or delegation) decisions to the voters they represent.

In some cases, the proxy will not succeed in convincing the voters that delegated to her. When that happens, unhappy voters can decide to instantly recall their delegation. They can then vote personally or select someone else.

For a deliberative representation relationship and recursive accountability to be possible, the quantity and technical complexity of proposals can again not be too high. In RD, political parties are institutions that can hold their politicians accountable even when politics is too complex and expansive for ordinary citizens. In LD, voters must do without such institutions.

Whenever the quantity and complexity of decision-making is too high, the three demands above cannot be met. As I argued in sections 4.3, 4.4 and 4.5, this undermines the representation of the Liquid Parliament. If on top of quantity and complexity of the decisions, the demos is too large, the LP cannot deliberate as a whole. Given that both deliberation and representation are required for political legitimacy, LD can only be a legitimate system of decision-making whenever it meets these conditions of demos size, decision quantity and decision complexity. Those conditions are at least met

whenever DD is also feasible, but not only there. Though I grant that more research is needed (see next section), I conjecture that the conditions for legitimacy can also be met in institutions which are too big and/or complex for DD, but are smaller and simpler than national politics. LD is often presented as ‘between’ direct and RD. It would be no surprise if its ideal sphere of application is also situated between that of direct and representative democracies.

5.3 FUTURE RESEARCH

Throughout the thesis I mentioned a number of ‘open issues’ that I could not address here, but remain important nonetheless. First, there are the issues related to LD’s digital nature. According to the *Wahlcomputerproblem*, the platform can only be fully verifiable if ballots are open. Whether open ballots are democratically acceptable is an ongoing debate (Engelen and Nys 2013). The same is true for discussions on digital security and the digital divide (Miller and Vaccari 2020). Second, there are open questions regarding the actual behaviour of voters in LD processes. To what kind of proxies do voters gravitate? To what extent does voting power become concentrated in a small elite? How large would the Liquid Parliament likely be for any given demos size? Answering those questions is essential to come to any final conclusions regarding LD’s democratic credentials. Computer simulations of LD only get us so far. What we really need is more real-world empirical data on LD’s performance in practice. The only way to get there, is to start experimenting. Why not start at the university?

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