

Representative democracy or participative democracy? The question is misleading if posed in such strict alternative terms: a representative system implies the existence of public opinion. But can a person say he is free simply because he has helped elect an Assembly which doesn't consult him before regulating his rights and obligations? Rousseau gave this answer: "*The ... people believes itself to be free; it is gravely mistaken; it is free only during election of members of Parliament; as soon as the members are elected, the people is enslaved. It is nothing. In the brief moment of its freedom the ... people makes such a use of that freedom that it deserves to lose it*". Very seldom has this point of view been so widespread: it is so popular that people seem to no longer appreciate the "brief moment of freedom" they are granted. As a striking example, the turnout in European elections between 1979 and 2009 fell by over 20 percentage points: it declined in Italy from 85% to 65%, and in the EU from 62% to 43%. Why? Over

70% of those who answered a Eurobarometer poll in 2009 gave one of the following reasons: lack of trust or interest in politics generally, no confidence that the vote would lead to change, lack of knowledge about the European Union, the (amazingly incorrect!) impression that EU Institutions do not affect people's daily life. Never before has technology been able to provide such real time information and ideas, so it is ironic that this coincides with a time when citizens are least aware of decision-making mechanisms and, in particular, do not realise how important it is to raise their voice in order to influence the activities of the Institutions. The result is that after the decline of big, political mass parties, the silent majority of ordinary citizens is (and feels) underrepresented. There are two ways to react to this state of affairs: either to give way to despair for the "*spreading plague of lobbying organisations*"; or to work to create fertile fields in which to cultivate new forms of democratic participation, suited to our liquid society. In other

words, to lobby in the public interest. This is why we are so enthusiastic about the initiative by Prof. Alemanno and the start-up *eLabEurope*, whose mission is not simply to inform people about EU institutions by setting up an open online course, but to create a Regulatory Policy Clinic (an absolute novelty in Europe) to give students the technical and cultural tools they need to become *lobbyists on behalf of the community*. Although fully aware that crowdsourcing democracy cannot replace representative democracy, active citizens and professional politicians, each in their own field, have a huge task ahead of them to revive participation and restore the electorate's faith in the idea that democracy can lead to change.

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## LOBBYING FOR THE PEOPLE. OXYMORON OR COMMON SENSE?

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**Telos:** In Europe we are facing a paradox: the interest of the citizens in politics is reviving - also thanks to the economic downturn - but the demand for participation seems to be channeled into an uprising against politics. Is this the signal of an irreversible crisis, or rather a signal of hope for our democracies?

**Alberto Alemanno:** Today, the intellectual pendulum is swinging back to the belief that State action is needed to regulate human affairs. As the only institution standing between individuals and non-State actors, such as corporations and banks, the State - in the aftermath of one of the largest failures of the free market - is indeed poised to prompt citizens' interest and possibly regain some legitimacy in their eyes. In these circumstances, we witness some sudden demand for political participation, civic engagement and political control over the elected. The re-emerging State is called upon to operate in a very different societal environment than in the past. Empowered by a growing access to a wealth of information induced by the rapidly evolving landscape of connectivity, citizens are ready to exercise control over their representatives in ways that have been unknown until recently. The question therefore is not whether citizens should be involved in governmental affairs, but how to channel their individual and collective contributions. In these circumstances, any claim denouncing the state of despair of democracy appears farfetched. While peoples' trust in the political system and representatives has eroded - and, as many fear, it is likely to keep on eroding in the future, their interest in politics is resuming. Hence the need to re-think the State in order to update it to the new digital age.

Today, access to information has improved to such an extent that allows citizens, as individual or groups, to directly have a say. You are promoting a pioneering educational initiative to encourage the civic engagement of young people: could you explain to us what that is about?

Due to the rapidly evolving landscape of connectivity and communications technology, the individuals' experience of both social and civic life is transformed today. In these newly created circumstances, citizens, especially the young, should not abandon faith in political institutions, but rather exercise oversight on elected officials, and meaningfully contribute to these representatives' work. In short, time is now to lobby in the public interest.

It is under this slogan that *eLabEurope*, one of the first civic start-ups active on the European scene, promotes civic engagement and participation through an unconventional mixing and matching of academic research and consultancy in the public interest. *eLabEurope* currently encompasses three major initiatives aimed at educating, experimenting and empowering Europe. In particular, *eLabEurope* developed - in co-operation with HEC Paris, Stanford-based *Coursera* and with the support of the French Ministry of Foreign Affairs - *Understanding Europe - Why it Matters and What it Can Offer You*, the first MOOC devoted to Europe and its decision-making



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Alemanno is the Founder and CEO of *eLabEurope*, a civic start up committed to promote civic engagement by experimenting new forms of participatory democracy and nonprofit advocacy in the public interest in Europe and beyond.

During the last decade, Alemanno's research has been focused on the relationship between the regulatory competence of States in furtherance of domestic policies such as public health and food safety, and the preservation of a liberal international trade framework. He is also interested in exploring the role of law in regulating lifestyle choices by integrating the insights of behavioural research in areas such as alcohol, tobacco and nutrition.

Alemanno was selected among the 2014 European Young Leaders by the program "40under40" run by *EuropaNova* and *Friends of Europe*.

Alemanno earned a *Laurea* in Law from the University of Turin, LLM degrees from Harvard Law School and the College of Europe, and a PhD in International Law and Economics from Bocconi University.

Alemanno was born in 1975. He is married, with a daughter and a passion for *dressage* and running. He lives in Paris, but his haven of rest is his homeland, Monferrato.

process. The course aims at popularising the intricacies of the European Union system to promote greater awareness of the opportunities it offers citizens. The *EU Regulatory Policy Clinic* - built upon the American law clinic model - is the result of a partnership between my two Universities: New York University School of Law and HEC Paris. It is the first clinic devoted to experimenting the various channels of participatory democracy existing in the EU. It focuses especially on the different avenues enabling citizens not only to gain access to the EU decision-making process but also to analyse, critique and support legislative and regulatory proposals. Also we are developing, in partnership with *RegulationRoom* at Cornell University, a digital platform aimed at boosting civil society's participation into the EU decision-making process.

As a consequence of the spreading of social media, political participation has gradually departed from its traditional forms towards a more direct, almost immediate engagement. Which role will the professional politicians have in the forthcoming democracy in crowdsourcing? Will the agenda of future political leaders be dictated by Twitter?

Italian citizens, like those living in any other OECD country, are now more educated and capable of following public affairs than ever before, in particular thanks to digital tools. Yet conventional forms of political participation, having declined considerably, struggle in capturing this demand for participation. Thus, the influence of digital and networked media is conducive to the reconsideration of the traditional practices of civic engagement. In particular, crowdsourcing, a participatory method to engage citizens in political processes, offers exciting possibilities for democracy. Citizens can take part - typically online - in brainstorming, discussing, developing, and even implementing decisions that used to be the domain of political and expert *élites*. As recently witnessed by the Italian political scene, filling the gap between the inherent elitism of political life and the reality of citizens' lives may be a rewarding electoral strategy. Yet, as epitomised by the experience gained by the 5 Star Movement, turning the ensuing political capital into political action reveals a different ball-game. Indeed, crowdsourcing is not a *panacea*. The universal target of crowdsourcing remains a constrained population: not everybody has access to the Internet, and not everybody knows about the possibility to participate. Crowdsourcing cannot replace traditional democratic tools or expertise, but only complement and support them. The challenge today is not to develop a system through which elected representatives act as puppets of the "likes" gathered on social media, but rather to develop governmental platforms capable of capturing the more and more frequent citizens' inputs into the fabrics of Government.

As decision makers widen the reach of their policy action in order to shape individual behaviours, the traditional instrument of the "Law" shows its inappropriateness. This is the case, for instance, of the policies adopted to promote a healthy lifestyle or a responsible consumption of energy. But how can a free citizen be bound to do more sport or to eat healthy food?

A growing body of evidence suggests that insights from the behavioural sciences - ranging from psychology and behavioural economics to neurosciences - can help design public policies that work better, cost less, and help people to achieve their goals.

As a result, policy makers and administrative agencies now seem ready to design policies that better reflect how people (as individuals or groups) really behave, not how they are assumed to behave. Thus, placing an emoticon (sad face) on a prohibitive energy bill has the potential to nudge consumers towards less energy consumption. Rearranging the display of food makes it more likely that the healthy option is chosen. Indeed, small, insignificant changes in the context in which decisions are made may produce beneficial effects for the public. As illustrated by a report I recently co-written for the OECD, although the results of the first nudging experiments are mixed, there seems to be an emerging *consensus* around the idea that regulation cannot work effectively or efficiently if regulators do not consider how targeted people respond. Today assessing whether policies work before their adoption should be a duty that no Government can afford to disregard. I wish a culture of evidence-based policymaking could soon penetrate also the Italian political and administrative system. All sectors of society would draw benefit from a more reflexive and less emotional policymaking.