

**Gertrude Lübbe-Wolff, *Demophobie. Muss man die direkte Demokratie fürchten?* 2023,
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Gertrude Lübbe-Wolff's *Demophobie* describes itself as “a contribution to the discussion about the advantages and disadvantages, opportunities and risks of direct democracy.”¹ The book compares common assumptions about direct democracy with experiences at home and abroad, that is, mainly in Switzerland and the USA, with a few additional cases from other countries: Bolivia, Costa Rica, Canada and Poland. It is structured in two parts: the first addresses what she sees as “traditional reservations,” while the second goes on to discuss the significance of direct democratic instruments.²

Lübbe-Wolff, a former constitutional judge, identifies two structural weaknesses in the argument that would cast direct democracy in a negative light. The first she calls “the ideal comparison error” and this amounts to a “reality-decoupled method”³ in which the modest reality of direct democracy is compared with the ideal of an ethically superior representative democracy, inevitably coming off badly. The second weakness involves a frequent error of generalization: “‘direct democracy’ is attributed or denied certain advantages or disadvantages without taking into account that direct democratic decision-making is possible and practiced in very different forms with very different effects.”⁴ Arguments that only apply to some direct voting procedures become blanket

¹ Gertrude Lübbe-Wolff: *Demophobie. Muss man die direkte Demokratie fürchten?* (Frankfurt am Main: Klostermann Verlag), 9. All translations from the German original are by the reviewer.

² Ibid., 17.

³ Ibid., 28.

⁴ Ibid., 39.

condemnations of all direct democracy procedures.

Ten sections of the book consider the following views: (1) "The people are too stupid to make substantive decisions"; (2) "Direct democracy favors demagogues"; (3) "The people are not to be trusted with anything, especially in financial matters"; (4) "The people will make right-wing or at least conservative decisions" – or left-wing, or in any case ignoble, ones; (5) "Direct democracy is anti-social"; (6) "Yes-no decisions are too simple and contrary to compromise"; (7) "Direct democracy endangers minorities"; (8) "Direct democracy only suits small units"; (9) "Direct democracy does not suit representative democracy"; (10) "There is a lack of responsibility."

These boldly expressed reservations are dealt with as buzzwords without providing the situational context of the criticism, as Lübke-Wolff does not refer to where they can be found in the literature on direct democracy. This approach is problematic because the context of the evaluation remains hidden from the reader; at the same time, the answer is being steered in the direction that Lübke-Wolff considers correct and appropriate. This prevents the reader from understanding and weighing the pros and cons of the discussion in the thematic context.

The treatment in the first part of the book on the reservations identified above is followed by a second, much shorter, part titled "Neglected arguments for direct democratic decisions." It presents only four arguments: (1) "the solution to the problem of policy packages," (2) "the democratization of foreign policy," (3) "the counterweight to the short-term orientation of representative-democratic politics," and (4) "error correction friendliness."⁵

This brief section is considerably more problematic because it does not engage with the institutional considerations of representative democracy, where direct decision-making procedures are always associated and in which they must remain embedded even when direct democratic procedures are introduced. For example, Lübke-Wolff does not discuss whether, in certain contexts, it would be counterproductive to solve the problem of negotiated policy packages, as these may contribute to the pacification of society. An exclusive emphasis on the importance of voter self-determination, which is its unique and true value, prevents this, but this could prove to be a serious shortcut.

⁵ Ibid., 133–45.

More problematic still in this context is Lübke-Wolff's comparison, which probably reflects *in nuce* the former constitutional judge's understanding of democracy. She states, "Choosing is becoming increasingly difficult and unreasonable – as if you were not allowed to buy the individual foods you need and want in the supermarket, but only in ready-arranged gift basket-style combinations, many of which do not meet your own needs and tastes."⁶

This statement, which contradicts Max Weber's insight that parties are always parties representing a worldview, raises further questions. Obviously, the advantage of direct democracy lies in the greater fragmentation and individualization of democracy it fosters, which amounts to "*picking and choosing*" individual preferences, discarding all the ties that still hold society together as belonging to a "supermarket model." However, political processes are not a matter of "*picking and choosing*," requiring no social considerations or concessions to other segments of the population, serving only to maximize one's own benefit.

We briefly mention the following further contradictions regarding the supposed advantages of direct democracy:

- In representative democracies, direct democracy often fails to reflect the policies of the majority, as these have already been determined in parliamentary elections and the voters have granted the government temporary authority to act in all policy areas both in isolation and cooperation.
- Direct democratic procedures give parties a surplus right of veto. This weakens the importance of parliament and parties, instead enabling an extra-parliamentary right of veto.
- In addition to citizens' initiatives, associations and interest groups, the courts also act as veto players – all new actors empowered by referendum – which, in a competitive parliamentary democracy, often makes parties appear antiquated. Further investigation is still required to determine whether these conditions promote or strengthen democracy. In the USA, at any rate, they seem to have had a clearly divisive effect on society.
- The introduction of referendums at the federal level would limit the ability of governing parties and coalitions to communicate their specific character to the electorate. However, considering

⁶ Ibid., 136.

the next federal election, voters have the right to know a government's singular character and how good its policies are likely to be in the future.

- Moreover, such binary referendum procedures lead to fewer compromises between the parties in parliament. This can lead to a hardening of positions by the parliamentary parties, with the government and opposition intransigent and locked in relentless fighting.
- Although compromises can prevent the best decisions, they also prevent decisions from regressing into archaic black-and-white thinking, which divides society into opposing camps. Compromises lying in the gray area of political give-and-take have a pacifying effect on society, as they do not impose the maximum interests of one group. Rather, each side must make concessions so that the broadest possible spectrum of the citizenry can rally behind the compromise.
- The protection of minority rights is one of the greatest strengths of parliamentary democracy, but one that can quickly be undermined by a referendum. Lübke-Wolff cites the case of the Swiss minaret dispute, in which the result of a referendum revealed populist, non-pacifying traits.⁷
- Referendums automatically strengthen those in the position to formulate issues to be put to a vote, who have the money and resources for campaigns, who have a special passion for an issue (e.g. environmental protection, abortion, euthanasia, etc.) and who may also have access to the media.
- In large countries, it is much more difficult for citizens' initiatives at the national level to organize referendums, finance campaigns, hire staff, invest in organization, and engage in media communication than it is for professional organizations (companies, lobby groups, industry associations, etc.).
- The extreme polarization in referendums is contained by Swiss consociational democracy. In the parliamentary, compromise-oriented German representative democracy, however, there would be no equivalent if direct national referendums were held. This means that the Swiss model has little relevance for the

⁷ Ibid., 58ff.

German system of government. It is likely that national referendums in Germany would be antagonistic, which is not the case in Switzerland.

- Disinformation campaigns, conspiracy theories and outside interference in national elections have clearly highlighted new dangers for democratic referendums in recent years. Unfortunately, these are absent from Lübke-Wolff's analysis, aside from her general remarks on the need to properly formulate the instruments of direct democracy.
- At first glance, a decision voted by referendum can claim greater legitimacy than a law passed in parliament. It can be assumed that parliamentary politicians would refrain from attacking this decision, so as not to alienate the majority who cast their vote in the referendum. Consequently, a decision taken by referendum is less correctable than a parliamentary decision. However, anyone who considers the extent to which laws passed in parliament have to be repeatedly adjusted because of shortcomings, or unforeseen consequences, or other significant problems will appreciate the fact that parliamentary decisions can be corrected.
- In a parliamentary democracy, members of parliament are bound only by their conscience. There is no council republic and therefore there is no imperative mandate. Wherever referendums are possible, pressure is exerted on politicians not to go against popular opinion.
- Politicians specializing in policy areas have privileged access to information not available to citizens' initiatives. Such information is not and cannot be guaranteed in referendums. Parliamentary work is not selective, but continuous, and there can hardly be standing committees for one-off referendums. The information quickly assembled for a referendum can hardly replace the thorough expertise of politicians and their staff.
- What responsibility should be assigned to majority decision-makers in a referendum? We don't know who voted for what. The very anonymity of the voting process makes it impossible to attribute votes; whereas members of parliament have to clearly state their position in their contributions to debate.

Lübbe-Wolff may be right in assuming that representative democracy is in serious crisis. However, whether the instruments of direct democracy provide a remedy is a completely different question. There is no empirical evidence that disenchantment with politics derives from representative democracy, or that the alienation of the electorate from politicians reflects a desire for more direct democracy. This is to mix up two different aspects in an inadmissible way. A glance at the direct democratic votes at the local authority level reveals that the desire for direct democracy is – to put it mildly – extremely limited among voters. While there may be good reasons for direct democracy, there is no proof that more referendums lead to better politics and less disenchantment with politics.

Unfortunately, the book does not address the danger posed to a representative democracy that has neither a presidential system, like the United States, nor a consociational democracy, like Switzerland, from insurgents who usurp and manipulate a referendum. A blanket preference for referendums fails to address this question. One can only guess why Lübbe-Wolff is so vehemently in favor of direct democracy. She may have been inspired to this fundamental plea by her desire for alternative policies, and a review of the Swiss experience. If so, one might fear that she would then also have to advocate a new constitution based on the Swiss model, as the Swiss form of direct democracy to which she primarily refers forms a part of the country's federal concordance democracy.

Gertrude Lübbe-Wolff has written a pamphlet that needs to be understood as a personal credo calling for more direct democracy, but she does not sufficiently take into account the counter-arguments. This results from her use of empirical data coming from completely different constitutional-situational contexts, not associated with the system of government in Germany, and from a lack of engagement with criticism of the direct democratic process in both philosophy and political science.

Any empirical statements presented without theoretical underpinning ultimately amount to nothing. Statements derived from empirical data can only be meaningful if theoretical objections are first discussed, recorded and debated, then compared with the empirical data. The new tendency in the German social sciences – think of all the state-sponsored so-called real-world laboratories with their inconclusive results ex-

tracted from an artificial setting – to rely exclusively on empiricism, without a sufficiently sound theory, inevitably leads to false conclusions, since such free-floating empiricism does not allow a sufficient grasp of the problem situation. The new German empiricism will thus bring more problems than solutions, because all empiricism becomes a dangerous simplification without a theoretical basis and critical scrutiny.

Direct democracy cannot be the answer, as the deficits are of a different nature. For example, voters are not demanding self-determination, as indicated by the lack of participation in referendums in the local authority area. As a polemic, the book can serve as a critical survey and to stimulate debate on direct democracy, even if it can only offer a first start on such a debate. The Enlightenment style of its writing should not be accepted as enlightenment without reflection.