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Creating Democratic Surplus through Citizens' Assemblies

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Abstract

This paper, originally a presentation to the Sydney Democracy Forum, discusses how the current democratic deficit could be converted to a democratic surplus. In particular, attention is focused on an ambitious project which has recently commenced in Australia which will culminate in a grassroots citizens' assembly. One hundred and fifty Australians will be randomly selected from each electorate and will participate in a range of deliberative environments (online and face-to-face), culminating in a four-day citizens' parliament in Sydney. The project is jointly funded by an Australian Research Council-Linkage grant and a not-for-profit organisation, newDemocracy. During the entire process, typical Australians will consider ways in which Australia's political system could be strengthened to better represent the will of the people.

KEYWORDS: democratic deficit, civic participation, Australia, citizens' parliament

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Abstract

This paper, originally a presentation to the Sydney Democracy Forum, discusses how the current democratic deficit could be converted to a democratic surplus. In particular, attention is focused on an ambitious project which has recently commenced in Australia which will culminate in a grassroots citizens' assembly. One hundred and fifty Australians will be randomly selected from each electorate and will participate in a range of deliberative environments (online and face-to-face), culminating in a four-day citizens' parliament in Sydney. The project is jointly funded by an Australian Research Council-Linkage grant and a not-for-profit organisation, newDemocracy. During the entire process, typical Australians will consider ways in which Australia's political system could be strengthened to better represent the will of the people.

Theoretical background

Deliberative democracy (DD) informs the practice that I will describe (Barber 1984, Dryzek 2000, Fung 2003, Gastil & Levine 2005, Leighninger 2006). Deliberative democracy extends notions of democracy and its rather unsatisfying contemporary expression in the form of representative government, or polyarchy (Dahl 1970). DD theorists argue that a strong or robust democracy is best expressed by the will of the people and that representative government, although it provides representation with important levels of accountability (mostly through elections), inevitably results in a democratic deficit.

Dryzek and others (e.g. Chambers 2003) describe the shift, since 1990, towards thinking about *deliberative* democracy or extending theories of democracy, as taking a deliberative turn. The shift is in our understanding and acceptance of what constitutes democratic legitimacy. The claim being, that it is not enough to vote. A democratically-elected government should confer on its citizens a right to participate in collective decision making. This requires the provision of opportunities to deliberate collectively about the content of political decisions. Because nations have not organised large-scale decision making in quite this way before, innovation is necessary in order to maximise involvement of citizens. This innovation has found expression in a range of interesting collective decision making

methods such as citizens' juries, consensus conferences, deliberative polls and 21st century town meetings.

The democratic deficit that is evident in unrepresentative parliaments is a consequence of numerous failures, including undemocratic pre-selection processes amongst barely distinguishable major parties. Gore enumerates these failures in the US (and these would surely be true for Australia and most Western countries):

... increased role of special interests and the growing influence of money... enhanced importance of image over substance and the superficial quality of public argument... public apathy and the declining participation in the electoral process and civic affairs... [which, in turn] is related to increased cynicism towards and distrust of the integrity of our national institutions and processes... [not to mention] the increasingly sophisticated efforts to manipulate public opinion (Gore 2007: 15).

According to deliberative democrats, the democratic deficit can be overcome best by providing opportunities for all citizens to participate in decisions about important issues that affect them—thus overcoming this faulty mandate-building or mandate-claiming situation (Gastil & Levine 2005). Deliberative democracy (DD) methods help elected representatives to build mandates and thereby fortify a weakened system. The result is a win-win situation.

Deliberative democracy has many expressions and takes many forms (Hendriks 2004). It can be individual (Goodin 2000), relational (Gunderson 2003), associational (Cohen & Rogers 1995, Mansbridge 1992), parliamentary (Bessette 1994, Uhr 1998) and expressed through civil society or the public sphere (Dryzek 2000, Fung & Wright 2003). There are some important differences here. Goodin (2000), for example, thinks that deliberation should be an individual pursuit leading to more informed voters better able to select electoral candidates. Others¹ think that DD is best expressed through group deliberation among informed citizens that are descriptively representative of a wider constituency. Later, I will offer a specific example of DD in the public sphere that fulfils the ideals that are necessary for DD, these being, representativeness, deliberation and influence (Carson & Hartz-Karp 2005). Before then, another body of theory, social movement theory should be canvassed. This is done because of a conceptual marriage that becomes evident through the second example to be offered.

¹ Among the many institutional expressions: Leib's (2004) popular branch of government, Callenbach & Phillip's (1985) citizen legislature and Crosby's citizens initiative review (2003).

Social movement theory explains formations of movements or collective actions as well as the motivations and the manner in which people coalesce around a collective identity (Melucci 1999 cited by Barnes, 2007: 42), for example because of a shared interest in animal or human rights, sexual preferences, ecological sustainability and so on. Mansbridge (2001) describes collective action as birthed in “oppositional consciousness” (cited by Barnes, 2007: 47). When this oppositional consciousness is converted to action it takes place in “alternative arenas”, creating “counterpublics” (Fraser 1997, cited by Barnes, 2007: 43)—i.e. a public that is created outside what is commonly thought of as a public.

This term “counterpublics” is of particular interest, because DD theorists describe examples of DD as “minipublics”². Mini because they are said to be microcosms of the wider public—a sample (often a random sample) brought together to deliberate in order to show what the wider public would decide if given access to the information which a minipublic receives, and indicating what the wider public would think if given similar opportunities for deliberation.

Deliberation is not a debate and is more than a dialogue. Deliberations are conversations that matter because they work methodically toward consensus, attempt to build common ground, with an eye to the public interest, rather than self interest. The quality, the depth of these conversations is important and a great deal of effort is expended by convenors, or deliberative designers, to create respectful, educational, purposeful, egalitarian spaces.

Social movement meets deliberative democracy

DD is often expressed as a ‘top down’ affair because, when convened by decision makers, citizens are drawn into “invited spaces” (Cornwall 2004 cited by Barnes 2007: 43), invited to the decision-making table or invited to offer recommendations that are delivered to decision makers. For example, Denmark’s consensus conferences, convened by the Danish Board of Technology, feed into the Danish Parliament (Joss & Durant 1995). Those who know the expression about deciding whether it is better to be “in the tent pissing out, or outside the tent pissing in” (attributed to former US President Lyndon B. Johnson), would say that a DD method is an example of being inside the tent.

Social movements in contrast are outside the tent as counterpublics. DD methods (such as citizens’ juries, deliberative polls, 21st century town meetings, world cafes) are inside the tent as minipublics. Having

² Fung, 2003:339 borrowing from Dahl’s minipopulation or “minipopulus” (for example, see Dahl, 1985:88)

said that, there are countless examples of social movements operating inside the tent and deliberative democracy methods outside the tent but, for now, I will stay with the activities as they are understood in theory.

One example of a minipublic which was definitely inside the tent could be defined as 'best practice' DD, this being a citizens' assembly convened in the province of British Columbia, Canada³. Note these words from Jack Blayney, the convenor of British Columbia's citizens' assembly:

Never before in modern history has a democratic government given to unelected, "ordinary" citizens the power to review an important public policy, then seek from all citizens approval of any proposed changes to that policy.

British Columbia's Citizens' Assembly on Electoral Reform⁴

The province of British Columbia is divided into 79 ridings. Up until now there's been a 'winner takes all' outcome because of an unfair electoral system that can see most of the seats in the hands of one political party. Premier Gordon Campbell wanted to address this problem but presumably knew that having politicians or experts consider alternatives would not build community confidence in an alternative model. He proposed a Citizens' Assembly (CA) to consider many options for an alternative voting system and, once this CA made its decision, to propose a new voting system to the people of BC in a referendum (this happened in May 2005).

Two hundred names were randomly selected from each of the 79 electoral districts (50% were men, 50% women). They were invited to meetings to hear an overview of what would be involved in participating in a CA. They were cautioned that there would be a lot of hard work. The willing placed their names in a hat and one man and one woman was drawn from each riding: 158 people in all, with two additional First Nations people added to the list—160 in total. Note that there is still an element of select selection but enhanced representativeness arose as a consequence of the method used. It matched a socio-demographic profile. This rarely happens without random selection.

³ The citizens' assembly method has since been replicated in the province of Ontario and also in The Netherlands. See Jim Snider's website for an excellent coverage of this deliberative method <http://iSolon.org/>

⁴ The words in this section are derived from a speech by the author reproduced as "Power to the People: Citizens Assemblies", *New Matilda*, 7 December, 2005 <http://www.newmatilda.com>

These 160 people met for eleven months, every other weekend, from January 2004 until November 2004... an incredible commitment that people were prepared to make for an important issue—defining a fair electoral system. Those eleven months began with a learning phase: listening to academic experts, then working in small discussion groups. Members of the CA then attended 50 public hearings and heard from thousands of their fellow citizens. They finally deliberated over a three month period—again, every other weekend. They agreed (147 to 13) on a new electoral system: the single transferable vote (a system with which Australians are familiar because the Australian Senate uses a similar system to the one chosen by CA.

The proposed electoral model then went to a referendum so everyone could have a vote. Premier Campbell set an unusually high requirement for approval—the referendum question required 60 % approval from all voters and needed to be passed in 60% of the ridings. It received 57.4% support in 97% of ridings (or 77 of the 79 ridings). So almost all ridings passed it but it fell short of the 60% requirement: by 2.6%. It is worth noting that Campbell's own party received only 46% of the vote to be re-elected.

However, the Premier agreed to keep the issue alive and to reconsider it at the next election. It was a fabulous experiment in deliberative democracy—it has all the essential ingredients: a representative sample of citizens, brought together and given access to considerable information and an opportunity to puzzle about this complex information in small groups, and it was extremely influential—the recommendations went directly to the people in a referendum.

The exit interviews suggest that supporters of the referendum question either investigated the STV model themselves and decided it was a good alternative or they took into account that *people like themselves* had thought of nothing else for 11 months so they trusted their judgment. They voted for the model because they *trusted the judgment of their fellow citizens*.

As Australia⁵ moves toward a republic, the process used to design it will be important. If a process like the CA is sufficiently robust, Australians will trust its conclusions far more that they would trust a review conducted by politicians or those hand-picked by politicians. Random selection is a system of selection that is both fair and seen to be fair. Start with a credible selection method⁶ and couple this with a deeply deliberative process and access to detailed information and the

⁵ Currently a constitutional monarchy still tied to the United Kingdom.

⁶ Not elected celebrities like the Constitutional Convention used in Australia prior to the failed 1999 referendum on the republic.

result will be a robust decision-making process that is worthy of trust. This leads to an Australian experiment which is just beginning.

The newDemocracy⁷ Foundation—an Australian Case Study

Three Australian universities have just been awarded a joint Australian Research Council proposal⁸ to convene and analyse a citizen assembly in Australia. The topic for deliberation will be:

“How can Australia’s political system be reformed to serve us better?”

The aim of this project is to establish and research a Citizens’ Parliament, which will be one of the most ambitious exercises in democratic citizen deliberation in the world so far. The idea is to use the Citizens’ Parliament to generate some recommendations for reform of the Australian system of government. The Citizen’s Parliament will be composed of one typical person selected from each of Australia’s 150 federal electoral districts. These citizens will gather in a series of online and regional meetings that will culminate in an assembly of the 150 citizens in a four day Parliament. Feeding into these gatherings will be several other processes, including an Expert Group that will help frame the issues for discussion, and structured opportunities for input from a broader public.

The immediate applied aim is to see what typical Australians have to say about how their political system can be improved once they are given the opportunity and resources systematically to think through and debate this question. A practical aim of more global significance is to test and demonstrate a particular way of organising citizen participation in politics, ‘pushing the envelope’ beyond existing designs and overcoming some of their weaknesses. The main research aim is to generate knowledge about what is and is not possible when it comes to organising large-scale citizen deliberation on complex issues. In addition, we aim to research how citizens experience such a process, and how their preferences, judgments, and values are affected by this participation. The knowledge generated can then be deployed in future institutional design in Australia and elsewhere – as well as shed light on the theory of democracy.

This project will advance theory, practice, and research in partnership with newDemocracy, an organisation committed to the invigoration of active citizenship and good governance in Australia.

⁷ Formerly known as newRepublic, it has just undergone a name change <http://newdemocracy.com.au/>

⁸ Italicised paragraphs taken from the recent Australian Research Council—Linkage proposal.

It is not being convened by government. It is a citizens-initiated citizens' assembly, convened by a social movement composed of concerned Australians, coalescing around their collective recognition of a democratic deficit—a minipublic convened by a counterpublic.

The newDemocracy Foundation with the help of a steering committee will recruit the participants for the Expert Group. It has already convened a 'World Café' of nearly 300 interested people in Sydney to deliberate the topic in order to test it and this will soon be replicated in other locations. The people who come along to such gatherings, to consider how Australia's political system could be reformed are motivated by the democratic deficit they experience. Sixty percent of respondents for the 2003 Australian Social Attitudes Survey (a statistically representative sample of Australians), had no confidence or not much confidence in the federal parliament. No doubt they would agree with Goethe, that the curses of political life are "clamour, sloganeering, partisanship and point scoring" (cited by John Armstrong 2007: 18).

Finally

My normative purposes and my interest in theories of democracy and social movement theory have merged. The British Columbian case study is an example of best practice in an "invited space". The newDemocracy case study is an example of a nascent social movement of citizens-as-electoral-reformers who insist on a place at the decision making table for a minipublic because of the democratic deficit that has arisen as a consequence of a faulty system of governance. This site of activity can be described as an "insisted space".

The real and proposed minipublics described above come close to fulfilling Dahl's fantasy of a large but manageable minipopulus that "would serve for a year" with an advisory committee of scholars, holding hearings, commissioning research and engaging in debate and discussion, a group that would "stand for" the public, representing what "the public would itself prefer if members of the public were as well informed as the members of the minipopulation had become" (Dahl 1985: 88).

Paul Ginsborg reminds me about the darkness of this moment in which we find ourselves and, by extension, the importance of using minipublics because of poor decision making by public officials in relation to pressing issues such as climate change, water management and much more. He writes that, in

... everyday life in many of its most routine and intimate aspects... in the texture of conversations that take place around the kitchen table... The natural starting place... is the home and then civil society... in so dark a moment for humanity, we can perhaps find the collective strength to start again (Ginsborg 2005:196).

In conclusion, citizens engaged in conversations that matter *can* create a democratic surplus and “institutional design can help incentivize civil society” (Leib 2004:119). Of course, this engagement is dependent on power sharing; those with power will need to accommodate the growing desire for robust democratic practices by providing top-down “invited spaces”. If those with power do not, then robust decision-making methods will be devised by citizens themselves, leading to bottom up “insisted spaces”. Pressure will occur—the insisted spaces leading to invited spaces.

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