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RESHAPING EUROPEAN DEMOCRACY

# A New Wave of Deliberative Democracy

CLAUDIA CHWALISZ

On February 25, 2019, in Ostbelgien (the German-speaking community of Belgium), parliament voted to establish a [Citizens' Council](#), a new democratic institution developed to complement the elected parliamentary chamber.<sup>1</sup> The first of its kind to be embedded in legislation, the permanent council launched on September 16. It is the latest development in a new wave of contemporary deliberative democracy, based on the premise that political decisions should be the result of reasonable discussion among citizens.

The council's inaugural twenty-four members will rotate out over an eighteen-month period; every six months, eight members will be replaced by a new group.<sup>2</sup> New members will be randomly invited through a [civic lottery](#). The council has two mandated roles. First, it is tasked with selecting up to three issues to assign to citizens' assemblies. Each assembly will have up to fifty randomly selected citizens and meet a minimum of three times over three months to deliberate and develop recommendations for parliament. Parliament is then required by law to debate the recommendations at least twice, after which it, the government, the

relevant commission, and the responsible minister must reply. The council's second role is to monitor the parliamentary debates and the progress made in implementing any agreed-upon actions.

Within a few years, every resident of Ostbelgien—a community of [around 80,000 people](#)—will have received an invitation to participate in either the Citizens' Council or a Citizens' Assembly. This effort, and similar endeavors around the world, could be the start of a period of transformation that changes the architecture of representative democracy. But fully grasping the effects will only be possible through consistent and constant examination of the processes and outcomes.

## LOOKING BACK AT ITS ORIGINS

Deliberative bodies such as citizens' councils, assemblies, and juries are often called “deliberative mini-publics” in academic literature. They are just one aspect of deliberative democracy and involve randomly selected



citizens spending a significant period of time developing informed recommendations for public authorities. Many scholars emphasize **two core defining features**: *deliberation* (careful and open discussion to weigh the evidence about an issue) and *representativeness*, achieved through sortition (random selection).

Of course, the principles of deliberation and sortition are not new. Rooted in ancient Athenian democracy, they were used throughout various points of history until around two to three centuries ago. Evoked by the Greek statesman Pericles in 431 BCE, the ideas—that “ordinary citizens, though occupied with the pursuits of industry, are still fair judges of public matters” and that instead of being a “stumbling block in the way of action . . . [discussion] is an indispensable preliminary to any wise action at all”—faded to the background when elections came to dominate the contemporary notion of democracy.

But the belief in the ability of ordinary citizens to deliberate and participate in public decisionmaking has come back into vogue over the past several decades. And it is modern applications of the principles of sortition and deliberation, meaning their adaptation in the context of liberal representative democratic institutions, that make them “democratic innovations” today. This is not to say that there are no longer proponents who claim that governance should be the domain of “experts” who are committed to govern for the general good and have superior knowledge to do it. Originally espoused by Plato, the argument in favor of epistocracy—rule by experts—continues to be reiterated, such as in Jason Brennan’s 2016 book *Against Democracy*. It is a reminder that the battle of ideas for democracy’s future is nothing new and requires constant engagement.

Today’s political context—characterized by political polarization; mistrust in politicians, governments, and fellow citizens; voter apathy; increasing political protests; and a new context of misinformation and disinformation—has prompted politicians,

policymakers, civil society organizations, and citizens to reflect on how collective public decisions are being made in the twenty-first century. In particular, political tensions have raised the need for new ways of achieving consensus and taking action on issues that require long-term solutions, such as climate change and technology use. Assembling ordinary citizens from all parts of society to deliberate on a complex political issue has thus become even more appealing.

Some discussions have returned to exploring democracy’s deliberative roots. An ongoing study by the Organization for Economic Co-operation and Development (OECD) is analyzing over 700 cases of deliberative mini-publics commissioned by public authorities to inform their decisionmaking. The forthcoming report assesses the mini-publics’ use, principles of good practice, and routes to institutionalization.<sup>3</sup> This new area of work stems from the 2017 **OECD Recommendation of the Council on Open Government**, which recommends that adherents (OECD members and some nonmembers) grant all stakeholders, including citizens, “equal and fair opportunities to be informed and consulted and actively engage them in all phases of the policy-cycle” and “promote innovative ways to effectively engage with stakeholders to source ideas and co-create solutions.” A better understanding of how public authorities have been using deliberative mini-publics to inform their decisionmaking around the world, not just in OECD countries, should provide a richer understanding of what works and what does not. It should also reveal the design principles needed for mini-publics to effectively function, deliver strong recommendations, increase legitimacy of the decisionmaking process, and possibly even improve public trust.

Preliminary data show that deliberative mini-publics have been a common practice in some countries since around the 1970s, with a notable increase in their use by public authorities in the past decade. In 2019, interest in this democratic practice has exploded, though mostly in the Western world. According to estimates

of the OECD study, as of this writing, thirty-eight initiatives have been completed and another twenty-six are underway. Half of the ongoing efforts are related to the issue of climate change and are happening at all levels of governance—locally in cities across the [UK](#) and [Canada](#), regionally in [Scotland](#), and nationally in [France](#) and the [UK](#). At the transnational level, there has also been some experimentation. At least eight deliberative initiatives have taken place at the EU level, including a [Citizens’ Panel](#) that formed part of the recent European Citizens’ Consultations. In the [agenda for Europe](#) proposed by European Commission president-elect Ursula von der Leyen, the important role of citizens in shaping the union’s future is also highlighted:

I want citizens to have their say at a Conference on the Future of Europe, to start in 2020 and run for two years. The Conference should bring together citizens, including a significant role for young people, civil society and European institutions as equal partners. The Conference should be well prepared with a clear scope and clear objectives, agreed between the Parliament, the Council and the Commission. I am ready to follow up on what is agreed, including by legislative action if appropriate. I am also open to Treaty change. Should there be a Member of the European Parliament put forward to chair the Conference, I will fully support this idea.

While the exact form and nature of such a conference is left imprecise, it certainly offers an opportunity for a Europe-wide deliberative exercise that involves citizens from across the union. At the same time, von der Leyen’s proposal reflects the ongoing trend, and challenge, of deliberative initiatives and citizen participation processes more broadly—namely that they are one-off efforts. As [Richard Youngs discusses](#) at length, there has been a proliferation of participatory and deliberative forums, yet they tend to remain ad hoc and focus on specific projects. Their impact on citizens’

sense of agency and efficacy and on levels of trust has thus remained limited due to the typically small numbers of people involved. Citizens are also rarely given the opportunity to set the agenda, as they are in the Ostbelgien case, for example.

## EXPERIMENTING WITH INSTITUTIONALIZATION

The new wave of deliberative experimentation underway aims to overcome some of these challenges, particularly by embedding deliberative processes into public decisionmaking procedures. Institutionalization has reintroduced the third and, until now, largely forgotten democratic principle from ancient Athenian times: rotation. Rotation allows a wider proportion of the population to participate in democratic decisionmaking and is equally important to deliberation and sortition because it reflects that a functioning democracy cannot have everybody actively participating all of the time. The idea is that, periodically, citizens are selected to fulfill their civic duty by participating intensely for a short period of time, knowing that on other issues, fellow citizens will be involved.

Notably, the move from ad hoc projects to permanent structures changes the architecture of representative democracy by creating new opportunities to share the privilege of representation. It forces a reflection on the role of politicians today and on the relationship between governments and citizens. The Ostbelgien Citizens’ Council is the most advanced model of the new permanent structures, but other initiatives are also striving to make deliberative processes part of the “normal way” of making public decisions. These efforts, therefore, inevitably raise wider questions about the future of democracy. Understanding why and how to institutionalize is therefore imperative; reasons will vary from country to country and also from one level of government to another.



Various initiatives highlight that there is not just one way, nor a right or wrong way, to institutionalize. There are different options for incorporating deliberative mini-publics at different points of the policy cycle, at different levels of governance, and on specific sets of issues. There are also more or less formal ways of doing so—from introducing new legislation to establishing new norms—and each way has its own set of trade-offs. These are still experiments, so some level of flexibility to adapt is needed. Yet, inarguably, the risk of initiatives being scrapped when there is a change of government is higher without legislation in place.

Some ongoing efforts to institutionalize include the:

**Citizens' Initiative Review (CIR)** (United States and Switzerland): Originally established in the state of Oregon, the CIR is an official part of the state referendum process. A group of twenty-four randomly selected voters from across the state are brought together to study an active ballot measure, produce a statement containing the key facts, and detail the best reasons to vote for or against the measure. The CIR statement is sent to every registered voter alongside the official voters' pamphlet. The states of Arizona, California, Colorado, and Massachusetts have since piloted the CIR. And the Swiss city of Sion is piloting [a similar initiative](#) ahead of a forthcoming referendum.

**Citizens' Council** (Austria): In the state of Vorarlberg, 1,000 citizens' signatures can [initiate a citizens' council](#). Citizens used this right for the first time in 2017 to deliberate the handling of land.

**Citizen assemblies** (Poland): In Gdansk, [the use of citizens' assemblies has been written into the city's legal rules](#). With 1,000 signatures, a proposal can be presented to the mayor to organize a citizens' assembly. If 5,000 signatures are collected, the mayor is required to organize an assembly.

**Randomized appointments to the Social, Economic, and Environmental Council (CESE)** (France): One outcome of the 2019 French Grand Debate was a commitment by French President Emmanuel Macron to reform the Social, Economic, and Environmental Council to [integrate 150 randomly selected citizens](#) into its operations.

**Citizen panels** (Canada): In the city of Toronto, two [standing reference panels](#) have been established: the Toronto Planning Review Panel and the Metrolinx Standing Reference Panel. Both follow a similar logic: a group of randomly selected citizens has a mandate to meet every two months for two years to provide informed inputs on planning or transportation issues.

## **NO COOKIE-CUTTER SOLUTION: MULTIPLE WAYS TO INSTITUTIONALIZE**

The selected examples above point to a variety of ways to institutionalize deliberative processes. For instance, they can become an inherent component of a referendum in order to provide the wider population with informed and balanced arguments ahead of a vote, as in the United States and more recently Switzerland. This could be a powerful tool to counter misinformation and disinformation campaigns. [New longitudinal research](#) about Oregon's CIR demonstrates that these deliberative processes have had a powerful impact on the wider public. Nonparticipants who were aware of the deliberative mini-public and used its statement to inform their decisionmaking during the referendum demonstrated an increase in both their internal efficacy (the belief that one can understand politics and therefore participate in politics) and external efficacy (the belief that government will respond to one's demands).

The Irish Citizens' Assembly on modifying the Eighth Amendment regarding abortion, while not institutionalized in the same way as the Oregon CIR, also demonstrates the value of introducing deliberation ahead of a vote. As [research](#) on the deliberative process shows, evidence presented to the Citizens' Assembly helped to increase the public's understanding of the issue in question. An exit poll after the referendum found that 66 percent of voters were aware of the Citizens' Assembly, including a plurality in all age groups, social classes, and regions, with the exception of those under twenty-four years old who were less aware. Seven in ten voters (70 percent) knew that it comprised randomly selected Irish citizens, and three-quarters (76 percent) knew that experts informed the discussions. These findings highlight the potential of deliberative practices to provide a wider platform for informed discussion in broader society. The high awareness levels also indicate that transparency and public communication can have a significant impact and are central to the legitimacy of the deliberative method used.

Another route to institutionalization is giving citizens the right to compel the government to organize a citizens' assembly on a specific issue, as is the case in Vorarlberg, Austria, and Gdansk, Poland. Thus far, this right has only been exercised once in Vorarlberg, but it could become a powerful tool as awareness about the potential of deliberative mini-publics grows.

Integrating randomly selected citizens into longer-term standing bodies, such as in France and Canada, suggests yet another way to embed deliberative processes into public decisionmaking. While the reforms to the French CESE have not yet been implemented as of this writing, the Toronto Planning Review Panel and Metrolinx Standing Panel on Transportation highlight the potential of such an option. Now in its second iteration, with a new group of randomly selected citizens at the helm, the review panel is regularly engaging

ordinary citizens in discussions with city authorities on long-term planning projects. Notably, the first four meetings are purely devoted to learning, which means that the recommendations provided to the planning authority go well beyond top-of-mind opinions on a set of complex issues. The initial time investment needed for participants to learn pays off with their two-year term.

Finally, some countries are experimenting with combining participatory, deliberative, and direct democracy practices.<sup>4</sup> In Madrid, Spain, a deliberative mini-public called the [Observatory of the City](#) has been set up to give forty-nine randomly selected citizens an eight-month mandate to “monitor municipal action, make proposals for improvement, and propose citizen consultations” (author translation). The observatory's agenda is informed by proposals on the Decide Madrid digital participation platform, which is open to anyone for input. The observatory aims to overcome the main shortcomings of the online platform, namely that many proposals are not well thought-through and only the people and organizations with the greatest resources are able to run campaigns around their proposals. The observatory decides which proposals deserve to be considered by the wider public and fleshes out the proposals to turn them into implementable policies. The idea is for the fleshed-out proposals to then go out to the wider public for a direct vote. But the observatory's future is uncertain. After the first meeting, the government changed, and at the beginning of October 2019, the new council announced it would abolish the observatory. Despite this announcement, however, the observatory's next meeting happened on October 28. It is unclear whether the meetings will continue. This example highlights the need to embed such initiatives into laws and policies so their fate is not tied to political swings and they instead become a part of the democratic architecture.

The OECD's forthcoming report on deliberative processes will explore these examples of institutionalization in greater detail. Beyond considering the questions of why and how to institutionalize, it will also weigh the effectiveness of strategies and the trade-offs involved. Democratic institutions worldwide are beginning to transform in ways that give citizens a more direct role in setting agendas and shaping the public decisions that affect their lives. The OECD report will contribute to the growing international evidence base about these trends.

## ABOUT THE AUTHOR

Claudia Chwalisz was a member of the panel of seven experts that contributed to the design of the Ostbelgien Citizens' Council model. For details, see [https://www.foundationfuturegenerations.org/files/documents/news/20190226\\_dgpermanentcitizensassembly\\_pressrelease.pdf](https://www.foundationfuturegenerations.org/files/documents/news/20190226_dgpermanentcitizensassembly_pressrelease.pdf).

Chwalisz leads the area of work around innovative citizen participation in the OECD's Open Government Unit and contributes to Carnegie Europe's Reshaping European Democracy Project. She is the author of *The People's Verdict: Adding Informed Citizen Voices to Public Decision Making* (2017) and *The Populist Signal: Why Politics and Democracy Need to Change* (2015).

## NOTES

- <sup>1</sup> Note that some changes to the council process were made following the announcement; these are reflected in this article.
- <sup>2</sup> According to the author's interview with a representative of the G1000 organization, the initial twenty-four members of the Citizens' Council include six randomly selected participants from the Ostbelgien's first Citizens' Assembly in 2017 and six from the political parties (one from each). Members of the political parties will be among the first to be rotated out and replaced by ordinary citizens. The remaining twelve were chosen by civic lottery from the wider population of the region. One thousand letters were sent out, and 115 citizens responded positively. Among these 115, a stratified random sample was chosen to select the twelve members.
- <sup>3</sup> This article partially draws on the preliminary findings of the forthcoming OECD report on deliberative processes and institutions, of which Claudia Chwalisz is the lead author.
- <sup>4</sup> Participatory democracy aims to overcome the unequal relationship between the state and society by empowering citizens. There is a wide variety of heterogeneous participatory practices, including public consultations, participatory budgeting, and citizen councils. Direct democracy implies that citizens can vote to have a direct say on a policy or public decision. The most common example is the referendum, which can be binding or advisory.

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