

Supplementary Democracy?

Democratic Deficits and Citizens' Assemblies

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Prepared for:

*Defining, Measuring, and Fixing the Democratic Deficit
in the United States and Canada*

Weatherhead Center for International Affairs, Harvard University
May 8-10, 2008

(Draft 1)

Over the last two decades, growing concerns about democratic deficit in liberal democracies have prompted widespread experimentation with new public engagement devices such as citizen juries and panels, advisory councils, stakeholder meetings, lay members of professional review boards, representations at public hearings, public submissions, citizen surveys, deliberative polling, deliberative forums, focus groups, and advocacy group representations (Cain, Dalton, and Scarrow 2003; Smith 2005; Gastil and Levine 2005; Fung 2006). The proliferation of these new forums for engagement suggests a growing demand for democratic renewal and change. However there is little comparative assessment of the strengths and weaknesses of different public engagement tools for redressing distinct kinds of democratic deficits.

In this paper we aim to advance this assessment in two ways. First, using the US and Canadian political systems as our examples, we identify the kinds of democratic deficits the systems are likely to generate. In addition, we identify democratic deficits likely to plague referendums, one common response to deficits in representative democracy. Each system is prone to different kinds of deficits, for different reasons. Both, however, have structural features that limit their capacities to capture and advance citizen interests and demands. Second, we outline the capacities of a particular type of new institution—the Citizens' Assembly—to supplement our received institutions in ways that redress democratic deficits. We focus on three institutional features—random selection, learning and deliberation, and empowerment—that set the citizens' assembly

model apart from other kinds of public engagement processes. Owing to these features, citizens' assemblies have capacities to supplement existing institutions in ways that directly address their areas of democratic deficit.

Defining Democratic Deficits

We define a democratic deficit as a misalignment between citizen demands and the capacities of existing political institutions to deal with those demands. Citizen distrust of and disengagement from traditional political institutions is a well documented trend in the US and Canada (Pharr and Putnam 2000; Gidengil et al. 2004). Scholars have offered a variety of explanations for this phenomenon, including the poor performance of political institutions (Pharr and Putnam 2000; Dalton 2004); the increasing capacities of new generations of better educated, more informed, less deferential citizens to be critical of those institutions (Nevitte 1996; Dalton 2004; Inglehart 1997; Norris 1999; Mansbridge 1997); and a fundamental popular distaste for the conflict-ridden messiness of politics and a general disinterest in public policy debates (Hibbing and Theiss-Morse 2002). While scholars disagree about the causes of disengagement and distrust, these arguments have in common the idea that political institutions are failing to connect citizen concerns with collective decision-making in legitimate and effective ways.

We take this evidence as indicative. Our key method here primarily theoretical and speculative, focused on those features of political institutions in the US and Canada that are likely to produce particular kinds of democratic deficits. To define these kinds, we ask a normative question: What should democratic institutions do? At the highest level of abstraction, we believe democratic institutions should be *inclusive* of those affected, *deliberative* in the making of law and policy, and *accountable* for the results.

Democratic institutions should, minimally, serve to include the interests, perspectives, and arguments of those affected by collective decisions. Inclusion depends on political institutions that can respond to a variety of intermediary institutions which thematize and channel citizen demands to formal decision-making structures. Intermediary institutions, including political parties, lobby groups, social movement organizations, policy networks and innovative public participation forums act as the connective tissue of democracy, defining the issues and connecting publics affected by policies to decision-makers. Inclusion-based deficits may result from weaknesses in these connections. Intermediary institutions that are strong on "thematizing" may be weak on "channelling" and vice versa. Social movement organizations and broad policy networks may adequately capture the range of concerns and interests in the public sphere, but may have little capacity to channel those demands through decision-making processes. Political parties and lobby groups may be strong on channelling capacity but may only be weakly connected to broader public demands. As we discuss below, formal political institutions partly shape the channelling capacity of intermediary institutions by privileging particular kinds of resources and organizational forms. In this way, they can produce systematic exclusions, which in turn result in democratic deficits.

Second, democratic institutions should have capacity to integrate citizen demands into proposals and decisions, and provide public rationales for decisions. That is, they should have capacities for the deliberative formation of decisions. As we will suggest below, political institutions in Canada and the US often create incentives and accountability structures that place a premium on adversarial, winner-take-all politics, which in turn makes considered, deliberative decision-making difficult. Citizen distaste for this kind of politics is evident their in complaints about the adversarial or polarized culture of politics (E.g. Hibbing and Theiss-Morse 2002).

Second, democratic institutions should have capacity to integrate citizen demands into proposals and decisions, and provide public rationales for decisions. That is, they should have capacities for the deliberative formation of decisions. As we will show below, existing formal institutions in Canada and the US increasingly lack the ability to escape their structural adversarialism. Formal institutions structured either to exclude interests from decision-making or to block the integration and aggregation of interests from decision-making. Both create incentives and accountability structures that place a premium on adversarial, winner-take-all politics, rather than deliberative decision-making. Citizen distaste for this kind of politics is evident in their complaints about the adversarial or polarized culture of politics (E.g. Hibbing and Theiss-Morse 2002).

Finally, democratic institutions should be accountable to citizens. Institutions should offer citizens mechanisms to hold elected officials accountable for a variety of actions, including the representation of plural interests, deliberation that seeks to weigh and integrate diverse concerns, and producing public policy that is demonstrably in the public interest (Warren 2008). As we will suggest below, US and Canadian political institutions have differing strengths and weaknesses with respect to representation and policy accountability. While both the US and Canadian electoral systems allow citizens to use the vote to hold elected officials accountable for their performance, the Canadian system enables voters to vote a government out of office. Even though the Westminster system is superior to the US system because it empowers strong, retrospective accountability, it is unable to connect citizen approval or disapproval to specific policies or performances. Indeed, the moments of accountability—triggered by confidence votes—are decided by the elites of political parties.

Democratic Deficits in Canadian and US Political Institutions

The Westminster parliamentary system used in Canada and its provinces as well as the presidential system used in the United States both have structural properties that exacerbate the gap between citizen demands, existing intermediary institutions and government action. But because the systems are different, the institutional causes of democratic deficits are also different.

In Canada, representation deficits are very likely the consequence of the Westminster parliamentary system combined with regional fractionalization. In comparison with other kinds of democratic systems, the Westminster system is relatively exclusive of interests (Lipjhart 1999, Powell 2000). Because the system is based on

single member plurality districts, it produces exaggerated legislative majorities for governing parties. And because Westminster systems unify powers, there are few institutional checks upon the majority party, which in turn means that minority interests and perspectives have few institutional means for influence. At the federal level, these exclusionary tendencies are exacerbated by regionalism: no party in Canada today can aspire to more than about 40 percent of the popular vote. Since WWI, only three governments have garnered a majority of the vote. And yet Westminster systems are not designed for coalition governments. Parties work on the assumption that they will receive legislative majorities and will therefore have absolute control over the business of government.

Likewise, the tightly elite-controlled Canadian Westminster system tends to privilege exclusive forms of social capital—tightly connected networks of trusted advisors. Because they do not have to worry about forum shopping by intermediary agents, central actors may choose how widely to consult, and which actors to heed. Nominal consultation tends to be open-ended and widespread in Canada, but networks of influence are often much more limited. A lack of transparency in the process for connecting consultation with policy undermines the credibility of consultation processes as legitimate and effective forums for the expression of demands. Canadian intermediary institutions also lack the independent funding available to US organizations, perhaps in part because Westminster institutions provide fewer opportunities for organized advocacy and influence. And because many NGOs and community organizations have historically relied on the various levels of government for funding, they occupy a precarious position as government watchdogs and agents of change.

The Westminster system is also relatively non-deliberative in its formation of policy (Steiner, et. al. 2004). Responsible party government limits parliament's role in agenda-setting and policy-making. Although at the federal level, the Canadian system is formally bicameral, it is functionally unicameral, and concentrates power in the hands of majority party leadership. Even cabinet plays less of a role in channelling interests and deliberating about policy than it once did, with power now held in the office of the prime minister (Savoie 1999). Thus, the role of minority parties in parliament—which typically represent 60 percent or more of the electorate—is limited to opposition and adversarial debate. These qualities sharpen the adversarialism of the legislature, and preclude the expression of a representative continuum of public opinion.

Finally, an advantage of the Westminster system is that it produces strong retrospective accountability: if voters are unhappy with a government's performance, they have a clear agent to blame—namely, the majority party in parliament. This kind of accountability, however, is relatively crude: the institutions do not allow for voters to differentiate among agents when holding them accountable—to simultaneously express approval of a government even if they disapprove of a local representative, or vice versa. A further problem is that voters are only able to hold governments to account periodically, and thus have to weigh a competing series of policy and candidate concerns in exercising their power to hold lawmakers to account. Finally, voters have no means for holding elected officials accountable for policy deliberation in federal-provincial negotiations. At the federal level, exercising accountability is hampered by powerful

provinces with regional interests: policies are often the result of elite-brokered compromises among the prime ministers of the ten provinces, which often fail to include broader public interests and opinion. Voters may not know which level of government to blame, or if they do, may simply be unable to oust leaders from other provinces.

Political institutions in the US are likely to generate democratic deficits for quite different reasons. With respect to representation, US institutions appear to be more inclusive than Canadian institutions. Most obviously, the US system is much less unlikely to produce governments that fail to garner a majority of votes. In addition, because political institutions have separate constituencies, citizens have multiple opportunities for representation—if not through the House or Senate, then through the Executive. Finally, because the US system separates powers, it provides multiple points of access for a variety of interests to be heard and to influence policy. On the surface, a directly elected executive, bicameral legislatures, a strong judiciary would appear to create ample opportunities for citizens to engage with government to press their demands.

In practice, however, these multiple sites of influence create problems for democratic inclusion. The very qualities of the system that provide for more access points also place a premium on political resources—particularly money and organization. Because citizens cannot vote for governments in the parliamentary sense, the system is more open to influence by powerful interests, more prone to corruption, and less likely to respond to broad public interests. Formal institutional arrangements also create incentives and opportunities that shape the intermediary organizations that connect citizen demands to government action. The combination of weak parties and personalized politics, combined myriad congressional committees, hundreds of agencies with rule-making power, a strong and pluralized legal system, and separated powers creates incentives for a professional influence and advocacy industry in Washington. These intermediary groups could in principle function to connect broad social and public interests to policy-making. Most (though not all) are organizations which rely on professional lobbyists and experts, and lack credible representative connections to broad constituencies (Skocpol 1999; Skocpol and Fiorina 1999). These qualities of the system multiply the value of organization and money as political resources, resulting in a system that is highly pluralistic, but also highly exclusive of those with without political resources.

With respect to deliberation, the US system is again more robust than the Canadian system. A system with separated powers depends more on bargaining and persuasion than one with unified powers. The committee structure of Congress likewise provides more opportunities for deliberation and persuasion. Yet because deliberative influences mix with undue access for special interests and brokered deals that are not transparent to the public, it is hard for citizens to tell whether policies are the consequences of deliberation about the public interest, or other kinds of influence.

The US electoral system provides retrospective accountability between individual voters and representatives, but not between voters and institutional performance. Owing to the separation of powers, citizens do not have the opportunity to vote governments into or out of office. The same features produce a system of with multiple points of veto,

meaning that democratic majorities have difficulty overcoming well-organized interests that are able to capture a veto point. In addition, the separation of powers can lead to gridlock or veto cycles when each site is controlled by different parties or factions. The result is often incremental or contradictory change that bears little resemblance to the preferences articulated by citizens and interest groups. What accountability exists is retrospective and weak.

We are arguing, then, that the US and Canadian political systems are both plagued by democratic deficits. The deficits are similar in the broad sense that they both involve disconnections between citizens and institutions. But insofar as the sources are institutional, it is likely that the Canadian and US systems suffer distinct pathologies. The deficits in Canada result from a political system that is structurally exclusive, non-deliberative, overly centralized to the point of authoritarianism, while also ham-strung by regional fractionalization. The centralized nature of the Westminster system privileges interests that can mobilize exclusive social capital: social networks that connect interests to those actors in power. The deficits in the US system stem from a system that is fragmented by the separation of powers, penetrated by organized interests, and offers unique institutional configuration of each polity means that formal institutions produce deficits in distinct ways. Table 1 summarizes the patterns of deficit.

Table 1: Democratic Ideals and Institutional Deficits

Normative Dimensions of Democracy	Institutional Deficits	
	Canadian System	US System
Inclusion	Elite centred exclusion, Regionalism, SMD produces minority majority governments	Pluralistic exclusion: agendas and outcomes biased toward well-resourced interests
Deliberation	Non-deliberative: policy making centralized in PMO's office	Semi-deliberative, undermined by non-transparent brokerage
Accountability	Unified, Retrospective accountability	Dispersed, Retrospective accountability

Supplementary democracy?

The key features of US and Canadian political institutions that generate democratic deficits are not likely to change. Even in deficit, they nonetheless work well

enough to avoid the broad constituencies and leadership necessary for re-engineering—with some exceptions in Canada in the area of electoral system reform.

That said, democracies today are more like ecologies than “systems”—and, as such, they can be patched, repaired, nudged, and reformed in ways that fall well short of the difficult business of institutional redesign. The advantage of relating (if only theoretically) the unsatisfied demand for democracy to particular dimensions of institutional deficits is that we can also identify the place in what patches and repairs are likely to do the most good. Following this idea, we might conceive of the new experimentalism as *supplementary democracy*; and we might judge these supplements by asking whether they have capacities to address specific deficits. Because most such patches and repairs are ad hoc, brought into existence by specific problems of governance, they tend to be targeted at particular policies or issues; they are limited rather than global; they are tools for specific jobs rather than broad transformations of the political system. Yet considered as a whole, these developments could dramatically transform the functioning of received democratic institutions, even if they do not alter their form (Warren 2003).

One kind of response to these democratic deficits is to turn some decisions directly over to voters. In the relatively more populist US, direct democracy in the form of initiatives and referendums has long been popular, particularly in the Western states. If political representatives and the institutions they run are disconnected, citizens can make policy themselves. In Canada, with its history of deference to elites, referendums are rare, though there have been some important recent instances, such as the national referendum on the Charlottetown Accord and the recent referendums on electoral system reform in Prince Edward Island, British Columbia and Ontario.

Referendums, however, can produce their own kinds of democratic deficits. With respect to inclusion, referendums are subject to control of the agenda by interests that are well-enough organized and funded to place a proposal before the voters. In the US, agenda-setters are usually hidden; voters come to distrust referendums as the agenda-setters are exposed. In Canada, the identities of agenda setters are known, but the process of agenda-setting has been closed. So voters know but distrust the agenda-setters. For example, in the case of the Charlottetown Accord, the agenda was elite-brokered behind closed doors—and, not surprisingly, voters distrusted the source and rejected the proposal (Johnston et al. 1996).

Although referendums can instigate healthy public deliberation, the proliferation of referendums in states such as California as led to so much overload that few voters are able to familiarize themselves with the proposals. Moreover, particularly when issues are unfamiliar to voters, referendums are subject to the manipulation of public opinion by well-financed interests who are able to dominate the information received by the public. As we will discuss below, referendums also can be undermined by a vacuum of public debate, as was the case in the BC and Ontario Referendums on electoral reform.

With respect to accountability, referendums are strong in terms of broad policy accountability. Although voters may not control the agenda (and thus, representation of their interests in the formulation of policy), they do have an opportunity for a focused “yes” or “no” decision (Bowler and Donovan 1998). But this form of accountability suffers from a problem that mirrors those of Westminster systems: voters may have a strong moment of empowerment, but it is often unconnected to what should be a deliberative process of forming and assessing the proposal.

Can Citizens’ Assemblies Redress Democratic Deficits?

We believe another kind of democratic supplement—the citizens’ assembly—could play a key role in addressing the deficits identified above, including deficits associated with initiatives and referendums. The citizens’ assembly is a randomly-selected, deliberative body charged with formulating recommendations, policies, or referendum agendas. Citizens’ assemblies are not cure-alls: they are costly and time-consuming; they require specific mandates and authorization; and they must address issues that admit of relatively clear recommendations or agendas. That said, citizens’ assemblies have some strengths in precisely those areas in which Canadian and US political institutions are weak and initiatives insufficient: inclusive representation, sustained deliberation focused on public interests, and accountability. And, interestingly, though the causes of these deficits are quite distinct, there are reasons to believe that the citizens’ assembly model provides some remarkably broad solutions, assuming a fit between the issue and the process.

The Citizens’ Assembly model was developed in British Columbia in 2003 at the behest of the sitting provincial Liberal Government (Warren and Pearse 2008). After a decade of fluctuating electoral outcomes, the Liberals made good on a promise to hold a “Citizens’ Assembly” to address the question of whether British Columbia should reform its electoral system. The Assembly invited 160 near-randomly-selected citizens—one woman and one man from each electoral district and two members of First Nations—to learn about electoral systems, hold public hearings and finally deliberate on what system would be best for British Columbia. Their recommendation would automatically be put to a public referendum.

The BC Assembly convened at regular intervals from January to November of 2004—a period of eleven months—and concluded that a Single Transferable Vote system was preferable to the existing Single Member Plurality system. The British Columbia public was given the opportunity to vote on their proposal in a May 2005 referendum. While the proposal received strong support—57% of the vote overall and over 50% in all but two districts—it fell short of the required 60% set by the government as the threshold for legislating the proposal into law. However, the strength of support persuaded the Premier to commit to a second referendum scheduled for May 2009. The second referendum will be supported with funds for public education and clearly delineated boundaries for the new system. This referendum is scheduled for May 2009. The province of Ontario and the Dutch national government subsequently convened similar Citizens’ Assemblies on Electoral Reform, modeled on the BC experiment.

The Citizens' Assembly process belongs to a class of new collaborative and deliberative institutions that empower citizens to engage in political decision-making, similar to participatory budgeting, Chicago police oversight boards and environmental stakeholder groups (Fung and Wright 2003). But it is distinct from other public engagement processes in three important ways. First, the assembly was constituted through a process of near-random selection, comparable to a deliberative poll (Fishkin 1995, Fishkin and Luskin 1999, Fishkin, Luskin, and Jowell 2002). Importantly, and unlike many deliberative processes, the assembly *excluded* stakeholders—in these cases, elected politicians and organized political interests—from the assembly itself. Stakeholders were invited, however, to present their cases. These exclusions were justified on the grounds that stakeholders have a conflict of interest with respect to the public interest. Owing to these constituting principles, looked very much like the people of BC from a descriptive perspective, while holding no interests that might compromise their search for the public interest. Thus, the assembly had *representative* qualities found neither formal political institutions, nor in many of the new democratic supplements, namely, a claim to represent an inclusive public interest rather than the sum of organized interests (cf. James 2008; Warren 2008)

Second, the long duration of the assembly process gives participants sufficient time to learn and reflect on their own and others' preferences in depth. The acquisition and mastery of technical information and understanding of their own and others' values enables participants to make sophisticated recommendations that capture the nuances of their preferences. That is, the assembly had *deliberative* qualities that are unusual in formal political institutions, or in short-duration institutions such as public hearings or even in deliberative polls. Finally, the fact that the assembly process is accompanied by a public referendum raises the stakes of participation compared to short and unempowered public engagement exercises. The referendum provides a single point of *accountability* that creates important incentives for assembly members to anticipate public judgment, which in turn encourages them to integrate their diverse concerns into a consensus recommendation. Table 2 compares the democratic outcomes of citizens' assemblies with traditional ballot initiatives and referendums.

Table 2: Democratic Ideals and Supplementary Institutions

Dimension of Democracy	Outcomes of Supplementary Institutions	
	Referendums & Ballot Initiatives	Citizens' Assemblies
Inclusion	Pluralistic exclusion: agendas set by well-resourced interests (US) or elites (Canada)	Inclusive, Agenda-setting
Deliberation	Inattentive citizens, low information, advantages for organized interests	Information-rich, Robust deliberation
Accountability	Unified, Retrospective accountability	Unified, Prospective accountability

The following sections provide more detail on how Citizens' Assemblies might address these three areas of deficit.

Representation

From the perspective of representation, what is most striking about the citizens' assembly model is its constitution through near-random selection. In the BC, Ontario Citizens' Assemblies on Electoral reform and the Dutch Burgerforum on Electoral Reform, participants were randomly invited from existing voters' lists to participate in a lottery to become a citizens' assembly member. Because those who received invitations had to agree to allow their names to be entered into a second lottery which would constitute the actual assembly, the process incorporated an element of self-selection—only those willing to serve entered the second round. The assemblies sought to mitigate the impact of economic circumstance on individuals' decisions, however, by paying participants a modest per diem. They also covered logistical costs including travel, hotel and childcare. This level of support probably mitigated the effects of income disparity and family status on self-selection.

The resulting assemblies were not, therefore, perfect demographic snapshots of the population: they over-represented those with English language skills, European heritage, stable housing, higher education and community participation experience. (Warren and Pearse 2008). However, the assemblies were much more demographically representative than existing municipal, provincial or federal legislative bodies. In particular gender parity in the BC and Ontario Assemblies' enabled women to be at the centre of deliberations and decision-making, with women emerging as opinion leaders and negotiators at key moments of each Assembly's deliberations. Owing to these design

features, the Citizens' Assembly stands up relatively well to the test of empowered inclusion of some groups that are typically excluded or underrepresented within current political institutions, a finding that replicates observations of other collaborative citizen governance forums (E.g. Fung 2004; Fung and Wright 2003; Baiocchi 2005).

With respect to the representation of opinion (as opposed to descriptive representation), near-random selection made it likely that the assemblies were composed of a representative sample of interests, perspectives, values, and life experiences. This diversity was important for purposes of representative inclusion. Importantly, the citizens' assembly design then empowers this diversity by providing the time, support, and facilitation necessary for opinions to develop (cf. James 2008). The Assembly process equipped participants with the skills and the sense of self-efficacy to express those preferences in deliberation with one another, ensuring that voices not accustomed to competitive political debate were heard. In addition, because the assemblies excluded stakeholders, they were able to represent latent and unformed public interests of the kind that would have been suppressed by a body composed of intensely held and vested interests. Thus, these bodies had the opportunity to form and represent a *public* opinion that was very likely different than the recommendations that would have resulted from bargaining among intensely-held interests—the form of representation that is more likely within elected legislatures and participatory processes such as public hearings and stakeholder meetings.

Finally, evidence from the BC Citizens' Assembly suggests that citizens tended to view the assembly as representative of their interests, which in turn led them to view the assembly as trustworthy. The more citizens knew about the assembly, the more likely they were to view the body as holding in view the interests of “average” members of the public. Projected levels of trust in the BC Citizens' Assembly far exceeded typical levels of trust in elected legislatures (Cutler et al. 2008) —a remarkable achievement for a “political” body.

Deliberation

Because citizens' assemblies are designed to include a broad array of interests and perspectives, perhaps the most interesting and difficult question is whether citizens' assemblies can transform this diversity into a single, actionable, near-consensus position with a credible claim to represent the public interest. In this respect, the citizens' assembly is a kind of political body that is quite different from current institutions. Neither the US congressional system nor the Canadian Westminster systems are flexible enough to easily produce consensus or the accommodation of multiple factions. In both systems, legislators face accountability pressures—to their constituents, their funders, and their parties—that too often call for adversarial rather than deliberative and collaborative politics. The strength of these pressures often outweighs the incentive to engage in deliberative and collaborative problem-solving with other legislators.

In contrast to formal political institutions, the Citizens Assembly model places a premium on learning, deliberation, and effective problem-solving. Although Citizens'

Assemblies formally use majority voting, they are essentially collaborative institutions that strive to create consensus among all or almost all of the participants. Participants have a strong incentives to reach supermajorities or full consensus because the best way for their recommendation to carry weight with the broader public to credibly encompass the diverse concerns of its members, reflected, ultimately, in the endorsement of recommendations by most of the Assembly members.

At least this is the idea. The challenges facing consensus decision-makers are well-known: seeking consensus may involve suppressing important conflicts of interest (Rothschild-Whitt 1979; Snyder 2003). As Jane Mansbridge (1983) has argued, groups that are invested in consensus decision-making often have a difficult time switching to other decision-making techniques that recognize and legitimate divergent interests, such as bargaining, turn-taking, majority rule, and proportional distribution of benefits. These difficulties can lead to processes that involve manipulation and the outright exertion of social pressure to force a minority to go along with the majority position.

However, public forum organizers have suggested that deliberative institutions can indeed be designed to mitigate the tendency to suppress real conflicts of interest. One approach would include a practice of “dynamic updating” that regularly assesses the state of interests in play in deliberations (Karpowitz and Mansbridge 2005). A second approach would aim to generate a “confluence” of interests, rather than consensus, and to frame deliberation as problem-solving that seeks to find provisional common ground (Kadlec and Friedman 2007). By positioning citizen participants as primarily problem-solvers rather than interest-bearers, they become responsible for producing legitimate and effective recommendations that are in the public interest, rather than advocacy on behalf of private interests.

A key challenge for Citizens’ Assemblies is whether they can manage to shift between the recognition of real conflicts of interest and the pursuit of common ground. The BC and Ontario Citizen’s Assemblies in fact came to a remarkable degree of agreement about their proposed electoral systems, with each Assembly voting over 80% in favour of the recommended system, and voting 90% or over in favour of putting the proposals to a public referendum.

How did these citizens’ assemblies manage this level of consensus without, apparently, suppressing differences of interest and opinion? The two assemblies approached the problem of building a consensus in somewhat different ways. While both the assemblies followed a format of identifying core values they would use to compare different electoral systems, their perceptions of their interests as voters and the fault lines within each Assembly meant that the dynamics of debate differed within each Assembly.

The BC Assembly staff and participants used the frame that the Assembly members as voters shared the same interests (Lang 2007, Ch. 4). These interests included increasing voter power over candidate selection and political parties, an idea that as it developed, led the members to prefer the candidate-based Single Transferable Vote system. However, the BC Assembly also contained vocal advocates for a variety of

particular interests and concerns. These included rural representation, aboriginal representation and women's representation. The Assembly members dealt with these concerns in a classic consensus—building manner: They sought to find a system that allowed them to address the *needs* articulated by claimants, although not always the *positions* that they espoused. For example, rural advocates had to be convinced by STV proponents that it was as capable of meeting their needs as the status quo, which some rural Assembly members initially preferred. Although some members of the Assembly were not as open to addressing all the concerns raised, notably women's representation (Lang 2008), the general approach of the Assembly as a whole was similar to the problem-solving approach described by Kadlec and Friedman (2007). There is only limited evidence that the BC Assembly used social pressure to suppress disagreements. This appeared to be the case when a few members disagreed with the basic principles a super-majority of Assembly members had agreed upon, in particular the value of proportional representation. Those who felt their points of view had not sufficiently been addressed by others did not appear to feel this undermined the process as a whole (See Lang 2007, Ch.4 for an extended review of this evidence).

The Ontario Assembly framed its decision-making in terms of bringing together a plurality of interests. In the lectures to the Assembly as a whole, the Assembly's learning staff framed voters' interests as plural and potentially contradictory. While the Ontario Assembly members identified three common principles to structure their deliberations, they divided over the relative importance of these three points as well as another issue, the "salability" of their system to the general public. One group was concerned about limiting the increase to the size of the legislature, believing the Ontario public would not accept a system that gave them "*more* politicians." A second group favoured maximizing the amount of proportionality within their proposed system. A third group was vocal about maintaining the province's level of local representation – something of particular importance to Assembly members from rural areas.

The fact that the Assembly contained strong advocates for each principle made it difficult to find a common position. But this circumstance meant that there was less danger of suppressing conflicts of interest. Each of these strongly-held preferences made it difficult to create a system that fully met the preference of another camp. A Mixed-Member Proportional (MMP) system that maximized proportionality and local representation would necessarily mean increasing the size of the legislature. An MMP system that maximized proportionality but kept the size of the legislature the same would mean cutting the number of local seats in half. A system that maximized local representation while limiting the number of seats meant that proportionality would be limited.

In the end, the Assembly members developed a compromise position that gave each faction some portion of what it wanted. The system the Assembly chose increased the number of seats in the legislature to 129, but did not exceed the maximum number of seats Ontario had historically. The proposed system cut the number of local seats from 103 to 90, which maintained local representation, and included a 39-seat proportional tier that maximized the correspondence between seats and votes by allowing the province-

wide distribution of votes. While the spirit of the OCA's agreement consensus-building differed, the practical outcome was similar to the BC Assembly—the near-unanimous endorsement of their recommendation by a supermajority of Assembly members.

A second challenge for Citizens' Assemblies has to do with managing complexity: can lay citizens gain sufficient expertise and confidence to make good decisions? The assemblies were designed to transform citizens into experts—first by including a significant period for learning about the issues, and then by enabling members to learn from the public and from one another in subsequent stages of public interactions and assembly deliberations (Pearse 2008). In the BC, Ontario, and Dutch cases, participants did gain the knowledge, deliberative capacity and self-efficacy to voice a distinct perspective on the issue of electoral reform. For example, in contrast to electoral systems scholars, both the BC and Ontario Assemblies emphasized voter choices as a key criterion for choosing an electoral system (Blais, Carty, and Fournier 2008). The BC Assembly members further emphasized voter power over candidates as a key criterion for evaluating electoral systems, while the Ontario Assembly members privileged simplicity as a criterion. These distinct criteria were important deciding factors in the systems chosen in each Assembly. Over the course of the Assembly process, many participants gained the confidence to speak out to their communities and to the media on the issue of electoral reform. During the referendum campaign, members from the British Columbia Assembly became active spokespersons for the Single Transferable Vote system, with several continuing to take part in national electoral reform organizations. In the final analysis, the assemblies transformed lay citizens into sophisticated and competent experts (Blais, Carty, and Fournier 2008; Pearse 2008).

In summary, the fear that collaborative institutions will suppress real conflicts of interests was not borne out in the case of the two Canadian Citizens' Assemblies. Each Assembly had to find a recommendation that met competing – and at times conflicting – interests. Each Assembly forged common ground in a different way, with one Assembly framing their decision in terms of a unitary voters' interest and the other framing decision-making as a compromise among factions that weighed electoral system features quite differently. Rather than a “dynamic updating” that periodically recognized and legitimated conflicts of interest, the Assemblies' approach to consensus was similar to the problem-solving approach outlined by Kadlec and Friedman (2007). The Assemblies encouraged individual members to bring forward concerns and sought to find a solution to the “confluence” of interests articulated over the course of the Assembly's learning, public hearings and deliberations.

Accountability

The US political system is particular is weak with respect to accountability to citizens. It is true that politicians may be voted out of office as individuals. But American voters have little control over the system as a whole and the policies it produces. Discontent must build to a very high level before voters are able to remove a sufficient number of politicians to shift policy (Burnham 1970). The Canadian system provides

stronger retrospective accountability, but only does so in the manner of a referendum on the government's overall performance.

The BC and Ontario citizens' assemblies provide a different kind of democratic accountability, primarily because they were empowered to set referendum agendas— itself an unusual feature of new forms of democracy, which are usually advisory.¹ Owing to this design feature, the standard accountability mechanism that works through the removal of individual representatives was replaced by accountability of the assembly *as a whole* to the public, for a particular product—thus replicating for the public as a whole the functions of the vote of confidence in Westminster systems. The fact of empowerment oriented citizen assembly members toward their responsibility: they crafted their proposals knowing that they would be judged by the public. Individual members are not accountable to specific constituents—whether they are voters or campaign contributors or lobbyists—which frees them to ask, simply: What policy is in the public interest? What policy will the public accept? This kind of accountability is clean, transparent, and policy-specific.

The accountability defect in these particular citizens' assembly models had to do with public awareness of the referendum issues: by the time of the referendum in BC, for example, scarcely 60 percent of voters were aware of the issue; the level of awareness in Ontario was somewhat higher (Cutler, et. al. 2008). Thus, the problem of transferring the knowledge developed within the mini-public of the citizens' assembly into the broader public remains a challenge for the citizens' assembly model of accountability. For this reason, the results of a public education campaign prior to the second BC referendum in May 2009 will be telling.

There is, however, a second important sense in which accountability is at work in the citizens' assembly model. As suggested above, owing to the initial process of constitution, citizens' in BC placed a relatively high degree of trust in the Citizens' Assembly. A survey conducted in the period before the referendum suggested that many voters treated the CA as a trusted proxy: they voted for the CA proposal not because they understood it, but because they judged the CA as insulated from special interests, and representing the public interest. For these citizens, direct accountability via the referendum was mediated by the citizens' assembly itself. Their vote reflected a trust-based judgment about the interests represented by the assembly, namely, that the interests of citizens were encapsulated in the interests of the assembly. The important lesson here is that under some circumstances direct accountability can be replaced (or supplemented) by institutions that are designed to be trustworthy owing to the interests they represent. Citizen judgments that the CA was trustworthy was, no doubt, closely related to its initial exclusion of stakeholders, leaving citizens *without vested interests* to judge the public interest.

¹ The Dutch Assembly faced an administrative process, rather than a referendum. On December 14, 2006 the Dutch Burgerforum submitted its report to the Minister of Administrative Renewal and Kingdom Affairs. The proposal was discussed within the ministry and the current minister has announced it will be rejected. (Personal communication, H. Van Der Kolk).

Citizens Assemblies on Ballot Initiatives

With the benefits of enhanced inclusion, deliberation and prospective accountability in mind, scholars and democratic reformers have proposed that Citizens' Assemblies be used to sidestep democratic deficits in referendums and ballot initiatives—in effect supplementing direct democracy with a process that is more representative of interests and perspectives and more deliberative in agenda-setting.

John Ferejohn (2008) has proposed that Citizens' Assemblies be used to avoid the problems of capture of the initiative process by public officials or private interests. In his proposal for the state of California, a Citizens' Assembly would be called to review and amend any initiative. It would be demographically representative, have the power to call witnesses, and given the time to develop sufficient expertise to draft a proposal that would be put forward to the public. He argues that convening a Citizens' Assembly would increase the likelihood of the initiative passing because the Assembly's modifications would make it closer to the median voter's wishes. It would also deter special interests from abusing the initiative process and proposing initiatives that address only a narrow interest.

In a similar vein, democratic reformers Ned Crosby and Pat Benn have established The Citizens' Initiative Review (CIR) organization in Washington State. The Citizens' Initiative Review builds on Crosby and Benn's work using Citizens Juries to deliberate on policy issues (Crosby and Nethercut 2005). The proposed CIR process is smaller in scale and duration than the Citizens' Assembly, with 24 randomly selected jurors meeting over the course of 5 days to hear arguments for and against proposed initiatives. But the spirit and purpose of the CIR is similar to Ferejohn's proposal – “to help Washington citizens make sound voting decisions and to strengthen the voice of average citizens in the initiative process...[It] will provide evaluation and analysis that reflects in-depth consideration from different points of view. The mix of citizens from around the state will help the panelists focus on what is good for Washington as a whole.”² In January 2007, 18 state representatives and eight state senators co-sponsored a bill instituting the CIR in the Washington state legislature, but this bill did not receive a hearing. The CIR website reports that plans are underway to introduce further legislation in Washington State in 2008. Theoretically, these proposals for “initiative assemblies” have the promise to address the representative and deliberative deficits in ballot initiatives.

Conclusion

We have argued that deliberative and collaborative citizen institutions like the Citizens' Assemblies on Electoral Reform have the potential to redress the democratic deficit by improving the connection between citizens' interests and government policy-making and other outputs. Citizens' Assemblies are new institutions that may help citizens to formulate and advance their concerns. They also may do a better job than

² Information retrieved from: <http://www.cirwa.org/> on March 31, 2008.

adversarial representative institutions at integrating a wide variety of interests and concerns into public policy. And they promise a novel and robust direct form of democratic accountability. Citizens' assemblies are not cure-alls: they require time and money; they will be less effective when stakeholders hold (and choose to exercise) veto powers over policies; and because they are policy-focused, they are probably best convened in those areas where policy trade-offs can be defined in ways that admit of relatively clear public judgment.

Within these constraints, however, citizens' assemblies may have the potential to outperform existing institutions on at least four kinds of public problem areas. First, as discussed earlier, citizens' assemblies may produce ballot initiatives that do better on the criterion of "integration of views" than existing initiative processes that allow lobby groups or public officials to frame the question and set the terms of public debate. Second, where political actors have vested interests in a policy issue, as in the case of electoral, campaign finance or other kinds of institutional reforms, citizens' assemblies are likely to produce recommendations that better encapsulate the public interest. Third, citizens' assemblies may also do better on generating policy on other quasi-constitutional issues, such as the appropriate fiscal balance between federal and provincial jurisdictions, overhauling key social programs such as healthcare or social security, or tackling major challenges such as climate change, or balancing security and liberty concerns in an age of terrorism. Finally, citizens' assemblies may be better for issues that cross political jurisdictions. These include issues that cross geographic jurisdictions, as in the case of natural resource management, or issues that demand co-ordination from multiple levels of government and social agencies, such as urban homelessness.

The citizens' assembly concept still faces challenges of implementation, empowerment and connection to the general public. Assemblies are expensive and time-consuming processes. This fact alone suggests that they should be considered scarce resources, and used only when they can be targeted at relatively clearly defined areas of democratic deficit. Citizens' assemblies also face political problems: they usurp political actors' control over policy, which creates a disincentive to formally empower them. Even where they are formally empowered, as was the case in BC and Ontario, political neglect and a lack of public funding to educate the public about the Assemblies' proposals assisted in the defeat of the Assembly proposals at the polls. These experiences underscore the need for improved means of connecting Citizens' Assembly deliberations with the general public. Improved communications strategies during Assembly deliberations, as well as clear plans for dissemination of their recommendations should be part of any future Assembly design. That said, owing to two key features—random selection combined with learning and deliberation over a long duration—enable the citizens' assembly model to address a remarkably wide spectrum of democratic deficit problems, and to do so within systems that generate deficits for quite different reasons.

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