

Reading Interrogations. Real Utopias Seminar. Week 8, 10/25/2013
Random Assemblies

1. Elsa Noterman

There is a recognition among many citizens in the U.S. of the failures of the representational democratic system – and a distrust of the influence of money in this system (especially after the Citizens United ruling). However, instead of simply advocating for the expansion of direct citizen voting, Gastil and Richards call for deliberative reforms of direct democratic processes to augment the current system and address specific problems in government – including the issue of the growing influence of money in politics. While I do think that the deliberative-direct democratic processes that Gastil and Richards put forward could ameliorate some of the major problems in the current U.S. system, I am left wondering – given the amount of money currently in the U.S. political system – how well can these reforms could address the influence of money on political processes on their own (without campaign finance reform for example)? Gastil and Richards argue that these processes do address money in politics by giving participants time to “weigh the gravity of problems more soberly,” offering the public specific voting cues due to the “seal of approval” or “deliberative credibility” of the process, or simply by ignoring the campaign season (p.269). Especially on particularly contentious political issues – where special interests have a significant stake in the outcome – could these processes really remain outside of, and even offset, the inevitable flood of paid advertising and media campaigns of special interest groups?

Relatedly, as Gastil and Richards acknowledge, there is a risk of co-optation of these processes by powerful interests – and therefore assemblies must be designed to safeguard against this risk. While Gastil and Richards offer the example of how the Oregon CIR prevents the co-optation of the commission (p.273), what specific measures could be developed to restrict the lobbying of participants outside their meetings? Jury members in the court system are prohibited to speak with the parties in the case outside of the courtroom, discouraged from conducting research on their own time and sequestered while they deliberate and make their decision. Should measures similar to this be utilized in randomocracy processes?

[EOW: There may be some tension between looking at the random assembly idea narrowly in terms of how it can improve American democracy given the specific pathologies of the US system today, and thinking about it in terms of a real utopian institutional design - -the ways in which this might be a desirable general component of a robust democratic system. What it would take, for example, to insulate the process from being hijacked by powerful corporations in the US today might be different from what it would take to maintain the integrity of the process in a less corroded political system.]

2. Laura Hanson Schlachter

Questions for clarification in Gastil and Richards (2013): What criteria determine the length of time and number of participants required for each of the five random public assemblies proposals? How sensitive is the quality of democratic deliberation to these institutional design features?

Gastil and Richards (2013) provide a compelling sketch of five proposals to integrate random public assemblies into existing initiative and referendum processes. Since I am relatively unfamiliar with the literature on random citizen assemblies, I am curious about the reasoning behind several of the basic design features described in Table 4 (267). What criteria (precedent, cost, scope, etc.) guide decisions about how many participants and days are necessary for each type of random public assembly? For instance, is there some qualitative difference between four and five days of democratic deliberation that accounts for the recommendation that design panels are five days long, but priority conferences are only four?

Although this issue may seem too 'in the weeds' for the scope of our seminar, these design feature justifications are important because cost is a key achievability consideration. If duration and number of participants are two main drivers of implementation costs, policy makers may be tempted to 'tinker' with them in order to fit budgetary constraints. Yet would a Policy Jury with 25 participants meeting for one week be as effective as a Policy Jury with 50 participants who met for two weeks? What are the thresholds at which reducing the number of days and participants in order to reduce the implementation costs of each of these proposals undermine the quality of democratic deliberation?

[EOW: I don't have any specific thoughts on the questions you raised, but it is good to think about such details. It would be good to think about what the criteria would be for deciding these issues, I suspect that if this was taken seriously as a component of democratic processes, that it would only be through trial and error that an answer could be given, and even then it would be highly context dependent what would be optimal.]

3. Jiaqi Lu

The idea of random jury and random assemblies open a new gate to the varieties of modern democracy. Gastil and Richards identify five random assemblies: Priority Conference, Design Panel, Citizens' Assembly, Citizens' Initiative Review (CIR), and Policy Jury. They talk about the potential achievability of the new institution under particular political circumstances. Their achievability arguments are very persuasive, and I think the stability of the institution is strong. My last concern about random jury is about its performance. In the framework of five assemblies, although the institutional check lies on legislature or the public, accountability mechanism is absent. The issue is particularly intense regarding the policy jury and citizens' assembly, which have important obligation and responsibility to certain policy. In theory, representative democracy has some mechanisms to ensure accountability of representatives, because they must

answer to citizens of their district to seek reelection. In the design of randomocratic process, this mechanism is missed, and I don't see any compensation design in the picture. In theory, the randomly selected representatives can just go away without answering to anyone after they make their decision.

So, my question is, how does reformer make up the missing of the accountability mechanism of randomocracy? How does the accountability mechanism fit into the institutional design of deliberative democracy and direct-democratic process?

[EOW: Interesting issue, and I am not quite sure how best to think about this. There will always still be courts, so for at least some kinds of issues – such as a policy jury which actually decides a policy – there could be court challenges just as there are for ordinary legislation or administrative rule implementation. One might imagine various kinds of oversight processes as well, although any such device risks making the processes more expensive and cumbersome. As in many political contexts there is a problem of who guards the guardians, and solutions can easily undermine the virtues of the process.]

4. Madeleine Pape

There are two things relating to randomocracy that I'd really like to talk about in this week's class. Both issues emphasise the importance of returning to theoretical debates and extending or revising them once empirical experiences are available to learn from. In this case, I argue for new foci to be introduced into theoretical debates around deliberative democratic forum, based on the experiences of the Citizen's Assembly of British Columbia. While I don't doubt that this assembly improves upon the status quo, and contains much promise to be extended across multiple spheres of governance and policy-making, I nonetheless think that it brings issues to the surface that raise questions about the degree to which randomocracy experiments can achieve equality in participation and deliberation.

First, can we really apply the term 'random' to such the selection of participants to such forums? When we describe the process as 'random', we imply that it is unbiased and impartial. Of course it is not a simple random process, in that it involves stratification of the sample. Nonetheless, we see other biases emerge in the British Columbia case. An extraordinarily low response rate for the original letters sent out to the random stratified sample resulted in a new recruitment drive seeking somewhat stratified but nonetheless voluntary participants. As Lang points out, this results in particular kinds of people participating in the assembly. The same challenge faces participatory budgeting. I wonder what the difference would be if participation was mandated, as we see with citizen juries in Australia and the US. Even here, however, there are likely to be some citizens who because of their life circumstances are excluded from participating eg. careers, single mothers, etc. So do we need to be a little more explicit when we talk about the random nature of such assemblies? And, what are the implications of the non-randomness of this selection process?

Second, Lang points out that there were issues with the internal dynamics of the British Columbia assembly. In particular, it was difficult to give a voice to women and

aboriginal populations, while rural residents could find a strong voice. Part of the issue here was the limited mandate of the assembly, in which it was hard to find a legitimate way to put issues of gender and race on the table. I don't think it's good enough to dismiss these significant issues. I think there has to be a way for less powerful groups to be legitimately empowered and heard in such forums. Thus the question is in what way are so-called randomocracy forums undermined by the power imbalances present in broader society? How might such power imbalances be overcome?

[EOW: The idea of mandatory participation is both appealing and unappealing. There do seem serious trade-offs involved. A reluctant participant could be a lousy participant, and because of the deliberative demands of these assemblies, lousy participants can be a serious problem. On the other hand, the self-selection biases could be a real problem also. If the positions were well paid this might mitigate the objections. I know that in some countries voting is mandatory, but the fines are very minimal. Anyway, it is worth talking about. In the US this would be unacceptable politically, but that isn't a reason to reject it in the exploration of designs if this seems a good solution.

On the marginalization of voices issue, there are more solutions to this, since good facilitation and various procedural devices can at least encourage voice but otherwise marginal groups. Low education may be a bigger problem for voice than status categories as such, since being articulate is an issue and cultural capital may play a significant role here. Still, there are strategies for how a deliberative forum is run – how stories and personal narratives are encouraged as part of the process, for example – which can reduce these barriers.

5. Yotaro Natani

While the British Columbia Citizens' Assembly did empower citizens to participate more meaningfully in policy-making, it did have the very curious result of not having its proposal voted/passed due to a lack of awareness of the STV voting system (what the Assembly chose). This strongly suggests that the Citizens' Assembly is often not enough by itself, and needs to be supplemented by something that enables the general public to act upon what the Assembly has achieved. In terms of Gastil/Richard's typology of random assemblies, the Citizens' Initiative Review seems like a likely candidate. Counterfactually speaking, had there been a Citizens' Initiative Review in British Columbia to evaluate the proposal for an STV system, would people have been more aware of it and more likely to vote for it? Both the CA and CIR, however, seem to encounter difficulties spreading awareness, as evidenced by Lang's observation that there could have been more public hearings about the CA's work, and the fact that most Oregon voters (the first time around) did not read the one-page statement/recommendation from the CIR in the Voter's Guide. Are these problems of awareness and information dissemination something that is inherent in the design of random assemblies? Or rather, can these problems get resolved quite easily through more public hearings and public advertising? More generally, if these assemblies run on public funds or public money, is resource scarcity a real concern for their further development?

[EOW: For those random assemblies which simply provide input into citizen-voting, then information dissemination is critical, and significant funding would have to be allocated for this

purpose. I'm not sure if there is any special problem of principle posed by this necessity for the random assembly process, other than the cost. In the BC case, according to Lang, the government was hesitant to advertise heavily because they thought this would be taken as a signal that the proposal was being sponsored or pushed by the government, and this would undercut its status as a citizen's assembly. That turned out to be a mistake.]

6. Jake Carlson

As a way of creating a broad society-wide political culture, would forms of randomocracy be desirable? One of the key components of many of the real utopias we are examining is some degree of participatory governance – whether that is within a firm or on local budget matters. As a more participatory culture is built, as people start to “make the road by walking”, a new kind of relation to governance emerges that ideally leads to a more empowered citizenry.

It seems like the experience of deliberation on discrete policy decisions rests almost exclusively with those few hundred people who participate, while the rest of the thousands of citizens can withdraw from the political sphere. In some ways, by stripping out the problems of representative democracy without inculcating different participatory practices, it blocks the politicization of broad sections of society. I could maybe serve on a policy jury once in my life, and then be content reading my one-pager whenever I occasionally vote. I could just trust that the policy juries will do their job, and I don't have to worry about it. If this were the case, it would seem to be thin democracy, rather than deep democracy.

I think it would remain to be seen what kind of political culture would broadly develop throughout a given society. But I think if it led to a culture akin to getting called up for jury duty, that would be a less desirable form of governance in my opinion.

[EOW: This is a very good point and gets to the core issue of desirability. It is a bit like a critical question for basic income: will it liberate people for a more active and engaged life, or subsidize couch potatohood? In the case of random assemblies much may hinge on precisely how such assemblies are linked to other forms of democratic governance. There may be specific roles for random assemblies which have positive synergies with representative democracy and political parties and others which undercut political activity more broadly.]

7. Dmytro Khutkky

The randomocracy institutions are designed for better presentation and consideration of interests of citizens, not only parties and elites. And this popular empowerment is supposed to transfer social power from elites to broader public. Naturally, according to Lang, “many Assembly members counter-posed their interests as voters to the behavior and interests of political parties” (2007, p. 21). However, the contemporary establishments of even legally representatively democratic political systems are convenient for concentration and application of power by elites. This opposition brings some problems: parties might feel their interests are not met and can hinder

establishment of the randomocracy institutions. The consequences for the case of British Columbia were quite telling: “the absence of politicians as stakeholders was likely to have undermined the political will to support the referendum phase of the process, and the implementation of any reforms” (Lang, 2007, p. 14).

Thereby there is an issue to be solved: *how to introduce practices and institutions of deliberative democracy in political systems with the dominance of partisan and elite political power?*

First of all, it is reasonable to utilize the existing laws and institutions. The basic conclusion of Gastil and Richards is “to use existing electoral imperatives to one’s advantage” (2013, p. 271). Even if in some societies it is possible to rely upon public itself, in most cases financial and media resources of parties make them the agents to reckon with. Thus proponents of randomocracy may find certain reasons to make it suitable for a party in the short term. “In the Canadian case of the Citizens’ Assembly, a party used the deliberative process as an effective campaign pledge that it was willing to deliver once voted into office” (Gastil & Richards, 2013, p. 271). This might be the mechanism to establish the new institution for a longer term.

[EOW: I wasn’t sure if the issue you raise is mainly about the *strategy for initiating random assemblies, or if you thought that a connection to political parties might be important for the on-going functioning of such institutions. Of course gaining some degree of support from at least some established parties and political elites may generally be important – perhaps always important – for initiating an innovation of this sort. But I am not sure how important this is for their on-going viability or the potential role in a more robust democratic institutional configuration.]*

8. Taylor Laemmli

One proposed solution to the co-optation of assemblies by elite interests is to allow those who support and those who oppose a measure equal time to present information (Gastil & Richards 2013:273). I find this to be potentially problematic, as giving equal time to opposing viewpoints implies that each viewpoint is equally valid. For example, it might be inappropriate to give equal time to both creationists and evolutionary scientists to present their views on a proposal to change education standards in a school district, as this would indicate that both groups have equally valid claims to “truth.” Is there a role for facilitators—beyond ensuring participants have the tools they need to critically evaluate a measure—in explaining or implying that one position should be seen as less valid, or in stepping in to break down problems in logic when they are not apparent to participants? (Even following other training that should impart evaluative tools to participants, such as a lesson in statistics or law.) If there were a place for a more evaluative role for facilitators—I’m not sure if there is, as this encourages a disempowerment of participants that random assemblies are intended to dispense with—what form could this role take? My key concern—very likely an elitist concern, as I evaluate it—is with the ability of participants, given some of the tools they need, to evaluate policy. Given the composition of individuals who volunteer to participate (in Lang’s research on the British Columbia Citizens’ Assembly, those who

self-selected into the process had a positive orientation toward learning (41),) perhaps this is not so much of an issue.

[EOW: I agree with your general concern that giving all sides of issues equal time risks legitimating extreme or even crackpot positions. There is also the problem that some issues have more than two "sides". Where the decision process is up or down it is easy to treat it as binary, but often the issue is up, down, or modify. In some random assemblies that would an issue, opening the door for many "sides." Still, it is hard to see how interventions by facilitators to discredit particular sides of a debate would work without this undermining the legitimacy of the process.]

9. Alisa Pykett

Gastil and Richards point to the need for training in deliberation in order for citizens to participate effectively in random assemblies. Considering the short time range (4 days – 8 weekends) for the five random assembly models that Gastil and Richards' highlight in their article and the skills, and possibly dispositions, required for effective deliberation, it seems as though building increased capacity in deliberation *for all citizens of a nation-state* is an essential component in the sustained success of random assembly experiments. Gastil and Richards bring attention to the critical role that public education plays in increasing language and communication skills necessary for deliberation. However, due to historical power imbalances and structural racism, citizens may also need to build capacity in critical analysis and communicating across differences in order to effectively deliberate with a group of random, fellow citizens and arrive at an outcome of more just policies. Structure and professional facilitation can mediate some, but not all, of the power imbalances and issues of cultural identities that would surface in democratic deliberation processes.

With the limitations of structure and professional facilitation in mind, how might we approach building capacity among citizens before they are ever chosen to participate in a random assembly? For young people, what experiences in schools (primary, secondary, and higher education) might foster these skills and dispositions so that the next generation is poised to participate effectively in these deliberative democracy experiences? How would adults outside of the formal school system increase their capacity in deliberation? Would the possibility of participating in a random assembly serve as a motivation for increasing one's capacity in deliberation?

[EOW: I wonder if skilled facilitators can do a lot to make possible reasonable deliberation among citizens who don't have particularly well-honed skills in deliberation? This is an empirical question, of course, but I believe the research by Fishkin on these matters suggests that it is possible even with ordinary participants to get pretty good discussion and deliberation if there are skilled facilitators present. Still, for the kinds of complex and contentious issues that this process would want to address, it may be important to do more than that. Maybe there are some skill building exercises that can take place within the deliberative process itself.]

10. Michael Blix

In their article on random deliberative democracy, Gastil and Richards present a pretty condemning argument against direct democracy, as is practiced in the United States. Their stated goal is to “bury” the idea.

My Questions/Criticisms: I don't see how the problems with direct democracy they mention are a priori functions of the system. Why is it that ballot initiatives under direct democracy must contain arcane language, for instance? I don't see how that is a trait of direct democracy that would inherently be prevented by a more deliberative process. It's true that non-experts would likely need plain language to learn about the issue as fully as they can in the limited time they may have to legislate, but even then, initiatives could just as easily be written in dense legal jargon. Furthermore, what makes the authors think that deliberative democracy would prevent the passing of unconstitutional laws, many of which are supported in public polls, as in the lead up to the invasion of Iraq? I don't see this as an overly compelling critique of the status quo, at least as reasoning for the superiority of deliberative democracy.

Furthermore, could it be the case that direct democracy is better suited for certain issues than more deliberative bodies of randomly chosen citizens? It seems that certain situations, such as the administration of aid after a natural disaster, require a faster response than may be allowed through a high level of deliberation.

[EOW: In at least some of the contexts G&R talk about, the idea is that a deliberative democratic process can enhance direct democracy, improve its democratic quality, rather than replace it. In the CRI assembly process, the referendum is still voted on in a direct democratic fashion, it is just that a random deliberative process has also occurred and provided citizen voters with additional information. Still, your basic point that there may be specific contexts where direct democracy is better suited to problem solving than deliberative democracy is worth considering.]
