

ESF/SCSS Exploratory Workshop Grant

BEYOND REPRESENTATIVE DEMOCRACY

Project co-ordinator: Dr. M.H. Leyenaar, University of Nijmegen, Netherlands

SCIENTIFIC REPORT

Executive Summary

The scientific objective of the two workshops was to research the performance of alternatives or supplements to representative government and to plan further comparative research on experimental models of co-operative decision-making. The **first workshop** took place on **2-4 March 2001** in the **Goethe Institute in Bordeaux**, France. Six researchers from five different countries discussed on the basis of three preliminary papers concepts and outlines of research designs on inclusive decision making. The results of this discussion was put on paper and used as input for the second workshop (appendix 1: *Outline Scheme for Discussing Initiatives in Inclusive Decision-Making*).

The second workshop was held from **8-10 November 2001** in **Nijmegen**, the Netherlands. Thirteen researchers from ten different European countries were invited to participate in this workshop and to present a paper describing and analysing various initiatives designed to involve ordinary citizens in the making of decisions on matters of public policy that were important to them. The first part of the workshop was used for presentation of the country studies and discussion (appendix 2: *List of papers presented*). Several initiatives were presented: deliberation on political management reforms in Great Britain; the functioning of the Civic Forum in Northern Ireland; the use of choice questionnaires in the decision making on the reconstruction of a market square in the Dutch city of Groningen; the effect of a public debate on biotechnology and food in the Netherlands; the results of deliberative polls on Europe that were organised in Denmark and in Norway; the participation in user boards in the school sector in Sweden and citizens's influence through referenda in Switzerland. The second part of the workshop was used for a discussion on future co-operation and possibilities for comparative research in this area (see appendix 3: *Final programme*).

Outcome

All participants declared their interest for future co-operation on the topic of 'Beyond Representative Government'. At the workshop meeting it was decided to submit a proposal to the European Commission, the Research and Technological Development Programme. All this has resulted in a project proposal 'Richer European Decision-Making: Integrating Europe's Citizens into the Decision-Making System' (see appendix 4: *Summary of the proposal*).

Participants

Six researchers attended the first workshop from France, Denmark, Ireland and the Netherlands. One of the French researchers was a beginning scholar; the others were all senior scholars. Of the six researchers one (the co-ordinator) was a woman.

11 scholars attended the second workshop from eight different countries/regions: Great Britain, Northern Ireland, Ireland, Sweden, Norway, Denmark, Switzerland and the Netherlands. The German researcher cancelled his participation at the last moment. Of the 11 scholars four were women and only one was a beginning scholar (see appendix 5: *List of participants*).

Enclosed:

[Appendix 1](#): Outline Scheme for Discussing Initiatives in Inclusive Decision-Making

[Appendix 2](#): List of papers presented

[Appendix 3](#): Final programme

[Appendix 4](#): Summary of the proposal

[Appendix 5](#): List of participants

Appendix 1:

Outline Scheme for discussing initiatives in inclusive decision making.

The distinction between a top-down and a bottom-up “inclusive” decision-making *regime* highlights a number of distinctive features of the decision-making *process*. Obviously, the generalizations made in the following paragraphs are much starker than any we are likely to find in reality, to allow clear analytic distinctions to be made.

1. Trigger

Public involvement under a more *top-down* decision-making regime tends to be triggered by decision-making elites, who retain for themselves the right to involve the public and to set the terms of reference for this involvement.

Public involvement under a more *bottom-up* decision-making regime tends to be triggered in an automatic or mandatory way in predefined circumstances, with no opportunity for decision-making elites to avoid this. A bottom-up regime may also allow for public involvement to be triggered by citizens' initiative, within a predefined procedure.

2. Process

Framing the question.

Public involvement under a more *top-down* decision-making regime tends to address questions that are *predefined* by the decision-making elite and not capable of subsequent redefinition. It may well involve *vaguer* questions that do not admit precise and unequivocal answers, or *no real question at all*, just a statement of general issues to be considered. The result of this is that the outcome of inclusive decision-making requires *interpretation by elites before it can be implemented*.

In contrast, a more bottom-up regime may well be characterized by *more precise questions* with less ambiguous answers that cannot be ignored or “spun” by elites.

Selection of citizens to be involved

A more top-down regime may have *more vague and less well-defined procedures for public involvement*. This may involve no clear definition of which members of the public should be involved and in particular no systematic procedure for ensuring that public involvement is fully representative, as opposed to self-selective. The result of this is that the eventual outcome is easily dismissed as unrepresentative and illegitimate.

A more bottom-up regime may well have more precise definitions of how the public should be involved, definitions that ensure *citizens' involvement is representative*. These will involve *going beyond self-selection* of citizens for involvement – perhaps to randomly selected citizens' juries. The intention is to ensure that the eventual outcome of public involvement is seen as *legitimate*.

Decision-making procedures

Many detailed aspects of decision-making procedure may also be affected by the distinction between top-down and bottom-up approaches. These include: who determines the identity of any mediators; who decides what information is made available to deliberators; the decision-making mechanisms used to determine the outcome. Is there public or private voting, or is a consensus “called” by mediators? Or is the outcome solely determined and interpreted by decision-making elites behind closed doors, once public involvement is over?

3. Outcome

The hallmark of a top-down regime is that the outcome of citizens' involvement tends to be *general advice and input into decisions that are taken elsewhere*. In a highly top-down system, each citizen may have a private input to decision-makers, without knowing what others have said. Only decision-making elites have the full picture, and they are thus free to present the results of public involvement however they choose.

One hallmark of a bottom-up regime is that inclusive decision-making results in an *implementable policy decision*. This may or not actually be implemented, but the outcome of the process is unambiguous, and it is clear whether or not the inclusive decision has in practice been ignored.

4. Implementation

In relation to the implementation of the results of inclusive decision-making, the key issue is whether or not the outcome is in any sense binding. In a top-down regime *implementation is discretionary* and the entire process is viewed as being for the benefit of decision-making elites themselves. In effect, citizens' involvement helps decision-makers by giving them a sense of the public mood, and by *legitimising* the eventual decisions that are made.

In a bottom-up regime, the outcome is *binding to some extent*, with political elites obliged to implement the decision, whether or not they like it. A bottom up regime will tend towards being an autonomous decision-making system in itself rather than a system for advising autonomous decision-makers.

Appendix 2:

List of papers presented at the 2nd Exploratory Workshop
'BEYOND REPRESENTATIVE GOVERNMENT'
8-10 November 2001, Nijmegen, Netherlands

Aars, J. and A. Offerdal, 'Initiatives in inclusive decision making. The case of deliberative hearings in Norway'.

Akkerman, T., M.Leyenaar and K. Niemoller, 'Reforming government in the Netherlands'.

Giljam, M. and M. Jarl, 'Deliberative and Participatory Democracy in Sweden'

Laver, M., 'Beyond Representative Democracy. Towards Inclusive Decision Making'

Linder, W., 'The Case of Switzerland: Semi-Direct Democracy'.

Meehan, E., 'The Civic Forum'.

Normann Andersen, V. , K. Moller Hansen and M.N. Pedersen, 'The Operation was a Success, but..... An experiment with Deliberative Democracy in Denmark.

Pratchett, L., 'Issue led deliberation and local democracy in the UK. The case of political management reform'.

Appendix 3:

Final Programme ESF Workshop Beyond Representative Government

Project convenor: Dr. M.H. Leijenaar, University of Nijmegen, Netherlands
Workshop: Nijmegen, 8,9,10 November 2001
Location: Friday, November 9th, Erasmusbuilding, 20th floor, room 5
Saturday, November 10th, Vivaldi cafe, Waalkade 66 (tel. 024-3222890)

Thursday: arrival of participants

Friday, morning session: 9.30 – 13.00

9.30 – 11.hrs Introduction, Opening and Discussion (Leijenaar)
11. hrs Coffee break
11.30–13.hrs Theoretical Conceptual Issus (Laver)
13.00- 14.hrs Lunch

Friday, afternoon session: 14.00 – 18.00

Country reports

14.00-14.45 Norway (Offerdal)
14.45-15.30 Denmark (Pedersen, Normann-Andersen)
15.30 Tea break
16.00-16.45 Switzerland (Linder)
17.0 Drinks
19.30 Dinner

Saturday, morning session: 9.30-11.00

Continuation country reports

9.30-10.15 United Kingdom / Northern Ireland (Meehan)
10.15-11.hrs United Kingdom (Pratchett)
11.hrs Coffee break
11.30-12.15 Sweden (Jarl, Gilljam)
12.15-13.hrs Netherlands (Akkerman, Leijenaar, Niemoller)
13.00–14.00 Lunch

Saturday, afternoon session: 14.00-17.00

Synthesis of reports and discussion of future plans

14.00-15.hrs Synthesis of reports (Leijenaar)
15.00-17.hrs Discussion of future plans including presentation proposal RTD project (Laver)
17.hrs Drinks
19.30 Dinner

Appendix 4:

Summary of proposal submitted to the European Commission, the Research and Technological Development Programme.

RICHER EUROPEAN DECISION-MAKING: INTEGRATING EUROPE'S CITIZENS INTO THE DECISION-MAKING SYSTEM

This research project will analyse the potential for new forms of citizens' participation in European democratic governance. It addresses one of the key social and political problems of modern Europe – the increasing failure of the traditional European representative institutions of to involve citizens in decisions that determine most important aspects of their lives. Declining levels of citizen participation and interest in traditional party politics are forcing us to look for alternative ways both to involve citizens in the decision-making process and to hold decision makers accountable – a problem that must be solved both at the national and the European level. The alternative that we investigate is the citizens' jury. We propose the first-ever cross-national scientific research on citizens' juries based upon a strict comparative research design. The end products will be, first, a set of research findings that will allow this innovative new institution to be scientifically evaluated in a rigorous manner and, second, an implementation manual synthesising what emerges as best practice for involving citizens in policy deliberation.

The problem of citizens' involvement in European decision-making has been developing over a long period, but attention has been particularly focussed on it in the aftermath of the referendum rejection by Irish voters of the Treaty of Nice, which followed the rejection of membership of the Euro zone by Danish voters. In subsequent discussion of the Irish rejection of the Nice Treaty it became clear that experts in the politics of most EU member states feel that similar referendums would have been defeated in their countries too, and that this would have had more to do with a growing sense of alienation and exclusion on the part of citizens than with any deep-seated opposition to the enlargement project.

Referendums are crude political instruments and the Irish referendum result may be dismissed as a "one-off" aberration. Nonetheless it is significant that the Irish result is the continuation of a long-term trend. In successive referendums, citizens have been less and less inclined to accept the recommendations of political elites in relation to key decisions on the European project. The most recent referendum result simply highlighted the fact that this trend is now impossible to ignore.

In theory, European citizens are represented in EU decision-making via two tracks. The first track is the Council, comprising representatives of elected national governments. The difficulty here is that national elections are only rarely about "European" issues – so that the mandate of national politicians to represent their citizens in Europe is not clear. The second track is the European Parliament (EP). MEPs do in theory have a popular mandate to deliberate in European issues in a European forum. One problem here is that EP elections are often in practice "second order" national elections, with little attention paid by voters to genuinely European issues. A second problem is that the EP is a geographically and psychologically remote institution for many European citizens. This may well explain the stark contrast between the attitudes of MEPs, for the most part thoroughly socialized into the ethos of the European project, and the attitudes of citizens on the rare occasions when their views are sought directly, which are strikingly less *communautaire*.

A further problem is well-known, and concerns the fact that those involved in making decisions on behalf of Europe's citizens, and including those elected to represent them, are not fully representative of the citizenry as a whole. They comprise, for example, a far smaller proportion of women and of disadvantaged minority groups than the population as a whole.

The net result is that EU institutions designed to enhance the integration of European **states** do little if anything to promote the integration of European **citizens** into key aspects of EU decision-making. Given this, the trend towards cynicism and disinterest among citizens is hardly surprising. EU elites recognize this problem very clearly and have introduced various initiatives in an attempt to deal with this, particularly in the aftermath of the Irish referendum result. What is needed now is systematic and comparative scientific research to evaluate major potential reforms.

Reforms of EU decision-making procedures are continually being undertaken but show no signs to date of reversing the trend towards disillusionment or at best disinterest among European citizens. Our response to the challenge posed by this situation is to research a more radical new approach to participation in deliberation and decision-making. This approach involves:

- new deliberative procedures to improve the richness and quality of citizens' involvement in public decision making;
- new methods of ensuring that the citizens involved in these deliberations fully represent all who are affected by the decisions that are made.

The method we will explore is the **citizens' jury**. This involves a panel of citizens, rigorously selected to represent the citizenry as a whole, which will meet over a period of time to engage in a rich deliberation on a key issue that is up for decision. In this specific context we will take an EU-related issue and the jury will first meet together to consider this in a very open way, brainstorming under the guidance of an independent professional moderator so as to identify the matters that they particularly want to take up with those who will appear before them. They will then hear submissions both from interested parties and from disinterested experts, and will have the opportunity to question these people. They will then meet together to deliberate on the issue at stake under the guidance of the moderator, discussing back and forth until a collective position on the question is reached. The outcome of these deliberations will then be widely publicised.

The net result will be that ordinary citizens will have access to a verdict on the issue at stake that has been reached by a jury of their peers – ordinary citizens who have had the time and resources to meet, to hear the evidence, to discuss the issue at leisure, and to come to a mature conclusion. Preliminary research suggests strongly that this decision-making process will be far “richer” and subtler than a referendum result or opinion poll in which the views of individual citizens are simply added up in a crude way. The key idea is to generate a **collective decision** with which individual citizens can identify, as opposed to merely **collecting the decisions** of individual citizens, each operating in isolation.

We propose a systematic comparative project researching the effects of a new method designed to provide a fully representative and deliberative solution to the problem of involving European citizens more effectively in the decision-making that intimately affects every one of them.

The state of the art in this area has developed along two distinct but related paths, each looking beyond the traditional institutions of representative democracy to processes that enable richer and more inclusive decision-making.

- The first path has been mapped out in the real world as a series of practical experiments in inclusive decision-making.
- The second path has been developed within a theoretical model of “deliberative democracy” that has been the subject of some promising practical experiments.

The core scientific objective of our project is to research and evaluate the real world performance of these new approaches to inclusive deliberation and decision-making. This will allow us to suggest mechanisms for involving citizens more actively in the processes of modern European decision-making.

We will conduct this work according to a systematic comparative research design. This will involve parallel studies in a group of nine European countries with widely varying decision-making cultures, allowing us to take full account of European regional diversity.

Appendix 5:

Final list of participants (workshop 1 and workshop 2)

Name	Country/Affiliation	Email
Monique Leijenaar	<i>Netherlands</i> , School of Management University of Nijmegen	M.Leijenaar@nsm.kun.nl
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