

## *Essay Review*

### SECOND THOUGHTS ON THE FIRST CITIZENS ASSEMBLIES

Mark E. Warren and Hilary Pearse, eds., 2008. *Designing Deliberative Democracy: The British Columbia Citizens' Assembly*. New York: Cambridge University Press.

Patrick Fournier, Henk van der Kolk, R. Kenneth Carty, André Blais, and Jonathan Rose, 2011. *When Citizens Decide: Lessons from the Citizen Assemblies on Electoral Reform*. Oxford: Oxford University Press.

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#### INTRODUCTION

When two of the most distinguished university presses in the world publish books on the same political events in Canada, one can be sure that something somewhat out of the ordinary has occurred. The two books under review focus on essentially the same subject, save that the later book has the advantage of more evidence - three rather than one citizen assembly – and it shows. This review will focus uniquely on the two Canadian assemblies, however. The Dutch case, while interesting, tells us more about the dynamics of Dutch politics than it adds to the understanding of citizen assemblies which emerges from the Canadian evidence.

The issues in question arrive at the confluence of two important discussions on the renewal of democracy in the anglosphere – the potential of deliberative democracy to complement electoral democracy and the reform of electoral systems. Let us consider them in that order.

#### DELIBERATIVE DEMOCRACY

At the core of deliberative democracy is the conviction that something is seriously wrong with representative democracy in the industrialized countries and that the most promising avenue of renewal is a greater role for deliberation in politics. Citizens should not be bound to obey laws and policies for which they have not been offered

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probative reasons and upon which they have not had the chance to deliberate. Not just any sort of deliberation, however. The ideal requires that deliberation should be egalitarian, inclusive, respectful, transparent and open-minded, in the sense that citizens should be prepared to revise their positions in the light of the arguments raised by others; thus deliberation should involve the mutual giving and taking of reasons which appeal to common interests, as opposed to the self-interest of anyone or any faction. In the hearts and minds of ordinary citizens, many deliberative democrats insist, lies an enormous latent potential for tolerant, generous and creative mutuality in the search for better solutions to public problems. Deliberative democracy offers a vision of revitalized civic consciousness for societies which suffer from institutional sclerosis, political apathy and self-centred individualism.

According to one of the leading students of the subject, “Deliberative democracy now constitutes the most active area of political theory in its entirety” and “research on deliberative democracy is at the cutting edge of the integration of political theory and empirical social science” (Dryzek 2007, 237,250). The theoretical investment has been immense – “No subject has been more discussed in political theory in the last two decades than deliberative democracy” (Gutmann and Thompson 2004, vii) - but the “veritable deluge” of literature (Weinstock 2001, 78) has not succeeded in settling on any single account of principles and practice beyond an ideal of deliberation, so that “Many contemporary political theorists claim to be deliberative democrats, yet there are vast areas of disagreement among them” (Weinstock and Kahane 2010, 1; cf. Freeman 2000, 371). Indeed, “deliberative democracy is not a unified theory, and can only be compared to a large construction site where many architects are simultaneously at work” (Geneens 2007, 357).

Notwithstanding this diversity, according to Goodin, “We...have the ‘deliberative turn’ to thank for the reinvigoration of democracy in all its new and increasingly unbounded forms” (Goodin 2008, 7).

The books under review deal with the following: class: *democracy*, order: *deliberative democracy*, family: *minipublic*, genus: *randomocracy* (Macdonald 2005), species: *citizen assembly*. The minipublic school wishes to create specific moments of deliberation on the part of formally organized groups of citizens who are prepared to reconsider their principles and modify their goals, and who act on behalf and in the interests of the mass of their peers. Minipublics are microcosms of the larger society and, given appropriate composition and conditions of deliberation, their decisions should enjoy privileged status in the eyes of the population as a whole. Chambers (2009, 329) describes them as follows:

Mini-publics are exercises in deliberative democracy in which citizens come together to discuss and decide on public policy. They are mini because they are small scale, manageable, and indeed designed settings. They are publics because there is usually some claim that deliberation mirrors, represents, or speaks for some larger public. Deliberative opinion polls, citizen juries, consensus conferences, and citizens’ assemblies are just a few examples of such forums.

Mini-publics are intended to be ‘more perfect public spheres.’ They are designed to make up for weaknesses in the largely undesigned mass public sphere.

The randomocratic minipublic brings together people, by some method of stratified random selection, who have in theory no greater pre-existing information or stake in the issue to be deliberated than the average of their fellows. The theory of minipublics derives the legitimacy of the institution from two key conditions: representativeness and deliberative standards. Ordinary citizens stand in for their fellows: the deliberative democratic premise is that the members of the minipublic observing the deliberative ideal will arrive at the conclusions to which their peers would have arrived, had the latter had the same chance to learn about and deliberate upon the issue in question. Minipublics are sheltered from the ambient political environment with its attendant pathologies – Chambers (2010) calls them “deliberative safe havens”. Here citizens may engage, under suitable facilitation, in something approaching the egalitarian, respectful, inclusive, open-minded, giving-and-taking-of-public-spirited-reasons entailed by the deliberative ideal. Representativeness and deliberative standards are to be the warrant for the adoption by the population at large of the recommendations of the citizens’ assembly.

### **THE CITIZENS’ ASSEMBLIES ON ELECTORAL REFORM**

In 1996, British Columbia’s territorially defined, first-past-the-post or single member plurality electoral system produced a “false majority” or “wrong winner” in which the centre-left New Democratic Party formed a government with a majority of seats while the opposing Liberal party nevertheless gained the plurality of votes. Then in 2001, the Liberal Party won an overwhelming majority of seats, with the New Democratic Party reduced to a tiny rump of two in the legislature, far below its proportion of the vote of over 30%. This kind of instability was understood to be inherent in the classic single member plurality electoral system and the new Liberal premier, Gordon Campbell, was one of those who felt that it was time to reconsider that system.

Campbell announced in 2003 that a citizens’ assembly would be convened to study the merits of reforming B.C.’s electoral system. If the assembly were to recommend a change in the system, that recommendation, Campbell pledged, would be put to the province’s voters in the form of a referendum at the next general election.

The B.C. Citizens’ Assembly (BC-CA) was established in accordance with the theory of the minipublic. Its 161 members were selected through a random sample stratified for gender, age and geography (the geographical units being electoral constituencies). Anyone involved directly in politics was excluded. The assembly represented a real effort to ensure representativeness, and one which was generally conceded to be successful.

The 161 members worked through three phases of activity – learning, consultation with members of the public, and deliberation – before finally taking a decision and making a recommendation in late 2004. The recommendation was for the adoption of a version of the Single Transferable Vote (christened BC-STV) electoral system (Citizens’ Assembly on Electoral Reform, 2004a).

Meanwhile, the Campbell government had announced a stringent referendum standard which had to be met in order for the new system to come into effect: a 60% popular vote and a majority in 60% of the province’s constituencies.

Although Ontario had not experienced the brittleness of the first-past-the-post electoral system anything like as dramatically as B.C. had, in 2005 Ontario Premier Dalton McGuinty announced that Ontario would follow B.C.'s lead by establishing its own citizens' assembly to undertake the same kind of evaluation as the B.C. Assembly had done. McGuinty also committed to a referendum on the occasion of the next provincial election, in case the assembly recommended a change in Ontario's system.

The Ontario members were selected by the same general methodology as the BC-CA members, with the result of the same credible if not perfect descriptive representativeness. The Ontario CA had 104 members, who in their turn, underwent a learning phase in the fall of 2006, a public consultation and a deliberation phase, leading to a decision in 2007 to recommend a change to a Mixed Member Proportional system, or MMP (Ontario Citizens' Assembly Secretariat 2007; hereafter, "OCAS").

The McGuinty government decided to adopt the BC double supermajority requirement for the referendum vote on the reform of Ontario's electoral system.

In both CA's, members traveled to Vancouver or Toronto respectively, where they spent weekends attending CA sessions. All expenses and a per diem honorarium were paid by the province. The required time commitment (presumably attendance at the CA and reading of documentation) was estimated at at least 30 hours per month over most of a year (OCAS 2007, 2). During the learning phase of roughly six weeks, CA members received lectures from the academic staff of the assembly and some visiting experts in electoral systems, had the opportunity to discuss them in small groups with rotating memberships facilitated by graduate students, and continued their learning in informal talk at meals and in the evenings at their hotel.

During the public consultation phase, members traveled to various sites around the two provinces to hear the views of their fellow citizens on the electoral system, and read many submissions in hard copy as well as those produced by the e-consultation undertaken from the assemblies' websites. In B.C. in 2004, there were 50 public hearings, 363 members of the public made presentations, and there were 1,603 submissions. In Ontario in 2007, there were 41 public hearings, 295 members of the public made registered presentations, and there were 1,036 submissions.

During the following deliberation phase of about six weekends, CA members had to define their criteria for choice of electoral system and weigh the contending systems with a view to arriving at a final preference. In this phase again, other experts, beyond the respective academic staffs of the two assemblies, visited the CAs to share their knowledge with members. The plenary sessions and discussion groups now became the instruments for the development of the decision process. In the end, each assembly held a series of votes to arrive at a final recommendation. These votes were generally lopsided, indicating a form of consensus around rejection of the first-past-the-post system and then support of BC-STV (in 2004) and of MMP in Ontario (in 2007).<sup>1</sup>

Each of the CA's issued a plain-language report in support of their recommended reforms, and these reports were widely distributed (Citizens' Assembly on Electoral Reform 2004b; Ontario Citizens' Assembly on Electoral Reform 2007).

In the B.C. referendum of 2005, the recommendation of BC-STV obtained a very respectable 57% support, thus falling narrowly short of the demanding standard which had been set by the government as the threshold requirement for reform. However, the Liberal government, which won the simultaneous election, announced that it would offer the opportunity to its citizens again at the next general election. The first volume under review had only this history to work from.

In the Ontario referendum of 2007, the CA recommendation of Mixed Member Proportional system obtained the support of only 37% of the electorate. In the second BC referendum of 2009, BC-STV obtained the support of only 39% of the voters. In the second volume under review, Fournier et al have the advantage of both assemblies and all three referenda to analyze (plus the Dutch case).

### COMPARE AND CONTRAST...

The two books provide a fascinating contrast, notwithstanding the similarity of the subject matter and overlapping authorship. There is a celebratory, at times euphoric, tone to the Warren and Pearse collection. In part, this can be attributed to the very significant support which the first British Columbia referendum achieved, one that narrowly failed to attain the very high standard of 60% of the popular vote and a majority in 60% of the electoral constituencies. This was an extremely impressive performance against an unreasonably demanding threshold. It seemed to validate the principal tenets of minipublic theory. The question, however, was whether this achievement was due primarily to voters' memories of the two most recent and very lopsided general election results in the province, or whether, as the theory of deliberative democracy predicted, the representativeness and deliberative quality of the citizens' assembly played a large role in legitimizing its recommendations. I think it is fair to say that many of the authors in Warren and Pearse attributed the substantial referendum support as very important evidence of the latter factor, without denying the importance of the former.

In this, the book is typical of the widespread scholarly reception of the two Canadian Citizens' Assemblies, characterized by Pilon (2009, 2) as "rave reviews from both their participants and their academic observers" and indeed, typical of the ambitious and expansive tone of deliberative theory in general. Summarizing the claims in the literature, a sceptical Rosenberg (2007, 7) reports that "participation in deliberation leads individuals to reflect and interact in a way that is more logical, rational, just, considerate of others, self-critical and oriented to the common good" leading to decisions which Warren (2007, 272) says "are likely to be more legitimate, more reasonable, more informed, more effective, and more politically viable."

After two more citizen assemblies (Ontario and the Netherlands) and two much less successful referenda (Ontario and, a second time, British Columbia), Fournier et al offer a far more sober picture. As an example, I begin the comparison with the analysis included in Warren and Pearse by three who were to become co-authors of Fournier et al. In Warren and Pearse, André Blais, Kenneth Carty and Patrick Fournier contributed, along with colleagues Fred Cutler and Richard Johnston (Cutler et al, 2008) , a chapter

on “Deliberation, Information and Trust: The British Columbia Citizens’ Assembly as Agenda-Setter”.

According to Cutler et al (167), the BC-CA “may have allowed voters at large to substitute the CA’s deliberation and learning for their own.” And so indeed they discovered. They concluded that the important support for BC-STV obtained in the first BC referendum depended upon two different electorates. The first, the larger group labelled “populist”, “needed to know that the body recommending the reform was roughly representative of all British Columbians...was made up of ordinary citizens from all walks of life, deliberated in a fair, open, and independent way, and made its decision by consensus or near-consensus” (178). These voters did not have to “gather enough information on substance [but] were able to learn enough about the CA” to conclude that they were “people like me” (186, 191). The second, smaller, group of voters, the non-populists, needed to be assured that “that their randomly selected fellow citizens knew what they were doing” (179).

On the strength of these results, Cutler et al argued that, as the representativeness and the competence of CA’s become common knowledge, “voters might simply come to trust an assembly’s judgment and avoid substantive information entirely” (187-188). The conclusion was that more information about citizens’ assemblies would suffice so that “In future... the debate might focus relatively more on those aspects of the agenda-setter rather than on substance” (188). This echoed Thompson’s argument (2008, 48) in the same volume that “Although many voters were probably not well informed about the Assembly, they did not need to know much more than that members were ordinary citizens who spent many months deliberating about the question in a fair process before making the final recommendation” and therefore, citizens’ assemblies would become “a process involving a clear division of political labor: an assembly that recommends (after deliberating about the merits of alternative proposals), and an electorate that decides (after assessing the way the assembly deliberated)”. According to Warren and Mackenzie in a 2009 article, minipublics “can serve as trusted information proxies to guide citizens’ political judgments” thus enabling non-deliberating citizens “to make credible judgments about when and how to remain passive—to trust that others will decide and act in their interests”. This “good form of passivity” (2009, 4) contrasts with “bad forms of passivity” constituted by, for example, citizens’ trust in “decision-makers” with whom their interests “are not congruent” – a circumlocution for elected officials and other “distant” elites.

In the more recent book, the authorial team says nothing about a future for citizen assemblies so trusted as to spare their fellow citizens the labour of deliberation of their own on the substance of issues. To the contrary,

We would argue that citizen assemblies should be created only when there is a relatively large consensus that there is a real “problem”. In the absence of such a consensus, there is unlikely to be any momentum for reform nor support for citizen delegation....We suggest that the optimal circumstances for creating a citizen assembly are when there is ...the perception that the political system has failed to produce a satisfactory solution....The citizen assembly is a “last resort” instrument (Fournier et al 2011, 155).

In short, citizens' assemblies do not carry a decisive complement of inherent legitimacy in and of themselves; history must supply a favourable macropolitical conjuncture.

This is refreshingly down-to-earth after the inflated claims of deliberative democrats in general and mini-public theorists in particular. And Fournier et al offer other welcome opportunities to trim excess theoretical baggage. First, contra most deliberative democrats, their research (152) shows that "there is little reason to assume that participation improves people's civic views....apart from creating more informed and more interested individuals, large-scale participation does not produce better citizens."

Second, the deliberative democratic emphasis on representativeness notwithstanding, they also conclude that (148), "because only about 6 per cent of registered voters responded to the invitation to take part in the citizen assemblies, it was clear that the composition of each assembly would not perfectly mirror the population."

Third, while they acquit the staff who animate the assemblies of any perceptible bias in presenting options for reform (no "insidious" contamination by "extraneous forces" (93, 150)), they do admit (104):

Since the participants initially knew basically nothing about electoral systems and that they had to quickly acquire the necessary information and tools, we recognize that there was a real prospect for influence from the "teachers". It is hard to believe that the experts had no influence at all, direct or indirect, on any of the issues that were considered.

Fourth, they identify one of the dilemmas at the heart of deliberative theory. If the only way the people's wisdom can be tapped is with the expense, expertise and effort involved in citizens' assemblies like the ones described in their book (154), how can it make sense to then place the resulting wisdom at the disposition of a feckless and ignorant majority: "less knowledgeable governments and publics may not be the best judges of the decisions rendered by better-informed citizen assemblies" (79) meaning that "the setting in which assemblies exist may undo all the good they are able to achieve" (157). One of the central tenets of deliberative democracy is that citizens should not be bound by measures that they have not had the chance to reflect and deliberate upon. The whole deliberative exercise is driven by a perception of the failure of traditional electoralism and its practitioners, who are nevertheless taxed with failing to come to the aid of the citizens' assemblies' recommendations during the referendum campaigns (144, 154n.). It seems that both the mass of voters and their elected representatives largely neglect to read the script provided for them by the theory of deliberative democracy.

Fournier et al pose the question, but do not have any very precise or convincing answer. Their one specific proposal reveals the difficulty of the vicious circle which frustrates attempts to translate mini-public theory into practice. They advocate that (156):

...citizen assemblies themselves need to play a more extensive role in the public discussion on their recommendations. The assemblies should not be dissolved at the end of the decision-making phase. Their members should be actively involved in the debate, making the case for their proposals. It seems that their task should not be limited to finding the "best" solution to the problem at hand; they should

also then work to educate the population about their reasoning and conclusions. Of course, it is important that those who are opposed to whatever proposal the citizen assembly makes be allowed to contribute to the public debate as well. But assembly members should be fully engaged in the political process that follows their deliberations.

This can only mean that Assembly members would be paid an honorarium and expenses to campaign for their recommendations in a subsequent referendum or election. Fournier et al note that under existing models, only 6% of those citizens invited choose to accept an assignment as a member of a citizens' assembly and that this self-selection means that assemblies may not be a perfect mirror of the population. Just imagine who would self-select for an opportunity to audition for a role as an apprentice public advocate/politician at the expense of the state, and how representative these volunteers would be likely to be! But no lucid government would, on prudential grounds, subsidise a future referendum campaign for a set of recommendations that has yet to be identified, nor would it, on grounds of principle, want to have to explain to its citizens why one side of a referendum debate or election issue has been prepared and subsidised by the state, while the other has not.

Fournier et al present a view of citizen assemblies which underlines some of the hard questions about the minipublic movement. It would be too much to say that their view is disabused or disenchanting, but it bears no relation to the complacent optimism of the previous literature, exemplified by the Warren and Pearse volume. Particularly since the Canadian authors, Blais, Fournier and Carty, as well as Jonathan Rose (2007, 2009), shared the earlier mood, they deserve our respect and thanks for the sobriety and candour of this analysis. It remains to be seen whether the momentum of deliberative theory and its celebration of the citizen assemblies will be in any way inflected.

### THREE HARD QUESTIONS

What are the hard questions? First, how representative are citizen assemblies? Deliberative theory says that the conclusions of a representative and disciplined citizens' assembly are those which any other representative group of citizens would have arrived at, had they had a similar experience of education, consultation and deliberation. The question is what other citizens should make of this claim. What we need to know is not that, at the expense of a few million dollars, citizens of varying educational background are "competent" to learn about public policy issues. It is hardly surprising, given the effort and investment, that they are able to pass their professors' tests of knowledge and logical consistency. We need to know whether their conclusions can be meaningfully described to their fellows as those of "people like me". And here, I think, there remains a reasonable doubt. For example, Smith and Larimer (2009, 244) argue that:

A panel of citizens that sits for an extended period of time ... become [sic], in effect, policy experts, experts whose informed judgment may differ significantly from those of the public at large ... this leads straight to the very problem [advocates of participatory policy-making] are trying to address: elites making decisions on behalf of the public. Beginning with a random sample of citizens does

not guarantee its ultimate policy judgment will reflect a consensus that the public will support, anymore than it guarantees its policy recommendations will effectively address the targeted population.

Or, as Ryfe (2005, 53) puts it, “Ironically, by fulfilling one deliberative principle (learning), the method short-circuits another (representativeness).” Certainly, the pretence that citizen assembly members were just folks looks a little thin, on the accounts provided by various observers of the Canadian assemblies. When BC-CA members reassembled in June 2004 after 50 public consultation meetings, “they raised a number of concerns about the factual accuracy of some submissions, the relevance of many presentations to the Assembly’s mandate, and, most importantly, questioned how representative these oral and written submissions were of the views of the provincial electorate” (Pearse 2008, 79-80). “Often, to the irritation of Assembly members, presenters appeared unfamiliar with the detail of its operation and were ‘unable to answer questions on the model they were presenting’ ” (Ward 2008, 306, quoting Citizens’ Assembly on Electoral Reform 2004a, 76). According to Lang (2007, 45), “when it came down to deciding which tradeoffs to make, Assembly members got little help from their audiences.” One BC-CA member felt that “a lot [of the presenters] had only a vague idea of how the electoral system they wanted actually worked”. Another said, “I was looking for specific suggestions about electoral systems that would help me build one, but I didn’t really hear any... You know, most people don’t know much about electoral systems” (Ward 2008, 307). When surveyed, less than one-third of BC-CA members regarded the public hearing process as “very informative” (Ward 2008, 307).

In Ontario, the experience was similar. According to Rose (2009, 227-228), during the consultation phase, CA members “struggled” with the fact that they were supposed to be “citizens” but had nevertheless developed “a certain expertise”. Rose (2007, 14) recounts, “As one OCA member puts it when asked if anything new was learned at these [public] meetings, ‘No, it goes to show you how well prepared we are.’ ”

Not to put too fine a point on it, CA members discovered they knew much more about the subject in question than the great majority of the public who appeared before them. Ontario CA members ranked the public hearings as the second least important “contribution to the success of the assembly” (Rose 2009, 222), the only less important being “Conversation with family, friends, and/or other people in your riding”.

As a result of all this, the BC-CA members opted for the Single Transferable Vote system, even though the overwhelming majority of public interveners preferred the Mixed Member Proportional system, which is also much more prevalent around the world. “As members’ knowledge of electoral systems and passion for reform increased, so too did their sense of a shared experience and their perception of the gulf that now separated them from most other British Columbians” (Pearse 2008, 82). They could feel at ease discounting the opinions of other “ordinary citizens” because “their technical proficiency and expertise gave them the authority to ignore an apparent public preference for MMP, as long as they selected a system that responded to the political values expressed in submissions and during their contact with their communities” (Pearse 2008, 84). It would be hard to find a better short description of the routine experience of legislators, mayors and city councillors, regulators, commission members – in short, of elites in

situations of public responsibility - when they find themselves listening to citizens testifying before them. Without her acknowledging it, Pearse's incisive summary and the evidence gathered from assembly members undermines the idea that "local knowledge" and "ordinary" citizenship could be the keys to the legitimacy of citizen assembly recommendations.

And there is another dimension to this same issue which deserves attention. The two Canadian assemblies, faced with much the same problematique though not the same history, came to different conclusions, because, say Fournier et al (112), "their members valued different objectives [for electoral reform]". This is fine as far as it goes. But the theory of minipublics specifies that voters are to regard these conclusions as those which they themselves would have come to, had they had the same opportunities to learn, consult and deliberate: any suitably selected and educated assembly may be substituted for any other from same constituency. That is, with the same resources and academic support, any other comparably representative citizen assembly in BC would have chosen STV and any other comparably representative citizen assembly in Ontario would have chosen MMP. Is this really plausible?

In short, it is not clear that the representativeness of citizen assemblies can bear the weight that minipublic theory wants to place upon it.

The true defining feature of the assemblies was not the application of "local knowledge" but the opportunity to benefit from the formative expertise of accomplished academics – as it happens, first and foremost Kenneth Carty (BC) and Jonathan Rose (Ontario), analysts and protagonists – to understand, not only electoral systems, but democratic government. A second hard question is, what exactly is the role of the "neutral expert" (or experts) who becomes a kind of all-purpose oracle of wisdom about public policy and public life for assembly members? It is a pity that Fournier et al never imagined the academic director as an object of their research. Their survey data suggests that members did not feel led in any particular direction by the assembly staff. Given the integrity of the principals, this is scarcely surprising. The issue is not academic good faith. It is the likelihood that staff involuntarily brought their own distinctive intellectual commitments, pedagogical skills, values and attitudes to their task and that this will have influenced assembly members. A propos of the discipline adopted by deliberative democrats, Fish (1999, 59) argues:

Whatever "principle" one might offer as a device for managing the political process will itself be politically informed, and any agreement it secures will be the result of efforts by one party first to fill the vocabulary of principle with meanings reflecting its agenda and then to present that vocabulary, fashioned as an adjunct to a political program, as the principled, apolitical source of that same program.

And on the claim of the neutrality of expertise, Mutz (2008, 535, 534-535) observes that "any system whose usefulness depends wholly on locating disinterested, nonpartisan moderators is in trouble to begin with" because "faith in the deliberative enterprise rests on believing that organizers and moderators have somehow overcome their own biases and also counteracted social psychological biases among their participants." Deliberative theory focuses so much on descriptively representative persons that it ignores the

issue of locating and dispensing anything resembling intellectually representative knowledge.

Consider the first meeting of the BC-CA. The members received a lecture from Director of Research Kenneth Carty entitled “Our Adversarial Political System” from which they learned that first-past-the-post systems force “choices into a simplistic for or against framework” making “clear winners and losers” whereas the alternative “consensual political systems are designed to allow as many different opinions as possible represented in the legislature and even in government” (Lang 2007, 43; Herath 2007, 49-50). After Carty finished, in one of that first day’s discussion groups, Ratner (2004) discovered that “it was clear that members were already sympathetic to a less adversarial model of electoral politics than the one long entrenched in British Columbia”. Ratner (2005, 31) later concluded that among the factors that “may have prevented a fully autonomous assessment by members of the alternatives” was “the influence of the staff in contributing to the early identification of ‘core values.’ ” One of the members of the BC-CA (Herath 2007, 171) felt that “there was a degree of overdependency on academic experts in the Assembly decision-making process.”

Indeed, even the Warren and Pearse authors were not unanimous in their verdict that the BC-CA represented the fulfillment of minipublic theory. Lang was the important exception; in her article “Agenda-setting in Deliberative Forums: Expert Influence and Citizen Autonomy in the British Columbia Citizens' Assembly”, she concluded (2008, 104) that deliberative fora were superior to other institutional settings of mass democracy but that

Providing participants with balanced information at the outset of a deliberation process is not enough to produce discussions that match an ideal form of democratic deliberation. Some issues will get extended consideration, while other issues, while relevant, will be sidelined. Consequently, the democratic legitimacy of deliberative forums does not lie in meeting an absolute standard of discussion where all facets of an issue are considered.

This was not because of overbearing or biased staff, but because of the deliberative discipline adopted as part and parcel of the application of minipublic theory. She recommended that members should be given more leeway and training to take policy leadership within the citizen assembly framework (105).

In summary, the assumption by deliberative theorists that minipublic members are free of any idiosyncratic influence from the experts educating them and that the autonomy of citizen-deliberators is unproblematic seems vulnerable without further and tougher-minded research.

A third and final hard question concerns the conclusion in both works under review that had the voters as a group had the appropriate information – about the assembly and/or about electoral systems – they would have supported the assembly recommendations in far greater numbers. Fournier et al (136) conclude that “a lack of information remains a central explanation for the referendum failures”. For them (154), “Citizen policymakers rose above the usual apathy and unsophistication to design a coherent policy proposal, but that proposal then came to the voters, hit the wall of uninformed support for the sta-

tus quo, and was rejected”. If I understand them correctly, more information would lead to acceptance of assembly recommendations because their survey showed that (1) small numbers of voters said they knew about the assembly and/or electoral reform; (2) these voters described themselves as more favourable than did others to the assembly recommendations; and (3) a simulation showed that if all voters could be informed to the degree that this minority was, and in consequence adopt the same choice as the minority, the referendum results would have been much more favourable to assembly recommendations. But this assumes that the correlation of information and intention amounts to a causal relationship, the former predisposing to the latter. However, it is at least plausible that the minority who were informed were so not by accident, but by a pre-existing dissatisfaction with the electoral system, or an interest in the assembly chosen to deal with it, that is, that the putative causation runs the other way. It may or may not be the case that more widespread information would lead initially uninformed or disinterested voters to support assembly recommendations in significantly greater numbers.

More generally, this concentration on information reveals the ambiguity of the claim that a “unitary” form of democracy, based on deliberation and consensus, can somehow stand independently of “aggregative” or electoral democracy. Deliberative democrats have never been able to show quite how unitary democracy makes a material difference, without being subject to the terms of aggregative democracy. That is, assemblies, referenda, citizen juries and the rest of the deliberative armoury depend crucially upon the skilful practice of conventional politics, before and after the deliberative moment. In a political debate in which all that can be said and done *is* said and done,<sup>2</sup> any support for CA recommendations would not be obtained simply because assembly members can be uncontroversially portrayed as “people like me” or because more information about the assembly’s option or the assembly itself may be diffused through the body politic. The public promotion of assembly recommendations would require robust rhetorical support. It is the rhetorical moment which has the potential to create meaning and trust, not the “good passivity” which supposedly issues from greater knowledge of citizen assemblies. No matter how much theory attempts to dress them up, citizens’ assemblies must in the end report impersonal recommendations, and as such are at best likely to find such recommendations to be the objects of aggregative politics.

## CONCLUSIONS

The B.C. Citizens’ Assembly has joined Porto Alegre participatory budgeting, Oregon health planning, Chicago community policing, and one or two others, on the short list of deliberative democracy’s greatest hits. Warren and Pearse is representative of the litera-

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ture that put it there. Fournier et al make a signal contribution to a more balanced view of the Canadian experience. They show why Button and Ryfe (2005, 29) conclude that “as both a normative and empirical matter, deliberative democracy remains an open question.” This echoes Delli Carpini, Cook and Jacobs (2004, 321): “Although the promise of public deliberation has drawn significant attention from scholars and practitioners, there remain deep doubts about its practicality, political significance and even appropriateness as a core feature of a vibrant democracy.”

## NOTES

1. In addition to the books under review and the CA technical reports referenced in the text, see Herath, 2007; Institute on Governance, 2007; Lang, 2007; MacDonald 2005; Ratner 2004, 2005; Rose, 2007, 2009; Ward, 2008.
2. Unlike the non-debates of the three Canadian referendum campaigns; see Hoff 2009; Leduc, Bastedo, and Baquero 2008; Perella et al 2008; Pilon 2009; Stephenson and Tanguay 2009.

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