

GENERATING DEMOCRATIC LEGITIMACY THROUGH CITIZEN DELIBERATION

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****This is very much work in progress.**

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1 Introduction: deliberative democracy as a theory of legitimacy

From the beginning of the 1990's onwards, political analysts in all Western European countries discovered the contours of what they thought to be a widespread crisis of democracy. The alleged decline of political trust and public participation, and the rise of electoral volatility pointed out that the gap between politicians and citizens had never been wider. This political climate characterized by a deep-rooted crisis of democratic legitimacy offered an excellent breeding ground for critical reflection on the role, shape and function of democracy in modern societies. It gave rise to a fruitful quest for new and innovative ways of governing a democracy.

It is in this turbulent period that the ideal of a deliberative democracy was coined. A community of international scholars and philosophers, inspired by the work of Jürgen Habermas, advocated the idea that a vibrant democracy is more than the aggregate of its individual citizens. The quality of a democracy and the quality of democratic decisions, according to them, did not depend on the correct aggregation of individual preferences, but rather on the quality of the public debate that preceded the voting stage (Dryzek, 2000). The quality of democratic decisions was thus determined by extensive argumentation about political choices before voting on them.

This deliberative model was widely heralded as a theory of democratic legitimacy (Cohen, 1997; Dryzek, 2001; Parkinson, 2006). By including everyone who is affected by a decision in the process leading to that decision, deliberation has important political merits: it is capable of generating political decisions that receive broad public support, even when there is strong disagreement on the aims and values a polity should promote (Geenens & Tinnevelt, 2007, p. 47).

However, these beneficial effects do not come about easily. What is often overlooked is that, if deliberative democracy wants to contribute to the legitimacy of the political system as a whole, it has to be legitimate in itself. In other words, deliberative processes have to reflect the principles of legitimacy in their own functioning before their outcomes can increase the legitimacy of formal political decision-making procedures.

It is therefore crucial to assess how internally legitimate deliberative mini-publics are before making claims about their contribution to the legitimacy of the political system as a whole, and also to gain insight in how we can design deliberative mini-publics in such a way as to maximize their ‘external’ benefits. After all, even the most basic design features of deliberative mini-publics, such as the size of the group or who initiated the event, can affect their wider societal and political impact. Our research question is therefore: what are the favorable conditions under which deliberative mini-publics can live up to the criteria of democratic and political legitimacy?

In order to answer this question, we rely on a comparative research design. By comparing four – carefully matched – deliberative events, we would like to determine the conditions under which deliberative events can maximize their internal legitimacy. More specifically, we will compare the following four deliberative mini-publics: the British Columbia Citizens Assembly on Electoral Reform, the Dutch Burgerforum, the Belgian G1000 Citizens’ Summit, and the Irish “We, the citizens”-project. All of these cases are very similar in most aspects, but they differ in some crucial design choices, which we will develop in the third section.

However, we need to start this paper with developing how to measure the legitimacy of a deliberative event. Many things have been said and written about deliberation and legitimacy, but very rarely have the philosophical and theoretical premises been translated into operational terms. This is what we attempt to do in the following section. Thereafter, we discuss which factors might be considered favorable or unfavorable to the legitimacy of deliberative mini-publics. In the fourth section, we develop the methodology

and discuss the cases under investigation. The fifth part offers the comparison, and tries to link the specific design choices of deliberative mini-publics to their contributions to democratic legitimacy.

2 Deliberative processes and their internal legitimacy

In one of the most cited articles on the issue of deliberative legitimacy, Cohen contends that “outcomes are democratically legitimate if and only if they could be the object of free and reasoned argument among equals” (1997, p. 74). As most deliberative scholars (Dryzek, 2001; Manin, 1987; Parkinson, 2006), Cohen thus offers a very proceduralist view that links inputs from citizens to political outputs through a certain deliberative procedure (throughputs). This means that, in order to assess the quality of the deliberative process and its legitimacy, we should rely on a conceptualization of deliberative legitimacy that can fully distinguish between these three dimensions¹.

Building on previous studies on democratic legitimacy, Bekkers and Edwards (2007), and Edwards (2007) discern three different dimensions of legitimacy, which are closely related to Cohen’s definition. Democratic decision-making procedures, in their opinion, have to live up to their claims to legitimacy in the input, throughput and output phases: democratic procedures have to make sure that the opinions and needs of ordinary citizens are translated through deliberative procedures into effective political outcomes. We discuss each of these three dimensions of deliberative legitimacy hereafter.

a. Input legitimacy

The input legitimacy of deliberative events deals with citizens’ opportunities to influence the agenda, the process and the outcomes of the deliberation. Input legitimacy is thus a measure for the openness of the deliberative events towards demands and needs from its participants. Input legitimacy is high if citizens have the chance to fully participate in the process of deliberation, and to make their viewpoints known. Inclusiveness is thus the

¹ This threefold model, which distinguishes between input, throughput and output legitimacy, is often used in studies on democracy as such (see e.g. Nordbeck & Kvarda 2006; Papadopoulos & Warin 2007; Risse & Kleine 2007; Schmidt 2013), i.e. without the deliberative attribute, and its conception dates back to David Easton’s (1965a; 1965b) seminal work on political systems. Even though the conceptualization of legitimacy we develop later builds on these more generic theories, it is designed specifically to assess deliberative events.

central principle, whereas selectivity in demands and participants has to be avoided in order to get a genuine reflection of the authentic preferences of the population at large. According to Edwards (2007), this type of legitimacy has to meet two central criteria in a deliberative setting, namely the quality of representation and the openness of the agenda.

1. *Quality of representation*: One of the main problems faced by deliberative democrats is the scale problem. The kind of argumentative interaction between ordinary citizens that deliberation entails is very difficult to achieve in mass democracies, and “meaningful participation in collective decision by anything more than a tiny minority is inconceivable in contemporary nation-states” (Dryzek, 2001, p. 652).

In order to make citizen deliberation viable, it is usually scaled down to a type of mini-public. In doing that, it is crucial to take into account that the opinions of the participants are in some way representative of the diversity in the larger population from which they are drawn. The reason why such representativeness is crucial is that all of the problems democracies are faced with are unevenly distributed among the citizenry. Different experiences lead to different perspectives on what constitutes a social or political problem, and if certain problems disproportionately affect certain social groups, these groups and their opinions should be reflected in the deliberations (Bohman 2007; Fearon 1998). As such, high levels of representativeness are often equated with high levels of inclusion and input legitimacy.

2. *Openness of the agenda*: Besides the fact that deliberative mini-publics have to be representative, legitimate deliberation also requires an open agenda. If the agenda is fixed and closed, the diversity in the group will not be able to manifest itself, because citizens’ opinions will be restricted to a very narrow set of items. When the agenda is open, mini-publics will be able to approach the issues more holistically. Selectivity during the agenda setting of the event will thus undermine the input legitimacy because issues are banned from the discussion (Edwards, 2007). Since policy problems are often holistic and interdependent, a closed agenda setting and very narrowly defined topics hinder the inclusivity of the event on the input side.

Allowing the participants to explore new and adjacent problems could thus increase the input legitimacy.

b. Throughput legitimacy

Whereas the input phase mainly deals with the inclusion of participants and their ideas in the deliberation, the throughput phase focuses on the deliberative process itself. The procedures used to shape the process of deliberation determine to a large extent the quality of that deliberation and its outcome. It is therefore crucial to critically assess the throughput legitimacy based on the following three criteria.

1. *Quality of participation*: It is not sufficient that diverse voices are represented in the deliberative arrangement through random sampling; these voices also have to be heard. The deliberation has therefore to be modeled in such a way as to bring out everyone's experience and perspectives (taking into account their different ability to express their views), and to foster openness towards the arguments of others. In this respect, the quality of participation criterion captures whether the discussion reflects the characteristics of the ideal speech situation (Bekkers & Edwards, 2007).

Crucial determinants of the quality of participation are therefore the style of moderation (active involvement of the moderator can increase equal participation), the setting (hot deliberative settings are more confrontational than cold ones and therefore scare more people off), the size of the groups (large groups have exclusionary tendencies), and other inhibiting factors such as the use of multiple languages.

2. *Quality of decision-making*: It is important that decisions in a deliberative setting come about through a process of argumentation, and not through coercion. Decisions must reflect the reasoned opinion and openness to persuasion of all those involved and not the power relations in the group. However, the aim of reaching some kind of uncoercive consensus, which is central to deliberative theory, is at odds with the real world of politics. It is in deliberative practice inevitable that conflicts within a mini-public will continue to linger. "Even under ideal conditions,"

Cohen (1997, p. 75) contends, “there is no promise that consensual reasons will be forthcoming. If they are not, then deliberation concludes with voting, subject to some form of majority rule”.

This real world limitation makes clear that there should be some place for voting in deliberative democracy (Saward, 2000, pp. 67-68). Most deliberative designs therefore rely on some aggregative mechanisms to come to some kind of final decision, so that the power of the majority does play a role. The quality of decision-making therefore depends on the sheer number of times aggregation crosses the deliberative process and the binding power of these aggregative decisions. If for instance there is a deliberative process, but it is interrupted every hour with a straw poll to see whether and how opinions have shifted, the power of the majority weighs more on the process than with simply a final vote at the end of the event.

3. *Contextual independence*: Deliberation often deals with controversial issues, and therefore never takes place in a vacuum. It is always embedded in a certain political and societal context, and these contexts also exert influence on the process of deliberation. This wider public involvement strengthens deliberation, precisely because the issues are so politically salient, and because the deliberators are always part of that population. A vibrant deliberative democracy should therefore be able to handle these outside influences.

However, at some times, there can be large outside pressures on the participants that undermine deliberation, by forcing the participants to choose a particular course of action. When this is the case, deliberation suffers from coercion and the process of reasoned argument, as a basis for legitimate decisions, is completely undermined. Deliberants should thus be substantively independent from these outside pressures exerted by political parties, public opinion makers, pressure groups or the media.

c. Output legitimacy

Finally, deliberative events also have to live up to the legitimacy requirements on the output side. This means that two specific criteria have to be met:

1. *Weight of the results*: In order for the outputs to be legitimate, they have to be effectively implemented (Edwards, 2007). This means that the outcomes of deliberation have to be in some way linked to formal political decision-making processes. Otherwise the process is merely a form of democratic experimentation with no practical use whatsoever. This means that the output legitimacy increases when the effective impact of the deliberative outputs and the participants on real world politics is high. It also means that the output legitimacy increases as the deliberative outcomes are binding: outcomes with mere advisory function score lower than when government has expressed its commitment to implementing the final decisions.
2. *Responsiveness and accountability*: Decisions taken through deliberation should not only be implemented by public institutions, there should also be regular feedback to the participants (Bekkers & Edwards, 2007). Those who put their heads together to come up with solutions, should be kept in the loop on what happens with these solutions, what changes were made, and what problems the government agencies encountered.

Moreover, there should be a clear chain of responsibility. It should be clear to the participants in deliberative events who is going to implement their decisions, who is going to report on the progress made, and who can be held accountable for the results achieved.

3 Favorable conditions for deliberative legitimacy

This threefold model is a very complex one, and many design features of deliberative events – even the most basic ones – could at least potentially impact on each of the dimensions and sub-dimensions of legitimacy we outlined above. Our aim in this paragraph is to outline some of the choices designers of mini-publics have to make, and what are their consequences. It is not our aim – nor would it be possible – to be exhaustive, and the list of favorable conditions we present below is merely a first attempt at finding out under which citizen deliberation can have a wider democratic impact.

- a. The number of participants

A crucial choice in the design of any deliberative mini-public is the number of participants to recruit. Depending on the aims of the organizers, a small group can suffice. This is often the case with the German consensus conferences. When the aim is to arrive at very tailored and detailed proposals, it is easier to work with fewer people. When the aim is, however, to take stock of what opinions ‘live’ among the population on salient political problems, the design of a Town Hall Meeting, which habitually gathers relatively large groups of citizens, might be more appropriate (Gastil & Levine 2005).

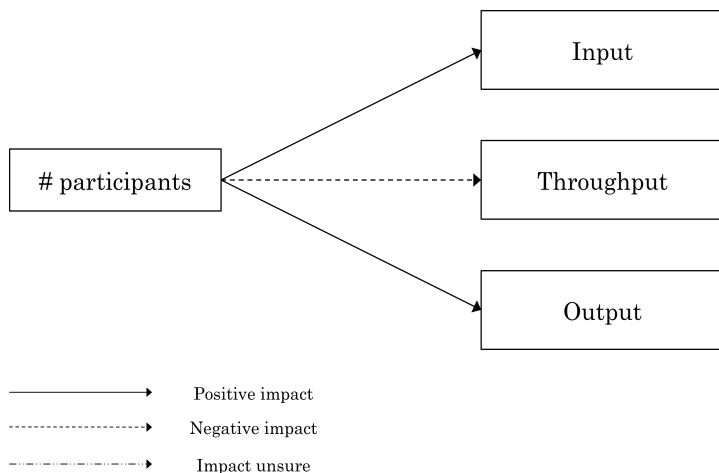
Designers of deliberative events should not overlook the fact that the simple but essential choice on the number of participants could potentially have a large impact on the legitimacy of the event. The most obvious effect it has, is of course on the input legitimacy. A small group of 20 participants will generally be less diverse than a group of 500 deliberants or more. Of course, much depends on the manner of recruitment, even though it could be assumed that larger numbers are more likely to produce groups that are more cognitively diverse and representative (Caluwaerts & Ugarriza 2012). Larger numbers could therefore positively impact upon the input legitimacy, but the recruitment procedure should also be taken into account (see below).

The effects of large numbers on the throughput dimension, however, are less positive. As the literature on group dynamics teaches us, the larger the groups are the more difficult it is to manage group dynamics (Krueger 1998). Participants who are more talkative or more discursively dominant will have a much easier time taking over the discussion, so that larger groups will more often lead to the silencing of those who are less assertive. Moreover, reaching consensus through pure argumentation in large groups is very unlikely, which necessitates the more frequent use of aggregative mechanisms in order to come to some kind of a conclusion. Large groups thus exhibit a better quality of representation (input), but risk to induce a lower quality of participation and decision-making (throughput).

This is further amplified by the fact that large deliberative events attract much more media attention, which in turn threatens the contextual independence. Large mini-publics are more visible, and they potentially symbolize a kind of counter-power against the formal institutions and the political elites. Because they are controversial, they could induce a strong polarization in the public opinion, and suffer from outside pressure, leading to low throughput legitimacy.

Finally, we assume that a large mini-public could put extra pressure on the political elites to give weight to the results. It is easy to dismiss the results of a mini-public of 50 people, but it is much harder to swipe the joint efforts of 500 or more participants under the rug. The output legitimacy could thus positively correlate to the number of participants.

Figure 1: the hypothesized impact of the number of participants



b. Selection of participants

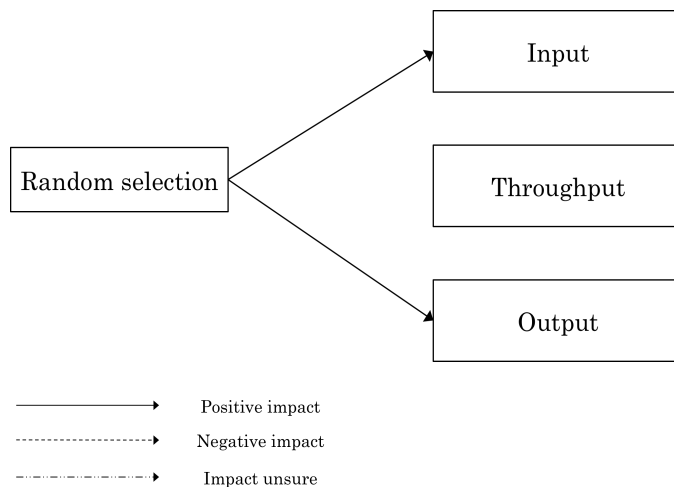
Once the number of participants is clear, organizers should make a decision on who these participants have to be. Theoretically, there are two main devices for doing this: election and selection (Smith, 2009). Based on theories of representative democracy, we could argue that participants to public deliberations can be *elected* from and by the population to make present the voice of those who are not part of the mini-public. In such a process, the deliberator would however be considered a delegate, who is elected in order to promote the interests of his group, and not necessarily the common good. Such a role of delegate is, however, at odds with the transformative potential of deliberation, because deliberators will be hesitant to change their opinions. Election thus introduces a principle of power into the discussion, which is at odds with ‘the forceless force of the better argument’.

This is why deliberative practice relies strongly on *selection*. When participants are not elected but rather selected in some way from the population, they are more open to changing their minds because the weight of reelection is not on their shoulders. Forms of

descriptive representation in deliberative fora through random sampling are therefore often considered to be ideal (Caluwaerts & Ugarriza, 2012; Landemore, 2012). Randomization offers each member of the population an equal chance of being part of the mini-public, and increase cognitive diversity. Such a diversity is a necessary requirement for good and legitimate decisions (Thompson, 2008), and random selection is often considered to be the best guarantee for ensuring such an experiential diversity in mini-publics (Fishkin & Farrar, 2005; Fishkin, Luskin & Jowell, 2000). This increases the quality of representation. In contrast, sampling techniques that foster self-selection, such as snowball sampling or very open calls for participation, only foster inbreeding among likeminded and therefore undermine the input legitimacy (Ryfe, 2005).

From the output perspective, it is important to notice that randomization often benefits from the appeal of neutrality. Randomization is considered neutral because everyone in the population has an equal chance of being selected, and the odds are high that many different perspectives are present. Deliberative practice has shown that this neutral form of selection makes it harder for politicians to discredit and disregard the outcomes. A self-selected group of like-minded citizens has less political *sérieux*, and their conclusions will be accorded less weight than those of a more diverse, randomly selected group.

Figure 2: the hypothesized impact of the selection method



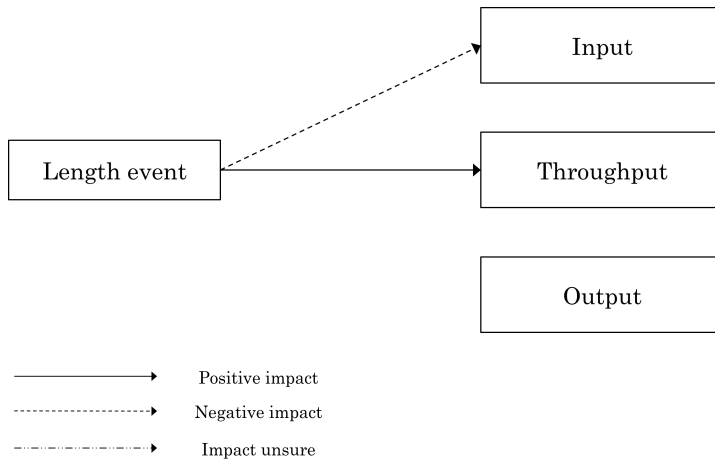
c. Length of the event

Deliberative experiments often vary strongly in their duration. Some last barely longer than a focus group and gather a sample of citizens for just a couple of hours; others range from a weekend to a series of weekends spread over an entire year. It is self-evident that this also impacts upon the legitimacy of the mini-public, because the length of the event can easily be considered a proxy for the mental, physical and temporal investments the participants have to make. And studies of political participation provide ample evidence of the fact that the larger the personal investment is, the less likely citizens are to take part (Brady et al., 1995). Participation in deliberation inevitably means overcoming a psychological threshold, and this is even more so the bigger the required engagement. Only the ‘diehards’, i.e. most motivated citizens, or those with the most outspoken opinions will commit or continue to commit.

In terms of output legitimacy, it is not difficult to see that long deliberative processes require more investment, and attract much fewer people. There is thus inevitably a self-selection effect, which is of course present in any deliberative endeavor, but which additionally undermines the quality of representation in the case of long processes (Smith 2009). In part this can of course be overcome with financial incentives, but a strong self-selection bias is almost inevitable.

On the other hand, lengthy deliberative events will almost certainly positively impact upon the throughput legitimacy. A one-day event offers only a very limited time frame for people to utter their opinions, whereas a multiple-weekend design offers much better chances of bringing out the opinions in the group. Not only is there more time to speak and argue (which improves the quality of the decision-making), people also learn about each other and become more confident about talking in groups. The lower thresholds for participation in a long event thus positively influence the throughput legitimacy.

Figure 3: the hypothesized impact of the length of the event



d. Financial support/initiator

Deliberation is quite costly as any organizer has experienced. Not only the logistics, but participation fees, moderators, transportation etc. cost buckets full of money, and from a design perspective it is interesting to study where that money comes from. Most deliberative experiments to date rely on official government funding. This most often means that the government is the initiator and desires the mini-public to discuss some specific political or policy issue. A second source of funding is what we would generically like to call third sponsors. Few deliberative experimentalists have shied away from taking research funding or money from large private organizations to fund their events. A final source of financial means, which – in deliberative practice – has not yet been fully exploited, is crowd funding. There are some events (as we will see later on in this paper) that are organized and funded entirely bottom-up: ordinary citizens contribute to their organization through small (or admittedly less small) donations.

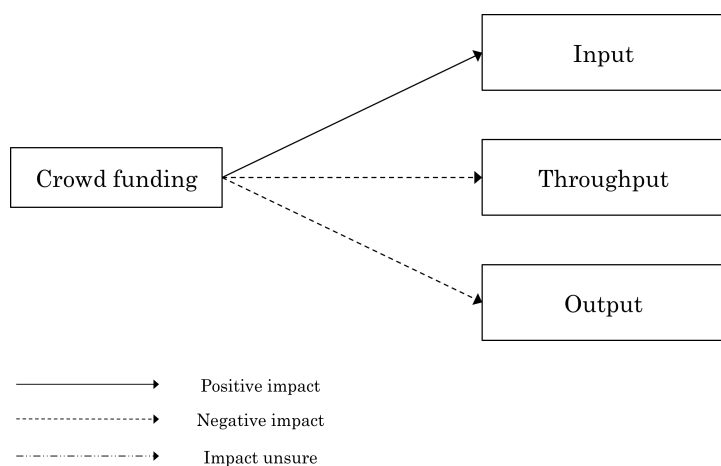
This also affects the legitimacy of these events. Bottom-up organized events will have much more discretion with regard to the agenda, whereas top-down deliberation is more likely to be organized around a narrow set of predetermined issues. Funding from official or political sources thus tie the hands of the organizers, and determine the general openness of the event and its agenda, whereas a crowd-funded budget allows for more procedural and substantive freedom, and will thus positively affect the input legitimacy.

This liberty is only relative, however, because crowd funding is a very intensive business, and it inevitably requires a sound media strategy. This dependence on the media

in the fundraising strategy means that the contextual independence might be threatened. After all, the more the media are involved, the more the deliberative event will be surrounded by polemic.

On the output side, however, the liberty that comes with crowd-sourced money might have a bit of a backlash. The flipside of the coin is after all that it will be very difficult to influence the political elites or process. When funding comes from official instances, they will probably be in demand of some inputs from citizens, and they will be more likely to listen to the results. Government sourced money would thus improve the weight given to the results of the event, and positively affect the output legitimacy (Smith 2009).

Figure 4: the hypothesized impact of the crowd funding



e. Public endorsement

Because of the scale problem that haunts every deliberative event, the decisions made by mini-publics did not receive assent from the public as a whole (Chambers, 2009). Only a small part of the citizenry was implicated in their coming to life, so any deliberative event should have feedback loops to the public as a whole. As Dryzek (2001, p. 654) puts it: “decisions still have to be justified to those who did not participate”. This means that the results from a deliberative endeavor should be put to the test of publicity once more, and receive some kind of public assent.

This could be effectuated in many ways. A very strong way of getting an endorsement of the wider public is by putting the proposals to the popular vote in a

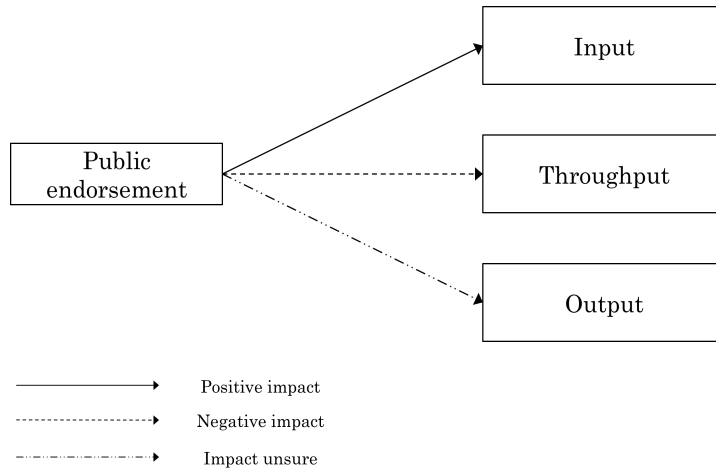
referendum. Especially in case of a binding referendum, public support would add legitimacy to the decisions made. To some extent, however, feedback might also be organized through weaker and more informal means such as televising the deliberations, reporting on their proceedings in the media, or even by having an online discussion box on the event.

Whether or not a phase of public endorsement was built into the design, and how this is done, greatly affects the legitimacy of the process. The quality of the representation might in any event benefit from a strong public endorsement. Like we argued earlier, mini-publics – even in their perfectly randomly drawn form – always suffer from self-selection and drop-out, and a thorough feedback to the entire population might make the results more representative.

In terms of the throughput legitimacy, powerful strategies of public endorsement could be a burden. Deliberative events usually thrive in an environment of argumentation and talk, whereas finishing a deliberative process with a strong aggregative strategy, such as a referendum, could undermine the quality of decision-making. If the participants know that their efforts might become futile because there will be a larger group deciding on their proposals afterwards, they might be reluctant to fully participate and to see the benefit of their investments. Weaker forms of public endorsement, such as a simultaneous discussion forum, could prove to be more effective, and could make sure that the full diversity of opinions within the mini-public is explored.

On the output side, we would expect a strong public endorsement strategy for the decisions of the mini-public to be a huge advantage. If the people in a referendum support the proposals formulated by the mini-public, then the threshold for government officials to disregard them will be very high. The power of numbers could in this case support the power of arguments. But therein also lies its fundamental weakness: participants in a mini-public talk to each other and they go through a process of social learning and preference transformation in order to come to a final conclusion. However, the wider audience did not go through this process, and did not change its – presumed rationally ignorant – opinions. If their final and uninformed vote would go against the decisions of the mini-public, it would be very easy for public officials to simply disregard the results of the deliberations. This makes the choice for strong public endorsement a tricky one from the perspective of output legitimacy.

Figure 5: the hypothesized impact of a strong public endorsement



4 Research design

Since we are looking to determine which conditions induce higher or lower legitimacy, we will analyze four deliberative experiments. A comparative method is generally considered to be ideal in order to answer questions of a causal nature (Rihoux & Ragin 2009), because it allows us to single out those factors or configurations of factors that are conducive to an effect. For our purposes, we have selected four deliberative experiments in a most-similar design. They are all relatively sizeable deliberative events gathering citizens to discuss salient political issues. They were all organized in a similar political context, i.e. a context where there was a strong sense of democratic deficit and political dysfunction. The cases are, however, matched on the independent variables, meaning they differ in their design. This allows us to draw some conclusions on which factors affect the legitimacy. Hereafter, we will give a brief description of the design choices of each of the cases, and of how they score in terms of legitimacy.

a. The British Columbia Citizens' Assembly on Electoral Reform

Following on an election promise, the government of the Canadian province of British Columbia empowered an Assembly made of 160 ordinary citizens who were near-randomly selected to assess the province's electoral system and possibly recommend a new system, should they believe it necessary. The government pre-committed itself to putting the

proposition of the Citizens' Assembly (CA) to a provincial referendum and to implementing it in case of approval by the population. The CA met from January to November 2004 to learn about electoral systems, consult with the public, deliberate, and finally recommend in December 2004 that the British Columbia's electoral system changed from single member plurality vote to single transferable vote, a form of proportional representation. This experiment was "the first time a citizens' body ha(d) ever been empowered to set a constitutional agenda" (Warren & Pearse, 2008, p. 6) and this is why it deserves our attention in terms of input, throughput and output legitimacy.

The CA was designed to approximate a descriptive representation of the people of British Columbia, with one woman and one man from each of the seventy-nine ridings in the province drawn from the voting rolls. In addition, two Aboriginal members were selected, resulting in a body of 160 plus the Chair (British Columbia Citizen's Assembly on Electoral, 2004), of which only one participant was reported to drop out. In addition to gender and regional parity as well as age diversity, this "near-random selection also resulted in diversity of ethnicity, formal education levels, and employment within the CA" (Warren & Pearse, 2008, p. 10). This body was asked to assess the electoral system of the province. On this regard, the agenda was not open. But if the deliberants knew from where they had to start, they were not told where they had to go. Such openness contributes positively to the input side of this deliberation.

What's more, the length of the process (almost a year) allowed the participants to investigate deeply into the issue(s) at stake, to consult the public and experts and finally to propose a long-discussed and well-thought recommendation. This was done throughout with the support of both the Legislative Assembly and the Government of British Columbia that set up a secretariat with a budget of \$5.5 million. This covered the costs of eight full-time research, logistical, administrative, and communications staff, as well as part-time facilitators and note-takers, whose role was to ease the deliberation. An honorarium of \$150 a day was paid to each participant; their travel costs were also covered.

On the throughput dimension, many efforts were thus done to reach a high deliberation level. Furthermore, while the deliberation was not held in secrecy, as there was both political attention and media coverage, it was not a very hot setting and the deliberants seemed not too much under pressure, perhaps due to the length of the process. However, they had to find a consensus and they were departing from mainly no

preference. Fournier et al. (2011) show how progressively they came to collectively support the choice of single transferable vote.

In May 2005, the CA's proposal was put to referendum. It failed to meet the double threshold set by the government for approval: 60% of the province-wide vote and a majority in 60% of the electoral districts. While the latter was reached easily (passing in seventy-seven out of seventy-nine districts), the former fell 2.3% short gaining 57.7% of the vote, even though less than 60% of the public was aware of the CA and its recommendation (Cutler and Johnston 2008). A second referendum was organized in 2009 but the proposal's support did not meet the thresholds, this time gaining less support than in the first referendum. It seemed the momentum around the British Columbia Citizens' Assembly was over. Last but not least, this model inspired two similar Citizens' Assemblies on electoral reform: one in the Canadian province of Ontario and one in The Netherlands, the Dutch Burgerforum to which we turn now.

Table 1: Legitimacy of the BC Citizens' Assembly

Dimension	Dimension	Arguments	Assessment
Input	Quality of representation	<ul style="list-style-type: none"> • (Near)randomization • Strong self-selection • Low drop-out 	++
	Openness of the agenda	<ul style="list-style-type: none"> • One predetermined issue 	--
Throughput	Quality of decision making	<ul style="list-style-type: none"> • Deliberation and aggregation 	++
	Quality of participation	<ul style="list-style-type: none"> • Long process • Trained facilitators 	++
	Contextual independence	<ul style="list-style-type: none"> • Unanimous political support but not hot setting 	0
Output	Weight of the results	<ul style="list-style-type: none"> • Two referendums but threshold not met • Strong political commitment • Agenda setting 	++
	Responsiveness and accountability	<ul style="list-style-type: none"> • No feedback loops 	--

b. The Dutch Burgerforum

Much like the British Columbia case, the Dutch Burgerforum grew in a climate of political crisis. After the 2002 and 2003 elections, the vulnerability of the Netherlands' extremely proportional system became obvious. Rightwing populist parties rose and fell in very short periods of time, and a thorough public discussion took place on the breach between citizens

and politicians. This debate was further propelled by the fact that the D66 would only join the coalition government in 2003 on the condition that deep changes to the country's electoral system would take place (van der Kolk & Thomassen 2006).

However, there was strong opposition among MPs against a new electoral bill, which eventually led to a short government crisis. As a response to this enduring crisis, the newly appointed Minister for Institutional Renewal and Kingdom Relations, Alexander Pechtold, created his Agenda for Democratic Renewal. Among others, the Dutch government decided to fund a citizens' assembly that would reflect on the Dutch electoral system for the Second Chamber.

From its very inception, the project seems to be shaped crucially by the government's agenda, and the Minister imposed several criteria for the project in his inaugural decree. The project had to deal with electoral reform. It also had to consist of 140 citizens, and each adult inhabitant should have an equal chance of being selected (van der Kolk 2008). The need for randomization was thus considered an official requirement for a qualitative process, and it was also explicitly considered a condition for a legitimate process (Pechtold, 2006). In practice, we see that a random sample of 50.000 citizens was drawn from the official citizens' registry, 3.000 among which attended an information session, and 1700 among which submitted their candidacy to participate. Of those candidates, 140 were finally selected taking into account socio-demographic and territorial quota. The selection was a multistage process because at several times did the randomly selected citizens have the chance of dropping out (van der Kolk, 2008a). This of course leads to a final participant pool that was strongly self-selected (Broekmeulen, 2006), even though the final quality of socio-demographic representation was still relatively good because of the quotas that were imposed on the final participants' sample.

The decision making at the Burgerforum combined elements of deliberation and aggregation. The initial phases of the forum consisted of information gathering and consultations of external experts. After those, the participants went to work to draft several proposals for changes to the electoral system. In the final weekends, votes were held in order to come up with the concluding report that would be presented to the government. Given the very large number of votes, the Burgerforum relied much more strongly on aggregation and votes than the two other cases under scrutiny (van der Kolk, 2008b).

The openness of the agenda, on the contrary, was rather low. As we said earlier, the Dutch government decided from the start that the Burgerforum had to present a final report on what system the citizens preferred for electing the Second Chamber. The initiative was thus strongly tailored to this one theme, and it was obvious to the participants from the information sessions that only the electoral system, and not the wider functioning of democracy, was to be the issue (Fournier et al., 2011).

Unlike the British Columbia case, the policy suggestions in the final report were not submitted to the public vote (Smith, 2009). The event ended with a large-scale publicity campaign, and during the course of the meetings, there was a website that offered news on the discussions that were taking place. The level of public endorsement was thus fairly limited.

As regards the weight of the results, we can see that very little was done to implement the suggestions of the Burgerforum. From the start of the project, the academic team was critically aware of the fact that the results of their efforts depended largely on the goodwill of the politicians to change the rules of the electoral game (Broekmeulen, 2006). They therefore put much effort into informing the political elites of the ideas of the Burgerforum as the process evolved. In the end, the results were discussed in the Parliamentary Committee for Interior Affairs, but the overall responsiveness from the politicians was limited.

Table 2: Legitimacy of the Dutch Burgerforum

Dimension	Dimension	Arguments	Assessment
Input	Quality of representation	<ul style="list-style-type: none"> • Multistage process with strong self-selection • Low drop-out 	+
	Openness of the agenda	<ul style="list-style-type: none"> • One predetermined issue 	--
Throughput	Quality of decision making	<ul style="list-style-type: none"> • Deliberation and aggregation • But many votes 	+
	Quality of participation	<ul style="list-style-type: none"> • Long process • Trained facilitators 	++
	Contextual independence	<ul style="list-style-type: none"> • Polarization and crisis • No consensus in govt. 	--
Output	Weight of the results	<ul style="list-style-type: none"> • No implementation • Low political commitment • Discussion in parliament 	--
	Responsiveness and accountability	<ul style="list-style-type: none"> • No feedback loops 	--

c. The Belgian G1000 Citizens' Summit

The G1000 Citizens' Summit was launched in Belgium in a climate of crisis. After the 2010 electoral victory of the Flemish nationalist party, the coalition formation went very difficultly. For over 500 days, party elites from both sides of the linguistic border sat together to form a government, resulting in little more than a complete political stalemate (Deschouwer & Reuchamps, 2013). It is in this context that a group of citizens – writers, journalists, academics... – launched the idea of organizing a large citizens' summit, the G1000.

Because of its timing and its idea of bringing Dutch-speakers and French-speakers together, the G1000 witnessed a nationalist headwind. Many public opinion makers framed the project as a pro-Belgian event, thereby delegitimizing it in Flanders (Rondas, 2011; van den Broeck, 2011), and undermining its contextual independence. This is the reason why the organizers did not rely on public money. The G1000 was a completely grassroots organization: it gathered hundreds of volunteers and the budget was crowd funded. With small donations from private citizens or companies, the organizers succeeded in gathering the budget (€ 500.000) in just a couple of months time. Grassroots funding was considered important because research had shown that there was (and is) a wide gap between the political and public agendas (Deschouwer & Sinardet, 2010), with politicians focusing much more strongly on the issues of state reform and federalization. Accepting funds from government institutions in the heated context of nationalist deadlock would prioritize these issues, so the G1000 relied on crowd funding to create a setting, which was open to what the citizens themselves found important.

The G1000 therefore started with an open process of agenda setting. The organizers launched an online idea-box in which every citizen could suggest issues (Caluwaerts & Reuchamps, 2013). This online consultation resulted in a total of over 2000 ideas. These were subsequently clustered into a top 25, which was once again put to vote in order to determine the three most salient items to be discussed at the summit.

In a second phase, the G1000 Citizens' Summit itself took place. Even though one thousand participants were selected through Random Digit Dialing, the event witnessed a strong self-selection bias, especially among ethnic minority groups (Caluwaerts & Reuchamps, 2013). The organizers therefore decided to reserve 10% of the seats for participants who were snowball sampled through minority organizations (G1000, 2012).

90% of the participants were thus randomly selected, whereas 10% came from a targeted recruitment in order to maximize the inclusion of different perspectives. In addition, the event experienced a dropout rate of about 30%. The final number of participants therefore amounted to only 704. These dropout effects are comparable to those of other mini-publics, and we should take into account that the participants of the G1000 did not receive any financial compensation for their participation (Ryfe, 2005).

Despite these setbacks, the ex-post checks showed that the final participant sample was socio-demographically perfectly representative of the entire population, and a team of international observers even thought the diversity at the tables to be one of the most impressive features of the event (G1000, 2012). The overall quality of representation thus remains positive.

The Citizens' Summit in Brussels was also flanked by two side projects: G'Home and G'Offs (Caluwaerts & Reuchamps, 2012). G'Home was a parallel online discussion open to everyone, whereas the G'offs gathered citizens at discussion tables all over Belgium. There was thus a much larger group than the randomly selected participants in Brussels discussing the three main issues, and analyses have shown that the conclusions reached by the G'Home and G'Offs had a striking resemblance with the proposals formulated by the participants in Brussels. We could consider these satellite events as forms of public endorsement because they offer some crucial inputs from the wider community, but even with the large media attention, the overall level of wider public assent remains quite weak.

The decision-making process was characterized by an alternation between deliberation and aggregation. All the arguments that were formulated at the tables were collected and clustered by the central desk. These clusters were then resubmitted to a plenary vote at the end of each discussion round. Such a combination of substantive depth and elaboration of citizen deliberation with the clarity of a final vote significantly improves the throughput legitimacy (Bekkers & Edwards, 2007).

In order to give everyone the liberty to utter his or her opinion, the organizers relied on a structured script with changing interaction styles, ranging from 1-on-1 discussions to large plenary sessions. In order to lower the threshold for participation, the event started with an introductory round so that the participants had an opportunity to get to know each other. However, the quality of participation was seriously limited by the fact that

three large themes had to be discussed in just one day, meaning that the participants didn't get the chance to dig deep into the issues.

Despite all good intentions, the G1000 Citizens' Summit scored very poorly in terms of output legitimacy. The G1000 grew as a truly grassroots initiative but this inevitably meant that the organizers could not secure any commitment from the political elites. Rather, the final report was looked at with relative skepticism by political parties and media alike, and apart from the presidents of the different Belgian parliaments saying that "it is important to listen to citizens", very little specific action was taken by politicians to take up the ideas of the G1000 in the policy process.

Table 3: Legitimacy of the G1000 Citizens' Summit

Dimension	Dimension	Arguments	Assessment
Input	Quality of representation	<ul style="list-style-type: none"> • Large diversity • Strong drop-out • No financial incentive 	+
	Openness of the agenda	<ul style="list-style-type: none"> • Open online idea box 	++
Throughput	Quality of decision making	<ul style="list-style-type: none"> • Aggregation and deliberation 	+
	Quality of participation	<ul style="list-style-type: none"> • Full agenda • Short time span 	-
	Contextual independence	<ul style="list-style-type: none"> • Media and political spin 	--
Output	Weight of the results	<ul style="list-style-type: none"> • No implementation • No political commitment 	--
	Responsiveness and accountability	<ul style="list-style-type: none"> • No feedback loops 	--

d. The Irish We the Citizens

The fourth deliberative mini-public discussed in this paper follows the Citizens' Assembly model of the first two cases but finds its root in a similar political context of democracy's crisis as in the third case. In fact, like in Belgium and most other West European countries, Ireland's democracy was experiencing an ongoing crisis with a generalized lack of trust in politics and institutions (We, the Citizens, 2011). To explore possible response to this political context, a working group was set up by the Political Studies Association of Ireland in 2009 and suggested to test whether a more participatory form of democracy could work in Ireland. With the financial support of Atlantic Philanthropies, a pilot

deliberative process, entitled “We, the Citizens”, was organized in association with the Irish Universities Association. “The rationale for this project was to very deliberately and publicly feed into the political reform agenda, the principal objective being to demonstrate the value of citizen-oriented, deliberative approaches to achieving large scale political reform” (Farrell et al., 2012, p. 17).

From the outset, it was decided that the agenda would be very open and set by the people of Ireland. To this end, seven meetings were organized around the country between May 14th and June 10th, 2011, with an open invitation, aired by radio and local media channels, to anyone willing to attend. The outcomes of this open door, open agenda platform – where 700 people shared their ideas on how to renew Ireland – helped to determine the agenda of the national Citizens’ Assembly held on June 25th and 26th 2011 (We, the Citizens, 2011, p. 16). The themes gathered from the regional sessions were put to a national poll of 1,242 people from whom 150 were selected to attend the national Citizens’ Assembly. 100 actually attended; they represented a cross-section of Irish society in terms of age, gender, region and socio-economic background.

The 100 participants were distributed into tables of eight, each having a facilitator and a note-taker. Two main themes – political reform-related issues and taxation vs. spending – were discussed (one per day) following a typical mini-public format. “At the start of each session the expert witnesses gave brief presentations summarizing their main points. There then followed an initial period of deliberation at each table, with the experts on hand to provide answers of fact or detail as required. Once these discussions concluded there was a brief round of plenary discussion, the objective being to give CA members an opportunity to hear about the tenor of discussions generally. The tables were then asked to complete another round of deliberations at the end of which they could make a series of recommendations. These were gathered together, and put on a ballot paper for the CA members to vote on” (Farrell et al., 2012, p. 18).

We the Citizens was a pilot Citizens’ Assembly, with no legal standing or remit. With the results of a series of independent surveys on the participants as well as on control groups who had not take part in the experiment, the organizers showed that such deliberative mini-public could enhance democracy, especially at a time when Irish people felt adrift and disconnected from power (We, the Citizens, 2011). But what’s more, the initiative led the Oireachtas (the Irish Parliament) to set in July 2012 the Irish Constitutional Convention, made of made of 66 citizens and 33 parliamentarians, with the

task to make them recommendation on future amendments to be put to the people in referendums.

Table 4: Legitimacy of We, the Citizens

Dimension	Dimension	Arguments	Assessment
Input	Quality of representation	<ul style="list-style-type: none"> • Large diversity • Strong drop-out • No financial incentive 	+
	Openness of the agenda	• Open door, open agenda regional events	++
Throughput	Quality of decision making	• Aggregation and deliberation	+
	Quality of participation	<ul style="list-style-type: none"> • Two main themes • Short time span (two days) 	0
	Contextual independence	• Media and some political spin	-
Output	Weight of the results	<ul style="list-style-type: none"> • Implementation through the Irish constitutional convention • Some political commitment 	++
	Responsiveness and accountability	• No feedback loops	--

5 Comparison

The four cases we discussed above are all similar in that they gather a diverse set of ordinary citizens to discuss salient political problems. In that their goals and their means are the same, but the design of their respective deliberative processes differed greatly, even in the most fundamental choices the organizers had to make. And these design changes also impacted upon the legitimacy of the projects, which is why it is interesting to determine which are the favorable conditions for deliberative legitimacy.

We initially attempted to do a fuzzy set Qualitative Comparative Analysis, but given the relatively large number of variables, and the limited number of cases, the fs/QCA proved not to be the most adequate analytical technique² (Rihoux & Ragin, 2009). We therefore resorted to a thick cross-case comparison, and the results are quite interesting.

A first striking finding is that randomization, which all of the projects used but in different forms, does generate a high quality of representation. The BC Citizens' Assembly is a case in point. However, what the Dutch, Belgian and Irish cases show us is that randomization alone is not enough. The quality of representation suffers when there is

² The aim for subsequent papers is, nevertheless, to add a sufficient amount of cases in order to be able to draw strong causal inferences using fs/QCA.

self-selection and drop-out. The Dutch case shows that self-selection is fostered when you leave the participants to many moments to change their minds and decide not to participate. The Dutch multistage process therefore should be avoided as much as possible. The Belgian and Irish cases, on the other hand, show that randomization should be combined with a financial incentive for participation, otherwise the drop-out will be great. The only reason the G1000 with its strong self-selection and drop-out redeemed itself, is because of its targeted recruitment of minority groups, which made the mini-public very diverse.

Table 5: Comparing favorable conditions for deliberative legitimacy

	British Columbia Citizens' Assembly	Dutch Burgerforum	G1000 Citizens' Summit	We, the Citizens
Number of participants	Medium (160)	Medium (140)	Large (704)	Large and medium (700 and 100)
Selection method	Random	Multistage random	Random + Targeted	Random
Length event	Long (12 w-ends)	Long (10 w-ends)	Short (1 day)	Short (2 days)
Funding	Govt.	Govt.	Crowd- funded	Private foundations
Public endorsement	Strong (referenda)	Weak (media campaign)	Weak (G'Home, G'Offs & media)	Weak (media campaign)
Quality of representation	++	+	+	+
Openness agenda	--	--	++	++
Quality of decision-making	++	+	+	+
Quality of participation	++	++	-	0
Contextual independence	0	--	--	--
Weight of the results	++	--	--	++
Responsiveness & accountability	--	--	--	--

With regard to the openness of the agenda, the data indicate that the two programs that are government initiated and funded (the BC Citizens' Assembly and the Dutch Burgerforum) are also the ones that score worst in terms of open agendasetting. Both projects were set up by their respective governments to come to a conclusion on one very specific issue, whereas the two crowd funded or privately funded projects (the G1000 and We, the Citizens) rejected government interference, and therefore had the freedom to opt for an open agenda.

The same can be said with regard to the quality of participation. The two government funded projects also scored highest with regard to the quality of participation, mainly because the participants had enough time to talk and deliberate. Hence, the effect here is conditional: government funding gave the organizers sufficient financial security to organize a long and deep deliberative process covering 10 or more weekends. The G1000 project was only sure that it had sufficient funds two days before the project took place, and this lack of financial security meant that it was considered very risky to spread the event over several weekends. The three issues were therefore crammed into one day, which significantly lowers the quality of the participation, and we can see the same result in the Irish case, where the quality of participation is medium at best due to the short duration of the event.

As for the contextual independence, we see that there is very little variation on this variable. Interestingly, however, the case studies have shown that the two large, privately funded initiatives (the G1000 and We, the Citizens) are strongly contextually dependent because they attract much media attention. Because of their large numbers of participants, they stir public opinion, and they are often portrayed as being anti-institutional. This leads to heated debates. In the case of the Burgerforum, the reason why the event was also contextually dependent, was that there was a large disagreement between the cabinet parties on the usefulness of a citizens' assembly on issues that directly affect how politicians can get reelected. In the British Columbia case, there was a large political will and a large public support to make the project succeed, which made that the deliberations took place in a more serene public atmosphere.

In our hypotheses, we assumed that government funded initiatives would have greater access to the political arena, and were therefore likelier to receive some serious backing from the elites. The results seem to disconfirm this: the Burgerforum was government initiated, but the results were only looked at from a distance. There was a

parliamentary debate and an official letter from the cabinet, but the project died a silent death. The only project that did succeed to set the political agenda was the BC Citizens Assembly, and the main reason for that was that the project was government initiated and received a strong public endorsement. Admittedly the results were not confirmed by a referendum, but that was due to the participation quota not being reached, rather than the proposals not being supported. The referenda thus allowed the mini-public to put pressure on the political leaders to hear them out.

Finally, the data offer very little variation between the cases with regard to the quality of decision-making, and responsiveness and accountability. All of the events combined deliberative and aggregative techniques, even though the Dutch Burgerforum relied on votes somewhat more strongly, and after the events had finished, there was no real feedback to the participants. For the most part, this was of course because there was no real implementation of any of the proposals, and as such there was very little need for feedback to the participants.

6 Conclusion

In this paper, we set out to determine the conditions under which deliberation can add to the legitimacy of the political system. As the critical reader might have noticed, we focused primarily on the most basic design choices that every organizer has to make. Within the framework of these basic issues, there are of course a myriad of new choices to be made on seating arrangements, moderation styles, interaction formats etc. A good way forward would be to figure out how these more detailed choices affect legitimacy.

However, our results do show that even the most basic choices deliberative designers make, have an impact on the legitimacy of the event. How many people they want to gather, how long the event will take, how it's funded... all these questions have a profound impact upon the contributions we can expect from deliberative events to the legitimate functioning of democracy as a whole.

From a theorist's perspective these findings are telling, but especially from a practitioner's perspective, it seems important to keep these basic design features under control. For instance, a designer wanting to set up a deliberative assembly in order to arrive at some legitimate policy proposals might be better off lobbying for money from a government agency and giving his/her event a strong final endorsement, than when he/she

crowd sources funds to keep a very open agenda. In the latter case, there will be a bigger input legitimacy, but in the former case, the results are more likely to have a political impact.

This also shows that there are in essence trade-offs in deliberative legitimacy. Larger groups might be more representative (high input legitimacy) but harder to manage (low throughput legitimacy). Crowd funded events might score very well in terms of input legitimacy with their open agendas, but their chances of actually penetrating the political realm will be slimmer. An important job for deliberative theorists is then to normatively assess these trade-offs and to decide which dimensions take preference.

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