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“Open Democracy: Reinventing Popular Rule for the 21 Century”

Dear participants to the international conference on “civil participation in decision-making,” it is my great pleasure to deliver for you, from my dining room, this lecture based on the ideas in my forthcoming book “Open Democracy: Reinventing Popular Rule for the 21st century.” This book is a plea for a democratization of our political institutions and practices in a way that meaningfully opens them up to ordinary citizens.

In this lecture I will argue that participation of citizens to the decision-making process should not be understood as a mere supplement to the work of elected representatives because a merely *consultative* use of civic participation, as opposed to an *empowered* one, will not fundamentally fix the democratic deficit and resulting cognitive blindspots of the system. If we really want to fix the system, we need to start involving citizens in decision-makings, not as guests or consultants, but as new types of democratic representatives. We need to empower certain assemblies of citizen representatives, such as randomly selected Citizens’ Assemblies, with their own legislative dignity and autonomy, at least on a part with that of elected assemblies.

First, let me recap why citizen participation as representation is needed.

It’s needed because the representative democracy we know is fundamentally flawed. First, this regime form is not terribly democratic. That’s because historically elections were never meant to be a democratic way to distribute power. On the contrary, it was a way to limit access to a natural aristocracy. Today it has been vastly democratized and yet it still selects for socioeconomic elites.

Not only are elections an ambiguously democratic selection mechanism; their use is also premised on the wrong picture of what it takes to create a representative assembly with good deliberative and thus problem-solving capabilities. As we now know from collective intelligence studies, the problem-solving capabilities of deliberative assemblies are not a mere linear function of the individual competence of their members. Instead, crucially, they are a function of a group property, cognitive diversity, that characterizes the diversity of views and ways of thinking present among the members.

Because elections tend to select for the socially and economically and charismatically or otherwise socially salient, elected assemblies end up being much more cognitively homogenous than the larger population. In other words, a fundamental problem (among many) with electoral democracy, therefore, is that it is constitutively blind to a wide range of useful perspectives, heuristics, interpretations, information. The result

will be drastic misunderstandings of what the population need and want and in particular what some permanent minorities in the population need and want. We could I think explain phenomena like the Trump vote, Brexit, or the Yellow Vest movement this way. They are reactions to the lack of effective representation in electoral systems.

How do we fix this? One way is through citizen participation, listening to citizens, encouraging them to speak up and point out these cognitive blindspots and contribute the missing knowledge and information. That's probably what you are here to debate today. That is what President Macron was after when he launched the Great National Debate as a response to the Yellow Vests. As he candidly admitted to the 150 members of the Citizen Convention on Climate Change a year later in January 2020: "I wish I had organized something like this before, it would have helped me anticipate the reaction to the carbon tax."

But there are different ways of involving citizens: a purely consultative way and an empowered way. Depending on the reasons you choose to do citizen participation, you will choose one or the other.

So ask yourself. Is it to increase your own legitimacy? Or is it to increase the collective intelligence of the decisions, make better laws and policies for all?

If it is simply to meet expectations or increase your legitimacy, you will be tempted to simply consult citizens.

There are two problems with that solution. First, one is the conflict of interests that may prevent elected officials from truly listening to citizens' input or acting on it. What if the input of citizens is to create popular juries to watch over elected officials' actions, as I have heard suggested during the regional assemblies of the Great National Debate? What if they want to lower elected officials' salaries? Which elected official is going to work hard to see such a proposal implemented?

But that's not the real problem. I assume well-intentioned, common good-oriented elected representatives. The real problem is that even with the best intentions in the world elected officials will still filter out a lot of useful information because they won't understand it or process it the right way. At some point the only way to bring in the relevant perspectives is by bringing the relevant citizens themselves in the room.

Using civic participation as a mere way to patch things up, to supplement electoral representation while keeping the latter in place is not sufficient. It's like putting a band-aid on a broken bone, it does not really help. This kind of philosophy is behind a lot of purely consultative experiments that have mobilized a lot of energy, time, money, and sometimes technologies all around the world. But these participatory experiments barely move the needle in the end. Because all the input is still filtered by the minds of elected representatives who cherry-pick what they want in it according to their own preconceptions.

Additionally, the risk is that citizens will lose faith in these processes and will stop really trying because they see very little of what they thought, said, and concluded, make its way into the final policies, laws, and decisions. How long can a system free-ride on the good will of its people?

We have seen this poor use—this merely consultative use—of citizen participation time and again. In South Africa, in 1994, the government asked for input on the new post-apartheid constitution. The government said “It’s your constitution.” They received 2 million submission, most of which went unread because electoral parties had already locked the terms of the agreement. In Iceland, in 2010-2011, the citizens invested themselves in writing a new constitution, which they crowdsourced to the larger public, and which was approved in a national referendum. Yet Parliament chose not to pass this new constitution into law. In France, the Great National Debate generated hundreds of thousands of pages of information and ideas. But how much of that was really used to form the basis of subsequent laws and policies passed by government? Perhaps the Citizen Convention on Climate Change is one of these outputs. But how ideas remained dead letter?

The fact is you can’t increase legitimacy durably, robustly, without increasing the intelligence of the decision and you can’t increase the intelligence of the decision without empowering citizens to make decisions themselves, to be engaged in the deliberation, in the agenda-setting as well as voting on the issues. Purely consultative, some would say window dressing participation, is not entirely pointless but risky, dangerous, and not very useful. To take citizen participation in decision-making seriously means ready to be proven wrong, change your mind, change course, and even share power in a fundamentally different kind of democracy. It means perhaps, for some of you, changing jobs.

I want to encourage you to think boldly, with me, and imagine a better system, a more democratic and therefore a smarter system. A system in which citizens are empowered to make actual decisions for themselves, and their peers, and for the greater good, as opposed to being allowed to choose their rulers or vote in a referendum once in a while. A system in which citizen participation is elevated to the status of democratic representation, on a par with, not subordinated to, the representation performed by elected officials.

In my book *Open Democracy*, I defend such a new system and I argued that it is constituted by a series of five institutional principles. The first principle, participation rights, means opening access to the center of power to ordinary citizens. Such rights include Citizens Initiatives, which let minorities among citizens put forward proposals to be debated in Parliament; but also Rights of Referral, which allow citizens to call for a referendum on laws they find flawed or unsatisfactory. The second principle is deliberation, because it’s a source of legitimation for laws and policies. The third principle is the majoritarian principle, because when we can’t agree or reach consensus we have to settle our disputes following the majoritarian principle in a democracy. The fourth principle is democratic representation, and the fifth one is transparency. I don’t have time to go into the detail of each principle here. Instead I want to zoom in on one principle, democratic representation, because it is the principle that requires a bit of a paradigm shift. Instead of pitting representative democracy against participatory democracy, we need to see citizen participation as a form of democratic representation.

Democratic representation, as I see it, includes both what I call “lottocratic,” “selfselected,” and even liquid representation. Lottocratic representation is representation performed by randomly selected citizens (sometimes chosen by stratified random sampling). A good example is the Citizen Convention on Climate Change, especially if indeed its recommendations are, as promised, put without filter

to a referendum, direct regulation, or, a slightly less empowering option, Parliamentary debate. Another good example is the Ostbelgium Citizen Council, a group of 24 randomly selected citizens with a one-and-a-half-year long mandate, who are in charge of representing the people from the German-speaking region of Belgium. This is an institutionalized Council set up to propose an agenda for the parliament of the region and that has the power to convene up to 3 Citizens' Panels on ad hoc issues.

The virtue of such mini-publics is that they maximize the cognitive diversity that can be gathered in such a small group and they make sure that they don't miss out on relevant perspectives, information, and interests.

Self-selected representation, by contrast withlottocratic representation, refer to things like Swiss *Landsgemeinden*, participatory budgeting meetings, town-hall meetings, Occupy assemblies, the meetings of Yellow Vests on traffic circles, or even online crowdsourcing platforms allowing deliberative exchanges. These assemblies are a great supplement to mini-publics because they can bring more targeted expertise to the conversation. There should be a way of including self-selected representations in a well-structured process.

Finally, liquid representation is what happens when you let citizens choose their representatives from an open pool of other citizens, not just closed party lists. In liquid democracy models, I can either vote directly where I feel informed or competent enough or choose to delegate my vote to anyone I think would do a better job, and that person can in turn re-delegate my vote and their vote to someone they deem more competent. Liquid representation has the merit of being more egalitarian and inclusive than electoral representation—because in theory any one of us can be a liquid representative—and it also has the merits of distributing power to those who know best in the system.

How do we articulate these new forms of democratic representation to each other and to electoral representation? How do we adjudicate their respective claims to legitimacy? There is no single answer and no single blueprint at this point. My preference is for a system in which a permanent and frequently rotated Citizens' Assembly (a much larger version of the Ost-Belgium Council if you will) is authorized, constitutionally, to set the agenda and even drafts laws and policies, with the help of elected assemblies and teams of experts, on the basis of the input of deliberative online crowdsourced platforms, perhaps also in connection to regional mini-publics of this kind.

Hybrid solutions are worthy of consideration as well. By hybrid solution I mean assemblies mixing various proportions of elected officials, randomly selected citizens, and perhaps other forms of democratic representatives I'm not thinking of. One model is what the Irish did in 2012 with their first Citizens' Assembly on gay rights for example, when they mixed 2/3 of ordinary citizens and 1/3 of elected officials. Use your imagination.

The key is to start from within a framework where citizen participation is reframed as a form of democratic representation and empowered in consequence.

I thank you for your attention.