

Cambridge University Press

978-0-521-88507-2 - Designing Deliberative Democracy: The British Columbia Citizens' Assembly

Edited by Mark E. Warren and Hilary Pearse

Excerpt

[More information](#)

Introduction: democratic renewal and deliberative democracy

Mark E. Warren and Hilary Pearse

Although electoral democracies have been spreading across the globe, democratic development in those countries where electoral institutions have been long established appears to have stagnated, their citizens beset by a democratic malaise with respect to the formal political institutions of representative democracy. The indicators are well known, including declining rates of voter turnout, disaffection from political institutions, and widespread judgments that politicians are untrustworthy and often corrupt. Over the last few decades, citizens have been increasingly likely to view governments as overly attentive to special interests, while also ineffective, wasteful, and inattentive to the public good (Nye 1997; Norris 1999; Putnam and Pharr 2000).

The essays collected in this volume examine one example of recent responses to citizens' discontents: the British Columbia Citizens' Assembly on Electoral Reform (CA). The CA was an assembly convened over eleven months in 2004, consisting of 160 citizens chosen by a nearly random method. The Assembly was charged with examining the electoral system of the province, and empowered to propose a new system for a referendum, should they conclude that the system should be changed. The case has captured the attention of those interested in innovations in democratic institutions and governance: the CA represented the first time in history that ordinary citizens have been empowered to propose fundamental changes to political institutions to their fellow citizens.¹

¹ The BC model has since inspired two similar citizen assemblies considering electoral reform in the Netherlands and the Canadian Province of Ontario.

Cambridge University Press

978-0-521-88507-2 - Designing Deliberative Democracy: The British Columbia Citizens' Assembly

Edited by Mark E. Warren and Hilary Pearse

Excerpt

[More information](#)

These chapters share the view that the CA should be assessed within the context of democratic deficits in the developed democracies. The “deficit” concept suggests that we think about democratic malaise structurally, as a misalignment between citizen capacities and demands, and the capacities of political institutions to aggregate citizen demands and integrate them into legitimate and effective governance. The superiority of democratic systems resides, in large part, in their reflexive capacities for reform, responsiveness, and innovation. At the limit, democratic deficits undermine the capacities of democratic political systems to evolve and reform into evermore effective and legitimate agents of citizens. The notion of “democratic deficit” calibrates the problem: the misalignment is not a “crisis” of democracy – certainly not in the established democracies. Rather, the concept identifies long-term problems that, if left unattended, are likely to gradually erode the legitimacy and capacities of governments.

Democratic deficits have gained a high profile not only within the media and among advocacy groups, but also among political elites who are faced with increasingly complex and politicized governance demands. These demands in turn increase the functional value of legitimacy, since legitimacy implies willing compliance from those with the capacities to implement as well as to obstruct policies. While there are many possible sources of legitimacy, the non-democratic sources such as nationalism and deference to authorities have increasingly eroded. From the perspective of governance, democracy is likely to be an increasingly important source of legitimacy, suggesting that democratic deficits increasingly undermine the capacities of government.

The democratic deficit concept is not without challenge. There is disagreement as to whether the political disengagement of citizens should be attributed to the poor performance of political institutions (Pharr, Putnam, and Dalton 2000) and the capacity of recent generations of better educated, more informed, less deferential citizens to be critical of those institutions (Dalton 1984, 2002; Inglehart 1990, 1997; Nevitte 1996; Norris 1999); to a broader civic phenomenon of declining participation in the social groups and networks that are vital to foster norms of trust and reciprocity (Putnam 1995, 2000); or to a fundamental popular distaste for the conflict-ridden messiness of politics and a general disinterest in public policy debates (Hibbing and Theiss-Morse 2001, 2002). Competing arguments over the sources of political disengagement are accompanied by alternative prescriptions for democratic renewal. Emphasizing that “political participation is embedded in social activity more generally,” Putnam advises Americans to rebuild social capital and community connectedness by reinventing organizations and associations to fit the modern technological, economic, and social climate (2001: 137). Conversely, Theiss-Morse and Hibbing argue

Cambridge University Press

978-0-521-88507-2 - Designing Deliberative Democracy: The British Columbia Citizens' Assembly

Edited by Mark E. Warren and Hilary Pearse

Excerpt

[More information](#)

INTRODUCTION

3

that most voluntary group activity is apolitical and that promoting volunteerism will not encourage political participation (2005: 244), and, indeed, it is unlikely that whatever discontents exist could in any way be addressed through more democracy.

Nonetheless, many elites believe that democratic deficits exist, and have responded with institutional innovations aimed at fostering citizen participation. And whatever the causes, the innovations are likely to take institutional forms, just because institutions are the kinds of things that can be changed directly, whereas cultures and psychological dispositions are less subject to collective intervention and experimentation. Innovations driven by legitimacy needs began in the administrative arenas a few decades ago, as evidenced by the rapid proliferation of “public engagement” devices including, for example, citizen juries and panels, advisory councils, stakeholder meetings, lay members of professional review boards, representations at public hearings, public submissions, citizen surveys, deliberative polling, deliberative forums, focus groups, and advocacy group representations (Cain *et al.* 2003; Smith 2005; Gastil and Levine 2005; Fung 2006a).

Electoral systems have also undergone change in response to democratic deficits. During the 1990s, five established democracies experimented with major electoral reform, partly in response to challenges to government legitimacy (Norris 1997). Shugart identifies the common feature in the pre-reform electoral systems of all five countries as the existence of extreme outcomes in terms of either interparty or intraparty democracy (2001a). The political systems in the five countries were either “hyper-representative” (Italy and Israel), artificially majoritarian (New Zealand), “hyper-personalistic” (Japan), or “hyper-centralized” (Venezuela) (Shugart 2001b). Reform was also prompted by citizen outrage, either at lack of government responsiveness and accountability in New Zealand (Vowles 1995; Levine and Roberts 1997) or corruption scandals in Italy (Donovan 1995; Katz 2001) and Japan (Shiratori 1995; Reed and Thies 2001). All five countries moved toward mixed systems, combining an element of majoritarianism with an element of proportionality. Israel added a direct election for the prime minister to its proportional electoral system in 1992, while mixed electoral systems were adopted in Italy, Venezuela, and New Zealand in 1993 and in Japan in 1994.

Electoral reform has succeeded in remedying the extreme elements of some of these systems – electoral competition has become bipolar rather than multipolar in Italy (Laver and Giannetti 2001) and a more proportional electoral formula has produced moderate multipartism in New Zealand (Barker and McLeay 2000) – but it is less certain whether electoral reform has helped to revive citizen participation in politics or challenge negative views of the political system. For example, although voter efficacy

Cambridge University Press

978-0-521-88507-2 - Designing Deliberative Democracy: The British Columbia Citizens' Assembly

Edited by Mark E. Warren and Hilary Pearse

Excerpt

[More information](#)

initially increased and the perception of government responsiveness became more positive in New Zealand, turnout has since continued its decline (Banducci, Donovan, and Karp 1999). Japanese voters have become disillusioned with their new electoral system's dual candidacy rules that allow candidates who have narrowly missed out on election in a single member district to return to the Diet via the party list. Arguing that the new system protects incumbents, suppresses turnover, and still encourages personalistic candidate behavior, McKean and Schiner conclude "la plus ça change" (2000: 447).

Developments such as these are indirect indications that electoral reforms, though they may alter the capacities of political institutions to reflect the preferences of citizens and convert them into legitimate and effective public policies, are not sufficient to resolve democratic deficits. Nor is the insufficiency surprising: given the complexity and scale of government within pluralized contexts populated by multiple powers and actors, it is unlikely that the standard model of representative democracy – voters elect representatives who develop policy guidelines and direct administrators to execute them – can ever again be adequate, if indeed it ever was.

While the capacities of electorally based political institutions may no longer be sufficient to govern, they remain necessary, not least because they provide the ultimate source of power and policy, even when much of the political work of governance is delegated to other kinds of processes and institutions. Electoral institutions can set the broad parameters and goals of policy, enabling legitimacy-producing procedures elsewhere within the political system. And the ways these parameters are established will reflect, in part, characteristics of electoral systems. Within Canada, electoral institutions have come under increasing criticism for being insufficiently inclusive, responsive, or deliberative, so much so that they produce results of questionable legitimacy, further undermining governments already beset by levels of political congestion that challenge their governance capacities (Law Commission of Canada 2004). A highly visible symptom is the evolution of a convention during the 1990s requiring important constitutional decisions to be ratified using mechanisms of direct democracy at both the federal and provincial level. Canadian voters rejected an elite brokered constitutional accord in the 1992 Charlottetown Referendum (Johnston *et al.* 1996) and referenda have been used to decide questions of sovereignty in Quebec in 1995 and electoral reform in British Columbia and Prince Edward Island. The surging popularity of the Reform Party in the late 1980s and early 1990s was partly due to Reform's critique of the party discipline imposed by Canada's traditional political parties and its own emphasis on the delegate model of

Cambridge University Press

978-0-521-88507-2 - Designing Deliberative Democracy: The British Columbia Citizens' Assembly

Edited by Mark E. Warren and Hilary Pearse

Excerpt

[More information](#)

INTRODUCTION

5

representation (Flanagan 1995). Applying Inglehart's measures of post-materialism to Canada, Nevitte finds that there has indeed been a "decline of deference" within the Canadian electorate and increasing confidence in the capacity of ordinary citizens to make important political decisions (1996). This development is particularly notable in a country that has been renowned for the degree of deference to authority engrained in the political culture (Lipset 1990).

Recent Canadian Election Studies and the Canadian Democratic Audit series have identified two particular areas of concern: the disconnection of the Canadian electorate from the political parties that represent them in the national parliament and provincial legislatures and the development of a "democratic divide" in Canadian political participation. The membership of Canadian political parties is small and far from representative of the general population (Cross and Young 2004). Cross suggests that these characteristics are due in part to an electoral system that encourages parties to focus only on those regions where their support is geographically concentrated, resulting in little contact with supporters in other parts of the country (2004). Clarke and Stewart demonstrate that while partisanship has weakened over the past forty years in the United States, Great Britain, and Canada, Canadians are four and five times more likely to declare a total absence of partisan ties than Americans or Britons respectively (1998: 368–69).

As in other advanced democracies, turnout in Canada has declined in recent decades, reaching a record low at the federal level of 60.9 percent of eligible voters in 2004, although this did increase to 64.9 percent of eligible voters in the particularly competitive 2006 national election (Elections Canada 2006). The Canadian Election Study team attributes the broad pattern of decline to generational replacement, with post-baby-boom generations paying less attention to politics and being less likely to adhere to the civic norm of voting as a moral duty. This decline would be even greater were it not for the higher level of education in these generations that is positively correlated with turnout and ameliorates the effects of this shift in attitudes to voting and interest in politics (Blais *et al.* 2004). In addition, there appears to be a close relationship between diversity of values and support for electoral reform (Kanji and Bilodeau 2006). And most disturbingly, in their work for the Canadian Democratic Audit, Gidengil *et al.* identify an increasing "democratic divide": the poor, people with less formal education, Aboriginal peoples, migrants to Canada, and the young are less likely to be involved in civic or political life and less politically informed than older, wealthier citizens who were born in Canada and have attained higher levels of education (2004).

Although every case has its proximate causes and historical specificity, from a broader perspective Canadian democratic deficits look very much

Cambridge University Press

978-0-521-88507-2 - Designing Deliberative Democracy: The British Columbia Citizens' Assembly

Edited by Mark E. Warren and Hilary Pearse

Excerpt

[More information](#)

like failures common in the consolidated democracies. Within today's complex societies, for example, it may be more generally true that electoral systems need to bring more interests into the political system, and encourage more deliberation, than do the single member plurality (SMP; see page 130) systems of Canada, the UK, and the US. As trade blocs grow, elite-imposed economic orders find increasing resistance, which is in turn inducing new political institutions – some democratic – aimed at generating legitimacy. And as the European Union seeks to knit diverse regions into a constitutional order, elite consensus proposals for constitutional changes and innovations have, as in Canada, met with some spectacular popular failures.

What is unique about the Canadian case is that multiple sources of discontent are coalescing into a public agenda, perhaps owing to a lull in the urgency of the national unity issues that have dominated Canadian politics over the last four decades (Howe, Johnston, and Blais 2005). Since 2001, five Canadian provinces – British Columbia, Ontario, Quebec, New Brunswick, and Prince Edward Island – have considered changing their electoral laws, parliamentary procedures, or political party regulations, reforms that can be collectively understood as *democratic renewal* initiatives aimed at democratic deficits (Carruthers 2003; Comité Directeur sur la Réforme des Institutions Démocratiques 2003; Commission on Legislative Democracy 2004; Milner 2004). And yet most proposals for democratic renewal are elite-led, and so are subject to a legitimacy regress: the proposals for institutional reform that would, presumably, narrow democratic deficits lack legitimacy owing to their origins, namely, the very elites whose legitimacy is weak. Nor do there seem to be other collective agents with the capacities to engineer such fundamental changes to political institutions as seem necessary.

The bold experiment in British Columbia, however, suggests an alternative: *democratic agents of democratic renewal can be designed*. Following through on an election promise, the provincial government empowered a body of 160 citizens who were near-randomly selected to assess the province's SMP electoral system, and recommend a new system if they believed it necessary. The government precommitted itself to putting the recommendation of the BC Citizens' Assembly to a referendum, and then to acting on the results of the referendum – possibly the first time a citizens' body has ever been empowered to set a constitutional agenda. The CA met from January to November 2004 to learn about electoral systems, consult with the public, and deliberate. In December 2004, the CA issued a report recommending that the electoral system of BC be changed to a form of proportional representation (PR) called the single transferable vote (STV; see page 130). In a May 2005 referendum, the CA's proposal failed to meet

Cambridge University Press

978-0-521-88507-2 - Designing Deliberative Democracy: The British Columbia Citizens' Assembly

Edited by Mark E. Warren and Hilary Pearse

Excerpt

[More information](#)

INTRODUCTION

7

the double threshold set by the government for approval: 60% of the province-wide vote and a majority in 60% of the electoral districts. The proposal met the second threshold, passing in seventy-seven out of seventy-nine districts. But it fell 2.3% short of the first threshold, gaining 57.7% of the vote – a remarkable level of support, given that fewer than 60% of the public were aware of the CA and its recommendation (see Cutler and Johnston, Chapter 8, this volume). Recognizing both the broad support for change as well as flaws in the five-month period of public advocacy leading up to the referendum, the government announced in September 2005 that the proposal would again be put to a referendum in May 2009. But this time the government will fund Yes and No campaigns in an attempt to stimulate broad public awareness and debate.

Our interest in this case is both general and specific, and does not depend upon the yet-to-be-determined fate of the CA proposal. With regard to its generality, the case represents a response to dissatisfaction with electoral systems and their results. British Columbians no doubt have a somewhat greater than average dissatisfaction with their system: the province is known for its fractious politics and its populism. But the citizens of BC want what most citizens want: a system that is fair, responds to voters, and gets the work of governing done. On average, they do not like “politics”: that is, posturing and strategizing, pandering and waffling. They dislike political parties. They distrust politicians. They want interest groups and parties to work things out. In short, they want a political system with the capacity for legitimate governance – not unlike most citizens in the consolidated democracies.

To the best of our knowledge, the CA represents *the first time a government has responded to citizen discontents by empowering a citizen body to redesign political institutions so as to address democratic deficits* (as compared to being *consulted*, as they were in the relatively recent cases of constitutional innovation in South Africa and Germany). Moreover, the case stands out for the apparent care and novelty with which the experiment was conceived – approximating, in many ways, the kind of process a political scientist might design to test certain idealized propositions of democratic theory. The CA was constituted as a deliberative body, and given the time, power, support, and financing to return a credible, representative, and deliberate decision. The CA was designed to bypass the electoral system, and yet function as a representative body through the device of near-random selection. It was carefully insulated from established political interests. And, finally, the BC process operated not at the fringes of the political system – as do so many new experiments – but within its center and focused on its most basic constitutional processes. The CA was an innovative gamble: Is it possible to advance democratic renewal by

Cambridge University Press

978-0-521-88507-2 - Designing Deliberative Democracy: The British Columbia Citizens' Assembly

Edited by Mark E. Warren and Hilary Pearse

Excerpt

[More information](#)

designing a legitimate, fair, and deliberative process that would address a key element of democratic deficits, in this case, the design of the electoral system? Can democracy be used to renew democracy?

For political scientists, political sociologists, legal scholars, and political theorists, the CA was a natural experiment not to be missed. So in January and June of 2005, the Centre for the Study of Democratic Institutions at the University of British Columbia convened interdisciplinary workshops to ask questions and provide findings, analyses, and assessments. The broad question as to how and whether the CA addressed democratic deficits was, of course, too abstract. So the workshops disaggregated the question to ask more specifically about the following: (1) What role should citizen bodies play in representative democracies generally, and what kind of legitimacy do citizen bodies have to decide questions of constitutional reform? (2) How did CA design choices affect the representation of social groups within the Assembly and the empowerment, participation, and deliberation of CA participants? (3) Did the Citizens' Assembly transform citizens into competent decision-makers? And, (4) How did deliberations in the "mini-public" of the CA relate to decision-making by the broader public?

These questions are, of course, both normative and empirical, and so required careful interdisciplinary integration. The CA itself was monitored through surveys and ethnographic techniques. Public opinion surveys were conducted during the public deliberation phase preceding the referendum. Newspaper and other media events were logged, as was public input at meetings, hearings, and through the internet. Workshop participants brought with them analyses of survey and polling data, ethnographic observations of the CA process, and assessments based in democratic theory and constitutional law. The workshops had access to CA members and included several CA staff. Drawing on these resources, workshop participants then produced their analyses and assessments as chapters for this volume, using the CA experiment as an opportunity to advance our understanding of the theory and practice of democracy – especially deliberative democracy – within the context of representative democracy. Considered as a whole, the authors of this volume are far from uncritical of the CA process. But they lend strong support to the argument that the CA represents the first time a democratic institution has been deliberately and relatively successfully designed to address a democratic deficit at a quasi-constitutional level.

The background of the Citizens' Assembly

The proximate cause of the BC Citizens' Assembly was an election that returned the "wrong" results. In 1996, the Liberal Party won fewer seats in

Cambridge University Press

978-0-521-88507-2 - Designing Deliberative Democracy: The British Columbia Citizens' Assembly

Edited by Mark E. Warren and Hilary Pearse

Excerpt

[More information](#)

INTRODUCTION

9

the legislature than the New Democratic Party (NDP), despite having won the popular vote with 41.8% to the NDP's 39.5%, owing to the regional concentration of the Liberals' support and the disproportionality of the SMP electoral system. Following this defeat, Liberal leader Gordon Campbell promised to establish a "citizens' assembly" to assess the electoral system as part of a package of political reforms, should the Liberals come to power.

The Liberals did indeed come to power in 2000, and the election returned another anomaly, albeit one more consistent with the bias of SMP systems: the Liberals' 57.6% of the popular vote won the party 77 out of 79 ridings. The NDP's 21.6% won them only two seats, and the Green Party's 12.4% of the vote won them no representation at all, producing a Legislative Assembly with virtually no opposition, and therefore little institutional capacity for generating debate or accountability.

While these electoral anomalies provided the opportunity for electoral reform, the ground was prepared by other actors as well. Groups such as Fair Vote Canada and the Electoral Change Coalition of British Columbia had advocated for change (Ruff 2004). And Green Party leader Adrienne Carr had attempted to use BC's citizen initiative legislation, the Recall and Initiative Act 1996, to introduce her Proportional Representation Electoral Amendment Act, which would have introduced a compensatory mixed member electoral system in BC. Although Carr's 2002 "Free Your Vote" campaign succeeded in collecting 98,165 signatures during the ninety-day period permitted by the initiative legislation, it fell short of the required 10 percent of all registered voters in every electoral district of the province (Elections BC 2002).

Campbell, taking over as Premier in 2000, recognized that both elections failed basic and widely agreed criteria of democracy and kept his promise. He commissioned Gordon Gibson, a respected former leader of the BC Liberal Party, to recommend a process. After consulting widely with activists, politicians, public figures, and academics, Gibson wrote a detailed recommendation, which was tabled in December 2002 (Gibson 2002). The government adopted Gibson's recommendation with very few changes, and in April 2003 asked the Legislative Assembly to support the creation of a citizens' assembly on electoral reform. The Legislative Assembly did so unanimously, and established a special committee of the legislature to oversee the process. The government set up a secretariat with a budget of \$5.5 million to create and support the CA, and appointed Jack Blaney, a former president of Simon Fraser University, to chair the CA. The CA itself was supported with eight full-time research, logistical, administrative, and communications staff, as well as part-time facilitators and note-takers. The infrastructure included offices and IT capacities, a UN-style

Cambridge University Press

978-0-521-88507-2 - Designing Deliberative Democracy: The British Columbia Citizens' Assembly

Edited by Mark E. Warren and Hilary Pearse

Excerpt

[More information](#)

deliberation venue (the Simon Fraser University's Morris J. Wosk Centre for Dialogue in downtown Vancouver), and various meeting facilities around the province. When meeting in Vancouver, Citizens' Assembly members were housed in an adjacent hotel. Each member was paid \$150 a day for their time, as well as travel costs (British Columbia Citizens' Assembly on Electoral Reform 2004b).

The initial design of the CA, according to the Gibson Report, was intended to approximate a descriptive representation of the people of BC, to insulate the process from organized political interests, and to maximize the quality of deliberation and decision-making (Gibson 2002). Assembly design called for a near-random selection of 158 citizens from the voting rolls, with one woman and one man from each of the seventy-nine ridings in the province. Prior to selection, Elections BC launched a one-month campaign to update voter registration lists, and provided the CA staff with 26,500 randomly selected names, each of which received an invitation to attend a selection meeting. Of these, 1,441 indicated interest in attending a meeting, and 964 actually attended. CA members were drawn by lot from these selection meetings, resulting in an initial Assembly roster of 158. Despite the presence of Indigenous British Columbians at selection meetings, however, none were drawn. The Chair used his powers to select two additional Aboriginal members, both members of the Nisga'a Nation, resulting in a body of 160 plus the Chair (British Columbia Citizens' Assembly on Electoral Reform 2004a).

The result of this selection process was an Assembly that comprised a diverse range of British Columbians. While the process was specifically designed to ensure gender and regional parity as well as the representation of a range of age groups, near-random selection also resulted in diversity of ethnicity, formal education levels, and employment within the CA. Members of the CA were born in at least fifteen different countries and spoke a variety of languages other than English. Levels of formal education ranged from those who had not completed high school to those who had obtained Ph.D.s. Members were employed in a range of sectors, from restaurant owners, computer programmers, factory hands, and accountants, to retail sales people, teachers, ranchers, and child-care workers. Nevertheless, the CA was not strictly representative of the province as a whole. Owing to the element of self-selection involved in the process, CA members were more likely to be white, older, university educated, and employed in or retired from the professions than the British Columbian population as a whole (British Columbia Citizens' Assembly on Electoral Reform 2004b; Statistics Canada 2001a, 2001b, 2001c; see also James, Chapter 5, this volume).

CA members were also more likely to be members of community associations or volunteers than the average British Columbian. When asked directly about their community activity, 45 percent of British Columbians reported