Introduction

Since 1989, ever-increasing numbers of citizens have taken part in budgetary decision-making in the Brazilian city of Porto Alegre. By 2001 an impressive 16,600 citizens were participating in the annual popular assemblies held across the city. Their initial participation eventually culminated in decisions about the distribution of a significant element of the municipal budget, with a substantial proportion destined for investments in poor neighbourhoods. The following year, the process began again. At the other end of the Americas, in December 2004 after 11 months of deliberation, an assembly of 160 randomly selected citizens delivered a report recommending changes to British Columbia's electoral system. The following year, their recommendation was put to a binding popular vote. And, again in 2004, citizens in 37 states across the United States voted on 162 propositions, almost a half of which were proposals that originated from within civil society rather than the legislature or executive. Some 68 per cent of these propositions were approved by citizens and have or will become law.

Participatory budgeting, the Citizens' Assembly on Electoral Reform and direct legislation are three examples of what we will term 'democratic innovations': *institutions that have been specifically designed to increase and deepen citizen participation in the political decision-making process*. They are democratic innovations in the sense that they represent a departure from the traditional institutional architecture that we normally attribute to advanced industrial democracies. They take us beyond familiar institutionalised forms of citizen participation such as competitive elections and consultation mechanisms such as community meetings, opinion polling and focus groups. Some innovations have a long heritage and have become

established institutions in a small number of polities – for example direct legislation in Switzerland and some states in the United States. Others, such as the Citizens' Assembly and participatory budgeting, are more recent developments. All of them are representative of a growing and widespread interest in finding new ways of engaging citizens in the political decision-making process, and it is the aim of this book to offer an evaluation of the democratic potential of these different institutional designs.

In defining 'democratic innovations', we need to stress two aspects of their design. First, these institutions directly engage *citizens*. Many participatory mechanisms are designed to engage individuals who represent organised groups within society – such institutions include stakeholder and corporatist designs. Organised groups and their representatives play a significant role in democratic polities, but we are interested here in whether institutions can be designed to directly engage what have been termed 'lay' or 'non-partisan' citizens, as opposed to experts and partisan campaigners. This difference is not watertight. Experts and partisans are also citizens. However, there is a compelling analytical distinction in operation here. We are interested in democratic institutions that engage citizens because they are citizens, rather than because they claim expert authority or are the representatives of an organised group within society. But even then, there is further ambiguity with the term 'citizen'. Not all individuals who are affected by a particular issue or who have the right to participate in a democratic innovation will necessarily be citizens in the legal sense: this will depend upon the design of the innovation (in particular its selection mechanism). For simplicity's sake we will use the term 'citizen participation' in our discussions of democratic innovations, while recognising the limits of this particular formulation.

Second, we are interested in *institutionalised* forms of participation in political decision-making at strategic levels – democratic devices that provide citizens with a formal role in policy, legislative or constitutional decision-making. It is important to state this clearly and unambiguously for three reasons. First, our interest is primarily in participation in decision-making *beyond* the local level. Arguments for radical decentralisation of power aside, most formal political decision-making power continues to be exercised across larger scales of political organisation. As such, we are concerned with the degree to which citizen participation can be institutionalised at the level of the city, the nation or the transnational/global. Second, democratic innovations aim to take us beyond traditional modes of institutionalised engagement, namely competitive elections and consultation exercises. We are interested in the extent to which participation can have direct influence on political decisions. Third, much of the work on participation in democratic theory tends to refer to more informal forms of

citizen engagement in civil society and in confrontational and antagonistic relations with public authorities. Ricardo Blaug (2002), for example, draws a distinction between what he terms 'incumbent democracy' and 'critical democracy'. For Blaug, incumbent democracy 'seeks to improve, though at the same time to control, participatory input, by channelling, simplifying and rationalizing it through institutionalized conduits'. In comparison, critical democracy 'occurs within local and peripheral sites and involves resistance to elite governance. It is characterized by increased participation and empowerment, often on the part of people normally excluded from political activity' (Blaug 2002: 105–6).

> Incumbent democracy is primarily motivated to preserve and improve existing institutions by maximizing and managing orderly participation. Critical democracy seeks, instead, to resist such management and to empower excluded voices in such a way as to directly challenge existing institutions. (Blaug 2002: 107)

There are (at least) three comments to make on Blaug's observations that are pertinent to this study. First, whilst this book focuses on institutionalised forms of citizen participation, it does not argue that such democratic innovations are the only legitimate mode of political activity. A thriving democratic polity will entail a range of different modes of citizen engagement, from formal, institutionalised channels through to informal, independent forms of confrontational activity – incumbent and critical democracy. Second, rather than 'preserve and improve institutions', the innovations discussed in this book can challenge the existing institutional order, potentially weakening more established institutions of advanced industrial democracies. Third, Blaug's distinction is too stark in its representation of democratic practice and theorising. His definition of critical democracy embraces a politics that seeks to 'resist' the management tendencies of incumbent democracy and 'to empower excluded voices in such a way as to directly challenge existing institutions'. This assumes that such resistance and empowerment of the excluded is not possible within democratic innovations. As we shall see, many innovations are designed with such empowerment in mind. Blaug's distinction appears to close the door on the possibility that the type of innovations that we are investigating in this book might have critical impact. It will be an empirical question as to whether such 'managed' forms of participation are able to empower citizens, particularly citizens who are systematically disengaged from the political process.

Whatever the particular institutional form, democratic innovations in principle redraw the traditional division of political labour within representative systems, in particular by providing citizens with more influence

in the political decision-making process. The aim of this book, then, is to investigate the way in which different innovations recast the nature of the relationship between citizens and political authorities and to explore the implications and consequences for democratic politics.

Why study democratic innovations?

There is growing evidence of public disillusionment with the institutions of advanced industrial democracies. The decline in electoral turnout, low levels of trust in politicians and political institutions and decline in membership of traditional mobilising organisations such as political parties and trade unions are just three expressions of the growing disconnection between citizens and decision-makers – the difference and distance between the subjectivity, motives and intentions of citizens and those who make decisions in their name (Barber 1984; Offe and Preuss 1991; Phillips 1995). Russell Dalton, a leading authority on political attitudes and behaviour, argues: 'By almost any measure, public confidence and trust in, and support for, politicians, political parties, and political institutions has eroded over the past generation' (Dalton 2004: 191).

This could be taken as a counsel of despair – a growing disillusionment with the 'democratic project'. However, analysts such as Dalton argue that there is evidence that behind these trends there remains a strong and significant commitment to democratic norms and values.

> Even though contemporary publics express decreasing confidence in democratic politicians, parties, and parliaments, these sentiments have not carried over to the democratic principles and goals of these regimes. Most people remain committed to the democratic ideal; if anything, these sentiments have apparently strengthened as satisfaction with the actuality of democratic politics has decreased. (Dalton 2004: 47)[1]

Embedding democratic innovations that increase and deepen citizen participation in political decision-making could thus be perceived as one strategy (amongst others) for re-engaging a disillusioned and disenchanted citizenry. As Dalton concludes:

> The public's democratic expectations place a priority on reforms that move beyond the traditional forms of representative democracy. Stronger parties, fairer elections, more representative electoral systems will improve the democratic process, but these reforms do not address expectations that the

[1] Matt Henn and his colleagues offer similar evidence of support for democracy but disenchantment with its current institutional expression amongst young people (Henn *et al.* 2005).

> democratic process will expand to provide new opportunities for citizen input and control. (Dalton 2004: 204)

This emphasis on increasing participation is also a consistent theme within contemporary democratic theory. Over recent years a range of theoretical perspectives have emerged that emphasise increasing and deepening citizen participation in political decision-making. Examples include participatory democracy (Pateman 1970), deliberative democracy (Bohman 1998), direct democracy (Saward 1998), difference democracy (Young 1990) and cosmopolitan democracy (Held 1995). There are important differences in emphasis and, on occasion, substance between these different theoretical streams. Participatory democrats such as Carole Pateman tend to emphasise the intrinsic value of participation – its educative and developmental effect on citizens. Participation is a beneficial activity in its own right, increasing citizens' political efficacy and understanding of their own interests and political responsibilities (Parry 1972: 26–31). As Pateman famously argues:

> The major function of participation in the theory of participatory democracy is … an educative one, educative in the very widest sense, including both the psychological aspect and the gaining of practice of democratic skills and procedures … Participation develops and fosters the very qualities necessary for it; the more individuals participate the better able they become to do so. (Pateman 1970: 42–3)

Whilst the intrinsic value of participation remains an important consideration, contemporary theorists tend to focus more attention on instrumental arguments for increased citizen participation (Parry 1972: 19–26). The instrumental value of participation can rest on a range of arguments (often combined by theorists), for example: participation as the most effective defence against arbitrary power; the individual as the best judge of their own interests; the generation of better-informed decisions; or increased legitimacy and trustworthiness of political decisions. As the name suggests, deliberative democrats pay particular attention to the process by which decisions are made. For example, Amy Gutmann argues: 'the legitimate exercise of political authority requires justification to those people who are bound by it, and decision-making by deliberation among free and equal citizens is the most defensible justification anyone has to offer for provisionally settling controversial issues' (Gutmann 1996a: 344). In contrast, direct democrats emphasise the moment of decision: political legitimacy rests on the idea that 'all citizens have equal effective inputs into collective decision-making' (Saward 1998: 43). The particular contribution of difference democrats has been in drawing attention to the way which disadvantaged and oppressed social groups are marginalised or

excluded from the political process. As Anne Phillips argues: 'when policies are worked out *for* rather than *with* a politically excluded constituency, they are unlikely to engage all relevant concerns' (Phillips 1995: 13). Thus judgements of political legitimacy rest on whether distinct voices and perspectives of these social groups are recognised and represented in political decision-making processes. Finally, cosmopolitan democracy is unashamedly global in its pretensions, questioning the degree to which the decisions of transnational political authorities can be deemed legitimate without the active consent and participation of affected populations.

While there are differences in emphasis, arguably the dominant current within contemporary democratic theory is one that places a premium on increasing and deepening citizen participation. We will have more to say about the continuities and discontinuities of democratic theories as the analysis in this book progresses. Much of the debate operates at a high level of abstraction. As such, this study of actually existing democratic innovations will provide a valuable occasion to investigate the extent to which the normative commitments of different democratic theories can be institutionalised. To what extent can different designs express theorists' democratic hopes and expectations?

Overview of the book

To develop an effective and systematic comparative analysis of democratic innovations with quite different design features, much rests on the analytical framework. Chapter 1 argues that the unfortunate disengagement between political science and democratic theory means that there is relatively little guidance on how to engage in theoretically informed analysis of innovative democratic practices. Rather than follow the deductive approach that tends to be favoured by those few democratic theorists who do engage in debates about institutional design, we instead offer an approach where innovations are evaluated according to the extent to which they realise goods of democratic institutions. The chapter offers a defence of the choice of six goods: inclusiveness, popular control, considered judgement, transparency, efficiency and transferability. The extent to which these goods are realised enables us to judge the democratic legitimacy and practical feasibility of innovations. The chapter ends by distinguishing four categories of innovations that are to be evaluated using this analytical framework.

Chapter 2 focuses on innovations that are based on open or popular assemblies. While there are a number of small-scale designs that are worthy of analysis – we focus particularly on New England town meetings and Chicago Community Policing – much of the chapter is devoted to the analysis of participatory budgeting as practised in Porto Alegre,

Brazil. In this innovation, large popular assemblies are integrated with representative bodies in a process where decisions are made about the distribution of significant elements of the city's budget.

Chapter 3 takes as its subject mini-publics: forums that are constituted by (near-) randomly selected citizens. While interest in the use of mini-publics has been growing over recent decades – for example, citizens' juries, consensus conferences and deliberative polling – a step-change in practice was witnessed by the establishment of the Citizens' Assembly on Electoral Reform that sat over eleven months in British Columbia. The 160-strong Assembly was charged with reviewing the province's electoral system.

Chapter 4 turns our attention to direct legislation: an institutional design with a long heritage in a limited number of advanced industrial democracies. Legislative referendum, popular referendum and the initiative differ from other forms of referendum because their decisions are binding rather than simply advisory. Popular referendum and the initiative also provide a mechanism for citizens to place propositions on the ballot.

The fourth empirical chapter, Chapter 5, takes a different tack, reviewing participatory developments in information and communication technology (ICT). Developments in e-democracy are still in their infancy and so the chapter draws lessons from a range of designs, including 21st Century Town Meetings, internet discussion forums, online deliberative polling and ICT-enabled direct legislation.

Chapter 6 and the Conclusion assess what can be learnt from a comparative analysis of these different types of democratic innovation. In what ways and to what degree do different designs realise the six institutional goods that form our analytical framework? What are the implications of the different combinations and weightings of goods? This comparative analysis will also offer insights into the sustainability of various claims of democratic theorists. In what sense can their ideas be realised in practice? To what extent can institutions be designed that create effective opportunities for citizen engagement?

1

Studying democratic innovations: an analytical framework

Until fairly recently, relatively little attention has been paid to the systematic evaluation of democratic innovations, and there is thus a dearth of systematic comparisons.[1] Why is this? Democratic theorists have proved to be strong on arguing the case for citizen participation, but, with a few notable exceptions, discussions have remained at a high level of abstraction – there has been a failure to systematically engage in the 'messy' and detailed task of institutional design. Perhaps our expectations of democratic theorists are too high and we need to recognise the division of labour within the discipline of politics: there are other scholars who (should) pick up this task of studying innovations. There is, for example, a formidable community of political scientists – such as Russell Dalton, whose work was discussed briefly in the Introduction – who study citizens' democratic attitudes and behaviour. However, they tend to focus on elections and other more familiar modes of political activity: democratic innovations are relatively marginal forms of democratic practice and typically fall below political scientists' radar.[2] As with democratic theorists, their studies often point towards the need to consider alternative modes of political engagement, but generally take us no further.

There would thus appear to be a gap in the discipline – a lack of concerted attention to theoretically informed, comparative studies of democratic innovations. This has exercised a number of democratic theorists. David

[1] One of the few attempts to compare different innovations is a survey article by Archon Fung (2003b).

[2] To be fair, Dalton has been involved in discussions of expanding opportunities for citizen participation, although there has been relatively little work on the type of developments evaluated in this book (see for example Cain *et al*. 2003).

Beetham goes as far as to suggest that this kind of gap can be explained by 'the disciplinary divorce within the academic study of politics, between normative theory and empirical political analysis, which has encouraged the separation of institutional accounts of democracy from any analysis of democracy's underlying principles, as if they belong to quite different worlds' (Beetham 1999: 29). Similarly, Ian Shapiro argues that there is an uncomfortable gap between normative theories 'that seek to justify democracy as a system of government' and explanatory theories 'that try to account for the dynamics of democratic systems'.

> Normative and explanatory theories of democracy grow out of literatures that proceed, for the most part, on separate tracks, largely uninformed by one another. This is unfortunate, partly because speculation about what ought to be is likely to be more useful when informed by relevant knowledge of what is feasible, and partly because explanatory theory too easily becomes banal and method-driven when isolated from the pressing normative concerns that have fuelled worldwide interest in democracy in recent decades. (Shapiro 2003: 2)

Finally, Archon Fung starkly contends: 'This division of labour has become a segregation of thought that now poses a fundamental obstacle to progress in democratic theory' (Fung 2007: 443). Democratic theorists may offer compelling explanations of the limits of existing democratic practice and strident arguments for increased and deepened citizen participation. But if we wish to evaluate the potential of different types of democratic innovations what approach should we take?

Whilst evaluations of democratic innovations tend to be rather patchy, there is a small but significant body of democratic theorists who have turned their attention to more detailed discussions of institutional design. There is one approach that tends to dominate this work, namely a search for institutions that best 'fit' or express the basic principles of a particular theoretical model of democracy. Examples include the defence of the citizen initiative and referendum as the expression of political equality and responsive rule amongst direct democrats (Budge 1996; Saward 1998); citizens' juries and deliberative opinion polls as the institutional realisation of the principles of deliberative democracy (Fishkin 1997; Smith and Wales 2000); gender quotas or group representation as a way of enacting the politics of presence/difference (Phillips 1995; Young 1990).

These examples reflect what Michael Saward takes to be the dominant *deductive* approach to institutional questions within democratic theory: democratic principles can be 'deduced from a deeper religious (or contractarian) foundation, and in turn institutions and practices can be deduced from the principle' (Saward 1998: 162). This deductive approach to institutional design is symptomatic of a 'common approach in political

theory' that attempts 'to stipulate a *literal* or proper meaning for a political principle. Behind this strategy is the assumption, normally unspoken, that there is one, correct, interpretation of a given principle' (Saward 1998: 165). Institutional analysis tends to be situated within debates between competing democratic theories or 'models', be they deliberative, direct, cosmopolitan, liberal, aggregative, ecological, communicative, difference, agonistic, etc., that rest on competing political principles.

This type of deductive approach to the analysis of democratic innovations would require us to commit ourselves to one particular theoretical position or model of democracy. We will not take this approach for a number of reasons. First, it would limit the range of institutions that could reasonably be discussed. No practical design can realistically hope to meet all the rigorous demands of any particular theoretical model. Only a few innovations come close to passing the strict theoretical tests of any one model and typically only squeeze through by overlooking certain aspects of their design. Such a deductive approach is likely to do disservice to the range of actually existing democratic institutions. It means that there is little comparison of the strengths and weaknesses of different types of innovation and how they might be combined to complement and overcome the deficiencies of particular designs. As Fung argues, whilst 'deductive approaches have produced compelling views of democracy', they have been less successful 'at producing policy or institutional reforms that might realize those views' (Fung 2005: 2).

Second, democratic theories or models tend to be incomplete, and, by their nature, their principles and rules drastically oversimplify the complexity of democratic practice (Jonsen and Toulmin 1998: 6). While theoretical work often proceeds as if it were an exhaustive account of democratic politics, theories offer only a partial analysis of our democratic condition. Democratic theory tends to develop in response to perceived problems in either democratic practice or weaknesses in current theories. Without wishing to offer a complete genealogy of democratic theory, we can understand the emergence of participatory democracy in the late 1960s and 1970s (Bachrach 1967; MacPherson 1977; Pateman 1970) against the backdrop and dominance of theories of elitist democracy that had developed post-war (Schumpeter 1976). More recently, deliberative democracy emerged as a corrective to the perceived focus on aggregative forms of democracy (Bohman 1998). This dialectical or reactive development of theory means that we tend not to develop fully-fledged theories of democracy (whatever they would look like), rather we theorise about particular elements of democratic practice that – for good reason – hold our attention at that particular moment in time.

Let us take deliberative democracy, which is arguably the most influential development within contemporary democratic theory. Deliberative democracy has provided a powerful theoretical critique of the tendency