

DISCOVERING THE PEOPLE'S WILL

Citizens' Assemblies as
Trusted Proxies in Irish Referenda

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*Submission to the Irish Citizens' Assembly
on
"The manner in which referenda are held"
by the Sortition Foundation
and newDemocracy*



**SORTITION
FOUNDATION**

new**DEMOCRACY**

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The **Sortition Foundation** is a not-for-profit organisation whose mission is to promote and institute sortition in empowered assemblies. We envision a world free from partisan politicking, where a representative random sample of everyday people make decisions in an informed, deliberative and fair environment.

www.sortitionfoundation.org

NewDemocracy is an independent, non-partisan research and development organisation. We aim to discover, develop, demonstrate, and popularise complementary alternatives which will restore trust in public decision making. We conduct real world trials using random selection and deliberation - the jury model - as a central process.

www.newdemocracy.com.au

Summary

This submission proposes that a law be passed requiring a Citizens' Assembly before every referendum in Ireland. The randomly selected, representative sample of citizens should meet and deliberate on the proposed topic and produce a considered, informed recommendation. This recommendation should then be widely publicised and distributed to every household before the referendum, and a brief summary of the recommendation should be handed out with the ballot paper at every voting booth.

The Problem

Referenda are used as tools to gauge the will of the people, but it is increasingly understood that an ideal democracy would respond to the *considered, informed* will of the people who have participated in a deliberative assembly where they are encouraged to justify their opinions and be affected by the opinions of others.¹ We should not be governed by raw opinion but by considered opinion. We want *slow* thinking in our democracies, not *fast* thinking.²

In an era of “fake news” and the “information cocoons” created by social media – where people are rarely exposed to views that conflict with their own – this is even more important than ever. Voters can also be overly influenced by unbalanced media attention paid to a topic, swayed by politicians posturing for electoral advantage, or be susceptible to well-funded vested interests running emotive advertising campaigns aiming to influence the result in their favour.

The Solution

It is, unfortunately, infeasible for every citizen to engage in the kind of informed deliberation we would ideally prefer. However, as Ireland has recently discovered and put to impressive use,

¹ See, for example, Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* Princeton University Press, 2004.

² Daniel Kahneman, *Thinking, Fast and Slow*, Farrar, Straus and Giroux, 2013.

Citizens' Assemblies can act as trusted proxies for this kind of broad, deep and critical thinking. Citizens' Assemblies can *simulate* how the entire society would have thought if given the time, information and resources to make the decision.

Indeed, there is a perverse incentive for citizens in referenda to engage in *rational ignorance* – as each citizen only contributes one vote to the outcome, it is not worth his or her time and effort to become deeply informed on an issue prior to casting his or her vote. This is precisely where a Citizens' Assembly can step in as a trusted proxy – where ordinary people (with no vested, financial or electoral interest in the outcome) can recommend a course of action, and give reasons for their recommendation.

The Process

The process is relatively simple, especially as Ireland now has considerable experience with Citizens' Assemblies.

1. After a referendum topic has been identified (but one year before the referendum is held) the process of convening a 100-person Citizens' Assembly is initiated.
2. The Citizens' Assembly meets for approximately two weekends, depending on the complexity of the issue, where they listen to expert opinion, hear from politicians, and receive submissions from the general public and interested stakeholders.
3. The Citizens' Assembly produces a report based on their informed deliberation, which is published and widely publicised. This report includes their considered recommendation on the referendum proposal.
4. This report is posted to every household in Ireland two weeks prior to the referendum, accompanied by a media campaign to draw attention to the report.
5. On referendum day a brief summary sheet of the recommendation is handed out with the ballot paper at every polling booth in the country.

Important note: the contents of the report will rarely, if ever, be a consensus recommendation. Dissenting voices must be included in the report, in proportion to their numbers, and the level of support for each statement should be clearly identifiable. Concise reasons **must** be given for each of the statements. However, the report itself should be a consensus publication: the members of the Citizens' Assembly should all agree that the report is an accurate and true reflection of the opinions of the Citizens' Assembly itself.

Possible extension: the assembly could also be tasked with producing the precise text for the referendum, possibly subject to governmental approval.

Other Pros & Cons

Pros:

- It may diminish the number of proposed referenda as those unlikely to withstand the rigorous process of a Citizens' Assembly and gain its broad support may be withdrawn beforehand.
- It will provide a clear picture of the likely support or opposition to a referendum proposal.
- Several topics could be held together over several weekends.

Cons:

- Cost: this depends on the number of referenda held, and the size of the citizens' assembly, which could be less than 100 people.

Conclusion

Approaching the ideal democracy where decisions are made after informed, respectful deliberation is difficult. Referenda, in many ways, are not conducive to this kind of decision-making. However, referenda, especially in constitutional matters, are legally required to prove that the change has the consent of the majority of the citizens. By combining referenda with Citizens' Assemblies we can achieve the best of both worlds: we can discover the informed, considered

opinion of a subset of the populace and, with adequate outreach, convey that to the rest of society.

In this way voters can choose to either trust, or ignore, the recommendation of the Citizens' Assembly as they wish – but they could not claim to be ignorant of the informed opinion of a representative sample of their fellow citizens.

Appendix

Other instances of citizens' assemblies and referenda, or smaller scale policy juries, throughout the world:

Healthy Democracy (US, <https://healthydemocracy.org/>) now operates in several US states. They facilitate small, deliberative citizens' juries on Citizens' Initiatives (citizen proposed referenda). Before the vote they produce a report with recommendations that is widely distributed.

British Columbia Electoral Reform Referendum (Canada) is a well know example where a large Citizens' Assembly met for extensive deliberation before producing a report and referendum proposal.³ There is strong evidence of the influence of the assembly on trust and voting behaviour.

Mongolian Law on Deliberative Polling for Constitutional Provisions: In April 2017 Mongolia held its first deliberative assembly of randomly selected citizens to consider constitutional amendments; these assemblies are now required by law.⁴

More references and examples can be provided upon request.

³ M. E. Warren and H. Pearce (editors), *Designing Deliberative Democracy: The British Columbia Citizens' Assembly*. Cambridge University Press, 2008.

⁴ <http://www.constitutionnet.org/news/deliberative-polling-constitutional-change-mongolia-unprecedented-experiment>



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