DEMOCRATIC INNOVATIONS

Designing institutions for citizen participation

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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

within democratic theory and practice to focus on the aggregation of preferences as the fundamental mechanism of legitimation. For deliberative democrats the process of formation of preferences is crucial. As James Bohman states, 'Deliberative democracy, broadly defined, is … any one of a family of views according to which the public deliberation of free and equal citizens is the core of legitimate political decision making and self-government' (Bohman 1998: 401). Not surprisingly, when it comes to questions of institutional design, deliberative democrats are interested in the extent to which deliberation can be further embedded within the political process. But critics argue that there are many weaknesses in theories of deliberative democracy (Macedo 1999). For example, it is argued that as a theory it fails to provide a satisfactory account of how decisions should be made. If deliberation does not lead to consensus (a rare occurrence), how is conflict to be dealt with? Deliberative democrats are quick to point out how conflicting parties should engage with each other, but have less to say about how agreements short of consensus or a vague notion of workable agreement are to be reached. Under conditions of disagreement, where no workable agreement emerges, deliberative democracy offers little guidance on decision rules (Miller 1992). This is not to say that the insights from deliberative democracy are not significant – we will be drawing heavily on this literature throughout this book. Rather it is an argument for not imagining that one theory can offer us all the necessary resources to evaluate different democratic innovations. Deliberative democracy highlights the importance of considering how democratic innovations enable citizens to make considered judgements; other approaches to democratic theory may offer insights into other aspects of citizen participation. The danger of leaning too heavily on one theoretical position is that significant elements of democratic practice and institutional design can be overlooked.

Saward provides a useful corrective to the tendency to work from within a particular model of democracy. Using the example of direct and deliberative democracy, he argues that instead of viewing them as competing and often antagonistic models, we should recognise that their ideals and practices can be mutually supportive. In isolation, both theoretical models are (arguably) deficient; but mutual engagement indicates how their deficiencies might be overcome. For example, there is a tendency within deliberative democracy to criticise models of direct democracy for lacking an account of how citizens develop reflective preferences before decision-making. Equally, direct democrats are right to highlight the lack of any decision rule within deliberative democracy. But if they are not held as antagonistic positions, then we can see how mutual engagement may be productive: deliberation prior to direct decision-making creates a more legitimate democratic process where citizens are encouraged to reflect on their preferences before making political choices (Saward 2001).

Finally, our aim is to embrace a more ecumenical approach, rather than a single established theoretical perspective, that integrates the concerns of a number of different positions in democratic theory. This will allow for reflections on broad questions that cut across different streams of contemporary democratic theory.

Towards an analytical framework: goods of democratic institutions

If we are going to offer a comparative assessment and evaluation of different democratic innovations, the challenge is to sketch out the details of a more ecumenical analytical framework. Our approach in this book is to develop an analytical framework that allows for comparison of innovations based on the manner and extent to which they realise desirable qualities or *goods* that we expect of democratic institutions. This will enable us to compare qualitatively different types of democratic innovations. But it leaves open the question: which goods?

In assessing democratic innovations we will consider the extent to which they realise four explicitly democratic goods, namely *inclusiveness*, *popular control*, *considered judgement* and *transparency*. We will explore the nature of each of these goods in more detail later in the chapter. Briefly, inclusiveness turns our attention to the way in which political equality is realised in at least two aspects of participation: presence and voice. Popular control requires consideration of the degree to which participants are able to influence different aspects of the decision-making process. Considered judgement entails inquiry into citizens' understanding of both the technical details of the issue under consideration and the perspectives of other citizens. And finally, transparency centres reflection on the openness of proceedings to both participants and the wider public. These four goods are particularly apposite for evaluating the democratic qualities of innovations because, arguably, they are fundamental to *any* theoretical account of the democratic legitimacy of institutions. As we have already suggested, accounts of legitimacy in a particular democratic theory may well interpret and weight these goods in different ways. So, for example, theories of direct democracy tend to place particular significance on specific interpretations of inclusiveness and popular control, whereas theories of deliberative democracy privilege a different combination of inclusiveness, considered judgement and transparency. But however they are interpreted and weighted, it is difficult to conceive of a reasonable account of democratic institutions that did not consider these goods. In other words, a democratic theory that overlooked any one of these goods would likely be deemed severely deficient. We are not making any claims as to whether

these goods are intrinsic or instrumental to democracy: different theories of democracy will offer different accounts of which of these goods (and others) are intrinsic and which are instrumental and their relative significance. Our approach avoids making any such claims beyond the perspective that the democratic status of institutions that fail to realise these goods in a compelling combination is likely to be challenged.[3]

But our evaluation of democratic innovations will not proceed purely on the basis of their democratic qualities. This book is interested in the potential for democratic participation to be institutionalised: we will be left in the abstract world of pure theory if we do not consider the practicality of innovations. We must therefore give consideration to the extent to which innovations are institutionally feasible. The four democratic goods in our analytical framework will be complemented by two additional institutional goods: *efficiency* and *transferability*. Efficiency demands that we attend to the costs that participation can place on both citizens and public authorities. Transferability provides an occasion to evaluate whether designs can operate in different political contexts, understood in relation to scale, political system or type of issue. Including these two institutional goods in our analysis means that we should avoid the unfortunate celebration of innovations that realise our four democratic goods in a compelling manner but which are entirely impractical: an unfortunately all-too-common occurrence in democratic theory.

A challenging way of confirming the significance of the goods that constitute our analytical framework is to consider the often uncomfortable arguments of sceptics and critics of citizen participation. While the dominant current within democratic theory is one that tends to valorise participation, there is a range of significant sceptical and critical voices that consistently argue that while enhancing citizen participation in political decision-making may (or may not) be a worthy theoretical ideal, there are good reasons why it is unrealistic and/or undesirable and may (perversely) have a damaging effect on the central institutions and practices of advanced industrial democracies. Many of these sceptical and critical contributions are from major democratic theorists who have strong democratic commitments. However, their reflections on our experience of existing institutionalised (and non-institutionalised) forms of citizen engagement – for example, participation in competitive elections and consultation exercises – lead them to contend that attempting to enhance citizen participation in political decision-making may actually

[3] Arguably these four democratic goods embody Robert Dahl's classic criteria of a democratic process, namely effective participation, voting equality, enlightened understanding, control of the agenda and inclusion of adults (Dahl 1998: 37–8).

undermine the democratic ideal. It is important that when applying our analytical framework, the challenges of sceptics and critics come to mind.

Considering the voices of sceptics and critics has advantages for our analysis. Primarily, it means that we do not side step significant challenges to increasing and deepening participation in the political decision-making process; instead difficult questions are confronted head-on. It is too easy to be swept along with the rhetoric of participation and not ask hard questions of institutional designs. By ensuring that our analytical framework requires engagement with the insights of sceptics and critics of citizen participation, we cannot be accused of wilfully avoiding controversies within democratic theory and practice. If it is a realistic proposition that democratic innovations should be more widely institutionalised, then it is essential that we are able to show, contra the sceptics and critics, that these designs actually promote rather than undermine the realisation of the goods we associate with democratic institutions.

The first challenge offered by critics and sceptics is that inclusiveness cannot be realised because of differential rates of participation across social groups. Studies of participation across a range of political activities provide evidence that very few citizens actually engage regularly in political action – whether conventional or unconventional – and that participation is strongly positively correlated to income, wealth and education (Pattie *et al.* 2005; Verba *et al.* 1978). These sections of the population have access to resources such as time, money and knowledge that enhance political efficacy. As such, Arend Lijphart argues that democracy's unresolved dilemma is unequal participation (Lijphart 1997). His particular concern is the differential rate of participation in elections across all advanced industrial democracies; a bias that is further exacerbated as the turnout rate falls (a trend that is occurring across almost all polities). If large swathes of the population do not vote on a systematic basis, their interests and opinions are less likely to be taken into account in the policy-making process (Lijphart 1997: 4). A similar concern emerges from studies of officially sponsored consultation exercises: typically it is the already politically interested and engaged who are motivated to respond to consultation documents and/or attend public meetings. Take, for example, the consultation exercise organised for the Oregon Health Plan in 1990 that is often held up as an exemplar of a thoughtful and well-structured process (Fung 2003b; Sirianni and Friedland 2001). As part of the exercise, forty-seven independently organised open community meetings were held across the state that aimed 'to build consensus on the values to be used to guide health resource allocation decisions' (Oregon Health Decisions 1990: 5). While these meetings attracted over a

thousand citizens, even sympathetic commentators recognise the impact of uneven participation:

> The most obvious limitation of the community meetings process was that participation was less than hoped for and was skewed towards health professionals and those with above-average incomes and education … Active outreach by the organisers and by those on the steering committee with strong links to medically underserved communities had not succeeded in getting a more representative group. Three of the community meetings were held in low-income housing projects, but only 14 percent of those who attended overall were either uninsured or Medicaid recipients, the initial target population of the reforms. (Sirianni and Friedland 2001: 158; see also Nagel 1992: 1976).

As Iris Marion Young argues, discussions of health care were 'dominated by white middle-class and college-educated perspectives' (Young 2000: 153).[4] The widely held concern amongst democratic theorists is that extending opportunities for citizen participation in the political process will simply reinforce and amplify the existing differentials of power and influence within society (Phillips 1991: 162; Sartori 1987: 114); in practice inclusiveness will not, or even cannot, be realised.

Second, sceptics and critics of extending participation argue that citizens tend to lack the skills and competence to make coherent political judgements: a direct challenge to the realisation of considered judgement. Without doubt this concern was most explicitly expressed by Joseph Schumpeter and was a crucial element of his defence of competitive elitism: 'the typical citizen drops down to a lower level of mental performance as soon as he enters the political field … He becomes a primitive again' (Schumpeter 1976: 262). It is not clear from Schumpeter's writing whether he believes that citizens are inherently incapable of making good political judgements or whether they simply lack the motivation to make informed decisions (Beetham 1999: 8).[5]

There is plenty of evidence that most citizens are not that interested in politics and do not spend much time actively consuming political

[4] The organisers, Oregon Health Decision, note that although participants 'reflected a variety of backgrounds … demographic sheets filled out by participants reflect an imbalance with fully 90 percent of participants being insured while only 4.4 percent were Medicaid recipients and 9.4 percent were uninsured'. Participants reflected the usual inequalities related to participation: 67% had college graduate education, 93% were white and 53% had an annual household income over $35,000, with 34% over $50,000 (Oregon Health Decisions 1990: 6 and 30). However, Lawrence Jacobs and his colleagues argue that to focus on the participants is to miss the political significance of the consultation exercise: 'reformers used the rhetoric of priorities to build a durable political coalition in favor of expanded access for the uninsured' (Jacobs *et al.* 1998: 178).

[5] For a recent re-elaboration and defence of the Schumpetarian position, see Posner (2003).

information. When they come to vote in elections they most certainly do not interrogate party manifestos or records in any systematic or rational manner. The majority of citizens have basic impressions about major political stories and the popularity of key politicians, and then use shortcuts in making voting choices or what Samuel Popkin terms 'low information rationality' (Popkin 1991). For example, voters may identify with a party or party leader and/or look for guidance from particular organisations, individuals or media outlets that they trust. There is ongoing debate about whether such heuristics make up for a lack of political knowledge and attention and whether similar choices would be made if individuals were more fully informed (Bartels 1996; Lupia 1994; Popkin 1991). We can also ask, following J.S. Mill, whether the private act of voting encourages citizens to make their decisions in the public interest, rather than for their own private reasons (Reeve and Ware 1992: 97–8).

While citizens participating in elections are required to consider a range of different issues, consultation has the virtue of generally focusing on one area of policy, thus in principle reducing the complexity of decisions. However, it is still pertinent to ask whether citizens are in a position to make sound judgements. Public meetings typically attract politically interested, strongly partisan citizens with well-established viewpoints. Participants rarely hear the voices of those with different social perspectives, and even on the occasions when a diversity of participants are involved, the length of meetings – typically no longer than two hours – limits citizens' capacity to absorb, understand and reflect on new information and perspectives. These problems are even more acute with opinion polls, which are increasingly popular with public authorities: citizens are asked their immediate response to questions on subjects on which they often have little or no knowledge and with little or no opportunity to reflect on relevant information. Citizens are information-poor and have no opportunity to listen to the perspectives of others. Opinion polls tell us what citizens think off the top of their head – often a superficial understanding of the issues confronting them. Whilst opinion polls may engage a statistically representative cross-section of the public, what they provide is an insight into unreflective public opinion. If such consultation has an effect, policy will be shaped in response to fairly raw preferences. Mark Warren captures well the problem faced by citizens in contemporary polities and the challenge that confronts democratic innovations:

> democracy works poorly when individuals hold preferences and make judgements in isolation from one another, as they often do in today's liberal democracies. When individuals lack the opportunities, incentives, and necessities to test, articulate, defend, and ultimately act on their judgements, they will also be lacking in empathy for others, poor in information, and unlikely

> to have the critical skills necessary to articulate, defend, and revise their views. (Warren 1996: 242)

A third issue commonly raised by sceptics and critics is not whether citizens are motivated and/or competent to participate effectively, but rather that participation will have little or no effect on political decisions – citizens' viewpoints will be ignored or the process and results of participation will be manipulated by political authorities to suit their own interests (Cooke and Kothari 2001). Critics contend that citizens are not given any meaningful popular control in the decision-making process and that transparency is not realised, because citizens are unaware of how (if at all) their contributions will be incorporated into decisions. Such concerns, implicit within Ricardo Blaug's distinction between 'incumbent' and 'critical' democracy (Blaug 2002), discussed in the Introduction, are explicit within the writing of theorists such as John Dryzek, who argues that extra-constitutional imperatives of the state (such as protection of capital accumulation) limit the potential for authentic citizen engagement and deliberation in political decision-making (Dryzek 2000).

For many theorists, the distance between the act of voting and the decisions made in their name helps explain the growing disconnection of citizens from their political representatives and institutions (Barber 1984; Offe and Preuss 1991; Phillips 1995). While periodic voting may entail 'a continuous discipline on the elected to take constant notice of public opinion' (Beetham 1992: 47), the extent to which this discipline leads to responsive rule is debatable – the wealth of evidence that citizens have little trust or confidence in their political representatives to take into account their interests and opinions suggests otherwise (see, for example, Dalton 2004 ; Pharr and Putnam 1999).

Evidence from consultation exercises suggests that the deep scepticism expressed by citizens about their capacity to affect the decision-making process is often justified. Reviewing a range of consultation strategies, Janet Newman and her colleagues argue that there is often an orientation towards 'enabling the public to operate within the norms set by the bureaucracy, rather than enabling bureaucrats to hear and respect the experience that participants bring to the process of participation. That is, it suggests a process of possible *incorporation* of the lay public into official institutions' (Newman *et al.* 2004: 211–12). The prevailing division of power between public authorities and citizens is far from challenged. In the UK, Vivien Lowndes and her colleagues found that 'only one-third of local authorities felt that public participation had a significant outcome on final decision making' (Lowndes *et al.* 2001: 452). Evidence from the Audit Commission comes to similar conclusions, finding that three-quarters of authorities surveyed had failed to effectively integrate the results of

consultation with decision-making processes (Audit Commission 1999: 41). Investigating user involvement in health and local authorities in the UK, Mike Crawford and his colleagues could find very few examples of where citizen participation has actually led to improvements in services or changes in policy (Crawford *et al.* 2003). Daniel Fiorino, at one time the Director of the Performance Incentives Division at the US Environmental Protection Agency and a respected commentator on public participation, recognises the legitimacy of public scepticism, arguing that consultation exercises are often undertaken to 'give at least the appearance of individual and community involvement, legitimate decisions already made, warn the agency of potential political and legal obstacles, satisfy legal or procedural requirements, and defuse the opposition' (Fiorino 1990: 230–1).

While public policy may praise the virtues of participation (and may even make it a statutory requirement), evidence suggests that organisational and professional resistance to participation is often an obstacle for successful engagement (Crawford *et al.* 2003). It is not unusual to find the belief amongst agency officials that citizen involvement is not suitable for strategic level decisions – these require, for example, 'professional knowledge, managerial authority and political representation' rather than citizen participation. The public is too often viewed negatively as 'passive consumers; as a naïve, childlike and clamorous public; and/or as lacking skills, capacities or trust' (Newman *et al.* 2004: 210). Whilst there may be a belief among many public officials that participation will unrealistically raise expectations of citizens, it is just as likely that citizens' low expectations of participation and their scepticism towards the motivations and intentions of public authorities 'present a greater challenge for those pursuing democratic renewal' (Lowndes *et al.* 2001: 453). In institutional designs where power lies so heavily in the hands of public authorities, the potential for manipulation and co-option of citizens is high. Given the poor consultation records of many agencies, suspicion on the part of the public appears reasonable. To what extent can democratic innovations be designed to allay such suspicion and thus realise transparency and popular control?

A fourth challenge to embedding citizen participation is that it will place too many burdens on both citizens and institutions: in other words that enhancing participation cannot be considered an efficient mode of governance. Adapting Oscar Wilde, participation can take up too many evenings. For most citizens – in particular those from politically marginalised communities – the perceived costs of participation far outweigh any perceived benefits, and thus there is little or no motivation to engage. Warren rightly warns that 'radical democrats almost without exception hold that democratic participation is attractive activity, one that people

would naturally choose if only they had the opportunity. They should dispense with this romantic dogma' (Warren 1996: 243). The demands of participation are just as likely to generate anxieties and fears and a reasonable preference to spend any spare time in other activities. Beetham has consistently argued that the 'economy of time' is a consideration for the design of all institutions and is particularly pertinent for innovations that aim to increase levels of citizen engagement.

> It takes time to grasp and discuss the complex issues involved in public decision-making, and there is only so much time that people will agree to devote to it. This is the only *democratic* argument for decision-making by proxy, by some smaller group which is in some sense representative of the whole, whose members can be released from other responsibilities to devote themselves more fully to deliberation of public issues. (Beetham 1999: 8–9)

Enhancing citizen participation can also place a significant burden on public authorities. Engaging citizens has resource implications, both in terms of organising engagement and the potential restructuring of administrative procedures and working practices to accommodate participation. Participation on the cheap is likely to be of a poor standard and will be detrimental to democratic practice. Poorly designed and implemented consultation is often down to lack of resources and tight timetables. Effort and resources need to be expended if citizens, particularly those from politically marginalised social groups, are to be attracted to participate – capacity-building takes time and commitment on the part of public authorities. Often consultation is happening because it is what is expected – government guidance and legislation tends to place a high premium on consultation (Cabinet Office 2004), but without the support of adequate resources and professional experience. Although the climate of compulsion requiring participation in certain policy areas can lead to positive developments, it can have 'perverse consequences in terms of producing short-term and inappropriate strategies for engaging the public' (Newman *et al.* 2004: 208). 'If those responsible only carry out consultation because of the need to satisfy funding conditions, it will be poorly executed and half-hearted' (Commission on Poverty, Participation and Power 2000: 18).

Finally, there is a widespread assumption that the effectiveness of participation is constrained by scale, and thus the transferability of democratic engagement is limited. Warren contends that 'the transformative ideals of radical democracy … often seem beset by a fuzzy utopianism that fails to confront limitations of complexity, size, and scale of advanced industrial societies' (Warren 1996: 242). Robert Dahl sums up the challenge concisely:

> The smaller a democratic unit, the greater its potential for citizen participation and the less the need for citizens to delegate government decisions to representatives. The larger the unit, the greater its capacity for dealing with problems important to its citizens and the greater the need for citizens to delegate decisions to representatives. (Dahl 1998: 110)

Much of the focus in writing on citizen participation is on small-scale institutional structures: town meetings, workers' cooperatives, neighbourhood governance, etc. (Mansbridge 1980; Pateman 1970). Proponents of participation tend to take one of two approaches: either accepting that the size and complexity of contemporary polities means that opportunities for participation in political decision-making can be effective only at a local level, whilst 'politics-as-normal' occurs at higher levels of authority; or offering a radical prescription of decentralisation, where political control is exercised by smaller units. To what extent are democratic innovations able to buck these assumptions, embedding citizen participation in strategic policy, legislative or constitutional decision-making processes?

This brief survey of sceptical and critical voices offers considerable challenges to attempts to further institutionalise citizen participation in the political decision-making process and also indicates the relevance and compelling nature of the six goods of democratic institutions that make up our analytical framework. Calls for increased citizen participation are made against the backdrop of existing patterns of engagement that lead us to question whether democratic innovations can in practice fulfil our democratic hopes and expectations.

Three caveats need to be raised before moving on to a brief discussion of each of the six goods and their significance for the design of democratic innovations. First, in highlighting these six particular goods, we are not offering a definitive list of the goods associated with democratic institutions. Rather this particular selection of goods should be understood as significant 'ingredients' or 'components' (Saward 2003a: 88) of any reasonable understanding of what we expect from democratic institutions in general and democratic innovations in particular. Second, we should be aware that any particular institutional design is unlikely to fully realise all of these goods. And finally, we need to be attentive to the fact that institutions may realise these goods in different ways and in different combinations.

Inclusiveness

If uneven participation is a persistent concern across various modes of political participation, then inclusiveness is clearly a significant good of democratic institutions. Thus, a key question is: can democratic innovations buck the trend and institutionalise effective incentives for

participation by citizens from across different social groups? In considering how inclusiveness can be realised we will need to attend to different institutional characteristics of democratic innovations. The most obvious is the fairness of selection rules and procedures. The first consideration is who has the right to participate: this takes us back to our earlier discussion in the Introduction of who counts as a 'citizen'. Robert Goodin terms this the problem of 'constituting the demos', a topic that has been much neglected in democratic theory (Goodin 2007). For Goodin, the democratic solution is enfranchising all affected interests rather than simply abiding by existing political boundaries. It is therefore pertinent to ask: how do democratic innovations constitute their demos? Second, once the demos has been established, institutions can operate a variety of selection mechanisms, from designs that are open to all, to those that restrict participation through mechanisms such as election, random selection and appointment. First impressions may suggest that inclusiveness would be best served through institutions that are open to all. Any restriction would undermine fairness – the equal right and opportunity to participate. But, as our brief discussion of the arguments of sceptics and critics indicated, when faced with opportunities to take part in political activities, we find differential rates of participation across social groups. Self-selection may well simply replicate existing inequalities. Difference theorists continually stress that presence can have a significant impact on the nature of decisions: if the politically excluded are not present, decisions are unlikely to fully respond to their concerns (Phillips 1995: 13). In judging the inclusiveness of democratic innovations, we will need to pay attention not only to the formal characteristics of the selection mechanism but also the extent to which in practice institutional inducements motivate the engagement of citizens from across social groups, ensuring that a particular social group is not marginalised or excluded from participation.

But consideration of selection mechanisms is not enough. We also need to be alive to the ways in which institutional design can affect fairness in making contributions: the presence of citizens from politically marginalised groups does not necessarily equate to equality of voice. To what extent does the design of an institution provide citizens with equal substantive opportunities to express their views and be heard on the issue under consideration *and* have equal chances to affect the output of the institution? Simply being present does not necessarily mean that citizens will be willing or able to make their views known. We know that citizens differ in their political skills, confidence and political efficacy: 'the feeling that one could have an impact on collective actions if one chose to do so' (Warren 2001: 71). We need to consider the ways that institutional rules, norms and expectations can exclude or undermine the contributions of certain

citizens. According to Young, particular types of contribution, in particular dispassionate and disembodied reason-giving, are often privileged over other modes, such as narrative, thus perpetuating the dominance of citizens more skilled in these 'higher' forms of communication (Young 1990, 2000). Assessing the degree to which equality of voice is realised requires us to be attentive to the manner in which institutions encourage different types of contribution and offer support and resources to those citizens who have little experience and/or are intimidated by the thought of speaking in public. We can again distinguish between an institution where equality of voice is achieved in a formal sense in that all participating citizens have the equal right to contribute and one where that formal right is given substance by the provision of resources to support those with less experience and confidence.

We must also consider the extent to which equality of voice is realised through the rules and procedures that govern the generation of outputs from institutions. We use the term 'output' rather than decision, because institutions will vary in the extent to which they can affect the final political decision (see the discussion of popular control below). For some designs, their outputs are the final decision – they have direct policy, legislative or constitutional effect. But, more often than not, there is a distance between the output of institutions that engage citizens and the final decision of public authorities. In all cases, however, we need to consider the extent to which inclusiveness has been realised. How fair are the rules and procedures governing the output? Do citizens have an equal opportunity to affect the output? Overall then, the realisation of the good of inclusiveness is of crucial significance. Can democratic innovations be designed so that differentials that traditionally affect levels of engagement across social groups are reduced or even neutralised?

Popular control

Generally, definitions of democracy accentuate the equal right of citizens to take part in collective decisions. For example, Beetham's influential work on democratic audit is based on an understanding of popular control and political equality as the core principles of democracy (Beetham 1999). But much more attention is given to inclusiveness in both democratic theory and practice compared to realising popular control (direct democrats aside). What is often missing from the design of most democratic institutions is any sense that citizens have effective control over significant elements of decision-making. Given our earlier definition of democratic innovations and the concern that participation is often manipulated by political elites, one way in which their design should be judged is the extent

to which citizens are afforded increased influence and control within the decision-making process.

In considering popular control we will draw on a highly stylised account of stages of the decision-making process, distinguishing between problem definition, option analysis, option selection and implementation. In reality the political decision-making process is far more complex and far from linear, but for our purposes this is a useful heuristic (John 1998; Parsons 1996). Democratic theorists are well versed in the ways in which powerful interests are capable of agenda-setting, defining problems in particular advantageous ways or avoiding or sidelining (whether overtly or covertly) contentious issues rather than subjecting them to public interrogation. Participation is often limited to 'safe' issues in order to suppress conflict. Additionally, agenda-setting can be constrained not by such a manifest exercise of power but by the division of labour across political institutions: the scope of participation will be limited by the powers of the relevant public authority. So, for example, the agenda-setting powers of a democratic innovation established by a local authority will be constrained in the extent to which it can have a direct effect on issues controlled by national government or other institutions. Given that most democratic innovations are established by public authorities, the process by which problems are defined and options analysed through forms of citizen engagement becomes crucial. An innovation may realise inclusiveness, for example, but citizens may be participating on an issue that has little political salience. Placing agenda-setting power in the hands of citizens requires mechanisms and procedures to be in place so that citizens are able to influence the selection of issues and the way in which they are to be considered, including for example the type of information they receive. To what extent can popular control be realised over the conditions under which citizens participate?

Even when participation occurs on significant issues, a common criticism that we will return to many times in this book is that it has little or no effect on decisions. Participation is either ignored by political authorities or is used to confirm decisions made elsewhere. This is where charges of co-option can have particular effect: citizens are drawn into a participation exercise as a mechanism of assimilation with little or no realistic opportunity to challenge established practices. In some designs, the outputs of innovations have direct policy or legislative impact, but this is rare. This leaves open the question of how the outputs of other designs affect final decisions. Are there procedures that can be put in place that ensure that outputs are given due consideration and weight in future political decisions? Finally, while most of the innovations in this book relate to the first three elements of our schematic decision-making process, a small number

involve citizens in the implementation process and, as such, questions of the degree of influence remain apposite.

In considering all four stages of the decision-making process, we also need to be aware that the design of democratic innovations may involve citizens in 'sharing' power with other actors – for example, public authorities. Instances of co-governance – where decisions are taken and at times implemented through forums which include citizens and representatives from public authorities (and possibly other bodies) – raise important questions about the capacity of citizens to act in concert with actors that have more bureaucratic support and political experience. Given the increasing reliance on networks of governance in contemporary society (Stoker 1998), the ability of citizens to operate within these contexts is a significant consideration.

Considered judgement

While definitions of democracy tend to stress the goods of inclusiveness and popular control, the legitimacy of citizen participation in political decision-making arguably also rests on the capacity of citizens to make thoughtful and reflective judgements. Depending on the design of an innovation, these may be individual judgements that are collated in some way or collective judgements where citizens engage in problem-solving. If the role of citizens in the political decision-making process is to be enhanced, we will expect their judgements to be based not on raw preferences – on narrow private interests and pre-existing knowledge and prejudices – but rather on an informed and reflective assessment of the matter in hand. Arguably, this is an unfamiliar requirement in contemporary polities (Warren 1996: 242).

Considered judgement does not simply require citizens to learn more 'facts' about the issue under consideration, although such technical knowledge is crucial. It also requires them to appreciate the views of other citizens with quite different social perspectives and experiences. Hannah Arendt offers one of the most compelling accounts of considered judgement, which she terms 'enlarged mentality'. This requires a capacity to imaginatively place ourselves in the position of others, distancing ourselves from private circumstances that limit and inhibit the exercise of judgement (Arendt 1982: 42–3). For Arendt, then, considered judgement

> must liberate us from the 'subjective private conditions', that is, from the idiosyncrasies which determine the outlook of each individual in his privacy and are legitimate as long as they are only privately held opinions, but are not fit to enter the market place, and lack all validity in the public realm. And this enlarged way of thinking, which as judgement knows how to transcend its own

> individual limitations … cannot function in strict isolation or solitude; it needs the presence of others in whose place it must think, whose perspectives it must take into consideration, and without whom it never has the opportunity to operate at all. (Arendt 1968: 220–1)

Democratic institutions cannot be designed to *ensure* that citizens achieve such considered judgement, but there are different ways of providing information and exposing citizens to the views and perspectives of other citizens; to nurture and support the development of enlarged mentality. But, as Claus Offe and Ulrich Preuss suggest, within contemporary political thought: 'It appears to be a largely novel task to think about institutional arrangements and procedures which could generate a selective pressure in favour of this type of reflective and open preference-learning, as opposed to fixed preferences that are entirely derivative from situational determinants, rigid beliefs or self-deception' (Offe and Preuss 1991: 168). Analysing democratic innovations to discern the extent to which their structure enables participants to realise considered judgements can be seen as a contribution to this task.

Transparency

The ability of citizens to scrutinise the activities of institutions is crucial to any democratic system and is fundamental to building trust and confidence in the political process (Warren 1999). Increasing opportunities for participation will draw citizens into unfamiliar institutional settings where they are faced with unusual demands, in the sense that they are asked to make judgements that may have significant public impact. The transparency of proceedings becomes a crucial consideration in at least two senses. First, in relation to the citizens who participate in the process, transparency requires that participants have a clear understanding about the conditions under which they are participating – for example, how has the issue under consideration been selected, who is organising the process, how will the outputs of the process affect political decisions? In this sense the realisation of transparency may counter the fears of sceptics and critics who contend that engagement is little more than co-option of participants and is crucial if participants are to realise considered judgement.

If institutions that engage citizens are to have a significant effect on public decisions, then the process needs to be open to scrutiny not only to the participants, but also to the wider public (unless of course the innovation engages all citizens). Such external transparency is often referred to as 'publicity' – the transmission of information about the institution and its decisions to the wider public. The realisation of publicity is crucial if the

public is to judge institutions and their outputs as legitimate and trustworthy. This is particularly the case when there is widespread suspicion about the motives of public authorities. Publicity can also act as a significant inducement for participants to come to public-spirited, rather than self-interested, judgements (Chambers 2004; Miller 1992). Organisers of democratic innovations can be more or less active in realising publicity: from a passive strategy of publishing documentation through official sources to a more energetic engagement with different forms of promotion and media.

Efficiency

Democratic innovations require citizens and officials to participate in new political practices and as such will involve civic costs as well as benefits. While theorists and practitioners are often quick to stress the virtues and benefits of participation for participants and sponsoring institutions, an assessment of innovations will also need to consider the demands they place on citizens and on other institutions and whether these are worth bearing individually and socially. Administrative costs and the burden placed on citizens can thus be a feasibility constraint on democratic innovations. For example, it is inconceivable that we would accept either the financial and bureaucratic costs or the levels of political activity expected from citizens associated with the participatory institutions of the ancient Athenian polis. It is, however, not possible to specify a general level of unacceptable burden. It is likely to be highly contextual and as such we will need to consider the perceived interests of participants and supporting institutions and the perceived effectiveness of particular institutional designs. Part of such a calculation will be a comparison with the perceived costs and benefits of *not* embedding participation within the decision-making process: the costs and benefits arising from alternative patterns of decision-making that do not offer structured opportunities for citizen engagement. The acceptable costs associated with particular innovations are likely to be different in different political circumstances.

Transferability

Given that we are interested in institutions that embed citizen participation in strategic level decision-making, designs will explicitly challenge the widespread assumption that citizen participation is limited by scale. Whilst it is accepted that some decisions can be made at a more local level, we take as given that significant political decisions will continue to be taken by public authorities at larger levels of organisation, such as city, national, transnational, global. We can learn lessons from smaller-scale designs, but

our interest in this book is in whether democratic innovations can operate effectively at these larger scales.

Relatedly, we will need to discern whether certain designs will function effectively only within particular types of political system. Might differences in political, social, economic and cultural practices render problematic the import of particular institutions? Finally, we also need to consider whether particular designs are limited to dealing with certain types of issues. For example, particular institutions may be poor at dealing effectively with the complexity of particular scientific and technological issues.

In analysing these different aspects of transferability, the burgeoning literature on policy transfer offers helpful criteria (Dolowitz and Marsh 2000; Freeman 2006). For example, in cases where an innovation has been adopted elsewhere, it is well to consider, amongst other issues, the degree to which transfer has actually occurred (whether it is an example of copying, emulation, combination or inspiration), the type of actors involved in the process of learning (from elected officials and politicians through to policy entrepreneurs and supra-national organisations) and the degree of coercion involved. Studies on policy transfer provide insights into why the transfer of institutions can lead to failed implementation if the process is uninformed, incomplete or inappropriate (Dolowitz and Marsh 2000: 17).

Applying the analytical framework

The combination of the goods of inclusiveness, popular control, considered judgement, transparency, efficiency and transferability offers a powerful analytical framework for the evaluation of democratic innovations that aim to increase and deepen citizen participation in the political decision-making process. The democratic challenge is clear: innovations need to show how unequal participation can be overcome; how citizens can be empowered in the decision-making process; how the environment can be structured to enable informed judgements; and how proceedings can be open to participants and observers. Additionally innovations face the practical challenges of ensuring that costs placed on citizens and institutions are not too burdensome; and that the design can be used in a variety of political contexts. It is only if democratic innovations can realise an attractive combination of these goods that they will be deemed legitimate and worthy of institutionalising within our political systems.

In the chapters that follow we will use this analytical framework to offer a systematic evaluation and comparison of different types of innovation, before concluding with a discussion of the lessons that can be learnt for both democratic practice and theory. We are, however, faced with a plethora of designs that might be termed 'democratic innovations' (Smith 2005)

– arguably too many to analyse in detail. In an attempt to place some order on the diversity of practice, and to draw out meaningful insights into the implications of different design choices, we will focus our analysis around four categories of institutions. The innovations are gathered into categories on the basis of family resemblance: they have significant design features in common that mean that they realise reasonably common combinations of goods. The four categories are popular assemblies, mini-publics, direct legislation and e-democracy. A strategic decision has been taken to analyse a relatively small number of designs in some detail rather than simply provide a brief overview of a range of different designs.[6] This is for two reasons. First, it is only through a detailed explanation of design characteristics that we can understand the manner in which goods are realised. This will allow us to offer a more systematic comparison across innovations. And second, it is obvious from some discussions of innovations that political theorists and political scientists do not always understand the details and nuances of institutional design. Laying out the detail is essential in order to ensure that we are talking about the same thing. In each category, we will focus attention on innovations that realise a particularly compelling combination of goods: some of these innovations may be familiar to a few readers (the work is not intended to uncover completely new democratic experiments), but the value of our approach is that the variety of designs is evaluated using the same analytical framework. The analysis of innovations draws together material from a variety of sources rather than engaging directly in primary research. Most prominent are studies of particular innovations by democratic theorists and political scientists, independent (on some occasions more so than others) evaluation reports and materials produced by practitioners who organise or facilitate innovations. The aim is to interrogate the various materials in light of our analytical framework, a task that is not always straightforward given the different approaches and audiences of the sources.

The first category of innovation incorporates, as a central feature, popular assemblies: forums open to all citizens. The open assembly is arguably the most basic of democratic designs, taking us back to the central institutional body of classical Athenian democracy. In modern times, arguably the most long-standing example of assembly-based politics is New England town meetings; a more recent example, the neighbourhood meetings in Chicago Community Policing. Both of these designs operate at the relatively small scale. While there are significant lessons to learn from these institutions, our analysis will primarily focus on participatory budgeting (PB), in particular the design that emerged in the city of Porto Alegre, a much-lauded

[6] For those looking for such an overview, see Smith (2005).

example of engagement, where popular assemblies are a crucial element of an institution that operates on a much larger scale. What is especially attractive about this innovation is that it has influenced engagement strategies in other cities in Brazil and beyond (including advanced industrial democracies), and attempts have been made to transfer the basic design principles on to an even larger political scale in the Brazilian state of Rio Grande do Sul.

While open assemblies can be viewed as one element of ancient Athenian democratic practice, another significant aspect was the use of lot and rotation (or sortition) to allocate positions of political authority. The second category of innovation is those bodies that use forms of random sampling to bring together a diverse body of citizens to discuss matters of public concern, often termed 'mini-publics'. Over recent decades we have seen a growth in interest in and use of mini-publics such as citizens' juries, consensus conferences and deliberative polls. Arguably even more impressive, and the main subject of our analysis here, is the recent British Columbia Citizens' Assembly (BCCA) on Electoral Reform established in 2004. The randomly selected Assembly of 160 citizens spent eleven months investigating whether the province should introduce a new electoral system.

While the first two categories are different types of forums, the third has a completely different logic. This category is direct legislation, where citizens have equal decision-making powers through the ballot box. Propositions are either defeated by a popular vote or if passed have legislative or constitutional effect. Direct legislation – constitutional and popular referendums and initiative – is institutionalised in a small number of democracies, most notably Switzerland and California. Particular attention will be given to popular referendum and initiative because they also enable citizens to offer propositions. Successful initiatives introduce new laws; popular referendums repeal existing legislation.

The final category – e-democracy – differs from the other three in that family resemblance rests on the use of information and communication technology (ICT): other design features can and do vary quite dramatically. ICT-enabled or e-democracy innovations are thin on the ground, although their potential for enhancing citizen engagement in political decision-making would appear to be high. This category of innovation includes a quite diverse range of designs, from 21st Century Town Meetings where ICT is used to enable face-to-face engagement, to internet discussion forums, online deliberative polling and ICT-enabled direct legislation where engagement takes place online.