

ESSAY

Dilemmas, disasters and deliberative democracy

Getting the public back into policy

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THE January floods in Queensland and Victoria were a disaster but also a showcase for civic engagement. Thousands of volunteers – strangers to each other – spontaneously came together, made collective decisions about what to do, and then got on with doing it. The evidence on our TV screens was not just that nature is powerful and unpredictable but that action for the collective good comes naturally to most people.

So why, when Julia Gillard announced a citizens' assembly on climate change during the 2010 election campaign, were there howls of protest from the media, from opposition parties and from environmental groups? Not from me: I leapt out of bed with excitement at the news. A small band of us – academics, activists and professionals – were thrilled that, at last, a national government would let the people provide advice about how to resolve a wicked problem. We had faith in the process that was proposed. I'd seen it work dozens of times, in my work with deliberative democracy in Australia and around the world.

My optimism lasted a day at most. I watched with sadness and then horror as commentators condemned the idea. Silly and pathetic, they said. Even the Greens, an alternative party proudly advocating on its website the routine use of citizens' juries and assemblies, were scathing.

True, it was arguably too late for a citizens' assembly on this issue, given the urgency of the problem and the surrounding politics. But the criticisms went further, lambasting the whole idea of involving citizens in the resolution of the complex challenges they face daily. Gillard's critics condemned citizens as ignorant and incompetent.

When did we lose faith in our combined ability to address large-scale problems? When did we decide that politicians and parliaments and governments know best and that we can be trusted only to clean up the mess afterwards? Would-be Prime Minister Gillard was simply advocating an organised expression of that same willingness to meet together, to wrestle with difficult decisions and circumstances, and, collectively, to recommend actions, that six months later was on display with such effect in the floods.

THE EXISTING POLITICAL system is not ideal for addressing wicked problems – the kind that require more than one agency to fix them, the kind that cross state or national borders, the kind that have taken generations to surface. These intractable problems include climate change, asylum seeking and depleted river systems.

Parliament is inadequate for tackling such problems, for all the obvious reasons: the election cycle, politicians' fear of policy difference and their parties' obligations to vested interests (unions, donors). Parliamentarians are dedicated to debate. They are adversarial and feed a media that thrives on drama. Consequently, citizens have lost faith in elected representatives. Academics call it a 'democratic deficit'.

Good decision-making needs exploration of agreement as much as disagreement. The trick is to find a way to create shared meaning during the process. There is an untapped resource that we can use for making the best decisions around wicked problems – decisions likely to attract a high level of support among the wider population and among elected representatives. This untapped resource is the people. Not 'the usual suspects' or 'the squeaky wheels', not even special interest groups, but everyday citizens.

The roots of democracy lie in ancient Athens and Aristotle's 'all free citizens rule over each, and each rules in turn over all.' Lot, meaning random

selection or lottery, and rotation were both considered essential to Athenian democracy. These methods were seen as a guard against misused or excessive power. We have inherited a passive form of governance sometimes described as ‘audience democracy’. But this passivity need not continue. Citizens are capable of being collectively responsible for resolving wicked problems. They can help make difficult decisions together.

Critics of Gillard’s citizens’ assembly fear the result would be a free-for-all, with the loudest voices winning. But deliberative democracy processes are a way to find out how randomly selected citizens, without vested interests, think about an issue when presented with detailed information from differing viewpoints and given support to discuss it in a non-adversarial way.

Imagine small groups – microcosms of the population – being selected by an Athenian lottery, as needed. They would meet to deeply consider a problem, learning enough to tackle the issue and providing a carefully considered set of recommendations before returning to their own lives.

It has been done – surprisingly often, both in Australia and around the world. Citizens’ juries, citizens’ assemblies and Australia’s largest deliberative democracy event, the 2009 Citizens’ Parliament (not to be confused with the more glamorous Australia 2020 Summit), have all contributed to political decision-making in Australia, with varying degrees of success.

Two things are essential for this deliberative democracy to work well. Firstly, deliberative processes need to involve what is known as a ‘mini-public’. According to John Adams, the second President of the United States, a legislature should be ‘in miniature an exact portrait of the people at large’. A mini-public can create an almost exact miniature of an entire population, using random selection and transparent procedures to match population demographics for gender, age, education and race. Matching the population in order to create a microcosm helps build confidence among citizens that the mini-public consists of ‘people like me’ and that the decision-making is in good hands, beyond vested interests and political ambition.

This approach to sampling is in some ways similar to that used by market researchers in opinion surveys and focus groups. But there the similarity ends. Deliberative democracy is about gathering together a cross-section of a population to do something quite magical together: deliberate. It’s a process that involves

learning, change, agreement and – importantly – disagreement. Deliberative democracy takes citizens beyond public opinion, to public judgement.

The second vital component of deliberative democracy is harder to achieve. It is helping decision-makers understand the strength and value of public deliberations to a democratic system of government. It involves helping Australians understand the robustness of the educational and decision-making processes being used. Then, both governments and the wider population can have confidence in the recommendations that arise.

GIVEN THE PASSIONATE and adversarial nature of its national assembly, and its political instability, Italy is an unlikely country to be leading the way with deliberative experiments, but at least one regional government there is flirting with an unusual piece of legislation that encourages and guarantees the right of citizens to engage with contentious projects or issues. The regional government funds these engagements and has an independent person overseeing the public deliberations to ensure their robustness. The public agency at the centre of the issue is obliged to genuinely consider the citizens' recommendations.

Denmark has been convening mini-publics in the form of consensus conferences for decades through its Danish Board of Technology, a government-sponsored agency. It randomly selects groups of citizens to consider contentious or emerging technologies and offer recommendations to the Danish parliament. The Danish Board of Technology has also shown how even global public deliberation is possible through its initiative World Wide Views on Global Warming, which was timed to coincide with the Copenhagen climate talks. It involved 4000 everyday citizens in thirty-eight countries on the same day in September 2009. Citizens came together to learn about climate change, then delivered a strong message regarding the need for action.

Australia has not been idle either at the state level. Alannah MacTier-nan, when Minister for Planning and Infrastructure in Western Australia, convened more mini-publics than perhaps any minister in the world. These mini-publics helped to resolve controversial road, rail and land-use planning matters, and she acted on the recommendations of many of them.

THE NEW SOUTH Wales Community Climate Summit is an example of an Australian mini-public tackling a wicked problem: climate change. It was co-ordinated by a non-government organisation (the Nature Conservation Council of NSW), funded by the Department of Environment and Conservation NSW through its Environmental Trust, and involved local governments throughout NSW. I was co-designer of the process and co-facilitator of the final event, in Sydney in February 2009. It involved hundreds of citizens initially randomly selected in local areas, then joined by citizens with an interest in the topic. The citizens' recommendations went to the state government and a policy advisor noted their usefulness and easy application within the current budget. Participants learned a great deal about a complex problem and went back to their communities to enact their own recommendations. Many remain active today.

The preamble to their recommendations is an outstanding example of citizens taking the opportunity, through a deliberative process, to speak to their government:

We, the summit participants, endorse a NSW climate change action plan and welcome the opportunity to provide input into the development of climate change policy in NSW. We strongly support meaningful community engagement around government decision-making on critical issues such as climate change and particularly encourage the continuation of the deliberative democracy approach.

We expect the NSW Government (and other levels of government) to make climate change a high priority in all decisions; take urgent and decisive action to drastically reduce our greenhouse gas emissions; urgently implement planning measures for sea level rise and urgently implement measures to adapt to the impacts of climate change, which are already occurring in Australia.

The current NSW Government response to climate change is inadequate and we call for much greater and more significant action. We look forward to the recommendations in this report, representing the views of the wider NSW community, directly influencing the NSW Climate Change Action Plan and other climate change policy initiatives in NSW.

One of the interesting things about this summit was participants' willingness to act. They insisted on an extra group to consider how they could implement the recommendations after the summit – something we organisers had not considered, because we were so focused on the recommendations. The participants came up with a range of local actions, then went home or back to their workplace and put them into practice.

ONE OF AUSTRALIA'S biggest deliberative democracy events was the Australian Citizens' Parliament, which began in 2008 and culminated in face-to-face deliberations in Old Parliament House, Canberra, in February 2009. One hundred and fifty randomly selected people from across Australia, one from every electorate, spent four days discussing our democracy and how it could be improved. I was lucky enough to be a co-designer and involved in the facilitation of regional meetings. We began with regional meetings and online discussion. Participants were asked to suggest ways in which the Australian political system could be reformed to serve us better. Because this process was documented extensively, it provides a fascinating example of how deliberative processes work in the flesh.

One of the early ideas put forward by participants was to create a more transparent voting system: for example, first-past-the-post voting. Political commentators may wonder about this suggestion, because it is a system that has been largely discredited. That this suggestion arose from everyday citizens participating in the event might confirm an observer's prejudice against using uninformed citizens for public deliberations. Yet it shows how deliberation can unfold and reason can prevail.

Many Australians are confused by our voting system and the participants were no different. The original online proposal put forward by participants contained a number of inaccuracies and confusions. For example, some participants believed that altering the voting system required constitutional change. Despite muddled exchanges, there were clear expressions about the need for a fair and transparent voting system that mirrored voters' wishes. Wisdom was evident. Knowledge needed deepening.

As the first stage of a longer process, any factual confusion is an important aspect of adult learning. Some knew more than others. There were expert

speakers who were available should questions arise. Citizens in the face-to-face sessions moved from table to table (usually a table held seven to nine people, along with a neutral moderator). Ron Lubensky, a doctoral candidate at the University of Western Sydney, analysed conversations at every table to begin to understand what people were doing together when placed in a deliberative space. He tracked the discussion about first-past-the-post voting from the original discussions online to the conclusion of the deliberations.

Here are some of the transcribed statements from an early conversation, which indicate frustration with the present system at the federal level:

I just think the preferential, once it starts it starts to get complicated and time consuming and I don't see why it just doesn't simplify and direct what you want.

It may not be what people want when you've got to do preferences.

It sort of takes the control away from the voter.

It's not a true vote then is it.

No it's sort of strange, strange complex.

And it's bloody confusing.

Well I suppose it opens up for more wheeling and dealing behind the scenes as well as between political parties. They can make all these agreements with each other...

Because of the movement between tables, which provided a cross-fertilisation of ideas as well as exposure to expert speakers and the ideas of others, the support for this system began to fall away. Discussion gradually moved to canvassing other ways to meet the original need for a fairer system.

On day two, after hearing from the expert panel, which included no less an authority than Antony Green, participants reflected on how their ideas were changing and whether or not they could trust the process:

But do you think we're softening because of these people coming and speaking to us?

It was cut and dried really, when I went to the first one it was cut and dried... so they just seemed to be up there to sway your way of thinking. We've got to have this because, we've got to have that because. Why bring us all together where we were, why can't you do C instead of having A and B?

I don't think it's swaying but I think it's they're telling us in a way that we can understand...we're getting more educated as we talk to different people in different groups.

I think the reason for, good thing about them was that they showed almost a more practical side of what the proposals are. They're showing you know is it even possible what you're suggesting to be done within the Australian system?

It's giving us expert viewpoints because we don't know and we don't have that background and we can't see why something will work and why something won't work. Because we don't have that knowledge whereas they've probably been through some of these processes before or think tanks or whatever.

Such critical moments regularly arise in public deliberations. Can the experts be trusted? Is the information accurate? Are the organisers trying to manipulate? A group does well to stay on high alert until it is convinced it can proceed. Groups have been known to ask a moderator to leave if he or she is insufficiently neutral and trying to take them in a direction they don't want to go. They find various ways of maintaining their integrity as a decision-making forum.

In the plenary session at the end of day two, a female participant observed the process of learning and growth in the group:

I came back in and I happened on this group that were discussing, change the electoral system to first past the post and I was so impressed with them that they withdrew that one and then they put one in to recommend optional preferential voting and I thought they had absolutely grown tremendously in this period of time and I commend them. I wasn't really part of it but I just happened to come in on that one. Fantastic.

As Peter Senge says in *The Fifth Discipline* (Doubleday, 1994): 'Each person's view is a unique perspective on a larger reality. If I can "look out" through your view and you through mine, we will each see something we might not have seen alone.'

Sometimes this is hearing from an academic expert. Sometimes shifts occur because a fellow participant offers a viewpoint that makes more sense. Preferences don't always shift; they can become firmer. The important thing is to provide the space to test ideas and views, and to do it with a spirit of inquiry. This is the great strength of deliberative democracy, the commitment to true deliberation rather than holding to a fixed position.

HOW MIGHT WE routinely tackle wicked problems using this untapped resource, the typical Australian citizen? What if we could take the best of the criminal jury process, for example, and remove its worst aspects?

I'm imagining policy juries of twenty-five citizens, in every electorate, simultaneously across the country (making nearly 4000 people, 'an exact

portrait of the people at large’), all linked electronically to shared information – including expert witnesses. An independent authority like the Australian Electoral Commission could oversee the process in collaboration with a professional association that understands the mechanics of public deliberation, such as the International Association for Public Participation.

This would deliver the goods. These policy juries would demonstrate that everyday citizens can make excellent recommendations, if given the opportunity to learn a great deal about an issue and puzzle it out with other citizens. These typical citizens would evolve into community leaders because they would be helping all of us deal with the difficult work of solving intractable problems.

Policy juries, like other deliberative methods, are not meant to resolve conflict or build consensus. There are other tools for that. They would be designed for decision-making. Their function would be to weigh up options and provide broad policy direction.

Timing is everything, as Gillard’s announcement of the citizens’ assembly illustrated. Had the previous Prime Minister, Kevin Rudd, heeded the recommendations from the Governance stream at his 2020 Summit, a citizens’ assembly would have been convened in a timely manner. This would have strengthened the case for action and – who knows? – possibly helped him avoid, or cushion, his fall from grace.

Policy juries, citizens’ assemblies, mini-publics of any kind can strengthen our representative system of government. If politicians would recognise their potential and commit to accepting the recommendations that arise from these processes – or justify why they have not – we could, together, address the complex challenges that abound.

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