

Giving thinking people a say in government.

People's Assemblies:

An alternative to citizen-initiated
referendums or 'the task force revolution'

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Any suggestions/criticisms welcome
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Abstract

One of the discontents of politics in the 21st century – not only in Australia but in almost all western liberal democracies – is a perceived unmet demand by people for more say in government. There have been two major responses to this desire: the elite response, favoured by the major political parties, to encourage public consultation under conditions in which they can retain ultimate control; and the populist response, favoured some minor parties and independents, to give power to the people to decide on public policy through citizen-initiated referenda (CIR). There are problems, however, with both these approaches and the outcomes, long-term, may not deliver the benefits the promoters claim in making people feel more involved in political decision-making. In this paper I argue there is a way to meet the desire for greater public participation in decision-making which overcomes most of the objections that have been raised against CIR and the elite response of increased community consultation. I propose establishing a new institution which I have termed People's Assemblies (PAs). These assemblies would operate in a similar manner to Deliberative Polls (DPs) where 300 to 500 citizens, randomly but scientifically selected, deliberate on issues referred to them by citizen petition after hearing the evidence for and against. One important difference would be that the decisions of the PAs, like many CIR, would be binding on the government.

Introduction

Distrust of government coupled with a desire by ordinary people to have more say in the way they are governed seems to inform virtually every current debate on politics in contemporary Australian society. Australians are not unique, of course, either in their professed distrust of politicians, or in their reluctance to cede to politicians any more power than they currently have. It is, seemingly, an endemic problem of most mature western liberal democracies, particularly English-speaking democracies such as the United States, the United Kingdom, Canada and Australia.¹

In Australia, one has only to turn on the radio or television, or pick up newspaper to catch a contemptuous reference to our politicians. This lack of esteem for our elected representatives is a cause of concern for senior political journalists, and for the politicians themselves. The three doyens of political journalism in Australia seem to be agreed that public cynicism about politicians is running at a high level. *The Australian's* Paul Kelly believes "the public is cynical, dissatisfied, and restless [and] complains all the time about the politicians and the political system" ² In the view of *The Sydney Morning Herald's* Michelle Grattan, "Cynical politicians and political parties have increased – in spades – the cynicism of the electorate."³ And *Ninemsn's* Laurie Oakes, who also writes for *The Bulletin*, acknowledges that many people have detected a "great tide of political cynicism... among the voters."⁴ At the opening of the ceremonial sitting of Federal Parliament in Melbourne in May 2001 to mark the centenary of parliament, the leaders of the major parties, rather than making the self-congratulatory speeches normal for such functions, chose to make the issue of rising cynicism a major theme of their speeches. The National Party leader and Deputy Prime Minister, John Anderson said in his view "our traditional healthy scepticism about politics and politicians is... tending to spill over into an unhealthy cynicism." The Prime Minister, John Howard said he did not think "we should yield to the overwhelming cynicism of some in the community." And the Leader of the Opposition, Kim Beazley, warned that "the confidence of the people in the established institutions of this nation – not least this parliament – is perilously low", adding that this could not be "healthy for our democracy."⁵

Nevertheless, there is no such unanimity in academic circles in Australia that the level of cynicism about politics and politicians is such as to pose a threat to our democratic institutions. There has been an upsurge of research in the phenomenon in other western

liberal democracies, particularly the United States, in recent years which has resulted in a spate of academic books and journal articles, canvassing why people have become less trusting of their governments.⁶ In Australia, however, leading Australian academics still question whether Australians are any more alienated from the politics or government than they were several decades ago when the collection of data on this phenomenon first began. Ian McAllister's review of one of the recent American books--*Disaffected Democracies: What's Troubling the Trilateral Countries?* – which characterizes the phenomenon as “one of the central problems...of the twenty-first century”⁷ was somewhat dismissively entitled *The Crisis in Democracy – Again*.⁸ Murray Goot has also written influentially in opposition to the conventional wisdom that the reputation of politicians is in terminal decline.⁹ Critics of this view do not deny that politicians are in bad odour with the general public; they do question whether this has always been the case, or whether public alienation with politics and politicians has, as social commentator Hugh MacKay believes, reached such a pitch that “it may demand some redefinition of our political institutions.”¹⁰

I am inclined towards Mackay's view, and will argue this elsewhere.¹¹ but this is a debate that is beyond the scope of this paper. Therefore, I am postulating only that distrust of politicians has reached a level that is influencing public discussion on important institutional reforms, and reviving interest in direct democracy devices such as CIR by minor parties, independents and activist groups. It is also providing incentives for the major parties who already have their hands on the “levers of power”, or a reasonable expectation of achieving this objective, to seek ways of involving the public in public policy formation in more manageable ways.

The CIR debate

The CIR debate was revived following the last South Australian state election when the Labor Party struck a deal with former Liberal MP, Peter Lewis, to gain his vote and form a minority government. The agreement included an undertaking by the Rann government to hold a constitutional convention before the end of the year¹² to discuss parliamentary reform, including CIR¹³ Since the election, Lewis, who was elected Speaker, has become embroiled in a controversy over his involvement with a well known criminal in a failed business enterprise and, in an unrelated matter, the Liberal Party has challenged his election to his state seat in the Court of Disputed Returns. These problems may have affected his credibility, and thus the prospects for his CIR proposal. Nevertheless, even if Lewis's initiative comes to nothing, that fact that he made serious consideration of the

proposal a condition of his support for the Rann government is significant in itself. Lewis is not the first independent to use his “king-making” power to advance the cause of CIR. A Queensland independent, Peter Wellington, also raised the issue in negotiations with Labor Leader, Peter Beattie, which led to the formation of a minority Labor Government in 1998. Although Wellington’s private member’s bill to establish CIR in Queensland was ultimately voted down by the major parties, it was supported by another Queensland independent, and 9 One Nation Party members.¹⁴ There have also been several unsuccessful attempts to implement CIR in the ACT, the latest being the 1998 *Community Referendum Bill* which provided for a watered-down version of the device.¹⁵

The support of minor parties – not only One Nation but also the Australian Democrats and to some extent the Greens – for direct democracy initiatives is significant because of their increasing influence on policy formation in recent decades. The declining first-preference electoral support for the major parties (around 80 percent in federal elections and even lower in the states) has undermined their power to completely dictate the political agenda. In the last decade, independents, and minor parties have decided which party should form government in at least six state elections and a similar outcome is possible, even likely, in a House of Representatives in the foreseeable future.

If the introduction of CIR in Australia is a real possibility, would such an outcome be a good thing? CIR has proved to be the most popular form of direct democracy in western liberal democracies and has long played a pivotal role in governance in Switzerland, several American states and, more recently, in Italy.¹⁶ Referendums (not citizen-initiated) have also been used by state governments in Australia to allow the people a direct say on controversial social issues. They have been seen as useful supplements to representative democracy in helping to achieve the democratic objectives of popular sovereignty, political equality, popular consultation, and majority rule.¹⁷

An Australian proponent of CIR argues that it has proved its worth by providing an incentive to politicians take more notice of public opinion, and to resist pressure from powerful interest groups to pass legislation favouring narrow sectional interests at the expense of the community.¹⁸ For the leaders of the Progressive Movement, who were responsible for introducing CIR to the western states of America at the turn of the last century, the democratic device ensured that (1) the divisive issues that might offend powerful interest groups or anger some voters are faced; (2) decisions are brought close to the people; (3) public decisions are publicly arrived at, and not decided behind closed doors by party bosses and representatives of powerful interest groups; (4) the popular will is accurately expressed; (5) apathy and alienation are ended by enabling the people to control the law-making process; (6) the public interest is served by bypassing special

interest bargaining by powerful pressure groups; and (7) a citizen's human potential is maximized through meaningful political participation.¹⁹

These are all good arguments to anyone who, all things being equal, favours a democratic model that is as participatory as possible. Nevertheless, critics of CIR, of which I am one, have seen inherent dangers in the device which may well outweigh the advantages. One of the most telling arguments against using the device in representative democracies is that ordinary citizens do not have sufficient information to make informed choices on complex issues which are often the subject of CIR, and there is no evidence that the majority are prepared to remedy this lack by sufficiently informing themselves during the referendum campaign. Further, even if they were willing to do so, powerful factional interests would still be able to manipulate public opinion to their advantage because of superior access to resources, informational and monetary, available to them for the referendum campaign. However, I part company with critics of CIR who go on to argue that the average citizen does not have the analytic skills to make an informed choice, anyway. Other criticisms of CIR are that it undermines the Westminster system of representative government; provides a vehicle for extremist groups; and poses a threat to minority groups from "the tyranny of the majority". In Williams view, the device "has the potential to erode the strength of the current system, including the protection of minorities" and is "unlikely to meet the aspirations for representation of the 'battlers' or poor of Australian society."²⁰

This is the sketchiest review of the pros and cons of CIR and is not intended to contribute largely to this debate. The argument has been well rehearsed elsewhere²¹ and, for the purposes of this paper, I am postulating only that opposition to the device, based on reasonable argument, is such as to justify the examination of alternative proposals to meet the objectives of participatory democracy.

The elite response

It would probably be fair to say that most practicing politicians would tend to be more swayed by the arguments for direct democratic devices such as CIR while in opposition, particularly permanent opposition as is the case with minor parties and independents, than they are once they gain government. Indeed, a three-nation study by Bowler et al has shown that, even if politicians are supportive of CIR while in opposition, they are likely to be less enthusiastic once they gain government and it's their legislation and policy

decisions which would subject to the device.²² CIR was part of the Labor Party's national platform from the formation of the party in the 1890s until 1963²³ but no Labor government proved to be committed seriously enough to the device to implement it while the party was in power.

Nevertheless, the major parties are conscious of the need to for more public consultation so their policy priorities are more in conformity with those of the people they represent. A recent example of this was the Hawke-Wran review of Labor Party policies and structures which focussed on reforms to encourage more grass-roots participation. One of the authors of the review, Bob Hawke, had this to say of the review's recommendations:

People are becoming disaffected with politics and politicians generally...so it simply makes sense that a party...should work out a way of making itself more attractive...and if they [the party] do what we are saying [about reform], they are going to be projecting the party much more into the community and taking more account of the community itself.²⁴

Both the federal and state governments have placed increased importance on regular regional cabinet meetings to receive feedback from community leaders, local government officials, business executives and citizens. In Queensland, Premier Beattie has taken this initiative on step further with the introduction of community cabinets meetings held in conjunction with community forums which involve several hundred people.²⁵ The new Rann Labor government in South Australia has also adopted this model.

Some governments have also experimented with citizens' juries, people's panels, and other kinds of consultations. This approach has been developed into an art form by Blair's New Labor in the United Kingdom which launched into government in 1997 with a "snow storm of apparently countless 'task forces', 'advisory groups' and 'policy reviews'"²⁶ "established to focus on specific and often difficult areas of policy development by bringing together a range of individuals with experience and expertise in the area concerned."²⁷ We already have the promise of a similar approach in South Australia with the Rann Government's Social Inclusion Initiative "designed to reduce key social problems and improve the life of South Australia."²⁸ which is based on the Blair model. We may see more if a federal Labor government is elected, given the party's current emphasis on the need to reconnect with the people.

All these experiments in "participatory democracy" have, however, one thing in common: the government continues to largely control the agenda and retain full decision-making power to itself. To illustrate how this might be a problem consider these two quotes culled from the media in the first week in August. The first is from Neville Wran, former NSW

Premier and co-author of the Hawke-Wran review. He's talking to an appreciative audience about how he managed to get the state's first heart transplant unit for Saint Vincent's Hospital after his minister for health had already announced that it would go to Saint Alfred's. He had promised the nun in charge of Saint Vincent's and Dr Victor Chang while he was a patient there that Saint Vincent's should have it, but time had passed and he had forgotten his promise. The sister rang him in some distress after the announcement was made. Here Wran takes up the story:

Well Sister, there is only one possible solution to this problem. And that is we'll have to establish a committee to look into it. So I got hold of the Minister for Health (who shall remain nameless) and said look, things have gone a bit off the rails. We have to have an *objective* committee to look into this. I'll tell you who will be on the committee. Anyway, to cut a long story short on a serious subject the committee, by some rare coincidence, found that the minister had made an error and there was only one place for a heart transplant unit and that is at St Vincent's Hospital.²⁹

Even the smartest political operators, when they think they have done a good thing, can sometimes let their guard down and admit to us how the sausages are really made.

The other quote comes from Channel Nine's *Sunday* program, "Doctoring the Spin", about how big drug companies manipulate the media and their own "task forces" to get the public clamouring for their new wonder drugs. The program quoted from a leading industry guide, *Pharmaceutical Marketing*, about getting specialists on advisory boards as a key marketing tactic:

How can you best get them to know and like you and your products? The simplest answer is to talk to them, involve them, and take their advice. Everyone is susceptible to being asked what they think and the advisory process is one of the most powerful means of getting close to people and of influencing them.³⁰

One doesn't have to categorize governments as being as cynically manipulative as this industry source to see the possible short comings of the task force or committee approach to participatory democracy. Blair's "task force revolution" has been criticized for neutralizing legitimate opposition by getting credible or potential opponents on board. This is certainly the objective of the task forces recommended by *Pharmaceutical Marketing*, and may be one of the outcomes of government task forces, even if not a consciously intended one.

It is probably too early to judge what long-term effect these elite initiatives to consult the people (or at least to give the appearance of listening to them) will have on public trust in government and politicians. Beattie has reported an "incredible response"³¹ to community

cabinet meetings, but it remains to be seen whether the initiative will have any real influence on policy outcomes or, more importantly whether people believe that it has. If they don't think it has, the question then is: how long will the first flush of enthusiasm will persist.

The same can be said about the success or otherwise of Blair's "task force revolution" in helping to restore faith in government and to give people feeling that they are genuinely being consulted about their policy wishes. There are certainly enough of task forces to achieve this objective. One critic estimated that in first two years of the Blair government between 300 to 500 or more task forces or review teams were set up, and 2,500 leading citizens, experts or activists were recruited to staff them.³² But the early signs are not good. One of British Labor's own, chair of the parliamentary public administration select committee, Tony Wright, has publicly stated that:

A large part of the problem is that the desired changes to the machinery of government have never been openly argued for or properly debated. Rather like redistribution, there is a feeling that it has all been done by stealth. This may seem clever at the time, but eventually there is a price to pay in terms of public support and understanding.³³

Other critics have attacked the task force revolution as elite participation par excellence which injures the democratic principle and accountability by by-passing the parliament and the public service.³⁴

Barker, however, in his exhaustive analysis of the phenomenon, "concludes that task forces do create a more inclusive and focused advice-gathering process than the previous practice in consulting interested parties by government departments." Nevertheless, he warns that "[c]onstitutional and democratic issues would come into play if ministers seemed to cut out alternative sources while also arranging good access for their favoured sources" and recommends a "more open creation and operation of external advisory groups."³⁵ The potential problems of secrecy and change by stealth identified by Barker, which are also the burden of Wright's charges, are important. There is evidence that people are not only concerned with the quality of policy outcomes but also want to be satisfied that the processes by which these policies are decided are fair and open.³⁶ Charges that at least half of the 80 special advisers employed by the Blair government to help drive policy reform are engaged on "presentational activities" – that is are essentially spin doctors whose job it is to sell the new government programs – do not help.³⁷

Prima facie, the task force approach to participatory democracy, as well as Beattie's community cabinet initiative, are easily defended (easy to spin?) because they do appear

to, and certainly can, ensure that a wide range of community opinion is taken into account before important decisions on public policy are made. But, as already been noted, these approaches are vulnerable to charges of elite manipulation, whether conscious or unconscious, which create legitimacy problems. It is not only academic critics, such as myself, or political opponents who see the dangers. One of the concerns of participants in citizen's juries is that the exercise might be designed to examine their underlying motives and reasons for the purpose of political advantage and manipulation.³⁸

To invite people to be involved in an important decision-making process and to make them feel that their input is valued, is likely to generate good feelings towards the institution which provided the opportunity as the authors of *Pharmaceutical Marketing* have pointed out. Thus, the widespread use of task forces, particularly if they employ citizen's juries and other consultative devices, has the potential to begin to restore people's trust in government. But, as the pharmaceutical industry has also found, if such initiatives are no more than stratagems to gain a hidden advantage, or are suspected of being such, then these tactics can misfire badly. Two of the specialists interviewed for *Doctoring the Spin* indicated that they felt they had been used and wouldn't be accepting any further invitations from the pharmaceutical industry to serve on advisory committees.

In the public policy field, such fears about manipulation might be dissipated if these processes occasionally resulted in policy outcomes that were radically different from what the government was perceived to have wanted in the first place. But does this ever happen? Recommendations that by "some rare coincidence" coincide with the views of the minister and are compatible with the government's agenda have a good chance making it into legislation while those that don't are likely to be shelved. Government ministers might start out with the best of intentions but, like most of us, are likely to revert to type when they find advantage slipping away and see an opportunity to retrieve it. Witness Simon Crean's promise on elevation to Opposition Leader to raise the standard of parliamentary behaviour and what happened when the heat was on.

A third way?

If, as has been argued, there are serious problems with CIR and "the task force revolution" as avenues to participatory democracy is there another way? A leading British democratic theorist, Michael Saward, has suggested a design which would incorporate an element of deliberation into the CIR process. In his model, which he emphasises is only "one highly

stylized possibility", a citizens' initiative with, say, 2 percent of signatures in a constituency can place a proposal on the formal political agenda. This would be followed by a period of informal discussion in the public sphere before the question was submitted to deliberative polls (DPs), representative parliaments or local government forums for focussed deliberation. If the proposal received majority support in the key deliberative forums it would be put to popular referendum to resolve.³⁹

Saward's design seems to be a cumbersome one, and leaves open the questions about who would control the process, and who therefore would have the opportunity to manipulate it? But it is an idea to build on. Would it be possible to design an institution along the lines of a DP (a People's Assembly), and invest it with sufficient legitimacy so that a citizens' initiative could be put to such an institution for resolution and avoid the need for a referendum? What changes would need to be made to the DP process to achieve this end. To provide answers to these questions is the burden of the remainder of this paper. Fortunately, we have a wealth of empirical data and critical comment gathered from the more than 20 DPs in American, Britain, Scandinavia and Australia over the last 8 years to help us answer this question.

The idea of People's Assemblies draws heavily on the work of Fishkin, who developed the concept of a Deliberative Poll to sample informed public opinion. This is how he describes the concept in his book, *The Voice of the People*:

The idea is simple. Take a random sample of the electorate [300 to 500] and transport those people from all over the country to a single place. Immerse the sample in issues, with carefully balanced briefing materials, with intensive discussion in small groups, with the chance to ask competing experts and politicians. At the end of several days of working through the issues face-to-face, poll the participants in detail. The resulting survey offers a representation of the considered judgments of the public – the views of the country would come to if it had the same experience of behaving more like ideal citizens immersed in the issues for an extended period.⁴⁰

The participants are provided with the briefing materials to study before the poll and also fill in a survey questionnaire so that their opinions on the issue(s) before and after the poll can be compared. About 20 Deliberate Polls have been held worldwide, including 2 in Australia – *Australia Deliberates* on the republic referendum in 1999 and *Reconciliation for the 21st Century – Where From Here* in 2001 on Aboriginal reconciliation.

The purpose of DPs is not designed to describe or predict public opinion in the way conventional opinions do, but rather to have a recommendatory force on government policy – to allow "a microcosm of the of the country to make recommendations to us all

after it has had the chance to think through the issues.” Fishkin’s belief was (or is) that “if such a poll were broadcast before an election or referendum, it could dramatically affect the outcome.”⁴¹ This, however, was certainly not the case in the DP on the Australian republic. Among DP participants support for a Yes vote for a republic with a president appointed by parliament rose from 53 percent in the survey taken before the poll to 73 percent at the conclusion of their deliberations. The outcome was very widely reported in the media,⁴² but public opinion as measured by conventional polls taken before and after the Deliberate Poll went in the opposite direction. In one poll support for a Yes vote dropped from 45 to 37 percent and in another from 49 to 41 percent.⁴³

This is what I see as one of the weaknesses of DPs as a device to further genuine participatory democracy. There does not seem to be any compelling reason why anyone should take any notice of their findings, and they do not seem to have had any significant impact on public policy formation. If the findings are not to the liking of those who have the power to drive change, then they are easily dismissed. The lack of any discernable effect on public opinion of the republic referendum has already been noted. In the case of the DP on Aboriginal reconciliation, the relevant federal minister, Philip Ruddock, hailed the initiative as “a worthwhile project” that would “contribute to community education on reconciliation prior to the poll. But when the poll reported a big jump in support for a formal apology to the Stolen Generation (from 45 to 70 percent) after two days of deliberation, the Minister described it as “just another poll, and this government is not poll-driven” when asked whether it would have any influence on government policy.⁴⁴

With the current political climate favouring more consultative and open government, there is a possibility that policy-makers could adopt the DP as a device for community consultation: it could become part of the task force revolution. This, however, raises the question of elite control and manipulation as has already been discussed. The World Economic Forum launched a new initiative, *Bridging Europe – New Dialogue* in 2001 which was “partly inspired by the experience gained and the methods developed in connection with the organization of the...Deliberative Poll...a new democratic method, which connects representative democracy with participatory democracy, as well as politicians with citizens.”⁴⁵ This may well be a worthy initiative, but it is sure to raise warning bells for the many supporters of participatory democracy who are deeply suspicious of the motives of the WEF, and elite hegemony over public debate.

There have been also been criticisms that the DP process itself has a built-in bias to produce the outcomes that the organisers want to achieve.⁴⁶ To counter such claims, organisers of the DPs go to great lengths to ensure that the briefing papers are balanced, expert opinion on all sides of the issues properly canvassed and group facilitators are

impartial.⁴⁷ There is no reason to believe that the organisers would have wanted to push one view or another and every reason to believe they would have wanted to avoid doing so in most, if not all, the polls held to date. This may not be the case, however, if a DP was run by a policy-making body.⁴⁸ Nevertheless, there is one outcome that the organisers do have a vested interest in achieving – a significant change in before and after opinion. Fishkin made this clear when writing about the first DP held in Britain in 1994:

The challenge for the experiment was whether participants would change over the weekend. If the deliberative poll gave results identical to an ordinary poll, it would not be worth investing in such and elaborate project again.⁴⁹

Again, there is no suggestion that poll organisers or researchers would deliberately seek to skew the outcomes, but as social researchers have found, there are subtle forces at play in such experiments, and they do their best to minimize their effects.

There are also other criticisms of DPs based on claims that the opinions and attitudes of the participants are influenced by such experimental contaminants as the Hawthorne effect, demand characteristics and experimenter expectancy. These, criticisms, however, are easily dealt with if the DP is taken out of the realm of a social experiment and transformed into a genuine participatory democratic device as will be demonstrated below.⁵⁰

More serious challenges to the value of DPs relate to the influence of the phenomena of “group think” and “group polarisation” on outcomes. Group think describes the tendency of members of cohesive groups to strive consensus at the expense of suppressing consideration of alternative courses of action.⁵¹ Group polarisation, on the other hand, describes the a tendency for deliberation to move “groups, and the individuals who compose them, toward a more extreme point in the direction indicated by their own predeliberation judgments.”⁵² The available empirical evidence is mixed on the issue of group think but there is no reason to think that DPs are any more influenced by this phenomenon than any other deliberative forum. On the issue of group polarisation, Sunstein sees this as a real problem of political parties, religious organisations and even legal institutions but concedes that the evidence gathered thus far indicates that DP groups “do not polarize, at least not systematically.” In Sunstein’s view, this “result is undoubtedly a product of the distinctive setting, in which materials are presented on each issue, with corresponding claims of fact and value.”⁵³

To date, the evidence based on analyses of data from DPs indicates that participants do form significantly different opinion on most (but not all) issues after the forums.⁵⁴ and there is good reason to think these changes are the result of the deliberative process, and

not some other cause. The dramatic difference between the opinion shift towards a Yes vote in the *Australia Deliberates* DP that was held in the midst of the referendum campaign on this issue and the outcome of the referendum itself also indicates that intensive deliberation by a group of representative citizens can change the way they are likely to vote.⁵⁵

There is, however, the question of how representative DPs really are. Potential participants are selected randomly using well-tried scientific polling techniques, but critics have argued the response rate (on average a little over a third of those approached ultimately attend the DP) cannot be thought of as representative of the population from which it is drawn.⁵⁶ In Mitofsky's view, "It borders of self selection."⁵⁷ Fishkin has suggested that the representatives of the microcosm can be evaluated by comparing the participants and the non-participants.⁵⁸ Such a comparison carried out on the 1996 *NIC* DP found a good match for gender and race between the sample and the population, but the aged and less educated were significantly underrepresented. There was also a marked bias in the sample towards those who were "very interested in politics" compared with the population as a whole.⁵⁹ On the other hand, Converse found that a similar analysis of two British DPs showed no significant differences between the two groups.⁶⁰

Peoples' assemblies

The concept of the DP – to allow the informed voice of the people to have a real say in formulating the policies which impact on their lives – is a very seductive one, and elicits enthusiastic *prima facie* support from many senior politicians, academics, journalists⁶¹ and the people themselves. Participants in a national survey in the United States were asked to consider the following statement:

Imagine that a group of five hundred American citizens was selected from all over the country to be representative of the entire US population. This group then met and were informed about all sides of the debate on a number of policy issues and had a chance to discuss these issues. Then they were asked to make decisions on what they thought was the best approach to these issues.

They were then asked to compare decisions made by such a body with those made by Congress. More than two thirds thought the decisions made by the peoples' assembly would be better than those made by Congress, and more in line with the wishes of the

majority. A significant majority also thought such a body would be more likely to come to a consensus than Congress.⁶²

Deliberate Polls do seem to offer good prospects of allowing ordinary people a say in government which, by nature of the process, should approximate the view of the population as a whole if everyone was well-informed and had deliberated at length on the issue. The concept has also withstood considerable academic scrutiny and criticism and survived reasonably well. A question still remains, however, and it is this: could the deliberative poll process could be adapted to provide a safe and viable alternative to CIR to allow ordinary people a direct voice in government through a new institution – a truly representative People's Assembly?

In the CIR process a question can be referred to the people for decision if a specified percentage of the population – normally between 2 to 10 percent – sign a petition asking that this be done. What I am proposing is that is that the question should not be put to referendum. Instead, a new institution should be set up – a People's Assembly – to consider and rule on the matter on behalf the people using the Deliberative Poll process. The People's Assembly would be a standing institution but the membership would rotate continuously with a new batch of representatives being randomly selected to consider each new question.

If the decisions of a People's Assemblies are to be made authoritative (as I propose they should be), it is essential that their deliberations should not be vulnerable to charges of partiality or manipulation as DPs have been. PAs need not only to be impartial, but to be seen to be impartial. The public (and interest groups) would need to be convinced that none of the processes related to the assembly deliberations could be manipulated by the government of the day or anyone else. This would necessitate the establishment of a statutory institution to run the PAs which should have a similar degree of independence in discharging this task as the Australian Electoral Commission has in administering elections. The PA Commission staff would be responsible for organizing the PAs, including appointing the expert panels, preparing the briefing papers and providing the trained facilitators to assist in the small group discussions. There may be a need for a body, similar to the Court of Disputed Returns, to hear complaints about improper procedure.

The people themselves also should have some input into who should have the right to have their views considered by the PAs, other than the obvious stakeholders. This could be achieved by adopting the practice of some government and Senate inquiries of calling for public submissions on the issue, holding public hearings, and then collating evidence

gathered in this way for presentation to the PA as part of the briefing process. The response to these “prehearings” could also guide the PA Commission staff in their selection of panel members made available for questioning by PA members. PA groups could also be given the right to ask for additional “expert” witnesses to be called.

These measures should go a long way towards countering allegations of forced consensus, bias and partisan or elite control which have been levelled against DPs. Other problems encountered by DPs have arisen from the dual purpose they have been asked to perform; to be a democratic device to give the people a voice in public policy, and at the same time act as a social experiment to demonstrate the validity of process. If the DP process was adopted and adapted for PAs the need for the experimental component ceases and, in fact, would be inappropriate. There would be no need for before and after polls to demonstrate whether or not there had been a significant opinion shift, and thus the problems of experimenter expectancy, demand characteristics and the Hawthorne effect (if it exists) disappear.

On balance, the charges that DP process is peculiarly subject to group think and group polarization do not seem to be sustained by the empirical evidence gathered so far. Nevertheless, every step should be taken to reduce the influence of this phenomenon. Recent research into small group dynamics indicates a way that this might be done. The groups in DPs are generally formed of between 15 to 20 participants, but the United Kingdom research indicates that in groups this size the communication is like serial monologue and people are strongly influenced by dominant speakers. On the other hand in groups of 7 or less, the communication is like dialogue and participants are most influenced by those whom they interact in discussion. Dominant speakers have no more influence than anyone else.⁶³ Smaller groups would add to the expense of PAs, but as the goal is to draw on as wide a range of experience and opinion as possible, it could well be justified.

DPs have also been vulnerable to criticism on the grounds of unrepresentativeness, and it would seem to be desirable to remove this threat to legitimacy by making service on PAs compulsory in the same way the jury service and voting in elections is compulsory. This proposal, however, and the others I have made for the design of a PA are meant merely to form a sketch of how such a participatory democratic device might work. Obviously such a concept would require more thought and refinement before it was implemented. The purpose of this paper was to introduce the concept, and to demonstrate how it could be superior to both CIR and DPs as a participatory democratic device.

Conclusion

Queensland Premier Beattie implemented his community cabinet initiative because he sensed that “there is a real hunger in the community, a hunger to be really consulted about how government should be run.”⁶⁴ Proponents of CIR would agree with this sentiment, but propose quite a different solution. I see problems with both the Blair/Beattie approach and CIR and propose a third way – People’s Assemblies. A point on which we are all agreed is that people like to be consulted and should be consulted more about important policy decisions that affect their lives. The billion-dollar pharmaceutical industry is with us on this – at least on the first part of the equation – and billion dollar marketing enterprises probably know more about what motivates people than anyone. They also know more about how to manipulate people. Another marketing ploy is concentrating on selling the sizzle rather than the steak. My fear is that both the task force government and the CIR initiatives will prove to be more sizzle than steak because policy making will continue to be dominated by money and power, and no real say will be returned to the people. The hunger that Premier Beattie senses will not be assuaged.

I believe that my proposal is relatively manipulation-proof, will give ordinary people a real say in how they are governed and has the potential to reduce political apathy and increase political trust. For every single person who attends a 500-member People’s Assembly held there will be a hundred people or more – family, friends, neighbours, acquaintances – who would see person just like them making important decisions on their behalf, decisions that cannot be shelved. They will also know that there was every likelihood that they themselves will be called on to perform a similar civic duty sometime in their lifetime. It’s a novel concept, and won’t be easy to sell, but if it real does offer the sizzle and the steak, perhaps the people ultimately will buy it.

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