

## Why do Politicians Love or Hate the Idea of Citizens' Juries?

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*Lyn Carson*

*Research Director, The newDemocracy Foundation  
lyn.carson@newdemocracy.com.au*

*David Schechter*

*Coordinator, Democracy R&D Network  
david.schechter@democracyrd.org*

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*\* newDemocracy is an independent, non-partisan research and development organisation. We aim to discover, develop, demonstrate, and promote complementary alternatives which will restore trust in public decision making. These R&D notes are discoveries and reflections that we are documenting in order to share what we learn and stimulate further research and development.*

## Why do Politicians Love or Hate the Idea of Citizens' Juries?

### ***What is the question?***

What are politicians' common concerns and objections to the idea of consulting randomly selected citizens' juries or citizens' assemblies, and how can they be addressed?

### ***Background***

[Research emerging from an attitudinal survey of federal politicians](#), which was co-designed with the [Parliamentary Joint Standing Committee on Electoral Matters](#), finds 14% of politicians think citizens' juries are a way to help them out of a malaise, while 64% think the exact opposite (Evans, Grattan & McCaffrie 2019). What drives such disparate views? What benefits are the 14% seeing and what concerns and apprehensions do the 64% hold that need to be addressed? When random selection or civic lotteries are suggested for citizen engagement, the newDemocracy Foundation notes some recurring objections. These common concerns can be grouped under the following five headings:

1. It's a simplistic backward step away from parliaments that may not be perceived to be doing a good job but actually do their job quite well.
2. We'll get laughed at for doing this.
3. People don't have the ability.
4. You can't get a genuinely representative group together – it's impossible.
5. Genuine realistic agreement is an illusion without pushing a cost onto someone who isn't there.

### ***Addressing Concerns***

1. It's a simplistic backward step away from parliaments that may not be perceived to be doing a good job but actually do their job quite well.

*"Representativeness and deliberation exist now, it's called parliament, and it has served us well."*

In a rapidly-changing world, reform has become a whole lot harder. New methods are needed. The deliberative practices promoted by newDemocracy, coupled with a civic lottery, are a significant asset for reform-minded governments and parliaments, across the political spectrum.

Such methods do not represent a derogation of power or authority any more than the current use and response to opinion polls or focus groups. Instead, they deepen the conversation between elected representatives and constituents and move toward a culture of genuine partnering and shared responsibility.

This is in contrast to exposure to a narrow suite of views, from interest groups and lobbyists who are skilled at using the media environment against a potential government policy which hurts their clients.

An engagement method like a citizens' assembly can help parliaments work better by returning them to the focus on deliberation (not opinion and reaction) which is the reason they have served us so well for centuries.

*“Civic lotteries are anti-politician and take a simple view that the complex work politicians do can be replaced with anyone. It can’t. Politics is about “getting a doable deal done” and public deliberations are not always appropriate.”*

Indeed, politicians do complex work, and public deliberations are not always appropriate. However, in situations with the combination of hard decisions and low public trust, citizen deliberations can do a lot to help leaders lead.

Bernard Crick asserts that politics is an inevitable clash of positions that lead to power struggles but, eventually, compromise (Crick, 1993). Through this lens, politics is seen as needing some wheeling and dealing, some give and take amongst conflicting interests. From Crick’s perspective this is the only way to avoid lesser or dangerous alternatives. The inevitable conclusion from Crick’s position is that deliberative democracy is not appropriate. Yet that has not been newDemocracy’s extensive experience (See, [Our Work](#)).

The results shown in citizens’ reports and the final decisions taken by elected leaders demonstrate that juries expand the pool of technically and politically viable options available to elected representatives by adding a voice that voters closely identify with.

*“Sometimes issues are so controversial that even properly constituted juries can’t avoid factionalism and rigid thinking.”*

Deliberative methods hold the promise of improved politics, from a drift toward emotion-charged, reactionary policy making (Clark, 2019) to a more considered, evidence-based development and widespread acceptance of policies. A civic lottery will deliver a diverse sample of people who may begin the process with fixed views and long-held beliefs but are surprisingly willing to consider the views of others if an environment is created that enables productive and creative output that all can live with (Zubizarreta, n.d.).

## **2. We’ll get laughed at for doing this.**

Politicians remember Julia Gillard’s proposal to convene a Citizens’ Assembly on Climate Change. It did not end well (Carson 2011). There were ways of avoiding that debacle and newDemocracy understands how and when a civic lottery and public deliberation are appropriate—in terms of the issue, timing and likelihood of success. We don’t always get it right but we learn from our experiences and refine the deliberative methods for future projects (See, [Learnings from South Australia’s Nuclear Fuel Cycle Jury](#)).

*“Governments/Ministers will be seen to be weak – can’t make decisions (which is what they are being paid to do).”*

On some issues, all courses of action taken by a minister or a government will earn criticism. For this reason, reforms in some policy areas are continually deferred or subject to extensive “rule outs” before a review commences. Tax reform, how to pay for the health system, drug laws and energy policy all fit well under this banner.

It is evident that politicians are already being labelled ‘weak’ *today* for this avoidance of major issues. The use of a new approach can be viewed as an attempt to innovate to move beyond predictable deadlock.

There have been occasions when elected representatives using civic lotteries have strengthened their electoral advantage, most notably in Canada Bay where an ALP mayoral candidate defied a massive state-wide swing against the party following similar trends from the 2011 state election; [he instead recorded a 9.4% swing in his favour](#).

*“Yes, but it would never work here... in our hyper-critical media environment”.*

Working with media beforehand, especially local media, is essential. People will stand in front of decisions if they have worked hard to reach them. Further, political correspondents are increasingly familiar with the methodology and understand the potential value to our democratic system if well organised trials are conducted. At a higher level, newDemocracy has consistently noted that media outlets do not attack randomly-selected citizens – which we hypothesise is a further value from involving people seen as ‘outside the system’ (and who are also consumers of media).

*“Deliberative methods favour a more cosmopolitan style of politics. Because of this, citizens’ juries aren’t and can’t be truly neutral between interests, and therefore nationalism and parochialism are disadvantaged.”*

This is an important point. Projects tend to work less well in regional areas. However, we are experimenting with more regional projects in an effort to further explore this, and also bringing together state-wide groups to see if this dissipates when people are all brought together.

Deliberative democracy should be seen as an additional factor, a part of, rather than a replacement of representative democracy. What we need to assess is not deliberative democracy in the abstract but rather as part of a reformed system.

### **3. People don’t have the ability.**

*“People are stupid”*

What matters most in a citizen deliberation is not the capability of individual members, but their capability as a group. There is substantial evidence that a diverse group of smart and not so smart people is likely to yield a better outcome than a homogenous group of highly intelligent people (See, [Group Diversity Trumps Individual Ability](#)).

Intelligent and educated people are less likely to learn from their mistakes... or take advice from others. And when they do err, they are better able to build elaborate arguments to justify their reasoning, meaning that they become more and more dogmatic in their views. Worse still, they appear to have a bigger ‘bias blind spot’, meaning they are less able to recognise the holes in their logic (Robson, 2019, p.3).

What is much more important, is the use of critical thinking skills to interrogate expert knowledge and expose unconscious biases (See, [Critical Thinking](#)). Also needed is naïve questioning, open-mindedness and curiosity. A diverse groups is quite good at encompassing that cognitive richness (See, [Concerns About People’s Abilities](#)).

It may be time in the long history of democracy for the relationship between those who govern and those who are governed to shift from an adult/child relationship, with voters

looking to their ‘parent figure’ to fix things, to shared responsibility in order to tackle the difficult issues of our times, together (Leighninger, 2006).

*“Randomly-selected citizens are not accountable, not like elected representatives who can be voted out.”*

True. They will stand in front of their decisions, but they are not subject to an election. Remember that this is about strengthening and complementing the policy making process—resulting in collective ‘evidence-based wisdom’ (Robson, 2019, p.5).

Equally, it can be seen that elections are an impairment on judgment, limiting an elected representative from taking a decision that she/he thinks is most appropriate for fear it would be misunderstood or fail to translate. Allowing the input of a group without this impairment at a level below the final level of accountable authority is seen as a potential way to redress this imbalance.

*“Large groups/everyday citizens can’t deal with complex issues.”*

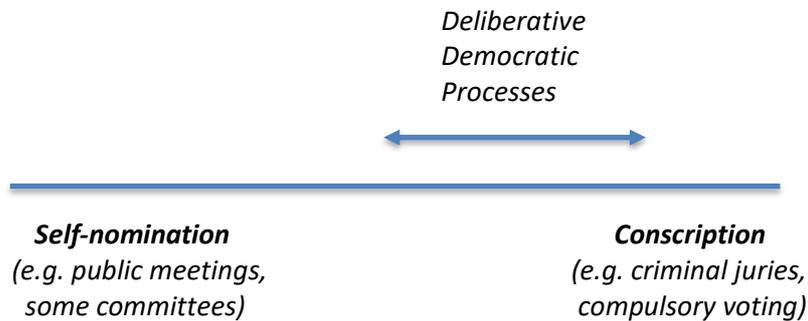
Large groups in a public meeting, shouting at each other and at decision makers, would certainly be incapable of dealing with complex issues. Participants have self-selected and are likely to be agitated and fixed in their positions. This is not the case with a citizens’ jury or citizens’ assembly where days are spent learning about a challenge and the participants are randomly-selected. It is dependent on good group process.

All deliberations would start with establishing the values that underpin any positions that are held. The topic does not require technical expertise; diverse experts are called on to answer such questions, just as happens for parliamentarians. Most of the discussion will take place in small groups, developing questions and interrogating expert knowledge. Complex issues like genetically-modified foods, nuclear waste, climate change, energy policy and more have been tackled by such groups. Sensible and informed recommendations always emerge.

#### **4. You can’t get a genuinely representative group together – it’s impossible.**

*“It’s really self-selection, not everyone accepts the invitation. Mini-publics are too small. The sample size of the entire population is inadequate.”*

It’s true that not everyone accepts an invitation sent to a random sample of the population. There have certainly been instances where the acceptance rate has exceeded expectation (the intensive Australian Citizens’ Parliament resulted in an acceptance rate of over 30%, Neblo et. al.’s online project involving congressmen in the US attracted 35% acceptance—see Lubensky & Carson 2013 and Neblo et. al. 2019 respectively). As can be seen from the illustration below, the aim is to find a sample that is descriptively representative, not statistically representative (See, [Sample Size](#)). The aim is to have a group of people in the room who resemble the wider population.



*“Citizens’ Juries or Assemblies are too small; the wider population remains unaffected by these public deliberations.”*

Australia is served by 76 senators and just 151 members of the House of Representatives, but because of the authority vested in them, this small number does not concern citizens, i.e. relative to Australia’s population of over 25 million.

All of our state parliaments have at least one house with fewer than 50 people. Granting a Citizens’ Assembly a meaningful role ensures the media attention which can translate this to the wider population. The Irish example being perhaps the best example of this (See, [Ireland’s Prime Minister’s Office](#)). One hundred citizens, which sometimes have included a proportion of elected representatives, can reflect accurately the views of an entire population, hence the term that is sometimes used: a mini-public.

**5. Genuine realistic agreement is an illusion without pushing a cost onto someone who isn’t there.**

*“People could never come to agreement, and certainly not a sensible one. Anyone who has attended a rowdy public meeting would know that.”*

In fact, they can agree. Deliberation is about weighing up the strengths and weaknesses of various options, doing the hard work of considering what trade-offs will be required to be able to proceed with alternatives. The conversations are respectful and productive with an emphasis on the issue, not any person. Participants may not love the recommendations that are agreed upon—although most of the group will; but the minority will have determined that they are content to live with those shared recommendations. If they cannot, a minority report can be included. Throughout the deliberation, there is no insistence on consensus, just a continual exploration of common ground. Having done the hard work, participants understand how hard this is for elected representatives as well (See, [Deliberation](#)).

*“People would make demands that governments could never fulfil. Governments will get backed into corners by recommendations they are not willing to accept or implement.”*

This is often true of the “usual suspect” participation practice that uses self-selected participants, without the time, information and facilitation to develop sound conclusions. However, the recommendations of citizens’ juries are generally well considered and achievable. The emphasis is on recommendations that are SMART: specific, measurable, achievable, realistic, timely. Participants will have considered trade-offs and do not deliver unreasonable wish lists (See, [Infrastructure Victoria](#), [City of Melbourne](#) and [Yarra Valley Water](#) projects).

### **Further Research**

Ideally, further research can be undertaken with MPs. It might be possible to interview 20-30 senior politicians to find out what their unprompted and then evoked responses are. Of particular interest to newDemocracy:

- The influences that led to 14% favouring citizens’ juries—had they experienced them, heard about them, what?
- Among those who did favour them, are there different concerns and objections than have been identified in this paper?
- As a result of an interview, what lines of reasoning caused or elicited a change in position, if any?

### **Finally...**

This paper is a work-in-progress. We would welcome hearing about other objections to civic lotteries and an opportunity to address them in a revised version of this paper.

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