New Democracy: Reclaiming "We the People"

The question naturally arises, would it be possible to extend these participatory approaches to governance itself? And how difficult would this change be? To anticipate, let us simply indicate that not only is such a change possible, but also the art and science of this momentous shift (a great part of which has seen its birth in this country) has already been established and has gained ground over the last forty years. It has also been tested and has offered remarkably positive results.

Representative democracy as it is presently practiced more often than not gathers the fruit of common foolishness, rather than collective intelligence and wisdom. The power of money and corporate interests in the system completely clouds the reality of the issues and controls the way information is spread. We could place our hope in more direct forms of democracy. But neither does this offer a solution, because it often depends on who is there and what groups have the greatest vested interests and/or the power to mobilize people, not necessarily on the wisdom of the whole. Involving millions of people in deliberation actually reduces the likelihood of wise outcomes because of difficulties in facilitating the process, offering equal access to information, gathering the results, and so forth. Much of direct democracy lacks full inquiry and facilitated deliberation, so that it rarely taps into public wisdom—rather, the contrary.

Notwithstanding these limitations, there is now a way to strengthen participatory democracy by availing ourselves of the insights generated by social technology. This means, first of all, changing the kind of polarized conversations we have at present to

ones that meet the following criteria:

- Participants can distinguish facts from lies, distortions, and manipulations of the truth. Participants can see the entire complexity of the situation and still come up with creative outcomes because information comes from a variety of sources and is made more easily accessible and understandable.
- Everyone present feels heard (and those absent feel their voices are represented).
- Participants are clearly told how the conversation will be conducted and how the results will be used; there is complete transparency.
- Participants will be safe no matter what differences, disturbances, and emotions emerge in the process.

In our present ideas of democracy, we hear only the voices of the parts, and for a certain amount of time, one part prevails over the other; then the roles reverse. We can safely say that never are the needs of the whole met. This is the ultimate reality built into the two-party system; it is a preprogrammed premise for failure, one that excludes reaching common ground.

In contrast to this well-known system, experiences worldwide have shown that it is possible to engage the full spectrum of the population through a small number of citizens who form a microcosm of We the People, with the full diversity of relevant information, in ways that help them find authentic common ground. Dialogue and deliberation in the form of citizen deliberative councils (of which more will be said shortly) is an approach that brings to expression the reality of We the People in the sense of Lincoln's "government of the people, by the people, for the people."

The intelligence of We the People is not directly related to the intelligence of the individual members present in the decision-making process. We know the opposite quite well. Very intelligent and competent people can generate a phenomenal amount of collective foolishness, along with detrimental short-term planning and implementation, simply by getting in each other's way or by lacking relevant information and perspectives in their analysis. In contrast, through dialogue and deliberation techniques, it is possible for the voice of We the People to emerge as a reality. There are a great variety of deliberative methods for channeling differences and conflicts toward new insight and positive co-creative outcomes.

New possibilities have emerged through convening a small group of very diverse citizens—that is, a cross section of all stakeholder groups, selected in a statistically significant random fashion—and holding conversations and deliberations through tested methods of facilitation. Such so-called citizen deliberative councils (CDCs) have been held all over the United States and the world over the last forty years. And they have had remarkable success. The councils are temporary and serve only for the specific issue they are called to consider; they speak with a voice that transcends right-left political divides and accurately represents the community.[9]

Citizen Deliberative Councils and Their Formats

The members of citizen deliberative councils (CDCs) consider how best to address an issue after receiving ample and thorough information from a wide variety of sources and after harmonizing a whole spectrum of diverse, and often contrasting, perspectives. The following are eight characteristics of a CDC[10]:

- It is a face-to-face assembly.
- It comprises from twelve to two hundred citizens selected randomly and demographically, in order to reflect the wide variety of stakeholders and all possible perspectives present in the community that the process addresses. Groups should be neither too large (expensive and time-consuming) nor too small (not statistically significant).
- It convenes for a set time (a few days to a few weeks).
- CDC members act as peers; roles and titles are set aside for the time of the deliberations.
- It requires skillful facilitation to allow all perspectives to be aired and heard.
- The group has a specific mandate that allows it to address a situation, concern, issue, proposal, budget, or similar issue.
- Accurate information, in the form of inclusive, balanced briefing materials, interviews, and presentations by experts and advocates, is provided to the council.
- The process reaches completion when the council drafts a report that details the findings and recommendations to the authority that convened the CDC, the electorate, the concerned community, the media, and so forth.

The new often has surprising deep roots into the past. This system of randomly forming the CDCs has an important and little-appreciated precedent in the democracy of ancient Athens. From the fifth century BC, Athenians drew lots to select 90 percent of their political representatives (five hundred members chosen by lot among the population above age thirty). Elections were used only for choosing top generals and assigning financial positions. Athenians considered their random choice central to their democracy.

Citizen deliberative councils have been used with a variety of evolving formats. Two formats that have developed in the United States and have been most used here are citizen juries and wisdom councils. Citizen juries, designed by political scientist Ned Crosby, may be one of the most widely used models worldwide. These involve twelve to twenty-four citizens selected by random stratified sampling who interview experts and deliberate during a period of three to five days. The Minneapolis-based Jefferson Center, a nonpartisan, nonprofit organization dedicated to strengthening democracy, convened thirty-two citizen juries in the period from 1974 to 2012 in the United States. The model has been introduced in the United Kingdom by the Institute for Public Policy Research and is widely used there.

Wisdom councils were conceived in 1993 by Jim Rough, who had already developed his "dynamic facilitation," a process designed to strengthen group members' participation and unleash their emergent creativity. The councils further evolved into the creative insight councils (CICs), which gather from one to two dozen randomly selected citizens to explore an issue or a proposal through dynamic facilitation. The process is ultimately designed to stimulate creative thinking to address a situation or issue, not necessarily to form detailed proposals. A CIC appeals to experts for information input, and the results can be given back to experts to generate more inclusive proposals, which would then go back to the CIC. Wisdom Councils and CICs have been held in North America and in Austria.

Citizen deliberative councils can serve multiple functions, such as

- providing periodic citizen-based state of the union declarations;
- studying issues on behalf of public officials, in order to provide voters with balanced

information and guidance on issues, based on the community's core values (as these are reflected in the diversity of the selected citizens);
- reviewing proposed ballot initiatives and referenda, reducing special interest manipulations in the framing of the issues;
- proposing ballot initiatives to deal with identified issues;
- ensuring a sober public evaluation of controversial legislation;
- reviewing candidates for elected public office, wherein one or more CDCs could evaluate candidates for each of the issues targeted (economy, environment, security, and so forth), evaluate their qualifications, or assess candidates' personalities;
- reviewing government budgets, which has proved to generate support for taxes after the citizens realize the importance of the needs they want to address; and
- reviewing government or corporate performance.

Public wisdom quite definitely will change the dynamic of power in many ways. Whether they would receive a sphere of power of their own or serve in an advisory capacity, wisdom councils and CICs would
- enable We the People to have direct say and power over important issues society faces;
- advise our leaders through a voice that is respected by a vast majority of the population regardless of political, religious, or philosophical convictions;
- represent the core values of the community by embracing its diverse perspectives, needs, and aspirations;
- call public officials to accountability;
- inform the citizens by considering all possible scenarios, both positive and negative, in

the short, medium, and long term;

- stimulate the general public to take action on issues of common interest; and
- use expert knowledge in a concerted way and confine experts to the role of advisers.

Citizen deliberative councils have offered inspiring results in supporting and strengthening direct democracy, the most ordinary forms of which are the referendum and the citizen ballot initiative process. The way in which these are named, framed, publicized, and advertised offers many entry points to special interests.

In 2011 Oregon's official Citizen's Initiative Review established the CDC process by law to review ballot initiatives and referenda on behalf of the voters. The process is transparent, and the results are offered in the official voter information pamphlets; it uses the citizen jury methodology, with eighteen to twenty-four randomly selected registered voters convened for five days to hear from advocates on any side of the issue and offer their conclusions to the voters. The so-called citizen statement, printed in the official voter pamphlets, offers a balance between the opposite partisan promotions of the issues. John Gastil and Katie Knobolch investigated at length the results of these initiatives. The voters who read the statements appreciated becoming more knowledgeable about the measures; and in the instance of Oregon's 2010 measures 73 (minimum criminal sentence increase) and 74 (legalizing the sale of medical marijuana), those voters were much less likely to support the measures.[11]

Presently, the interest in citizen initiative reviews is spreading to California, Idaho, and Colorado. If so used, these CDCs will offer correctives to poorly designed initiatives, or measures that are slanted toward special interests and designed to manipulate the

electorate. Ideally, proposed legislation could receive the input of a CDC convened for the specific purpose, receive new formulation by lawmakers or those who help them in the task, and then be returned to a new CDC for improving the quality of the initiatives, their usefulness to the community, and their likelihood to be approved by large majorities.

A more comprehensive example of the usefulness of CDCs in the process of sociopolitical deliberations was demonstrated by the groundbreaking initiative promoted by Canadian magazine *Maclean's* in June 1991, a time in which the country suffered a crisis of identity and the very serious threat of secession by Quebec. A team of three American facilitators, with Roger Fisher as the leader, led twelve participants, representing all the major sectors of public opinion and demographics in Canada, to come up with a common vision for the future of their country, under the title People's Verdict. This simpler process succeeded where a parliamentary committee, a $27 million Citizen's Forum on Canada's Future, and a government consultation initiative involving four hundred thousand Canadians had previously failed.[12]

Through the citizen deliberative councils, far more than the sum of the parts emerges, much like what we have seen in social technology. "People 'lose themselves' in the group, not by becoming smaller or less themselves, but by expanding to embrace more of the group's interactive power within their own capacities and responses," Tom Atlee says in describing the experience of countless participants. And he restates this dimension of practical spirituality: "Whatever connects us to our core commons, the heart and the soul of our connection to each other and the world, is spiritual to me. And high quality conversation draws us into the connection in a very clean and simple way, with no

need for any spiritual language or sectarian or esoteric beliefs or practices."[13]

The practical examples of public deliberation offered so far are an avenue to discovering our shared humanity and aliveness, beyond political, cultural, religious, and ideological mind-sets. Allowing the voice of the whole to determine the common good moves us from political thinking (the 51 percent majority) to finding common ground in supermajorities (67 percent or more), or even near-consensus. A narrow majority will not be wise; oftentimes it will consider only the short term, and the results it determines will not be long-lasting. Wider cultural agreement taps into the power and knowledge that lives at the edge of the system (all the information available) rather than what can be provided by experts or politicians.

Citizen Legislatures as a Fourth Branch of Government

The long-cherished dream of equality can be expanded even further. Ethan J. Leib (*Deliberative Democracy in America: A Proposal for a Popular Branch of Government*), Ernest Callenbach (*A Citizen Legislature*), Tom Atlee (*Empowering Public Wisdom: A Practical Vision of Citizen-Led Politics*), and others are envisioning how our system of government could be modified, with the smallest effort, to actively include We the People in its deliberations and legislation.[14] Citizen legislatures, as a new branch of government, could be implemented at all levels: federal, state, and local governments. They would be an empowered legislative body made up of randomly selected citizens.

Once in session, the citizen legislature (CL) would publicize its findings and become known and appreciated for its service to the population. Atlee considers that such an assembly should number 450 people at the federal level, in order to represent the

country's diversity. The statistical margin of error at 400 is about 5 percent; it lowers to only 3 percent at 1,100, but the costs rise considerably. (The margin of error is determined by comparing how a representative group of people stands in relation to an issue when compared to a much larger sample or the whole population.) In order to account for the small margin of error, the new political body would be required to operate at a supermajority vote of 67 percent, or even 75 to 80 percent for major issues. The supermajority requirement is a powerful incentive for crafting higher-quality legislation that satisfies the needs of most constituencies.

Pay for service in the legislature could be set at levels comparable to that of presently elected officials to induce people to accept the assignment and involve themselves in the task seriously. Service in this chosen body would be equivalent to that of jury duty. With the plenary body rotated in shifts of thirds, the new hires would have an apprenticeship period under the wing of the more seasoned members. Naturally, the process should be assisted by a top-notch facilitation staff.

In the long run, the CL could even replace the congressional House of Representatives, to balance out state interests with those of a body that represents the whole without claiming privileges for their states or districts in a partisan way. The citizen deliberative council panels formed from within the CL could simply counsel Congress and the president, or they could also introduce new legislation. The CL could conduct various deliberations simultaneously; it could even hold simultaneous CDCs on the same issues or bills (i.e., using three CDCs of seventy members each) and compare the results. If these agreed with each other, legislation could be drafted from their conclusions.

If a bill received a supermajority assent (67 percent or more) in the CL, it could

then be sent to the Senate. The Senate could override the bill with another supermajority. The reverse could occur at the same time: the Senate could draft legislation to be sent to the CL, which could override it with a supermajority vote. This collaboration would heighten the quality of legislation and induce greater collaboration between representative bodies. Nothing else would be changed in relation to the powers of the executive or the judicial branches of the federal government.