

ECI-Day

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1. Donald Trump and the populist revolt across the West are not the cause of the crisis of governance, but a symptom of the decay of democratic institutions that, captured by the organized special interests of an insider establishment, failed to address the dislocations of globalization and the disruptions of digital capitalism. To add danger to decay, the partisans of populism are throwing out the baby with the bathwater, assaulting the very institutional checks and balances that guarantee the enduring survival of republics. The revolt against a moribund political class has transmuted into a revolt against governance itself.

2. Frank Fukuyama has eloquently articulated the key consequence of this double-blow to democracy: “Belief in the corruptibility of all institutions leads to the dead end of universal distrust. American democracy, all democracy, will not survive the lack of belief in the impartial institutions. Instead, partisan political combat will come to pervade every aspect of life.” And so it has.

Thus, the core challenge of political renovation is mending the breach of distrust between the institutions of self-government and the public.

3. To do this, the forces undermining trust must be integrated into the system itself.

Distrust in governing institutions has gained more traction than ever before because of the participatory power of peer-driven social media. It levels the playing field of information among amateurs, professionals, and meritocratic experts. As a platform open to all, social networks challenge the custodianship of elites and, not least, the legitimacy of representative democracy.

As former UK PM Gordon Brown has put it: “Trust has broken down in our representative democracies because political parties are no longer performing their traditional role of assembling and then aggregating public opinion to build an informed consensus. In their place, Facebook, Twitter and our social media give the impression that we have a direct democracy where, through by-passing representative institutions, leaders and led can communicate with each other on equal terms.”

This rise of social networks heralds a new distribution of power that is a gamechanger for governance. The political corollary of this powershift is a disposition by disaffected constituencies to make the big decisions themselves through participatory platforms or through the direct democracy of referendums and citizen's initiatives at the ballot box. Increasingly, the connected citizenry is inclined to dispense altogether with governing intermediaries. According to a global Pew Poll conducted in 2017, 66 percent of respondents preferred a system in which "citizens, not elected officials, vote directly on major issues to decide what becomes law."

Davide Casaleggio, the architect of the Five Star Movement's on-line strategy, captured the zeitgeist when Five Star first came to power in 2018: "Our experience is proof of how the Internet has made the established parties, and the previous organizational model of democratic politics more generally, obsolete. The platform that enabled the success of the Five Star Movement is called Rousseau," he explains, "named after the 18th century philosopher who argued politics should reflect the general will of the people. And that is exactly what our platform does: it allows citizens to be part of politics. Direct democracy, made possible by the Internet, has given a new centrality to citizens and will ultimately lead to the deconstruction of the current political and social organizations. Representative democracy—politics by proxy—is gradually losing meaning." Despite the recent declining fortunes of Five Star, this sentiment remains resonant among publics.

What makes this new surge qualitatively different from the past is the scope and scale of social connectivity that fortifies it. If unmediated, direct democracy in the digital age will look a lot like social media itself. It will encompass the good, the bad and the ugly, a platform not only for the spread of innovative ideas that respond to citizen concerns, but for ill-tempered blogmobs, hateful sentiments, alternative facts, outright lies, utopian delusions and worse. But the genie is now out of the bottle and won't be squeezed back into the forms and concepts of democratic governance that have prevailed since the 18<sup>th</sup> century.

Since peer-driven social networks have drawn more players into the political fray than ever before, never has the need been greater for the counterbalance of impartial practices and institutions to sort out the cacophony of voices, the welter of conflicting interests and the deluge of contested information.

The best response to this development is a new form of citizen engagement for the digital age -- participation without populism – that integrates social networks and more direct democracy into the system through new mediating institutions that complement representative government.

In this era of distributed power, such a deliberative ballast is as essential to the survival of republics as the direct engagement of citizens in governance. The exercise of collective intelligence requires “cool and sober deliberation” that “enlarges the public view” even more in the digital age than in the era of the American Founding Fathers and others who designed the constitutional frame that has enabled the liberal democracy we have so far known.

The key element for practices of deliberation such as citizens assemblies or policy juries is that they are non-partisan platforms of good faith and will, indicative of the public as a whole, insulated from the electoral process in which partisans vie for power by any means necessary aided and abetted by the spin of facts by the persuasion industry.

For such practices to be effective, they cannot stand alone in the hope of influencing public opinion, but must be constitutionally integrated in the institutions of self-government.

Indeed, we are seeing this actuality taking place across the West. Places like Switzerland and California have long practices direct democracy through citizen’s ballot initiatives that complement elected legislative bodies. In Taiwan, nearly half the population, 10 million people, participate each year in the “Presidential Hackathon” by which crowdsource deliberation over policy proposals then guide the executive and legislative agenda.

Most recently, in [France](#), President Emmanuel Macron, who was politically wounded by the “gilets jaune” outburst over a rise in fuel prices aimed at reducing carbon emissions, has now convened a citizens’ panel on climate whose recommendations he promises to put up for a referendum vote later this year. As Macron said: “People want more democracy. They don’t just want to follow the laws, but to participate.”

This year, [New Zealanders](#) will hold a series of referendums on euthanasia and the legalization of cannabis and abortion, which they call “conscience votes,” to guide the parliamentary agenda on these controversial issues.

In the wake of massive demonstrations met with police violence in [Chile](#), the government, along with the main political parties and citizens' groups, agreed that the current constitution, drafted in the period of transition from dictatorship when the shadow of General Augusto Pinochet still hung menacingly over the fragile reemergence of democratic elections and institutions, must be redrafted.

To that end,  hkin's Center for Deliberative Democracy, in conjunction with the Chilean senate and a major foundation, are hosting Deliberación País, which will gather around 400 people, chosen through scientific sampling in partnership with the University of Chile, over a weekend in the halls of the Chilean national congress to debate the terms of a new constitution.

The results will be taken by the members of a senate committee as a key input to draft bills on those terms, also taking into account some of the priority social concerns that emerged from a "national consultation," in which 2.5 million people voted, in December last year.

In early November last year, Fishkin's center joined with the University of Iceland, the country's prime minister and political parties to host what was called a "Deliberative Poll: Communal Consultation for the Revision of the Constitution." In that exercise, more than 230 citizens, who were chosen to reflect the public at large, debated constitutional amendments, including those proposed through a parallel crowdsourcing exercise that was open to anyone with access to the internet.

Topics covered included the role of the president of Iceland, the court of impeachment and parliament's power of indictment, whether constitutional amendments must be confirmed by referendum, whether referendums and citizens' initiatives should be binding on the government, the drawing of electoral districts, weighted voting and the delegation of competencies in international cooperation.

The results were reported to the prime minister who has pledged to be guided by the poll in completing constitutional reform before the end of her term.

4. A quick note on the meaning of participation. It is a complete illusion to believe that, somehow, broad citizen education will make the body politic versed in the knowledge necessary to make wise political decisions. The idea of participation does not imply that people, busy with work, family and life will somehow become activists spending all their time studying the issues. Rather, what people want is a ready venue of agency, impartial and accessible, to address their concerns when ignored or shut out by the insider establishment of organized special interests that tend to dominate

representative government. It is precisely this that direct democracy and related forms of citizen engagement can provide.

5. To be concrete, here is an inventory of the main deliberative practices of participation without populism proposed or already activated across the Western democracies:

- Innovative practices such as “crowdlaw” that mobilize “collective intelligence” through networked deliberation, such as the annual “Presidential Hackathon” that takes place in Taiwan under the auspices of Digital Minister Audrey Tang, as a way to register public priorities and set the agenda for both legislators and sponsors of citizens’ initiatives and referendums;
- Interactive civic software, such as Lex Iscritti employed by the Five Star Movement in Italy, that enables constituencies to propose, deliberate and iterate legislative measures directly with their elected representatives;
- Citizen’s Assemblies – such as took place in Ireland in 2017 -- policy juries and deliberative polling which bring together randomly selected groups of citizens indicative of the population as a whole, including through lottery, who hear pro and con arguments and are presented with verified facts in order to reach consensus on a given issue. The results of these deliberations may serve as recommendations to legislatures or voters in a referendum, or may be binding through an up or down vote;
- Requiring the deliberative process of a “second reading” of **citizen-initiated measures** as well as **government sponsored referenda** before they go to the ballot box for a vote. This can be done through:

- o Citizens Assemblies and review panels of the kind noted above to deliberate both government sponsored referenda as well as citizens' initiatives;

- o As is the case in California since 2014, authorization of legislatures to negotiate with citizen sponsors to vet the constitutionality of their proposed measures, fix problems, discover unintended consequences and make amendments consistent with the sponsor's intention. If agreement is reached on addressing the issue through legislation, the citizen's measure can be withdrawn. If no agreement can be reached, the legislature can place an alternative, competing measure on the public ballot without going through the step of gathering the requisite signatures to qualify;

- o Re-configuring the upper house, or senate, of legislatures as a non-partisan body that is selected in part by sortition and in part through indirectly elected or appointed members on the basis of experience and expertise (to insulate it from the pressures of special interests in electoral contests) as the primary institution for a "sober second reading" of citizen-initiated measures as well as legislative proposals from the lower house. It would be empowered, per above, to negotiate with citizen sponsors to reach common agreement or place a competing measure on the ballot.

6. As for the ECI itself, Michael Cottakis of Generation 89 has proposed the Creation of a European Citizens' Assembly as a second house of the European Parliament. [Intermediate steps to this goal would include a "Citizens' Bill" under the current European Citizens Initiative (ECI) process that mandates debate and an "indicative vote" on the proposed issue in the EU Parliament (since the Parliament cannot initiative legislation, only the EU Commission). Further, the Commission should clearly define the areas of its competence to propose laws, and if ECI qualifying signatures for a

measure within those parameters reaches a certain threshold, formulate legislation in response to the proposition or put it to a European-wide referendum.]

7. For citizens, deliberative democracy offers a robust platform for their voices to be heard and heeded. For the good governance of society, it avoids the populist sins of ignorance, demagoguery and utopian fantasies by introducing expertise and practices of reasoned deliberation into the great opening toward citizen engagement enabled by digital connectivity. Populist politics will peak when deliberative democracy advances as a more responsive and effective alternative.