1 Introduction: Deliberation and new forms of governance

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This chapter sets the context for the report in light of current economic, cultural, political, technological, and environmental trends. It links the findings to the OECD's ongoing work on open government, explains the rationale for the focus on representative deliberative processes, why such processes can be effective for policy making, as well as when and when not to use them.

Introduction

To set the scene for why deliberative processes and institutions are the focus of this OECD report, it is important to first consider the wider context and the drivers of the trends that describe our time. In an age that is often defined by "polarisation, populism, and pessimism" (Taylor, 2019), the future of public governance and – more broadly – of democracy are prominent concerns. Books about democracy's end, death or crisis have proliferated in the past few years. In its Greek roots, 'crisis' – or *krisis* – means decision, a turning point. In this time of complex change, current democratic and governance structures are failing to deliver. Arguably, there are five drivers of this trend: economic; cultural; political, technological, and environmental. They are interconnected, although not always portrayed as such. Let us briefly take these in turn.

Economic drivers

Explanations for the malaise are often framed in economic and cultural terms. The argument that the "left behind" are revolting against inequality and globalisation has received widespread traction (Ford and Goodwin, 2014). Inequalities have risen in most countries in recent decades and wealth inequality in particular has grown (OECD, 2019b). Under-employment and insecure, precarious work has augmented in most industrial economies (OECD, 2018a). In some of them, average earnings and living standards have stagnated, barely changing from a decade ago, or only maintained due to rising household debt (OECD, 2019c). A large proportion of societies worries worry about the future of work. The 2020 Edeleman Trust Barometer shows that 83% of people in the 28 countries surveyed fear job loss due to one or more of the following causes: freelance/gig economy; looming recession; lack of training/skills; cheaper foreign competitors; immigrants who work for less; automation, or jobs being moved to other countries. In these circumstances, many politicians, commentators, as well as ordinary people are questioning whether current economic policies are adequate to address the challenges that countries face.

Cultural drivers

The economic and cultural issues are intricately linked. Groups that have been labelled as "left behind" have an identity that corresponds to their economic standing, socio-cultural status of being historically under-represented in decision making, and working in sectors that have been disproportionately affected by lower-wage migrant fluxes. Many analysts and academics also argue that the roots of current political crises lie in how certain identity and cultural constructs are being challenged by immigration, which in turn creates anxieties (Norris and Inglehart, 2019; Eatwell and Goodwin, 2018; Goodhart, 2017).

These two tendencies of rising inequality and the increased salience of the immigration issue have coincided to create "new dimensions of inequality and conflict" (Piketty, 2018). As Piketty and others have argued, there has been an emergence of a new split between educated, high-earning, pro-migration "globalists" and less educated, poorer, anti-migration "nativists". Inglehart and Welzel's extensive analysis drawing on the World Values Survey draws similar conclusions (2005; 2009). Their research finds that as countries have become wealthier and more industrialised, people have adopted more secular, emancipatory values that prioritise openness, freedom of expression, tolerance, progress, and change. Yet, while some people in many countries have largely embraced these values, it does not mean that everyone has. Many people still value tradition, authority, religion, and stability. While some analysts have made the cultural angle the core aspect of their explanations for recent political crises, it does not explain the full picture on its own.

Political drivers

Among this wealth of interpretations, a common point seems to have emerged – that economic growth and better policies alone will not quell social dissatisfaction. Political factors are also important. Evidence suggests that today, more than ever, people want to have a greater say in shaping the policies that affect their lives beyond the opportunity to vote every few years (Chwalisz, 2015, 2017; Hansard Society, 2019). The "stealth democracy" thesis, which argues that people do not want to intervene in public policy and they care only about outcomes (Hibbing and Theiss-Morse, 2002), has come under scrutiny. The OECD's work on trust and public policy suggests that citizens' perceptions of fairness, in process as much as in outcome, is a critical dimension of their trust in government (OECD, 2017b). Paul Webb coined the concept of 'dissatisfied democrats' – people who are unhappy with the current state of democracy, but are enthusiastic about all forms of political participation, which are more active and deliberative (2013). More recent empirical research in the United States has found that a majority of people are willing to take an opportunity to deliberate with fellow citizens and their member of Congress; moreover, "those most willing to deliberate are precisely those who are turned off by standard partisan and interest group politics" (Neblo *et al.*, 2018).

These requests for greater participation seem linked to the fact that the trust upon which societies rely upon to function has been damaged. In OECD countries, only 45% of citizens trust their government (Gallup, 2018). This figure has risen from a low of 37% in 2013, but it is not necessarily a reason to celebrate. Trust levels vary from above 70% in Switzerland and Luxembourg to 20% or less in Greece and Latvia (Gallup, 2018; Figure 1.1). These findings are echoed in the Edelman Trust Barometer, which shows that in the 28 countries surveyed, 66% of people do not have confidence in their current government leaders to address their country's challenges (2020).

Moreover, comparing survey data from some of the earliest polls conducted around the 1960s to today, available in some countries like the United Kingdom (UK) and United States (US), highlights that public disenchantment and distrust have reached historic highs (Clarke, Jennings, Moss, and Stoker, 2014; Pew Research Centre, 2015). For instance, in the USA, 73% of Americans said they could trust the government in 1958, down to a mere 31% in 2018 (Pew Research Centre, 2015; Gallup, 2018).

Figure 1.1. Confidence in national government in 2018 and its change since 2007
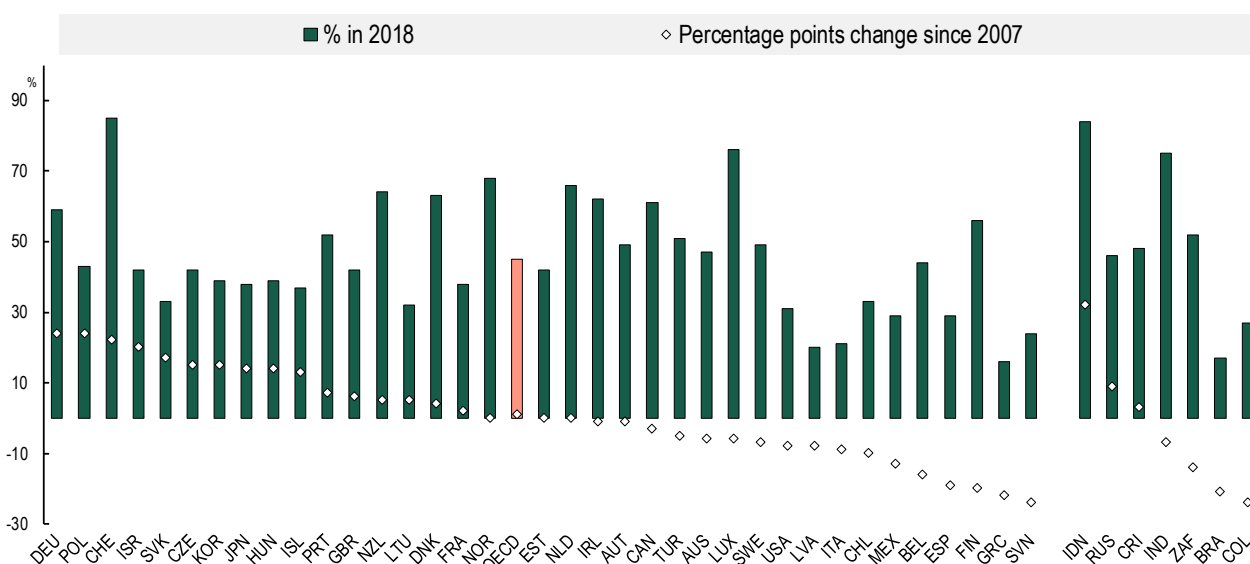
Source: OECD (2019), Government at a Glance 2019, OECD Publishing, Paris, https://doi.org/10.1787/8ccf5c38-en.

This matters for numerous reasons. There is an economic cost to low trust, in the form of high transaction costs in social, economic, and political relationships (Fukuyama, 1995), risk aversion among investors, and non-compliance with regulations (Algan and Cahuc, 2010). Low trust also impacts negatively on social cohesion, exacerbating polarisation, and on voter turnout, the rise of radical political parties, and protest movements (OECD, 2017b). With the advance of new technologies and widespread use of social media, scandals about governments, politicians, and businesses have increased, creating an opportunity for a new class of political figures to demand trust instead (Davies, 2018). As Will Davies has written:

> "The project that was launched over three centuries ago, of trusting elite individuals to know, report and judge things on our behalf, may not be viable in the long term, at least not in its existing form. It is tempting to indulge in the fantasy that we can reverse the forces that have undermined it, or else batter them into retreat with an even bigger arsenal of facts. But this is to ignore the more fundamental ways in which the nature of trust is changing… [A] new type of heroic truth-teller has emerged in tandem with these trends… [The] roots of this new and often unsettling 'regime of truth' don't lie with the rise of populism or the age of big data. Elites have largely failed to understand that this crisis is about trust rather than facts – which may be why they did not detect the rapid erosion of their own credibility" (2018).

This trend coincides with ever greater numbers of people feeling like their voice does not count and that the government does not listen to people like them (OECD, 2018b; Hansard Society, 2019). The OECD Risks that Matter Survey shows that in all but four surveyed countries (Canada, Denmark, Norway, and the Netherlands), a majority of respondents actively disagree with the statement "I feel the government incorporates the views of people like me when designing or reforming public benefits" (OECD, 2018b: 26; Figure 1.2).

Figure 1.2. In most countries, many respondents feel the government does not properly take account of the views of people like them when formulating social benefits

Distribution of responses to the statement "I feel the government incorporates the views of people like me when designing or reforming public benefits", 2018
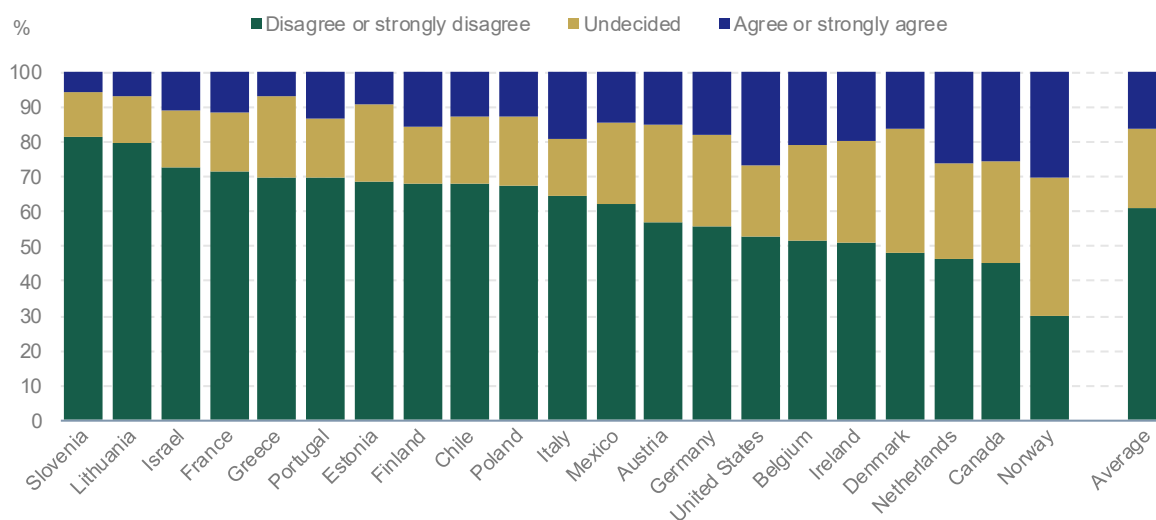
Protest movements and recent election results around the world highlight that the most economically disempowered feel not just disillusioned, but forgotten, by the democratic system. They are distant from meaningful expressions of agency to influence change (Snower, 2018). More than that, in an increasing number of countries, it has become an intentional policy to limit citizen agency, participation, and even fundamental freedoms such as those of association, assembly, and speech. This has led many representatives of civil society organisations to denounce that civic space has been "closing" for numerous years (Civicus, 2018). As Peter MacLeod has argued, the triangulated relationship between the people, public servants, and politicians has gone awry (2018). The people say, "You don't speak for me". Public servants say, "But you only speak for yourselves". And politicians respond with: "I have a mandate". How to strengthen and reimagine this relationship between them for the 21st century?

Technological drivers

Moreover, this century has also been defined by the consequences of the digital transformation underway in economies and societies. Social media and messaging apps are exacerbating public opinion fragmentation, with evidence that people tend to share like-minded news articles and avoid conflicting ones, with partisans being more likely to do so (Bright, 2018; An *et al*., 2013). The media ecosystem's erosion also contributes to this tribalisation and polarisation. Among people surveyed in 25 countries, Edelman finds that 57% think that the media they use is "contaminated" with untrustworthy information. The same survey finds that three-quarters (67%) worry about false information being used as a weapon, and that half (51%) of those surveyed think the media serves the interests of only the few (Edelman, 2020). Left-right partisans trust the news slightly less in general, have higher levels of trust in the news they use, and perceive a larger 'trust gap' between the news they consume, and the rest of the news available in their country (Suiter and Fletcher, 2020). The digital transformation has also increased citizens'

expectations regarding their governments' delivery of more effective public services, which is also highly related to their trust in government (OECD, 2018b).

On the other hand, new technologies and social media can enable more participatory governance. Many places have adapted their governance processes to emphasise the importance of an open culture, open data, and citizen participation through digital means (see for example, Open Data Institute, 2020).

Environmental drivers

Finally, the fact that we are now living in the Anthropocene, an age in which every human activity has a consequence in the natural order, requires a new approach to governance. In this "new climatic regime" (Latour, 2018), people's activities have a profound, lasting, and global impact on the environment. Natural environment systems do not behave in predictable, linear ways; they have 'tipping points' which can lead to disastrous repercussions (OECD, 2019a). Governance mechanisms need to be reformed to account for this complexity and dynamism (see Dryzek and Pickering, 2019).

Why this report focuses on deliberation and new forms of governance

Considering these five drivers together prompts a recognition that the current governance system's failure to address the most pressing challenges is partly down to democratic processes and institutions that are not fully fit for purpose in the twenty-first century (OECD, 2019a). It is not only the outcomes of the game that count; the rules of the game shape the outcomes. In many OECD countries, these rules were set in the 17th and 18th centuries. While advances have been made (e.g. in terms of suffrage), and policy makers use new tools, the institutional architecture and mechanisms of current political systems have remained largely unchanged.

It is in this context that this report on deliberation and new forms of governance has been developed. It builds on the findings of the OECD report *Open Government: The Global Context and the Way Forward* (2016) and numerous open government reviews around the world, where the trends of declining trust in government, citizen demands for more openness, and growing numbers of innovative practices that give people more agency in shaping public decisions have been identified. The report also seeks to explore the ways in which governments are working to implement the OECD's Recommendation on Open Government, which, with respect to citizen participation in government, provides that Adherents should:

> "8. Grant all stakeholders equal and fair opportunities to be informed and consulted and actively engage them in all phases of the policy-cycle […]"; and

> "9. Promote innovative ways to effectively engage with stakeholders to source ideas and co-create solutions […]" (OECD, 2017a).

This report takes a deep dive into representative deliberative processes[1], such as Citizens' Assemblies, Juries and Panels. This type of process refers to a randomly selected group of people who are broadly representative of a community spending significant time learning and collaborating through facilitated deliberation to form collective recommendations for policy makers. They are the focus for four key reasons:

1. **Across the globe, public authorities are increasingly using representative deliberative processes to involve citizens more directly in solving some of the most pressing policy challenges.** While these processes are not 'new' in the sense that the first contemporary wave started in the late 1960s, there is nowadays a new wave underway towards greater experimentation in their purpose, design, combination with other forms of participation, and institutionalisation. There is thus a need to better understand their workings and impact through comparative analysis.

2. **The evidence shows that representative deliberative processes have helped public authorities take difficult decisions on a wide range of policy issues at all levels of government for which there was previously political stalemate or a lack of evident solutions.** This merits a deeper look at the good practices that have enabled these processes to help decision makers.

3. **They are one of the most innovative methods of citizen participation**, reintroducing the Ancient Athenian practice of random selection (sortition), updated with modern statistical methods that allow for stratification – a method used to ensure representativeness. These innovations offer the possibility of useful and interesting mechanisms to complement existing representative democratic institutions.

4. Existing literature and studies of representative deliberative processes indicate that**, if institutionalised, they have the potential to help address some of the key drivers of democratic malaise outlined in this introduction**: giving voice and agency to a much wider range of citizens; rebuilding trust in government, and leading to more legitimate and effective public decision making.

The report builds a new international and comparative evidence base about the use of these processes for public decision making in OECD Member countries[2], presenting a comparative analysis regarding design integrity, sound deliberation, and influence on public decisions. It identifies and compares different models of representative deliberative processes and highlights global, national, and regional trends. The empirical sections are based on 282 case studies from OECD Member countries and offer a solid evidence base from which principles of good practice may be drawn and based on which questions of institutionalisation can be explored, that is, how to move from ad hoc initiatives towards embedded practices.

This report identifies:

- Different models of representative deliberative processes and how to choose a model depending on the issue, complexity, and context (Chapter 2);
- International trends regarding the places, levels of governance, models, and types of public issues that are best suited to be addressed in this way (Chapter 3);
- How design choices impact on quality of deliberation and outcomes (Chapter 4);
- How representative deliberative processes are and could be used to in connection with other forms of stakeholder participation, including digital tools (Chapter 4);
- Principles of good practice for deliberative processes for public decision making (Chapter 5),
- And different routes to institutionalisation, so that citizen deliberation becomes an embedded aspect of public decision-making procedures (Chapter 6).

Chapters 5 and 6 have been developed collaboratively with two OECD International Advisory Groups on Principles and Institutionalisation, composed of international leading practitioners in government, civil society, and academics who are implementing, experimenting with, and studying deliberative processes. Chapter 7 provides a brief overview of other deliberative practices that did not meet all three criteria for inclusion in the study, but are worth noting.

Why representativeness and deliberation?

In times of complex change, current democratic and governance institutions are failing to deliver. Representative deliberative processes are one part of a bigger picture of the systemic change that is needed. When conducted effectively, they can enable policy makers to take hard decisions about the most challenging public policy problems and enhance trust between citizens and government.

Representative deliberative processes provide an opportunity for better solutions as they tap into the collective intelligence and cognitive diversity of a group (Landemore, 2012). Evidence suggests that humans reason more effectively through social interactions, particularly with those who bring completely different perspectives to the table, which help people to justify their beliefs and behaviour to others, convince them through defending arguments, and evaluate the positions that others make (Mercier and Sperber, 2019; Grönlund *et al*., 2015; Mercier and Landemore, 2012).

Representative deliberative processes can also help engender support for public decisions amongst the wider public, as people are more likely to trust a decision that has been informed by ordinary people than one made solely by government or behind closed doors. Moreover, deliberative processes help to increase participants' broad level of knowledge about issues, build the civic capacity and political efficacy of both participants and the wider public (Knobloch, Barthel and Gastil, 2019), and can also lead to higher levels of knowledge and participation if public communication is done well (Suiter, 2018). These issues are covered in depth in Chapter 4.

Drawing on the evidence collected and existing theoretical research in the field of deliberative democracy, there are seven key reasons why representative deliberative processes can help lead to better public decisions and enhance trust:

1. Better policy outcomes because deliberation results in considered public judgements rather than public opinions, resulting in informed recommendations about issues.

Most public participation exercises – such as ballots, town hall meetings, online forums, participatory budgeting and others – are not designed to be representative nor constructive. Consequently, they can be adversarial – a chance to air grievances rather than find solutions or common ground. Deliberative processes create the spaces for learning, deliberation, and the development of informed recommendations, which are of greater use to policy and decision makers. They can also tap into local knowledge and lived experience of an issue. While deliberative processes are not the only way of achieving this aim, due to the use of random sampling from which a representative selection is made, they involve a wide cross-section of society, thus painting a more holistic picture than can come from open participation processes that rely on self-selection.

2. Greater legitimacy to make hard choices.

By convening a deliberative process, where a representative group of people are given the time and the resources to learn, deliberate with skilled facilitators, and collectively develop considered recommendations, politicians have created greater legitimacy to take those tough decisions. These processes help policy makers to better understand public priorities, and the values and reasons behind them, and to identify where consensus is and is not feasible. Evidence suggests that they are particularly useful in situations where there is a need to overcome political deadlock.

3. Enhance public trust in government and democratic institutions by giving citizens an effective role in public decision making.

People are more likely to trust a decision that has been influenced by ordinary people than one made solely by government or behind closed doors. Trust also works two ways. For governments to engender trust among the public, they must in turn also trust the public to be more directly involved in decision

making. It can also demonstrate to citizens the difficulty of taking collective decisions and improve their sense of collective democratic life.

4. Signal civic respect and empower citizens.

Engaging citizens in active deliberation can also strengthen their sense of political efficacy (the belief that one can understand and influence political affairs) by not treating them as objects of legislation and administration (see Knobloch *et al.*, 2019).

5. Make governance more inclusive by opening the door to a much more diverse group of people.

Most political decision-making bodies are not descriptively representative of the wider population (meaning that representatives do not have similar backgrounds or characteristics to those whom they represent), nor are they designed to be. Deliberative processes, with their use of random selection and stratified sampling, bring in typically excluded categories like youth, the disadvantaged, women, or others minorities into public policy and decision making.

6. Strengthen integrity and prevent corruption by ensuring that groups and individuals with money and power cannot have undue influence on a public decision.

Key principles of deliberative good practice are that the process is transparent, visible, and provides an opportunity for all stakeholders to present to the participants. Participants' identities are often protected until after the process is over to protect them from being targeted by interest groups. Presentations and all submissions should be made available to the public. The participants are given adequate time to weigh the evidence, deliberate, and come to a collective public judgement.

7. Help counteract polarisation and disinformation.

Empirical research has shown that "communicative echo chambers that intensify cultural cognition, identity reaffirmation, and polarisation do not operate in deliberative conditions, even in groups of like-minded partisans" (Dryzek *et al.*, 2019; see Grönlund *et al.*, 2015). There is also evidence to suggest that deliberation can be an effective way to overcome ethnic, religious, or ideological divisions between groups that have historically found their identity in rejecting that of the other (Ugarizza *et al.*, 2014).

When to use and not to use representative deliberative processes

Drawing on the evidence collected and existing scholarship, deliberative processes have been shown to work well for the following types of problems:

1. **Values-driven dilemmas**: many public policy questions are values-driven. Representative deliberative processes are designed in a way that encourages active listening, critical thinking, and respect between participants. They create an environment in which discussing difficult ethical questions that have no evident or 'right' solutions can happen in a civil way, and can enable participants to find common ground.

2. **Complex problems that require trade-offs**: representative deliberative processes are designed to provide participants with time to learn, reflect, and deliberate, as well as access to a wide range of evidence and expertise from officials, academics, think tanks, advocacy groups, businesses and other stakeholders. These design characteristics enable citizens to grapple with the complexity of decision making and to consider problems within their legal, regulatory and/or budgetary constraints.

3. **Long-term issues that go beyond the short-term incentives of electoral cycles**: many public policy issues are difficult decisions to take, as their benefits are often only reaped in the long term, while the costs are incurred in the short term. Deliberative processes help to justify action and

spending on such issues, as they are designed in a way that removes the motivated interests of political parties and elections, incentivising participants to act in the interests of the public good.

However, deliberative processes are not a panacea; they do not address all of the democratic and governance problems outlined in this introduction. Democratic societies face a wide set of challenges, which require different methods of resolution or participation. For example, deliberative processes are not sufficient to address the problems of political inclusion and collective decision making. The former is better satisfied through political equality in the form of universal suffrage, and voting is useful for broader participation in decision making (though often suffers from voters having low information). Nor are deliberative processes well-suited for urgent decisions, problems in the late stages of decision making where possible solutions are limited, for issues that involve national security, or for resolving binary questions. Democratic governance requires the use of different mechanisms for different purposes to take advantage of their strengths and weaknesses.

Table 1.1. The equality-participation-deliberation trilemma

	Equality	Participation	Deliberation
Mass democracy (general suffrage)	+	+	-
Mobilised deliberation (selective invitation)	-	+	+
Microscopic deliberation (representative sample)	+	-	+

Source: Fishkin, 2009.

As James Fishkin (2009) has identified, there is a trilemma of democratic values – (political) equality, (massive) participation, and (meaningful) deliberation. They are equally important for democracy, but extremely difficult to acquire at the same time. Trying to realise two of these values will necessarily undermine the third. As demonstrated in Table 1.1, mass democracy, which refers to voting, referendums, and participatory processes (such as town hall meetings, open in-person and online forums, participatory budgeting), realises the values of equality and participation, but not citizen deliberation. Mobilised deliberation, where participants are self-selected or nominated and not representative of the wider public, realises the values of participation and deliberation, but not equality. Microscopic deliberation, which involves a small but representative sample of the population, realises the democratic values of equality and deliberation, but not participation. The focus in this report is on microscopic deliberation, recognising that large-scale participation is not achievable at the same time by deliberative practices alone.

Notes

[1] Representative deliberative processes are referred to interchangeably as deliberative processes for shorthand throughout this report. Please see the reader's guide on definitions for greater clarity about language.

[2] Data collection was not limited to OECD Member countries and there are seven examples that meet the criteria for inclusion from non-Member countries. These are mentioned at the outset of Chapter 3 on key trends, as they are notable examples. However, for comparability reasons, they do not feature in the analysis throughout the report, which is limited to OECD Member countries.

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