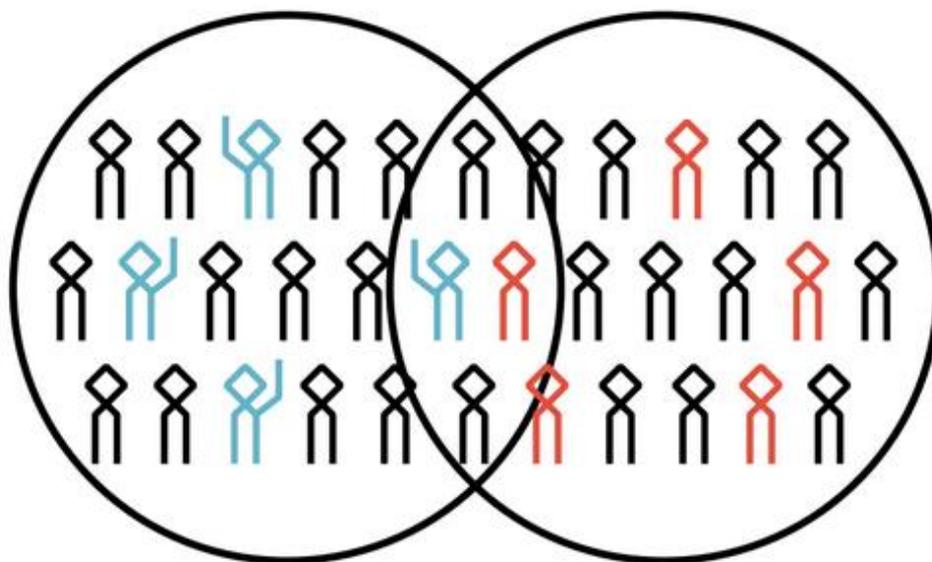


VOLUME 1

HYBRID DEMOCRACY

A manual for combining online participation and policy jury



Madrid, November 2017



"The complexity and magnitude of the issues we are facing [...] demand an active involvement of the 99% - not to all agree or be united, but to be active and cooperating. [...] The Internet can inspire a new politics that matches the complexity of the world we live in".

MARGARITA PADILLA, interview in eldiario.es, January 2013.

"The jury, which is the most energetic means to make the people rule, is also the most effective means to teach them to rule".

ALEXIS DE TOCQUEVILLE, Democracy in America, I, 2, cap. VIII.

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INTRODUCTION

What is this Manual?

This is a Manual of use that describes **how to combine participation through digital platforms** (participatory democracy) **with face to face participation on the basis of random selection** (deliberative democracy), and how this specific model could be carried out to discuss issues of public interest. We have designed a process with good potential to be tested, evaluated, and then (if successful) incorporated as an ongoing part of democratic decision making in Madrid and other municipalities.

For whom is this Manual?

This Manual is for any municipality that wants to engage citizens in decision making processes in a more effective way, getting help in deciding controversial or costly issues without the risk of lobbies getting in the way, and revitalizing democracy through new methods.

As this Manual was made in Madrid (Spain), consulting city representatives, it also contains specific instructions of how it should be implemented there. Moreover, although the Manual is mainly directed at municipalities, it can very well be used by other institutions, nation-wide, global or local.

How does this Manual work?

In the first part, the Manual brings a bit of context information about democracy. The second part presents the concepts of participation and deliberation and how to combine them using digital platforms and sortition. Lastly, we present the details of the proposed model. In a complementary manual, one can find more detailed information regarding practical aspects of sortition and a “Questions and answers” section.

How was this Manual made?

This model was created in the **Collective Intelligence for Democracy Workshop 2017 at Medialab-Prado** in Madrid by Rebeca Díez Escudero, Sanna Ghotbi, Cristian León, Arantxa Mendiharat, Stefano Stortone and Eduardo Weinhardt, with the assistance of David Schecter, Lyn Carson, and Iain Walker of The newDemocracy Foundation, a member of the international Democracy R&D network; Terry Bouricius; Brian Sullivan; and the mentors Dinorah Cantú-Pedraza and Agustín Frizzera.

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PART I: CONTEXT

1.1. Our Democracy is in bad shape

According to the European Social Survey, even though people see democracy as a universal value and a good government system, **citizens show increasing dissatisfaction with how democracy actually works** (ESS, 2014: 3), and a general sense that they are not being represented by politicians. **Voter turnout has reached its lowest levels** in the last thirty years (IDEA, 2017) and most people vote because they feel it is "duty" more than because they actually support a political party. The main reason for abstention in the last European election was "lack of trust in politics" (41%). Moreover, economic inequality has its equivalence in politics: in Spain, two third of people that live in marginalized neighborhood do not vote.

Introducing new deliberative mechanisms to include citizens in important public decisions can generate more trust and better governance, improve their quality of life, and make the whole system function better.

1.2. But, after all, what is democracy?

Democracy is a model to distribute power to the citizens and to make decisions. Although most people are used to defining democracy by the practice of electing representatives, the concept of democracy itself is not based on that. Athenian democracy applied elections only to very specialized positions. **"Athenians regarded elections as inherently aristocratic, since only those with money and status could win."** (Bouricius, 2013, p. 2-3).

Taking the Athenian system as a reference and inspiration, one may point out two main pillars for a democratic regime:

- *Isonomia*: the equal right of all citizens to exercise their political rights (which does not necessarily mean exercising them in all opportunities).
- *Isegoria*: every citizen has the right of speaking and making proposals (on any issue they choose).

Contrary to what is usually taught in schools, Athenian Democracy was not a form of "direct democracy," where all decisions were made in face-to-face assemblies. Instead, it was based on a number of different representative bodies, mostly selected randomly, guaranteeing both *isonoma* and *isegoria* rights of all citizens. Those same principles and methods may also be useful to think of new political models for current regimes.

PART 2: COMBINING PARTICIPATION AND DELIBERATION

2.1. The problem, and why it matters

Authorities often have to manage difficult decisions that might result in political costs, such as opposition from the population or bad returns on investments. In these situations, they might find it useful to involve citizens in public decision-making. However, traditional forms of participation such as public meetings or referenda are limited and insufficient.

Face-to-face meetings can be well informed and deliberative, but not representative as most of their participants are usually active citizens and members of associations. There is a physical divide that prevents the general public from participating and, in some cases, participants are biased and willing to defend their ideas and dominate the agenda rather than open to a fair deliberation.

Popular initiatives and **referenda** may have more influence on the decision-making process, since they can involve more people and they are covered by legislation, but citizens who participate **may not be representative and it is less likely for their participation to be well informed, deliberative, and able to trigger dialogue among those with different opinions**. They usually end up as highly **competitive processes**, and unequal campaign spending, false information and simplistic emotional appeals can distort outcomes.

2.2. Two new solutions, and why they are not sufficient without each other

There are two approaches to participation that can help to overcome these limits: **digital platforms and policy juries**. Cities and regions in Spain have been very active in exploring new forms of public participation, including recent experiments with digital platforms (decide.madrid, decidim.barcelona, aportaaberta.coruna, etc.) and with sortition or policy juries (from the 90's in the Basque country, Catalonia and Andalucia, and more recently Madrid G1000, Ardora within Donostia-San Sebastián European Capital of Culture, Podemos, etc.).

Digital platforms for citizen participation: what are they and how do they work?

Cities like Madrid, Barcelona, Lisbon, Paris and Milan are committed to **platforms that allow citizens to communicate with their representatives and to participate in the decision-making process** through activities such as making and supporting proposals, answering structured questions and voting. These platforms can support a variety of participatory processes: participatory budgets, petitions, consultations, collaborative writing and voting. They have benefits for the citizens' involvement, but also limitations.

BENEFITS	LIMITATIONS
<ul style="list-style-type: none"> ☐ Facilitate the participation of anyone (with limited digital access and skills when there is no off-line support) ☐ Convenience ☐ Accessibility ☐ Wide diversity of ideas 	<ul style="list-style-type: none"> ☐ Digital divide ☐ Noise (too much information) ☐ Associated with a particular party/ideology ☐ Difficult to deliberate, debate (polarized opinions, trolls...)

Civic technologies can cope with the *physical divide*, that is, the difficulties for everyone to attend face-to-face meetings. They represent a powerful way to involve a large number of people and collect valuable information. They can also help people to connect with each other and create synergies. In the case of a referendum, digital platforms can provide direct access to the information and the various opinions, and assure more inclusion in proposing petitions.

However, online participation is still a privilege of some: there is a **digital divide** among citizens (elderly, people from a lower class, migrants, etc), and also a **problem of usability**. People know a lot about social network sites and little about the many forms of online participation, and they are used to interact in a very fast and impulsive way. More complex participation tools usually involve a small public, such as activists and lead users, while **platforms for idea gathering can involve a large amount of people but in a very individualistic, polarized, and redundant way**. Digital participation platforms hardly allow mechanism of deliberation and citizens on these platforms do not come up with common decisions. Finally, many platforms are associated with specific political movements, thus affecting their use and a neutral evaluation of their potential.

Policy juries: what are they, and how do they work?

A policy jury (also called a citizens' jury or a mini-public) is a **group of randomly selected citizens, demographically representative, who are invited to review and discuss policy proposals for the city**. These juries get training in **critical thinking, background information, and access to subject experts** and advocates for different views. They are intended to help elected representatives, not replace them (Carson, 2003).

Policy juries were first tried in the United States and in Germany during the 70s, and at this point there is a large body of successful experiences in Spain and in many other countries. These bodies of citizens have the capacity to come up with **informed and reasoned recommendations that may solve existing conflicts and produce innovative solutions**.

Policy juries can overcome the limit of self-selected participation where only experts, well-organised interest groups, lobbies or highly motivated individuals are involved. We know how to design them so that they can be representative, well informed, deliberative, and not manipulated by any party or interest group. They also bring more equality to politics because they allow the participation of segments of population (e.g. lower economic classes) that do not vote and do not get involved through usual participation mechanisms.

However, like digital platforms, policy juries also have important limitations. In spite of being demographically representative, only a few persons actually participate in the juries (an average of 40 person in each jury). They can also be limited in the diversity of their ideas, and in their connection to the rest of the public.

2.3. The opportunity: combining participatory digital platforms with policy juries

Idea-gathering digital platforms and policy juries have complementary advantages. The weaknesses of each one should be compensated by the positive aspects of the other, thus solving some of the problems described before.

CHARACTERISTICS	Digital Platforms	Policy Juries
Participation in large numbers	Yes	No
Wide diversity of ideas	Yes	No
A role for civil society	Yes	No
Participants are representatives of the public	No	Yes
Easier to have high quality deliberation	No	Yes
Very hard to manipulate the process	No	Yes

The first represents a good way to collect a wide range of citizens' ideas involving a large number of people, both ordinary people and organised civil society. The second involves a representative sample of people, who can make an effective deliberative decision. Moreover, when organised by an independent organiser, policy juries are very resistant to manipulation by stakeholders or advocates on any side of an issue.

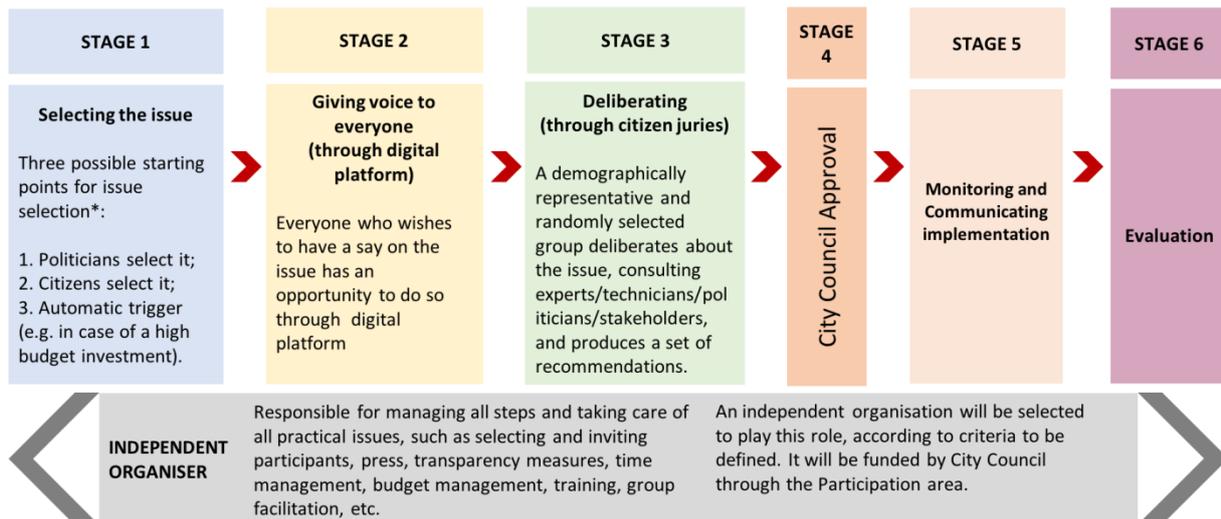
PART 3: The Hybrid Model

3.1. General Overview

The model proposed in this Manual is inspired by the multi-body sortition model proposed by Terrill Bouricius (2013), and also by a “scaled-down” version of the model proposed by David Schecter and Brian Sullivan (2017). Our model aim to assure *isonomia* and *isegoria* rights as main democracy pillars. In other words, **we intend to assure that everyone has a chance to share an opinion or suggestion on specific matters, and also that the final decision is taken by a representative group of well-informed citizens.**

The chart below summarizes the model's process in six steps, from defining the issue to evaluating the implementation of the recommendations made by the jury.

GENERAL OVERVIEW



* The way of selecting the issue will determine the details about the next step, as described on the next slide.

The whole process has to be managed by an *independent organiser* in conjunction with the administrative office of the public institutions. This authority can be either a trusted organisation or a set of experts. It is responsible for designing the details of the process, to randomly select the jury, to work with the jury in selecting experts, and to appoint the facilitators of the meetings. For details see section 3.3.1.

The proposals and comments from the digital platform need to be digested and summarized. There is no existing software program that can do this. It has to be done by human beings. What software can do is to make the tedious part much easier - especially, highlighting the main points of each proposal, and identifying which proposals are similar

to other ones. Another thing that will help a lot is to provide a standard order of questions that the proposals need to answer.

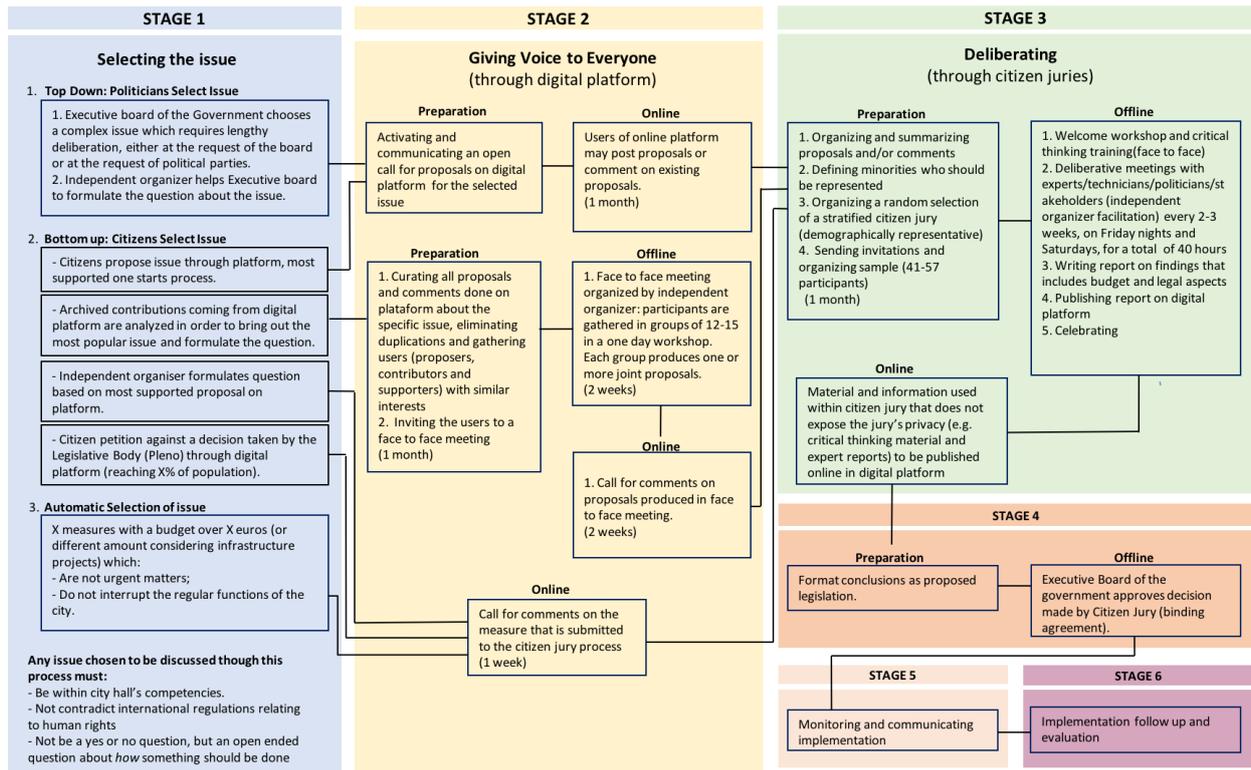
In order for the process to work properly, it has to rely on a strong political commitment from the Municipality to assume the decisions taken by the policy jury.

3.2. The three paths to deliberation

There are three different ways of defining an issue for this process (stage 1). The choice of a starting point will determine the next steps related to participation in the digital platform (stage 2) before the issue is taken to a policy jury deliberation (stage 3).

With the exception of path 3, which entails overseeing finalized proposals by the government, in order to achieve the best result, **the issue selected¹** should not be a “yes or no” question, but rather an open ended question about *how* something should be done.

The process is summarised in the flowchart below²:



¹ Please see the special section about “Deciding the Issue” in the separate manual for policy juries.

² Please check flowchart in printable format at appendix at the end of this document.

3.2.1. Top-down: Politicians Selecting Issue

[Stage 1] Deciding about a complex issue

The first path is triggered by the executive board of the Government (*Junta de Gobierno* in the case of Madrid) when it identifies a complex issue which requires lengthy deliberation. This can be done either by a request of the board members or by the political parties. In this case, the executive board formulates the question together with the independent organiser (see the Appendix).

It is also possible to make an agreement with different political parties that opposition parties may indicate one issue per year that should go through *digital participation+policy jury evaluation* process.

[Stage 2] Activating the digital platform to get proposals for the specific issue

The issue is published on the digital platform and communicated by the Municipality. During this stage, all the citizens are invited to contribute and to answer to the question by making a proposal or proving with comments to the someone else's proposals. This stage has a specific duration which may be, i.e., one month.

In Madrid, this can be done through the *decide.madrid* platform, using its existing process, with one exception: the proposal support option should be de-activated, since that information would not affect the following steps of the model. It will only be possible to upload proposals and comments on the selected issue.

[Stage 3] Enabling the policy jury to make the final deliberation

When stage 2 ends, the independent organiser digests and summarizes all the proposals and comments from the digital platform in order to submit them to the jury. It also invites experts and different stakeholders related to the issue to interact with the jury; they can be directly requested by the jury in order to clarify the doubts arising during the meeting.

All the material and information used by the policy jury that does not expose the jury's privacy (e.g. critical thinking material and expert reports), as well as the final recommendations, should be published in the digital platform in order to assure transparency.

[Stage 4] Monitoring the implementation of the recommendations and evaluation

Please see below in point 3.4.

3.2.2. Bottom-up: Citizens Selecting an Issue

[Stage 1] The issue is defined through the digital participation platform.

The second path is triggered by the outcomes of the participation in the digital platform. Once a year, all the contributions (proposals, comments, supports, etc.) coming from the platform within the determined time (e.g. 12 months) are taken into account and analysed in order to bring out the most popular issue(s) that will go through the *digital participation + policy jury* decision process.

The analysis can be done by specialists in coordination with the independent organisation that finally decides the issue(s). This can be supported by a clear and transparent algorithm that can automatically bring out the key-words and the popular issues from all the contributions in the digital platform. In order to guarantee as much neutrality as possible, the selection of the issue could be supported by a separate randomly-selected citizen body (called an agenda council).

In Madrid, the proposed mechanism is useful to recover and enhance the contributions of the citizenry that have not been finalized in the last 12 months (which have been accepted but have not reached the quorum of 27.000 supports for being taken into account by the Municipality) and have been archived. It also aims at fostering connections among those who made similar proposals but did not have the chance to know each other.

There could be other ways to define the issue(s) starting from citizens:

1. *From the most supported proposal (instead of most popular issue):* the question is formulated by the independent organiser based on the most supported proposal and it is open for comments on the platform before going to the policy jury.
2. *By asking the people directly:* the issue is proposed in the platform by citizens in the form of question and the most supported one becomes the issue. As a second step, there is a call for proposals and comments. After summarizing and digesting them, the policy jury is activated.
3. *From a citizen petition_against a decision taken by the Legislative Body (Pleno):* the request - raised in the digital platform - that reaches X% of the census goes for comments and finally to the policy jury (the derogative referendum in Switzerland might be a reference).

[Stage 2] From the digital platform to face-to-face meetings

When the issue is defined, all the users that have shared interest in it (making, commenting or supporting a proposal about the issue) are invited to attend one city-wide face-to-face meeting. They will be organised in tables of 12-15 participants (by similar interests within the issue) and each table should produce a new proposal agreed upon by all participants. The new proposals are uploaded to the platform and opened for comments of the users for a short time (2 weeks). Representatives of the new proposals can be called by the independent organiser to interact with the policy jury during stage 3, as advocates for their proposals

[Stage 3] The policy jury makes the final deliberation

When the stage 2 ends, the independent organiser digests and summarises the proposals coming from the face-to-face meetings and the comments made in the digital platform, providing the results to the policy jury. The material and information used within policy jury that does not expose jury's privacy (e.g. critical thinking material and expert reports) is published in the digital platform.

[Stage 4] Monitoring the Implementation of the recommendations and evaluation

Please see below (point 3.4.).

3.2.3. Automatic Selection of the Issue

[Stage 1] The issue is defined by its cost (other triggers may be defined)

The third and last path may be triggered by the cost of a policy decision. For instance, in case of high budget investments, the Executive decision would have to be preceded by the *digital participation + policy jury* decision process. The budget threshold is related to the issue: in general terms, infrastructures has to be higher (e.g. 15 million euros) than the other decisions (e.g. 1 million euros). In order to activate the process, the issue:

- must not be urgent,
- must not interrupt the regular functions of the city.

[Stage 2] The digital platform is only used for comments

Since we are working on measures already detailed and developed, there is no need to make a call for proposals. Therefore, the measure is published on the digital platform and the online participation is activated only for collecting comments, in order to help the jury have a sense of what people think about the measure.

[Stage 3] The policy jury makes the final deliberation

When the stage 2 ends, the independent organiser digests and summarises the comments made in the digital platform and provides the results to the policy jury. Material and information used within the jury that does not expose the jury's privacy (e.g. critical thinking material and expert reports) is published in the digital platform.

In this particular case, the length of the policy jury can be different for each decision that has to be reviewed. Therefore, to reduce the time needed to gather the jury and to have it make a decision, we recommend:

- To require these bodies to meet more often than every 2-3 weeks.
- For decisions where it is obvious that they will involve more than x euros, start the process earlier - for example, recruiting the citizens, training them in critical thinking, and giving them basic background information on the issue.

3.3. Practical items for starting process

- Before starting a policy jury process it is important to consider some previous organisational steps:
- Choosing the independent organiser
- Setting the schedule
- Working with politicians and stakeholders
- Setting the budget and securing funding

3.3.1. The independent Organiser

The *independent Organiser*³ plays an essential role in the process since it is responsible for managing all details of the process and for assuring its neutrality. Therefore, its team should be formed by independent consultants, academics or non-partisan NGOs with expertise in such processes and the ability to be a neutral participant, or an already existing independent organisation of political participation. It is important to point out that, although familiarity with both theory and practice of public participatory and deliberative initiatives is an important criterion, there is no need to be an expert in the specific jury topic.

3.3.2. The schedule

Time is a sensitive matter for the process proposed in this Manual. Each stage requires a minimal length in order to reach its goal, while assuring neutrality and transparency. In particular, the jury stage demands enough time for the jury members to become informed,

³ We propose some references of independent Organisers in the Appendix.

to deliberate, to clarify their doubts and to reach a good decision. In general, it is good to allow an average period of 2 months to select the jurors, and 3 months to deliberate.

It is essential to make the schedule public, in order to avoid possible frustrations, disappointments or suspicions.

3.3.3. Politicians and Stakeholders

Getting politicians and others stakeholders to support the process, and to take its results seriously, is essential. It is advisable to hold a workshop for them before starting the process, in order to explain the advantages, show all the details, and align expectations.

3.3.4. Budget and funding

In order to have a successful experience, this process has to be adequately resourced.

The budget must consider staff cost (third parties working on the process, such as the independent organiser team, facilitators, data analysts); expert consultancy; jurors incentives; other jury expenses (e.g. covering childcare costs or compensating non-worked hours) event organisation costs (venue and catering); transport; and publicity.

The specific cost of the policy jury depends on several factors (who is the Commissioning authority, how many tasks the Commissioning authority can assume, who is the independent organiser, what is the honorarium for jury members, etc.). As an indication, the average cost of a policy jury is between 35.000 euros at the municipal level and 160.000 euros at the State level. You can also find a budget reference in this “Guide to using policy Citizen’s Juries”: http://www.activedemocracy.net/articles/cj_handbook.pdf and more information in the complementary manual “How to organise a Policy jury”.

3.4. Transparency, Communication and Engagement Strategy

As this process is unfamiliar, it is important to try to forestall possible criticisms, and to be transparent in all stages of the process. Transparency will legitimate the process, and a pedagogical communication campaign can help citizens and stakeholders to trust and be part of this democratic model. For more information about this topic, please refer to the complementary manual “How to organise a policy jury.”

Bibliography

Most of the texts written here are taken from Research notes, Research papers and Handbooks written by the newDemocracy Foundation. For further information please consult: <https://www.newdemocracy.com.au/>

Terrill Bouricius writings have also been important references, especially this paper:
Bouricius, Terrill G. (2013) “Democracy Through Multi-Body Sortition: Athenian Lessons for the Modern Day”, Journal of Public Deliberation: Vol. 9 : Iss. 1 , Article 11.
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Appendix

1. References of independent organisers

As we say above (see 3.3.1), “although familiarity with both theory and practice of public participatory and deliberative initiatives is an important criterion, there is no need [for the organiser] to be an expert in the specific jury topic”. Nevertheless, here, to narrow the scope of the references, we indicate some organisations, currently active, that have already organised citizen juries or similar processes.

Deusto Cities Lab (Deusto University), Bilbao, Spain. They have directed in 2016 the first deliberative poll developed in the Basque country, with Bilbao City Council, to introduce the opinion of a representative sample of citizens in the decision-making process after a neutral and objective process of providing information and deliberation on the transformation of the Old Part (Casco viejo) of Bilbao.

Instituto de Estudios Sociales Avanzados (CSIC), Córdoba, Spain. The IESA is a public scientific research institute specialising in the Social Sciences. The researchers at the IESA work mainly in the fields of political science and sociology, but also engage in research on economics, social psychology, environmental science, marketing and statistics. IESA researchers have undergone several participation processes based on deliberative polls and citizen juries including deliberative polls on Water use or Conflicts around urban youth night leisure, and citizen juries applied to several cases of urban planning policies.

The **Danish Board of Technology Foundation** (Denmark) is an independent, non-profit, common good, corporative foundation, committed to technology assessment, foresight, knowledge-based decision-making, parliamentary advisory activities, collaborative democracy and methodological research. They specialize in the design and implementation of stakeholder- and citizen participation methods and decision making processes.

Fórum dos Cidadãos (Portugal) is a civil society initiative that aims to strengthen democracy in Portugal by making the informed and reflected voice of ordinary citizens heard in important public debates.

G1000.nu (Netherlands) is a Dutch citizens-initiative on renewing democracy by means of sortition and deliberation. They aim at re-establishing ownership of communities and transforming inhabitants into citizens again. They do this with the help of a carefully designed process in which they are able to accommodate 1000+ participants “in the room” at the same time.

Missions Publiques (France) designs, implements and evaluates citizen and stakeholder participation and policy dialogue (consulting, training, research) with public authorities, international organizations, providers of services of general interest, researchers and NGOs, at all levels. They aim to disseminate practices of citizen participation at the global level.

nexus institute (Germany) is an applied research institute that emerged from Berlin University of Technology (TUB). They develop ideas and scenarios for future societies, from local to global, based on participative tools and methods (online and face-to-face) which are used and enhanced in their daily work.

Two organisations involved in the creation of the model also have experience in participatory processes based on digital tools and/or randomly-selected groups of people:

- **ParticipaLab**, Medialab-Prado (Madrid, Spain). ParticipaLab is centered on collaborative research around hybrid democracy: direct and deliberative participation technologies for new democratic processes involving digital tools. They organised in 2017 the first G1000 summit in Spain. Medialab-Prado is a programme of the Department of Culture and Sports of Madrid City Council.
- The **newDemocracy Foundation** (Sydney, Australia) is a privately funded research foundation. nDF researches and develops transformative democratic models and tests them through real world projects with local, state and federal governments. nDF aims to discover, develop, demonstrate, and popularise complementary alternatives which will restore trust in public decision making.

2. The three paths to deliberation chart flow

