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The Curious Institutionalisation of Deliberative Democracy
The Irish Citizens’ Assemblies and the Future of Democratic Innovation

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Abstract: Is institutionalisation a necessary condition for democratic innovations to meet great expectations? As the latest chapter in deliberative innovation, Ireland saw three successive assemblies produce major political outcomes. Will Ireland lead the way in terms of new democratic institutions? First, I start by presenting the context within which the Irish case arose. It is crucial to perceive the Irish citizens’ assemblies as the latest chapter of a long trend involving deliberative mini-publics and as a product of transfers. Second, I analyse the institutionalisation process of deliberative democracy in Ireland by studying the successive assemblies, their ruptures and continuities, and their articulation. This case study will allow us to identify the relevant dimensions for institutionalisation. Finally, in light of the Irish insights, I establish some comparative typologies of the various institutionalisations displayed by deliberative democratic innovations worldwide and the challenges they raise.

Keywords: democratic innovation, institutionalisation, deliberative democracy, deliberation, participatory democracy

Are democratic innovations about to meet great expectations by becoming institutions? As the “crisis of representative democracy” seems to deepen (Tormey 2015), democratic innovations might become institutions which are perceived “as a ‘permanent’ solution to a ‘permanent’ problem” (Berger and Luckmann 1991, 87). Even though they face critics and limitations, participatory experimentations have reach an unprecedented scale. Participatory budgeting is flourishing from the Global South to Western countries and even China (Sintomer et al. 2013), e-democracy is also gaining growing support from both official actors and activists (Mabi 2017), and deliberative mini-publics are following the same trend (Courant and Sintomer 2019; Sintomer 2018). However, randomly selected mini-publics appear to be less institutionalised than their counterparts. After decades of development and implementations, is still possible to name those devices “innovations”, as they were repeated numerous times over several years? On the other hand, most of them seem to not be “proper institutions” yet,
remaining in an in-between state. Examples of “proper institutions” can be found in Parliament or Supreme Court, which benefit from clearly defined and long-standing rules, procedures, venues, staff, areas of competence, power, etc. Whereas participatory budgets benefit a fixed staff and are repeated year after year, deliberative mini-publics remain ad hoc and ephemeral, in most cases. But this is changing. A series of sortition-based democratic innovations are slowly being institutionalised in different countries, but in various ways and without a clear single source of inspiration, as Porto Alegre was for participatory budgeting. Nevertheless, moving from ad hoc and ephemeral experimentations to long-term official structures presents promises, challenges, and risks. Instead of taking “the institution” as a static object, the point is to study “institutionalisation” as an ongoing process – shaken by conflicts, never linear, and that nobody fully controls (Lagroye and Offerlé 2010).

The process aiming to turn temporary democratic innovations into sustainable long-term institutions is crucial. As Claus Offe points out: “At the stage of expression of political will, the institutional framework of the process – political parties, elections, voting procedures – are all precisely defined and formally prescribed and monitored. In contrast, (...) much of the actual formation of opinions and political preferences is (...) an institutionally largely uncharted space” (2015, 295). Institutionalisation is therefore a necessary condition for reducing the arbitrary of politicians’ manoeuvres to implement participatory devices only when it suits them, but also for making deliberative values a “normal” part of citizens’ ordinary political life, as elections are.

One of the latest and most important cases of deliberative innovation is Ireland, where three assemblies were successively created, contributing to major political changes. In 2011, the We the Citizens pilot assembly was a non-governmental democratic innovation aimed at gathering ideas for Ireland’s future in a bottom-up dynamic (Farrell, O’Malley, and Suiter 2013). In 2012, the Constitutional Convention was the first state-level deliberative innovation mixing politicians and ordinary citizens. The work of the convention to propose reforms to various articles of the Irish Constitution was ultimately successful on the issue of same-sex marriage, legalised by a referendum in May 2015 (Suiter, Farrell, and Harris 2016). The latest chapter in Irish democratic innovations, the Citizens’ Assembly (2016-2018) was composed of 99 citizens and made recommendations on five topics of a (potentially) constitutional nature: abortion, ageing, climate change, referendums and parliament. It is worth looking at the Irish process, as Ireland is the only country where three citizen assemblies were successively held and where recommendations from such assemblies were approved through referendum—even twice.

This contribution will try to answer some of the questions arising from the study of the Irish Citizens’ Assembly in their broader political context, drawing from a long-term qualitative field research composed of ethnographic direct observations (2015–2018) and semi-directive interviews with citizen members, facilitators, politicians, civil servants, experts, and activists. The analysis will be empirical, comparative, and based on insights from the connected history and sociology of institutions (Dulong 2012; Lagroye and Offerlé 2010). A relative originality of my research is my position, as contrary to a fair number of scientists, I am not studying devices which I actively advocated for or organized, which allows for a more “external” point of view.
• How were those democratic innovations created? How do they function?

• What are the ruptures and continuities between those three Irish democratic innovations?

• What is the contrasted dynamic of this institutionalisation process, from informal margins to official centre?

More broadly, it is necessary to put Ireland into perspective and compare it with other cases to grasp the various paths to institutionalisation and the clusters of questions this phenomenon raises:

• Is there an “institutional turn” for deliberative democracy and mini-publics, from ad hoc experimentation to regular devices? What are its indicators? What challenges does it face?

• What processes, actors, and contexts turn democratic innovations into new democratic institutions? Which configurations can lead to success or failure? Are the international transfers of devices producing standardisation?

• What kind of effects does the institutionalisation of democratic innovations create? What risks does it raise? Does the transition from innovation to institution change the “spirit” of the structure? Does a greater institutionalisation leans towards a radicalisation of democracy or, on the contrary, towards an increased governmentality aimed at taming citizens’ critics?

First, I start by presenting the context within which the Irish case arises. It is crucial to perceive the Irish citizens’ assemblies (ICAs) as the latest chapter of a long trend involving deliberative mini-publics and as a product of transfers.

Second, I analyse the institutionalisation process of deliberative democracy in Ireland by studying the successive assemblies, their ruptures and continuities, and their articulation. This case study will allow us to identify the relevant dimensions for institutionalisation.

Finally, in light of the Irish insights, I establish some comparative typologies of the various institutionalisations displayed by deliberative democratic innovations worldwide and the challenges they raise.

**Six generations of mini-publics devices and a “constitutional turn” for deliberative democracy?**

Due to the importance of the political changes initiated through its democratic innovations, Ireland should be considered a trailblazer but also as the follow-up to a wider political trend aimed at making democracy more deliberative and inclusive through randomly
selected panels of citizens. I distinguish six generations of mini-publics devices, which I will compare in the final part of this essay.

First, the High Council of the Military Function (HCMF, Conseil Supérieur de la Fonction Militaire) established by the French Parliament in 1969, still active today, gathers 85 randomly selected representatives and deals with all matters related to soldiers’ working conditions (Courant 2014, 2019a). Second, the Citizens Juries and Planning Cells, created in the 1970s by Ned Crosby and Peter Dienel, involve ordinary citizens in public policy decisions, spread throughout many countries but without strong institutionalisation (Vergne 2010). Third, the Consensus Conferences on techno-scientific issues were launched in the 1980s by the Danish Board of Technology and spread in various EU countries as well as in Switzerland, where the TA-SWISS was officially established by Parliament to produce impartial evaluations of contested new technologies (Joss and Bellucci 2002). Fourth, the Deliberative Poling was invented by James Fishkin in the 1900s and has been experimented on worldwide since (Fishkin 2009). Fifth, the Citizens’ Initiative Review was set up in Oregon in 2010 to have a panel produce impartial information on upcoming referendums (Knobloch, Gastil, and Reitman 2015); since then, the device has spread to Arizona, Colorado, Washington, and Massachusetts. Finally, the new wave of this family of democratic innovations are the Citizens’ Assemblies, launched in Canada in 2004 (Warren and Pearse 2008) and then replicated with various changes in the Netherlands (Fournier et al. 2011), Australia (Carson et al. 2013), Iceland, Belgium, Ireland (Reuchamps and Suiter 2016), and the United Kingdom (Hughes 2018; Renwick 2017).

Of those generations of mini-public based democratic innovations, the last one is now on the front stage and potentially reveals a “constitutional turn for deliberative democracy” (Reuchamps and Suiter 2016). The first citizens’ assembly was established in 2004 in the Canadian province of British Columbia. The government gave to a mini-public of 158 randomly selected citizens and two natives the mission to propose a new electoral system for the province that would be submitted to a referendum. Two years later, a similar process was put in place in the Netherlands and Ontario. However, all of the proposals failed to be implemented. The super-majority threshold of 60% for the referendum was missed by a small margin (58%) in British Columbia and by a substantial one in Ontario (37%), while the Dutch proposal was rejected by the government without being put to a vote (Fournier et al. 2011).

Nevertheless, in Iceland, the deliberative constituent process obtained a popular victory in the voting urns in 2012. In the aftermath of the 2008 financial crisis, massive protests led to the resignation of the government and the election of a left-wing and ecologist coalition. A process to revise the constitution was implemented in several phases. First, in November 2009, under the impulse of a civil society movement, a National Assembly composed of 900 randomly selected citizens along with 300 representatives of civil-society associations deliberated on the

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1 Various deliberative devices have been assigned different missions. I distinguish eight: inclusion, consultation, information, evaluation, decision, legislation, constitution, and long-term (Courant 2017, 2019b).

2 Smith (2000) considers those citizen forums (citizens jury, consensus conferences and deliberative polls) as “democratic institutions”, however this paper argues that they have not been fully institutionalized yet.
future of the country and the issues to be tackled by a constitutional reform. The government replicated the process under the name National Forum, in which 950 randomly selected citizens deliberated for a day to identify important topics. Elections were then organized, but parties were forbidden to take part in them. Of the 322 candidates, 25 were elected with a 30% turnout to form the Constitutional Assembly (or Council), whose work is widely followed online, giving birth to a “wiki-Constitution”. The text was submitted to a referendum in 2013 and was supported by a majority of Icelanders. However, the next elections brought right-wing parties back to power, which refused to approve the “citizens’ constitution” in Parliament and blocked its implementation (Bergmann 2016; Landemore 2015).

In 2009, an NGO, the New Democracy Foundation, organized the Australian Citizens’ Parliament, in which 150 randomly selected participants deliberated for four days before presenting its proposal to Parliament, but without much effect or implementation (Carson et al. 2013). Finally, in 2011–2012, Belgium witnessed a randomly selected assembly: the G1000, which remained completely citizen-led and extra-institutional. Hence, its political effects remained marginal in terms of concrete reform, even though its media coverage and quality made it a relative success (Jacquet et al. 2016).

Studying planning cells and citizen juries, Antoine Vergne (2010, 90) distinguishes three modes of diffusion for democratic innovations: transposition, in which the original model is directly imported without any changes; transfer, an academic collaboration that results in concrete implementation through which the original model is modified; and influence, when local actors learn the concept from a third party and only take inspiration from it for their own projects. The cases of the Netherlands and Ontario are somewhat similar to a transposition of the British Columbia model. The Irish process, however, draws from all those previous citizens’ assemblies in various ways, oscillating between transfer and influence.

**Deliberative democracy in Ireland: From the margins to the front stage**

*‘We the Citizens’ pilot assembly (2010–2011): An original impulse from civil society’*

In the follow up to the democratic innovations described above, the Republic of Ireland was the setting for major political experimentations. As the country was facing the 2008 financial crisis, a group of researchers, intellectuals and activists debated the necessity of a constitutional reform. They founded the We the Citizens movement and launched a randomly selected informal assembly in 2011 – a so-called “pilot” – to show to the political class and, more broadly, to the country that the direct implication of “ordinary citizens” could be beneficial to change the constitution. This transfer was due to a worldwide academic network between political scientists. One of the key actors of this process, David Farrell, was invited by the Canadian and Dutch citizens’ gatherings as an expert in electoral systems, and he was impressed by those deliberative innovations.
This civil-society movement was contacted by Atlantic Philanthropy, an American foundation aiming to sponsor various initiatives empowering citizens\(^3\). Benefiting from this financial support, We the Citizens held participatory forums based on the world café model in Ireland’s major cities. Farrell explains: “We were booking conference rooms in hotels and announcing the events in the press and local radio saying: ‘if you want to discuss the future of the country, you are welcome, we will offer you tea and snacks’”\(^4\). The goal was, as with the GI1000 and the first two steps of the Icelandic process, to spring up ideas in a bottom-up dynamic and to listen to what “ordinary people” wished for the future of Ireland.

Those seven participatory meetings in various cities allowed We the Citizens to spot recurring topics and to launch its Pilot Citizens’ Assembly in May–June 2011. The polling company Ispos MRBI constituted a representative sample comprising 100 individuals, who were reunited for one weekend in Dublin to deliberate on three issues: the role of deputies (connection with the constituency, electoral system, size of Parliament); the identity of politicians (women, age, mandate limit, external experts); and the arbitration between tax increases or budget cuts in a time of economic crisis (Farrell, O’Malley, and Suiter 2013; Suiter, Farrell, and O’Malley 2016).

The pilot assembly gave We the Citizens the opportunity to draft a report pleading for a constitutional citizens’ assembly to reform the Irish political system. This report, which empirically narrates the deliberative process, was used in lobbying various politicians, civil servants, and representatives of civil society. The 2012 general elections opened a “window of opportunity” (Kingdon 1995) for gaining the attention of political parties, which all included a citizen-led constitutional reform in their campaign promises. Two of them, Fine Gael (centre-right) and Labour (centre left), accessed power through a coalition and did set up the next deliberative assembly (Suiter, Farrell, and Harris 2016).

We can distinguish a pattern here. A democratic innovation gaining institutional support is often the product of organized \textit{democratic activists} with high capital that push the proposal, which is later accepted by a newly elected government. This was the case in the Netherlands, where the action of the D66 party was crucial (Fournier et al. 2011); in Australia with the New Democracy Foundation (Carson et al. 2013); in Iceland with the input of the Anthills (Bergmann 2016); and in Oregon, which benefitted from the involvement of Ned Crosby and Healthy Democracy Oregon (Knobloch, Gastil, and Reitman 2015). To a lesser extent, in British Columbia, activists such as Nick Loenen also pushed for a randomly selected assembly (Lang 2010, 117). This illustrates a global tendency of what I call \textit{sortition activism}, in which militants defend sortition (i.e. random selection) in their discourses and sometimes implement it in their practices, as is the case in France, Belgium, the United Kingdom, Australia, and Mexico (Courant forthcoming, 2013, 2018).

\(^3\) Philanthropic foundations are crucial to the development of many democratic innovations (see: Talpin 2016).

\(^4\) Interview with David Farrell, Dublin, May 2015.

The “electoral earthquake” putting an end to the long-dominant party Fianna Fáil (centre-right) and the winning Fine Gael/Labour coalition (Gallagher and Marsh 2011) allowed for a negotiation around a constitutional convention between various academics, activists, and politicians. Indeed, the two winning parties disagreed on the composition of this assembly, Labour wanted an equal mix of politicians, citizens, and experts, while We the Citizens advocated for 100% randomly selected citizens. Eventually, a compromise was reached: the Convention on the Constitution (CotC) was composed of 66 randomly selected citizens and 33 politicians from various political parties. The experts would be involved in the process but by giving lectures to inform the assembly with factual data, without directly deliberating.

This assembly gathered for the first time in Dublin Castle in January 2013 and had the task of proposing revisions for eight articles of the constitution. Its recommendations were to be transmitted to the government and Parliament, which would decide if some could be submitted to a referendum. A crucial point is that in Ireland, any constitutional change must be approved by referendum. Hence, this institutionally constraining framework largely explains the “deliberative enthusiasm” displayed by the political class, which is an adaptation to legal imperatives and should not be too quickly viewed as a “deep participatory conviction”. As it is impossible to modify the constitution without the direct approval of the people, it is therefore rational to consult a representative sample of the people before any referendum.

The general deliberative model upon which the CotC was based was somewhat similar to the Canadian innovations in some ways to the Icelandic and Belgian experimentations, and more broadly to the general process of deliberative innovation. Under the supervision of a senior civil servant assisted by state staff, the participants gathered one week per month, during which they auditioned experts and then deliberated in small groups, which were pseudo-randomly shuffled each weekend. Those meetings, held in Malahide Grand Hotel (north of Dublin), benefited from paid facilitators and note takers. Contrary to the fears of many commentators, surveys reveal that the 66 citizens did not perceive the debates as being dominated by the 33 politicians (Suiter, Farrell, and Harris 2016). After each small group deliberation, the CotC asked questions to the experts. Each topic was concluded by a vote on the recommendations the assembly wished to transmit to the government.

The CotC’s work was concluded in March 2014. While the government and/or Parliament directly integrated some of its recommendations into legislation, some others were not even debated. In this way, the elected officials conducted “selective listening”, as observed in many participatory institutions (Nez and Talpin 2010, 214). Only two of its recommendations were put to a referendum: the legalization of same-sex marriage and the reduction of the minimum presidential age. By its importance, the first issue completely “invisibilized” the second. On 22 May 2015, the “marriage equality” referendum gathered an astonishing majority of votes (61%) in the follow-up to an intense campaign, during which most parties supported “yes” side. However, on the same day, the reduction of the age of the president was refused due to a lack of public attention and media exposure, causing most Irish citizens to discover the existence of
a second question at the polling station\textsuperscript{5}. These results prove the limitations facing the CotC, especially the lack of awareness of its existence among the general population, which is a common feature shared by many democratic innovations, therefore restraining their impact (Crosby and Nethercut 2005; Fournier et al. 2011; Goodin and Dryzek 2006).

**The Irish Citizens’ Assembly (2016–2018): The issue of abortion shaping deliberative design**

In February 2016, new elections were held, breaking the Labour/Fine Gael coalition and leaving the latter in the position of a minority government. One of the commitments of Taoiseach (Prime Minister) Enda Kenny, leader of Fine Gael, was to summon a new constitutional assembly in the follow-up to the perceived “success” of the first one. However, even though the main issue remained societal and not economic, abortion is a deeply divisive issue – much more so than “marriage equality”, which was broadly supported. As a deeply Catholic country, Ireland made the banning of abortion from a legal to a constitutional disposition – the 8th Amendment or Article 40.3.3 – in a 1983 referendum, with the island thus becoming “the only country to inscribe the right to life of the ‘unborn child’ in its Constitution” (Nault 2015).

In the fall of 2016, a second deliberative assembly was set up with significant changes compared to the previous one, which makes this “institutionalisation” contrasted and complex. Composed exclusively of 99 randomly selected citizens and chaired by a Supreme Court judge, this democratic innovation – simply called the Citizens’ Assembly (ICA) – was given the task of crafting recommendations on five issues: first and foremost abortion, then the ageing population, climate change, referendums, and fixed-term parliaments. No reason was officially given for a major change: the non-participation of politicians in this new assembly. The true reason was in no way an “organizational learning” or a reaction to potential problems in the CotC, largely complimented by both citizen and politician members, but was rather linked to the very nature of the issue, as abortion is perceived as being politically dangerous. Hence, most “professional of the politics” refused to take a public stance on abortion out of fear of losing votes or their seats due to the deep cleavage among the electorate on this question. A parliamentarian explained: “When we do canvassing, it happens that some persons ask about our opinion on abortion, and they make it clear that this issue only will determine their vote”\textsuperscript{6}. The construction of this deliberative device is therefore deeply embedded in the “politics of blame avoidance” (Hood 2010; Weaver 1986).

Other differences between the CotC and the ICA are revealing. The number of topics was lowered from 10 to five, while the importance of the issue increased, which could allow for more efficient deliberation. However, the constitutional dimension was not necessarily obvious for the issues of the ageing population or climate change. To use Hans-Liudger Diener’s distinction (2010, 108), the ICA’s five topics were a mix of “open” and “closed problems”, the

\textsuperscript{5} Observations notes, Dublin, May 2015.
\textsuperscript{6} Interview with an old female Irish MP, Dublin, April 2018.
former “presenting no clear cut solution” but requiring “new ideas”, while the latter being “a conflictual issue imposing the search for compromise between several known solutions, but incompatible and antagonistic”. The time given to each topic differed, with an initial planning of four weekends for abortion and then one per remaining topic. Due to demands from the assembly itself, Parliament granted three additional weekends for dealing respectively with abortion, the ageing population, and climate change, revealing that the ICA had a bit of agency. However, the ICA’s agency was less than that of its predecessor, the CotC, which had the opportunity to choose two of its 10 topics. This crucial point will be discussed further in the following part.

The civil servant staff was fully changed from one assembly to another, which presented a serious risk of “loss of organizational knowledge”, but the former team did communicate with the new team to explain their know-how.\textsuperscript{7} The location was kept identical, but the polling company in charge of recruiting the representative sample changed in favour of Red C, as the diversity of the CotC was deemed unsatisfactory. Some facilitators involved in the previous assembly returned but this time within a professional structure – Roomax, specially set up for this event – gaining expertise through the process.\textsuperscript{8} In Ireland as in other countries, the institutionalisation process of democratic innovation was followed by the “professionalization of participation” (Lee 2016; Nonjon 2005). As with its predecessor, the inaugural meeting was held in Dublin Castle in the presence of the Taoiseach and many journalists, but party leaders and other politicians were absent this time.\textsuperscript{9} The following meetings, in Malahide, followed a very similar procedure to those of the CotC, with one meeting every month or so, expert lectures, roundtable deliberations in small groups assisted by professional facilitators and note takers, plenary Q&A sessions and discussions, and at the conclusion of a topic, a formal secret vote.

Fervent Catholics and pro-life activists opposed the citizens’ assembly before its deliberations had even begun, through social networks and protests in front of Dublin Castle and then in Malahide, but in limited numbers (less than 30 in Dublin and between one and six in Malahide).\textsuperscript{10} More surprisingly, the pro-choice far-left was quite vocal against the assembly as well, arguing that the government is “kicking the can down the road” instead of having the courage to tackle the issue directly. They argued for a debate in Parliament and a referendum, without the delay and spending involved with a deliberative device. These claims were also aimed at justifying the existence and utility of small pro-choice parties and to criticize a centre-right government they opposed in general. However, feminist pro-choice activists from the Repeal the 8th coalition gradually lost their scepticism, as comments and questions emitted

\textsuperscript{7} Interview with the Secretariat of the Citizens’ Assembly, Malahide, July 2017; Interview with the Secretariat of the CotC, Dublin, April 2018.

\textsuperscript{8} Interviews with facilitators, Malahide and Dublin, 2017.

\textsuperscript{9} Observation notes, Dublin, October 2016.

\textsuperscript{10} Observation notes, Dublin and Malahide, 2016–2017.
during the livestreamed plenary sessions by the randomly selected citizens of the assembly showed their insights and accuracy\textsuperscript{11}.

The citizens’ assembly deliberated for five weekends on abortion, from November 2016 until April 2017. The citizens auditioned many experts, representatives of advocacy groups, and individuals giving testimonies. Its internet website also gathered over 12,000 submissions from both associations and individuals. In April 2017, ICA members had a secret ballot vote, which resulted in wide support in favour of legalizing abortion (64%). Their recommendations were gathered in a report submitted to Parliament and closely studied by a parliamentary joint committee. The latter’s deliberations reached a similar result, so the repeal of the 8\textsuperscript{th} amendment was put to a referendum. In the follow-up to an intense campaign between pro-life and pro-choice, the Irish people voted in favour of the right to abortion in proportion somewhat similar to that of the ICA, with 66.4% “yes” and a historical turnout of almost 65%.

In the Irish case, as in many others, “the use of deliberative processes can render formerly blocked situations finally governable” (Lascoumes and Le Galès 2012, 53). The ICA was largely described as a major success; however, the Irish “contrasted institutionalisation” of democratic innovations raises problems and challenges.

The lack of institutionalisation and its problems

\textit{The limitations of a “participatory success story”}

Ireland is the first country where propositions crafted by randomly selected citizen assemblies were approved by the maxi-public through referendums – and twice. Indeed, even though the British Columbia citizen assembly’s proposition for electoral reform managed to reach over 58% of the vote, the 60% threshold for the referendum to be successful was missed. The similar process in Ontario was even more clearly negative, with only 37% voting “yes” (Fournier et al. 2011). As for the new Icelandic Constitution, even though two randomly selected assemblies participated in the process, the text was drafted by an elected assembly – admittedly composed of non-professionals but famous and elected nonetheless. Moreover, this constitution was never approved by Parliament and has yet to be implemented (Bergmann 2016). In this comparative regard, the deliberative Irish process was an impressive “success” but suffered from its own limitations and problems, directly related to its lack of institutionalisation.

First, as in many other instances, the elected officials had a decisive influence over the fate of the democratic innovation, which left room for arbitrary decisions and strategic self-interested orientations. Politicians had the power to decide whether to set up a deliberative device or not, when, for how long, on which topics, under which supervision, and more crucially, what would happen to the recommendations. A striking feature of the Irish process was the absence of economic issues amongst the topics chosen by the political class. The

\textsuperscript{11} Observations notes and interviews, Dublin and Malahide, 2016–2017.
reflection on citizen-led reforms started as the country faced an economic crisis and questioned its economic model. Moreover, one of the three issues emerging from ‘We the Citizens’ bottom-up participatory agenda setting was precisely the trade-off between tax increases or spending cuts. However, among the eight topics given to the CotC by politicians, none was related to the economy (e.g. voting age, removal of blasphemy as an offence, the right to vote from abroad), but because the assembly was granted the right to choose two additional issues through public consultations, the topic of “economic, social and cultural rights” was eventually selected (Suiter, Farrell, and Harris 2016). For the ICA, the questions of the ageing population and climate change could be seen as linked to the economy; however, a structural reflection on the Irish economic model was not firmly put at the centre of focus. So far, of the 10 topics leading to 40 recommendations by the CotC, only two were submitted to referendum, and some were not even debated in Parliament. Nevertheless, in the follow-up to the 8th Amendment referendum, the government seemed committed to holding more referendums on propositions coming from the two official deliberative assemblies. An institutionalisation could render the articulation between deliberation and referendum systematic, without giving the political class the opportunity to decide whether they want to give a voice to the electorate. This was the case in Canada, where governments were committed to submitting the assemblies’ proposals to voters before knowing what they would be.

Second, on the “input level”, while the CotC had the opportunity to choose two of the 10 topics under deliberation through public consultations, the ICA had seen its agency reduced and was strictly constrained to the five issues given by Parliament. This change suppressed an opportunity for deliberation between the maxi- and mini-publics. The consultations in Canada and the Netherlands (Fournier et al. 2011), the online participation in Iceland (Bergmann 2016), and the bottom-up agenda setting in Australia (Carson et al. 2013) and Belgium (Jacquet et al. 2016) were important elements of democratization. The Irish case displayed a tendency towards reducing public input. We the Citizens’ pilot assembly had seen its agenda set by seven participatory public meetings. The CotC decided to consult the public to decide which two topics would be those it had the right to choose. However, in the ICA, the only public input was through written submissions, without the possibility of direct interaction or deliberation. A democratic institutionalisation could render the agenda-setting procedure more systematic, transparent, and open to public input.

Third, an empirical ethnographic observation of the interactions within the Citizens’ Assembly reveals some constraints: “call to order” and lack of agency. The climate of extreme tension surrounding abortion rendered the proceedings of the ICA in some ways more coercive than those of its predecessor. The ICA’s chair – the Hon. Ms. Justice Mary Laffoy, in conformity with her “habitus” of Supreme Court judge – led the debates with an assertive approach, leaving little space for contestation to arise among participants, which can be a problem from an “agonistic perspective of democracy” (Mouffe 2000). Her use of time tended to favour expert lectures, which often ran over their allocated time, over the small groups and plenary session deliberation time. The governing style of a chair is affected by the actor’s professional habitus. This was the case in Canada, where Jack Blaney in British Columbia adopted a “liberal approach”, letting “members talk as much as they wished even if this meant going over time” (Fournier et al. 2011, 105), while in Ontario, George Thompson, a “former
deputy minister and family court judge” (Fournier et al. 2011, 29), had not “granted participants with the same level of trust as Baney”, according to Lang (2010, 127). Similarly, CoC’s chair Tom Arnold, coming from international charity associations, conducted the deliberations in a way that increased the participants’ agency, while Laffoy followed a stricter practice of her “role”. The chair’s room to manoeuvre could be lowered to the participants’ benefit if a long-term deliberative institution were to be institutionalized, due to clearer rules and a standardization of the “role” (Dulong 2012; Lagroye and Offerlé 2010).

Fourth, the impact of the mini-publics’ deliberation on the maxi-public’s vote is complex. While the electorate did follow the ICA’s recommendations to legalize same-sex marriage and abortion, it rejected the one to reduce the age of the president. Therefore, the hypothesis of systematic support towards propositions crafted by citizen assemblies is invalidated once again. Empirical studies reveal that if a citizen knows about the existence of a citizen assembly, he or she will be more likely to support its recommendations (Fournier et al. 2011, 132; Warren and Pearse 2008). The problem is therefore the lack of public visibility of democratic innovations. A majority of the Irish citizenry was unaware of the existence of the CotC at the time of the referendum, but the “informed part” was influenced in favour of following the CotC’s recommendations (Pilet 2016). However, the Citizens’ Assembly benefited from stronger media coverage, especially due to the controversial nature of its first topic. The question remains: if the ICA was known by a fair share of the electorate, how exactly did it influence the referendum’s outcome? This has yet to be proven, but “exit polling data suggested many voters in Ireland had made up their minds on abortion before the official campaign began”[12]. It seems likely that greater institutionalisation and regularity of deliberative processes would increase the population’s awareness and achieve greater uptakes (Goodin and Dryzek 2006).

There are two ways of looking at those “limitations”. On the one hand, one might argue that the lack of institutionalisation allows for greater flexibility and adaptation to various situations. In this perspective, elite decision makers need to change the shape and procedures of a democratic innovation as they see fit; therefore, appointing a judge as chair and restraining the assembly’s agency might have been necessary conditions for the crucial but divisive abortion issue to be tackled efficiently. On the other hand, the lack of institutionalisation is potentially what prevents certain democratic innovations from meeting great expectations. A form of institutionalisation could insert deliberative procedures into the “ordinary political life” and allow for deeper political improvements. But which forms of institutionalisation are currently in motion?

The various institutionalisations of deliberative innovations: Some comparative typologies

The analysis of the Irish case in a comparative perspective allows us to spot institutionalisation’s relevant dimensions and to craft some typologies. Two elements are especially important when discussing institutionalisation: repetition, or “length”, that is, how long an institution “lives” either in the same country or in several; and systematicity, “regularity”, or even “stability”, that is, how much the institution stays the same and operates within clear, fixed rules and procedures within a systematic area of competence and power. In order to become an institution, a democratic innovation must therefore exist for a long period of time and keep a similar shape; in a way, it must become predictable. Our “case population” to put in perspective with the Irish cases consists of the deliberative innovations seen in the first part of this paper, namely: the High Council of the Military Function (HCMF), citizens’ juries, planning cells, consensus conferences, deliberative polls, citizens’ initiative reviews, and citizen assemblies.

The dimensions of institutionalisation: Repetition and systematicity

The first relevant dimension of institutionalisation for democratic experimentation is repetition. In this regards, all deliberative innovations have been repeated more than once, but with the notable exception of the High Council of the Military Function (HCMF) and a specific form of deliberative polling in Mongolia, none has reached systematicity. In a way, the various deliberative innovations each constitute a different type of institutionalisation.

1. Procedural stability and international diffusion: citizens juries (CJ), planning cells (PC) and deliberative polls (DP). There are differences between these devices (Hendriks 2005; Smith 2000), but they fit into the same category in terms of institutionalisation. Both CJ and DP are patented processes, which provides a fixed, deliberative procedure that is repeated accurately in various countries. Both are supported by identifiable organizations, namely the Jefferson Center and the Center for Deliberative Democracy. However, even if multiple CJ, PC and DP have been carried out with official state’ support, until recently, no country had included those devices in a formal sustainable institution with regular deliberation (Crosby and Nethercut 2005; Fishkin 2009; Vergne 2010). Mongolia is a notable exception which is described below.

2. Institutional recognition and structure without systematic outputs: consensus conferences (CC). In the late 1980s, a specific field – technology assessment – saw the development of state-sanctioned institutions, which were supposed to provide parliaments with fair information on new techno-scientific risks. Participatory procedures were put in place within this framework, especially the CC initiated by the Danish Board of Technology and replicated in many other countries (Bourg and Boy 2005; Joss and Bellucci 2002). However,

13 For an alternative typology based on types of “deliberative missions” see: (Courant 2017, 2019b).
14 For general overviews of those devices see: (Courant and Sintomer 2019; Gastil and Levine 2005; Sintomer 2018). For studies of the HCMF see (Courant 2014, 2019a).
the convocation of a CC was not systematic, the practice decreased over the years, and few articulations with referendums or clear policy outcomes were noticed, as the parliaments were never “bound to consider the citizens’ recommendations” (Hendriks 2005, 91).

3. Connection with referendums without systematic ranges or funding: citizens’ initiative reviews (CIR). Closer to a “proper institution” connecting micro-deliberation with “macro political uptakes” (Goodin and Dryzek 2006), the CIR gather a panel of randomly selected citizens for five days to produce a balanced voter pamphlet to inform voters on upcoming referendums (Gastil and Richards 2013; Knobloch, Gastil, and Reitman 2015). Nevertheless, due to limited funding, the process does not cover all initiatives but only some and is partly run by private non-state actors. Moreover, despite spreading throughout various states, the process will not be replicated statewide in Oregon in 2018, for the first time since 2010.

4. Limited mandate and uneven outcomes: citizen assemblies (CA). The broad category of CA covers contrasted realities. They do share similar deliberative procedures, which are also common to the other innovations debated here, but their degree of institutionalisation varies. Hence, I distinguish three types of citizen assemblies.

a) Single-issue state-supported assemblies: The first three CA of British Columbia, the Netherlands, and Ontario bear the strongest similarities. They all benefitted from an official state mandate to deliberate on a single issue: electoral reform. However, the process was a single shot for each of these three states, without domestic replication (Fournier et al. 2011; Warren and Pearse 2008).

b) Civil-society-led single-event assemblies: The Belgian G1000 was a purely civil-society-led single event with no state support (Jacquet et al. 2016). The Australian Citizens’ Parliament was organized by a NGO but had the opportunity to present its proposals to the official Parliament (Carson et al. 2013). Iceland and Ireland witnessed a transition from their first civil-society-initiated assembly to a subsequent state-supported device (Reuchamps and Suiter 2016).

c) Repeated multi-issue state-supported assemblies: Ireland was the first country where two state-supported citizen assemblies were held, which makes it a crucial case. However, as we have seen, its institutionalisation is deeply contrasted, due to the many modifications between the two official deliberative devices.

5. Full institution: High Council of the Military Function (HCMF) and Constitutional Deliberative Polling in Mongolia (CDPM). The only deliberative innovations to reach the status of “full institution” in terms of both repetition and systematicity are the HCMF and the CDPM. The former, established in 1969, possesses all the relevant attributes granted to an institution: an official mandate from Parliament, systematic deliberation twice a year, a fixed area of competence, determined output, permanent staff and venues, etc. (Courant 2014, 2019a). The latter is quite young but very promising. Mongolia recently passed the “Law on Deliberative Polling which requires a national Deliberative Poll before the Parliament can consider constitutional amendments” (Fishkin 2018). This gives this democratic innovation a dimension of systematicity, but its repetition remains to be empirically verified in practice; therefore, I did not include it in the following table.
Following this typology, a transversal comparison is possible, based on various dimensions of institutionalisation.

**Table 1 - The dimensions of deliberative institutionalisation, a transversal comparison**

<table>
<thead>
<tr>
<th>Cases population</th>
<th>1. CJ, PC and DP</th>
<th>2. Consensus conferences</th>
<th>3. CIRs</th>
<th>4.a) Single-issue state-supported assemblies</th>
<th>4.b) Civil-society assemblies</th>
<th>4.c) ICAs</th>
<th>5. HCMF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Various countries</td>
<td>Denmark, Switzerland, and other countries</td>
<td>Oregon, Arizona, Colorado, Washington, Massachusetts</td>
<td>British Columbia, Ontario, the Netherlands</td>
<td>Australia, Belgium, Iceland, Ireland (WtC)</td>
<td>Ireland: CotC and ICA</td>
<td>France</td>
<td></td>
</tr>
<tr>
<td>Maxi-public input</td>
<td>Hearings</td>
<td>Hearings</td>
<td>Hearings</td>
<td>Public consultation phase</td>
<td>Public consultation phase</td>
<td>Consultation (CotC only), hearings, and written submissions</td>
<td>Pre- and post-deliberation participatory public consultation</td>
</tr>
<tr>
<td>Official state mandate</td>
<td>Aleatory</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Civil-servant staff</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Length</td>
<td>From a few days to 3 weekends</td>
<td>3 weekends</td>
<td>5 days</td>
<td>1 year</td>
<td>From 1 to 4 days</td>
<td>1 year and a half</td>
<td>Unlimited</td>
</tr>
<tr>
<td>Domestic repetition</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Issue systematicity</td>
<td>No</td>
<td>No, but a defined area (techno-science)</td>
<td>No, but a defined area (initiative review)</td>
<td>Yes, a single issue (electoral reform)</td>
<td>No</td>
<td>No, but defined areas (constitution)</td>
<td>Yes, (all military function-related issues)</td>
</tr>
<tr>
<td>Articulation with debate in Parliament</td>
<td>No</td>
<td>For some issues</td>
<td>No</td>
<td>No, except for Australia</td>
<td>For the majority of issues</td>
<td>For some issues</td>
<td>For some issues</td>
</tr>
<tr>
<td>Articulation with referendum</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes for Canadians, No for Dutch</td>
<td>No</td>
<td>For a minority of issues</td>
<td>No</td>
</tr>
<tr>
<td>Recommendations’ strength</td>
<td>Aleatory</td>
<td>Weak</td>
<td>Strong</td>
<td>Limited or Weak</td>
<td>Weak</td>
<td>Strong for some, weak for others</td>
<td>Limited</td>
</tr>
</tbody>
</table>
Ordinary or exceptional? Time as a factor of differentiation

An alternative typology based on the vision of time appears fruitful. Are democratic innovations thought to deal with exceptional issues or ordinary problems? This perception of the deliberative mission given to a democratic device strongly determines its institutionalisation. I distinguish three types.

A) Exceptional: In this perspective, the role of democratic innovations is to deal with an exceptional issue or rare situation, outside of the ordinary day-to-day politics. Such tasks include, for instance, electoral reform, as in Canada and the Netherlands; structural propositions, as with the Australian Citizens’ Parliament; constitution making in a crisis context, as in Iceland; and bottom-up consultation during a long period without government, as in Belgium. In this regard, democratic innovations are “temporary institutions” and are therefore not full institutions, as they will not serve any purpose once their single task is fulfilled. However, “temporary institutions” can be understood in two ways. On the one hand, they can be understood as ad hoc, one-shot devices, each time specially designed with a unique problem. On the other hand, they can be institutions that are codified and can be activated if an exceptional situation appears, such as for a state of exception or martial law (Manin 2015).

B) Occasional: This vision is a pragmatic one which views democratic innovations as a handy way to deal with some “relevant” but not necessarily exceptional issues. This has been the functioning mode for citizen juries, planning cells, deliberative polls, and some citizen conferences (Bourg and Boy 2005; Joss and Durant 1995). The problem here is that the relevance of the issues and of the moment remains at the arbitrary discretion of elected officials, who will only set up a deliberative device if they “are convinced the outcome will correspond to their preferences” or grant them a very limited advisory “power” (Fournier et al. 2011, 146).

C) Evenemential (event-based) or regular: In this perspective, a pre-defined event such as a constitutional reform is systematically associated with a pre-determined deliberative institution. This is the logic behind the National Issues Convention, a deliberative polling allowing citizens to deliberate on candidates and manifestos ahead of an election vote (Merkle 1996) as well as the “deliberation day” proposition (Ackerman and Fishkin 2004). Even though those proposals failed to be institutionalized, the idea is to systematically connect elections with a deliberative procedure, repeated with the same organizational features each election year. The CIR offers a similar perspective, oriented towards referendum, or “votation”, and not election. The CIR’s attempt to become a permanent institution is promising but faces challenges; however, its premise is quite straightforward and oriented towards a systematic implementation: every referendum should be preceded by a deliberative panel producing fair information for voters on that referendum. Comparable patterns, oriented towards constitutional reforms, are currently at play in Ireland and Mongolia. As the Irish legal framework makes it compulsory for any constitutional change to be approved by referendum, there is a strong incentive to adopt a systematically matching, deliberative institution. So far, the differences between the CotC and the ICA render the shape of potential institutions uncertain, yet there is reason to believe that one might be set up in the following years. More broadly, constitutional reforms are an area in which citizen inclusion is crucial, as a constitution is the declaration of a society’s core principles and the foundation of the whole political structure, which puts
politicians in a situation of conflict of interest; the same goes for designing the electoral system (Courant 2017, 2019b; Fournier et al. 2011; Reuchamps and Suiter 2016; Thompson 2008). However, it should be noted that same-sex marriage and abortion are not constitutional issues per se; they are in Ireland, but they are part of ordinary laws in most other countries.

D) Permanent: The final type of perspective towards democratic innovation is to see them as permanent institutions, such as many participatory budgets conducted repeatedly over many years. In a contrasted way, this type includes some participatory technology assessment institutions such as the Danish Board of Technology. However, the fact that citizen conferences were not systematic makes it a weak institution. On the other hand, the HCMF is a permanent, systematic, deliberative institution in every way (Courant 2014, 2019a), which echoes in some ways the recurrent call for a randomly selected chamber of parliament (Barnett and Carty 2008; Callenbach and Phillips 2008; Gastil and Wright 2019; Sutherland 2008). In this perspective, all legislation comes under the scrutiny of a permanent citizen assembly which participates in making laws, in collaboration with an elected chamber. A parallel proposal suggests that the citizen chamber should specifically focus on long-term issues affecting future generations, such as climate change (Bourg 2011).

Conclusion: Ireland as a future institutional model or as a local exception?

Looking at deliberative devices, participatory budgeting, and local urban concertation, Bacqué and Sintomer conclude that the “multiplication of experiences in many different contexts, behind mere local construction, tend to reveal that a participatory standard is being enforced in public action” (2010, 136). The whole question is as follows: will the Irish deliberative process become an institutional model that is replicated in many other countries, or will it remain a local exception? A crucial explanatory element in the Irish case is the legal obligation to hold referendum for any constitutional change. This mandatory framework constrained political actors and was a favourable condition for the development of a deliberative institution.

This context and the repetition of the mini-publics-driven constitutional reforms did lead to a form of “institutionalisation in the minds”, as most of the interviewed actors (e.g. citizens, civil servants, facilitators, activists, politicians, etc.) stated their belief that a similar citizen assembly in Ireland would be repeated in the future. Clear evidence of this institutionalisation of citizen assemblies in the minds of the social actors was the call for a “new citizens’ assembly” by three pro-life Irish MPs. Even though they were opposed to the ICA’s recommendation, they did not criticize the innovation itself but asked for another one to explore “the means whereby positive alternatives to abortion can be explored so as to fully respect and defend the rights of unborn children and their mothers and partners”15. Moreover, there is a “contagion effect”, as

many voices are calling for a citizens’ assembly to be implemented in Northern Ireland\footnote{Press Association, “Growing calls for Citizens’ Assembly to address issues including abortion”, The Independent.ie, 9 January 2018.}. The ICAs are also a source of inspiration for democratic innovators, academics, and activists, notably for the creation of a citizen assembly on Brexit in the UK (Renwick 2017).

An uncertainty remains: will the institutionalisation of the “deliberative imperative” be a synonym for democratization or for governmentality (Blondiaux 2008; Blondiaux and Sintomer 2002)? On the one hand, the greater the institutionalisation, the lesser the politicians’ influence and arbitrariness. Moreover, to follow Talcott Parsons, institutions are “activities govern by stable and reciprocate anticipations” (Lécuyer 1994, 111). This stability, predictability, and continuity are necessary conditions for the development of a new form of citizenship or “civic culture”, one based on participation and deliberation rather than merely on elections. On the other hand, institutionalisation could also potentially “de-democratize” democratic innovations. In studying participatory budgeting, Anja Röcke points out the risk that this participatory institution “will be drained of its political content to be reduced to a mere ‘tool’ for public authorities to use as they see fit”. She wonders: “is participatory budgeting destined to become a simple participatory mode of public spending without fundamentally overturning the existing power relationships nor the institutional hierarchy?” (Röcke 2010, 58–60).

A \textit{governmentality institutionalisation} is indeed to fear, as more voices are criticizing the people’s political competence, stating that after the Brexit vote and Trump’s election, the \textit{demos} is no longer to be trusted nor to rule, if it ever was. This anti-democratic temptation might prevail and lead to an institutionalisation of powerless, enlightened, consultative mini-publics playing the role of the “Prince’s advisor” and “consultation alibi”, allowing for the suppression of direct democracy or participatory mechanisms. The only “audible” voice of the people would have to be filtered through deliberative, controlled, formal institutions, and all other claims would be deemed irrational\footnote{I here draw on Foucault’s concept of governmentality (2004).}. The institutionalisation of a single tailored model could then signify the death of democratic imagination and political experimentation. On the contrary, a \textit{democratic institutionalisation} would empower citizens in novel ways to make the citizenry as a whole evolve through political participation. This perspective rests on the “Pygmalion effect”, the idea that if citizens are considered competent by institutions, they will indeed become more competent (Rosenthal and Jacobson 1968), as is empirically the case in deliberative innovations.

The two main indicators of this evolution would be the widening of the maxi-public input and output. If Ireland, due to its legal framework, reveals a positive articulation between the mini-publics’ recommendations and mass referendums, then the suppression of the “public consultation phase” in the ICA – however present in all three citizen assemblies on electoral reform as well as in the pilot assembly and the CotC – is troubling. Will this trend continue or be reversed?
In the end, if the institutionalisation of democratic innovations remains uncertain, it is due to the very nature of an institution itself. According to Rawls (1999), an institution is not the means with which to achieve a common goal but to reach different ends for different actors. Elites might agree to the creation of deliberative institutions to get a better informed and more competent demos, while radical democrats might support those same institutions to empower the people. However, the inclusion of novel permanent or regular democratic institutions could potentially deeply democratize current political systems and even change the “spirit of democracy”, which, according to Cornelius Castoriadis (1996, 191), is to be found “most of all in the institutions and the practice of democracy”.

References


