Citizens' Senate

Towards Consensual Presidential Democracy

Tony Czarnecki

Introduction

This article focuses on just one of several stages, which are necessary to make deep reforms in democracy – setting up a Citizens' Senate. The concept of creating a Citizen's Senate, a Citizens' Chamber, or a House of Citizens has been around for some time. However, most of these concepts do not consider its potentially pivotal role in reforming democracy, nor provide sufficient details about how such a new democratic institution would work. This article tries to bridge that gap. In some way it dovetails to the Chatham House Research Project: 'The Future of Democracy in Europe'[1] – the report published in 2020. But it also makes several references to the author's three books in the 'Posthumans'[2] series answering three big questions related to existential threats, which our civilisation is facing, including taking the control over our own destiny by Artificial Intelligence in the near future:

- WHAT are the existential risks that threaten our civilization?
- HOW can we survive existential threats?
- WHO may we become as a human species after 2050?

There seems to be just one answer to these three questions – we need urgently start acting as a planetary civilization within a new type of democracy. It must be based on a much deeper direct engagement of citizens in deciding the future of their countries and the whole civilization. We slowly begin to recognize global problems as potential existential risks for Humanity, such as climate change.

However, the biggest risk that our civilization faces is that nothing substantial will be done to combat existential threats or we take up too small necessary steps when it may already be too late. Unfortunately, we do not have 100 years to prepare mitigation strategies and the allocation of the required resources. We may just have this decade to retain the control over our future. Therefore, we need a fast track solution for a complete reshaping of the relationship between citizens and politicians. Establishing a Citizens' Senate would lay down the foundation for merging a representative and direct democracies, where the power of politicians would be balanced with the power of citizens based on continuous accountability of those who create law and thus determine to a large degree our future.

Why a deep reform of democracy is so urgent?

There are several organizations focused on identifying and reducing global catastrophic and existential risks such as Future of Humanity Institute, University of Oxford. In table 1, some of these risks, like nuclear terrorism, are not existential on their own, but only when combined with other risks.

[1] Hans Kundnani: The Future of Democracy in Europe, Chatham House, March 2020

[2]The first of the books 'Federate to Survive!' is about WHAT are the existential risks that threaten our survival as a human species, proposing that the most urgent task for humans to survive beyond this century is for all nations to federate. "Democracy for a Human Federation" proposes HOW we can survive existential threats indicating that the federalization of the world should be simultaneously accompanied by a deep reform of democracy. That is why this paper makes several references to this book, indicating that the most urgent and simplest step in that direction is the creation of a rigid petitioning system with an upper chamber of a parliament – a Citizens' Senate within a new model of democracy: Consensual Presidential Democracy. The third book - "Becoming a Butterfly" asks a fundamental question - WHO we may become as a human species after 2050. That depends on a new system of values, the subject directly linked to the reform of democracy. These will also be the values, which a superintelligent AI will inherit, and which may determine whether it becomes a benevolent rather than a malicious entity.

Humanity's Top Existential Risks in 21st Century		
	Risk	RISK (Probability *Impact) of human extinction by 2100 (%) from an expert survey 2008
	Overall Risk	**19%**
1	Superintelligent AI	5%
2	Weaponized AI	5%
3	Non-nuclear wars	4%
4	Engineered pandemic and synthetic biology	2%
5	Nuclear wars	1%
6	Nanotechnology accident	0.50%
7	Natural pandemic	0.05%
8	Nuclear terrorism	0.03%

Table 1: Humanity's top existential risks in the 21st century[3].

The table shows that by the end of this century there is at least 19% chance that one, or several existential risks may materialize with the worst impact scenario – the extinction of the human species. These are only the risks over which we have some control, mainly in political, military, and social domains, such as nuclear wars, or artificial pandemics. Please note, climate change is not in that list, because it is not considered as existential threat materializing this century (it might be existential in 22nd century). However, some scientists, such as the Astronomer Royal, prof. Martin Rees, assessed the risk of human extinction as higher than 50%[4]. Two of the most significant risks are:

- **Superintelligence** (Artificial General Intelligence). This risk stems from two possibilities. The first one is that Superintelligence may emerge as a malicious entity, which may potentially wipe out the human species. Four polls conducted in 2012 and 2013 showed that 50% of top AI specialists agreed that the median estimate for the emergence of Superintelligence is between 2040 and 2050.[5] [6] In May 2017, several AI scientists from the Future of Humanity Institute, Oxford University and Yale University published a report "When Will AI Exceed Human Performance? - Evidence from AI Experts", reviewing the opinions of 352 AI experts. Overall, those experts believe there is a 50% chance that Superintelligence (AGI) will occur by 2060.[7] However, Ray Kurzweil, perhaps one of the best-known futurists, believes that Superintelligence will emerge by 2045. Furthermore, he warns that humans may lose control over a maturing AI as early as by 2030, when it reaches human level intelligence[8]. Such AI may be thousands of times more intelligent in some domains and absolutely ignorant in other. It will be able to plot clandestinely certain actions like firing nuclear weapons, creating fake war plans that might start a real world war, etc. Other experts in AI-related technologies such as Elon Musk also hold the view that we may lose control over AI by the end of this decade. Some AI specialists indicate that 2030 may be a tipping point in AI development, beyond which it may be impossible for humans to control their own future. But from the eight existential risks listed in Table 1, it is the only one, which can also help us mitigate all other risks.
- **Climate Change**. We have already had a glimpse of the impact of the changing climate causing catastrophic events such as wide-spread fires and floods in the last few years. Such impact may be severely felt by the middle of this century, although it may not be existential yet.

[3] Future of Humanity Institute: Global Catastrophic Risk Survey, 2008, online, https://www.fhi.ox.ac.uk/reports/2008-1.pdf
[4] Martin Rees, Our Final Hour: A Scientist's Warning, Amazon books, 2004
[5] Khatchadourian, Raffi (16 November 2015). "The Doomsday Invention". The New Yorker. Archived from the original on 29 April 2019. Retrieved 31 January 2018
[6] Müller, V. C., & Bostrom, N. (2016). "Future progress in artificial intelligence: A survey of expert opinion". In V. C. Müller (ed): Fundamental issues of artificial intelligence (pp. 555–572). Springer, Berlin
[7] Future of Humanity Institute, 13/6/2017: "When Will AI Exceed Human Performance? – Evidence from Experts
[8] Ray Kurzweil, one of the most famous futurists said in an interview with 'Futurism' on 10/5/2017: '2029 is the consistent date I have predicted for when an AI will pass a valid Turing test and therefore achieve human levels of intelligence. I have set the date 2045 for the 'Singularity' which is when we will multiply our effective intelligence a billion fold by merging with the intelligence we have created'

> Conventional modelling of climate change has focused on the most likely outcome: global warming by up to 4C. But there is a risk that feedback loops, such as the release of methane from Arctic permafrost, could produce an increase in temperature of about 6C or more by the end of this century. Mass deaths through starvation and social unrest could then lead to the collapse of our civilisation. Some climatologists warn that the climate change tipping point will arrive by 2030[9], at about the same time as the AI's tipping point.

At the same time all these risks' probability will increase significantly because of the factor that has been rarely discussed. It is the **exponential pace of change**, which is driven of course by technology and especially by a rapid acceleration in the AI's capabilities. That in turn impacts all domains of human life. It is enough to point to the unforeseen consequences of the COVID-19 pandemics due to just ZOOM conferencing. It has directly changed in a super-fast and significant way the education system, health service, working from home, changes in transportation and the appearance of the ghost office districts in the cities across the world.

Therefore, to survive as a species we may only have a decade **to start acting as a planetary civilisation** in various areas of human activity. That means we need to abandon any inclination towards isolationism or nationalism. Instead, the world must act together effectively as a federation. Perhaps one of the reasons that we do not have it yet is that many of us still hope for the UN to be quickly transformed into such an organisation. After all, this is the organisation that should deal with existential risks in the first place. Unfortunately, this is also the organisation that indirectly increases the Humanity's overall existential risks by being almost totally incapable or ineffective in solving existing grave problems (e.g. in Syria, Libya, Iraq, and very recently in Afghanistan) mainly because of the way in which the UN makes decisions – the unanimity voting in the Security Council.

Since existential risks can materialize at any time, e.g. natural pandemics like the Coronavirus pandemics in 2020, or due to combinatory effect of several risks such as large scale migration, draught, local nuclear wars or cyberattacks, we should have an organization that could act as the World Government right now. However, there is no hope that all the countries of the world would give up significant part of their sovereignty in the foreseeable future.

Therefore, creating a true World Government from scratch by the end of this decade is not feasible. We can only achieve such an objective partially, by transforming an existing organisation, or empowering a single large country with supranational powers, to become **a de facto** World Government. But who could play such a role? This is an important and complex issue that extends beyond the subject matter of this article. However, table 2 summarises the result of a detailed analysis of potential candidate countries and organizations, which might play such a role, carried out in the author's book "Democracy for a Human Federation'[10].

[9] Stephen Leahy: Climate change driving entire planet to dangerous 'tipping point', CBS News, 27/11/2019

[10] Tony Czarnecki, Vol. 2 of "Posthumans", 'Democracy for a Human Federation', second edition, Amazon publications, July 2020

Which organization could take the role of a de facto World Government which may ultimately become a Human Federation?

Name of Organization or State	Risk Mitigation Capability Ranking (weighted)										
	Demo-cratic Insitutions	Respect for Human values	Military power	Economic power	Organi-zational capability	Response time to risk	Land mass	Experie-nce in large progra-mmes	Versatility	Neut-rality, Objec-tivism	Total Score (weight * capability)
Weight ------>	10	9	8	7	6	5	4	3	2	1	550
European Union	10	10	7	9	10	10	6	10	10	10	503
NATO	8	9	10	10	10	10	9	7	4	9	495
USA	9	9	9	8	9	9	7	9	9	9	480
Japan	10	10	3	6	9	9	1	5	4	9	391
Canada	10	10	4	4	9	9	4	3	2	10	388
Australia	10	10	3	2	9	9	3	1	3	10	358
United Nations	10	10	2	2	8	5	2	6	10	10	349
China	3	1	7	7	8	8	5	10	9	1	301
Russia	4	3	8	3	6	6	8	10	9	2	300
India	7	5	4	5	5	4	2	5	3	7	268

Table 2: Who might play the role of a de facto World Government? [11]

The most recent events in Afghanistan add more arguments that it is probably a federated European Union, rather than the Unites States, which is our best hope, notwithstanding the EU's own grave problems. Such a possibility will be tested by the end of 2022, after the Conference on the Future of Europe and the elections in France. In any case, if such an organisation emerges by default, it should co-operate as much as it would practically be possible with the UN, gradually substituting its role.

Re-balancing the powers governing a country

Anyone hoping the US under President Biden will restore its own democracy to at least the level which could be an example for most of the world, must be quite disappointed. Even deeper disappointment must be felt by millions of anglophiles who were looking towards Britain as a gold-plated model of democracy. British nostalgia for the lost empire was perhaps the key factor behind Brexit. It was also driven by strong anti-Europeanism among political elites based among others on the belief that British democracy being the oldest one is also the best, as is its electoral system. This is one of the key differences between the European and the British model of the post-war democracy. A proportional voting system produces mostly coalition governments in Europe, whereas the governments of the UK, elected using the First-Past-the-Post (FPTP) system have been run almost exclusively by a single party.

British politicians stick to the belief that 'strong', one party rule, is more efficient and more effective in delivering better quality of life for the British citizens. After all, they may think, the main objective of governments in a liberal democracy is to deliver the greatest happiness for the greatest number of people. That is why some politicians supporting Brexit have argued that once the constraints put by the EU are removed, Britain will become a much stronger economy. However, if we measure the quality of life by GDP per capita, the actual results do not confirm that a single majority party elected using the FPTP system delivers 'greater happiness' than coalition governments in Europe elected using a proportional voting system. For example, in 1989, the GDP world rank per capita (measured by the Purchasing Power Parity by IMF) was: in the UK - 17, Germany – 20, France – 24. In 2019 the UK's rank was 37, Germany's - 26 and France's - 35. This means that in the last 30 years the UK's world ranking in GDP per capita fell by 20 places, whereas for Germany, which had to absorb in that period 17 million of East German citizens, whose GDP was tens of placed behind, fell by just 6 places and for France by 11 places.

[11] The subject of creating a de facto the World Government to minimize the risk of human extinction has been covered extensively in the book: "Federate to survive!", Vol. 1 of "Posthumans" by Tony Czarnecki, July 2020.

The biggest disadvantage of a single party government seems to be the adversarial nature of politics as has been evidenced so plainly during the UK's Brexit proceedings in the Parliament. Adversarial politics based on the majority of MPs of a single party, which does not have to win the majority of the votes to rule the country, leads by extension to a deep polarization of a society, which was so characteristic of the Brexit campaign.

Additionally, such an adversarial politics suppresses by its very nature the inflow of new ideas by virtually eliminating smaller parties in the FPTP system. The voters have less choice and therefore quite often either do not vote at all, or vote tactically, which only rarely delivers the intended result. The whole focus of the government is on winning the next election by tuning the ruling party's manifesto to temporal whims of the electorate. Once the votes have been cast, voters cannot rectify bad laws passed by the parliament, nor can they demand passing new laws, inconvenient for the government in power. However, irrespective of an electoral system, it seems that the real root cause of the current crisis of democracy originates from four types of imbalances:

1. **The lack of balance between the rights and responsibilities**. The overwhelming focus on human rights without mentioning the importance of responsibilities in maintaining social cohesion has created an unhealthy imbalance. We see it quite often in the courts across the EU countries, when an offender seems to have more rights than a victim. It is clear evidence of how sensible liberal values have led to the so-called political correctness, seriously undermining the political and social stability. How often do we forget that sometimes even freedom and sovereignty must be restricted to make us safer because there is only one absolute value worth fighting for – life. The scale of misunderstanding of what freedom means has been best illustrated recently by some people feeling there is nothing wrong with their right to move around while being infected with COVID-19, ignoring the right of others NOT to be infected.
2. **The lack of balance of power between the majority and the minority**, which Alexis de Tocqueville called the Tyranny of the Majority. That undermines the foundations of liberal democracy, perhaps best expressed by Jeremy Bentham - 'creating the greatest happiness for the greatest number of people'. The only solution to solve this problem seems to be disallowing a single party government. Instead, coalition governments with the Head of State as a conciliator may be a better option.
3. **The lack of balance of power between the central and local government**, which in some countries, such as Britain has been stifling social and economic development. True citizens' engagement cannot happen without a deep decentralization of power.
4. **The lack of balance between the power of the voters and the elected representatives**. One reason why democracy has been eroded so much is the inability of the voters to have a continuous oversight over the legislation and decisions made by the parliament throughout its entire 4-year term. Democracy cannot be reduced to voting at an election time when voters have the power of controlling their representatives for just one day.

It is that last imbalance between the power of the voters and the governing, which should become the starting point of a deep reform of democracy because it would directly limit some excessive powers of politicians. We must leapfrog piecemeal democratic reforms and fundamentally reset the relationship between the governed and the governing. The best way to achieve that might be by **merging representative democracy with direct democracy**. Thus, a new type of democracy would be created, which might be called **Consensual Presidential Democracy**[12]. But what might be the first step to achieve that? How about frequent referenda?

Could frequent referenda be a solution to the current crisis of democracy?

It seems that frequent referenda might be a potential solution, especially if the voting process becomes fully digitized. After all, participating in decision making is everybody's natural need. People care

[12] Tony Czarnecki, Vol. 2 of "Posthumans", 'Democracy for a Human Federation', second edition, Amazon publications, July 2020

deeply about their communities and want their voice to be heard. But are they really the right tool for that? Let's take the Brexit referendum as an example. Against the predictions of the pollsters, on 23 June 2016 Britain voted in a referendum to cease its membership of the European Union. The question was: "Should the United Kingdom remain a member of the European Union or leave the European Union?" A year later, on 1st October 2017 the government of Catalonia carried out a referendum on Independence that had not been previously agreed with the Spanish central government and which has led to a serious political crisis in that region. The central Spanish government's legal right quashed the *legis naturalis* of the Catalan people. How in the 21st century can it happen in a democratic country?

One of the key challenges of holding referenda is how to avoid bias by inappropriate formulation of the question on the referendum ballot paper. Some argue against having more than two options in a referendum, since the result may not be supported by the majority of the population taking part in the voting. The solution might be to apply the principles of Alternative Voting System (also known as a preferential system), where a voter scores the options from best to worst. If none of the options has more than 50% support then the second preference from the least favoured option would be added to the remaining options until one of the options gets 50% +1 vote. For example, in the Brexit referendum there could have been four options given, such as:

- Do you want the United Kingdom to leave the European Union even if the outcome of negotiations may severely reduce the growth of the British economy for a decade or more?
- Do you want the United Kingdom to leave the European Union but retain the membership of the Single Market and the Customs Union?
- Do you want the United Kingdom to leave the European Union and instead join the European Economic Area?
- Do you want the United Kingdom to remain the member of the European Union?

Similarly, the referendum on the independence of Catalonia could have also had several options, e.g.:

1. I want Catalonia to become a fully independent state
2. I want Catalonia to become an independent state but becoming part of the Spanish Federation
3. I want Catalonia to be part of Spain but with a higher degree of autonomy, retaining the constitutional right to separate in the future into an independent nation
4. I want Catalonia to be part of Spain on the current basis.

Another important issue to be decided before holding a referendum is what kind of majority should be required for a decision taken to be valid. In the Brexit referendum, 52% of the voters expressed the will to end Britain's membership in the EU. However, the overall turnout was only 72 percent. Had everyone voted (i.e. had the voting been compulsory), then according to the polls for those that had not voted, the "Remainers" would have won with 66.03% of the votes to 33.97% for the "Leavers"[13]. Therefore, for such an important issue there should always be a requirement for a super majority i.e. 2/3 support for the motion.

However, notwithstanding these improvements to the way in which referenda might be conducted, a problem which still remains unresolved is that they are not well suited to a human nature. We act primarily using our emotions rather than cold reasonable judgment. People voting in referenda and elections have a similar experience like going to a shop. Quite often we support a certain decision because it answers our immediate emotional need. People in general choose black or white, easy to understand, easy to implement, short-term solutions. Politicians know that and that is why they play for the short-term gain by manipulating the public opinion. In that way they can be re-elected at the next election, especially if there is no limit of the number of terms they can stand for a parliament.

[13]Harold Clarke, Matthem Goodwin, Paul Whiteley: 'What would have happened if everyone had voted in the EU Referendum?', The Conversation, 28/7/2016, https://theconversation.com/what-would-have-happened-if-everyone-had-voted-in-the-eu-referendum-63153

Therefore, selling rational arguments to voters is very difficult indeed, which was so clearly shown during the Brexit referendum. Any politician that proposes necessary, complex, and sometimes painful solutions will almost never be elected. Populism flourishes because politicians like Donald Trump could twist any fact to their advantage and sell people the solutions they want, although they themselves might know, those solutions would never work. Had the voters known all the relevant facts they might have considered a proposed solution unattractive, and many might have not supported the option they had chosen in a referendum or during an election. With referenda, the added difficulty is that their impact is quite often long-term (like voting for a new constitution) and can be very difficult to amend.

To reduce the risk of making the wrong decision in a referendum, the voters should really be quite familiar with the issue under consideration. That was impossible in a referendum like Brexit because it required a lot of very specialist knowledge. However, with issues that deal with more straightforward matters, like changing the funding of the health service, referenda could have their role but rather in countries with a direct democracy system, such as Switzerland, where there are several referenda every year. There, direct democracy allows any citizen to challenge any law approved by the parliament or propose a modification of the federal Constitution at any time. The most frequent themes are healthcare, taxes, welfare, drug policy, public transport, immigration, asylum, and education.

The key conclusion is that in Switzerland referenda make sense because direct democracy is executed at the lowest possible level (e.g. municipality). Therefore, people get very interested in politics, know the subject matter well, could arrive at a rational decision, and accept solutions that can sometimes be painful. However, even there such a system is prone to corruption or to abuse as in the representative democracy because voters can be influenced by biased media in a similar way. So, the Swiss may think that they are better off with a direct democracy rather than a representative democracy, but an objective analysis may not confirm that. Perhaps no wonder that in 2017 the Dutch Council of State warned that the thoughtless use of referenda and other forms of "people's democracy" sooner or later will undermine the functioning of the Dutch representative democracy and the rule of law. That's why the Dutch government decided in February 2018 to abolish referenda[14].

In summary, referenda are indeed not the right instrument for making intricate political or economic choices because of the rising complexity of the issues, which predominately require a rational judgement rather than an emotional decision. Decisions, which may seem right at the time of taking them, may lead to potentially disastrous consequences in the longer term. Therefore, it seems that **in a representative democracy referenda, even if they were used more often, should not become a voting instrument at all.** Neither would they resolve the current deep crisis of democracy. Therefore, we need something else, which would substitute the referenda as a form of "people's democracy".

Is a Citizens' Assembly better than a referendum?

Greeks in ancient Athens, and some Italian states in the Renaissance period, applied a different approach allowing citizens to have a direct impact on political decisions. It involved selecting randomly the representatives (men only) of some communities by drawing a lot, which is why it was sometimes called allotment or a sortition. Such randomly selected citizens took an oath that they were not acting under bribes. The logic behind that system of electing political representatives originates from the idea that "power corrupts." That's the main reason why a random selection was initially used. But it was also used as a method for appointing political officials, regarded as a principal characteristic of a true democracy. Today, most people, at least in the Anglo-Saxon world, experience such a selection process at least once in their lifetime, when they are randomly selected to serve as a member of a jury in municipal and national courts.

[14] NL Times, 6/4/2017, 'Referendums a threat to democracy: Dutch Council of State', https://nltimes.nl/2017/04/06/referendums-threat-democracy-dutch-council-state '

In recent years, there has been a growing support for a new political decision-making body called a **Citizens' Assembly**, to which delegates have been randomly selected in a similar way as in the ancient Greece. They are generally focused on less complex political issues, such as electoral reform or gay rights. The assumption is that an assembly composed of randomly selected citizens based on a variety of criteria such as age, gender, socio-economic class, ethnic group, geographical location, or political preferences, would make more rational decisions in an informed and deliberative setting, than would have been the case in a referendum.

One of the best examples was a Constitutional Assembly in Ireland. It was set up to review several articles of the Constitution of Ireland. In October 2012, the Irish government appointed the chairman of the convention, an economist Tom Arnold. An independent research bureau selected a random group of 66 citizens, drafted by a lot, taking account of age, sex and place of birth from both the Republic of Ireland and Northern Ireland. Among the members of the convention were also 33 elected politicians who were selected proportionally from each party. This group met one weekend per month for more than a year. The diversity that process produced was helpful when it came to discussing such subjects as same-sex marriage, the rights of women or the ban on blasphemy in the current constitution. However, they did not do all this alone. Participants listened to experts and received input from other citizens (more than a thousand contributions came in about gay marriages).

In January 2014 the chairman of the Constitutional Convention addressed the Seanad about the Convention's work, listing the principles under which it operated as openness, fairness, equality of voice, efficiency, and collegiality. The decisions made by the Convention did not have the force of law; the recommendations first had to be passed by two chambers of the Irish parliament. Only then were the recommendations put to a vote in a referendum. The referendum approved the proposed changes, resulting in important modification of the Irish Constitution.

One variant of such a random selection of delegates has been applied by the Kurds in their referendum on independence carried out in September 2017. It is called **Democratic Confederalism**, and its key proponent is Abdullah Ocalan – the Kurd leader who has spent the last 20 years in a Turkish jail. Under democratic confederalism, the power is devolved not from top down but from bottom up. The basic, lowest level of a political unit is a local assembly representing a village or an urban district. These assemblies then elect people to represent their interests in wider confederations, which in turn choose members to provide a voice in the region as a whole (Ocalan rejects the idea of a nation state). The federal government is purely administrative: it does not make policies but implements the proposals passed to it by the assemblies.

Advantages of Citizens' Assemblies

So, what is the advantage of such a direct democracy in the form of a Citizens' Assembly instead of holding a referendum? It is a direct democracy in a sense, that all citizens have the same chance of participating in a decision making process. But instead of millions of people making such a decision themselves, a person is selected randomly by using selection criteria, such as age, gender, financial position, education, family situation etc. In that way a randomly selected person is statistically almost identical to tens of thousands of citizens. Splitting a society in such statistically identical groups allows to randomly select just a dozen or so people from each group, to achieve the voting preferences of a whole nation.

Let us gather some evidence and draw some conclusions on how a Citizens' Assembly could be used to improve democracy. There are some publications, which can help answer some questions related to the effectiveness of using Citizens' Assembly, such as Oliver Dowlen's book 'Sortition: Theory and Practice', the research paper by David Owen and Graham Smith on 'The circumstances of sortition', Brett Hennig's, book "The End of Politicians", David Van Reybrouck book "Against Elections: The Case for Democracy" or Tom Malleson's research paper: "Should Democracy Work Through Elections or Sortition?" This is how these authors see the advantages of a Citizens' Assembly:

- **Equality of representation.** Citizens' Assembly is much more representative than electoral systems, since it is a random sample, which would produce in miniature an exact portrait of the people at large. More importantly, since today's elections are so often centred on image, media influence and personality, politicians can easily be suspected of acting in a manner that will earn them votes, rather than upon their principles and beliefs. If representatives are selected by a random sample, promoted participants are forced to put aside tribal agendas and concentrate on common affairs in a cohesive manner. In a representative democracy, equality of representation is probably the weakest point, whether it is First Past the Post (FTTP), Alternative Voting System or Two Rounds System. By their very nature, elections have inbuilt 'unrepresentativeness', because those who have the time, money, and connections, are likely to be on average wealthy, educated, and from dominant social positions. The democratic aspect that everyone can choose, co-exists with an undemocratic aspect, where invariably it is the elites who tend to be chosen[15]. That argument by Tom Malleson is much weaker for countries where voting is mandatory, considered not only as a right, but also as a responsibility.
- **Cognitive diversity.** This is not the same as gender, ethnicity, value-set or age diversity, although they are often positively correlated. According to numerous scholars' cognitive diversity is more important to creating successful ideas than an average ability level of a group. Simply put, random selection of persons of average intelligence performs better than a collection of best individual problem solvers (e.g. elected MPs)[16]. One might agree with that providing that to select people with average intelligence for a Citizens' Assembly, would require setting up a certain minimum education.
- **The risk of corruption is reduced** and attention to the common good increases. Elected representatives to be re-elected must create, what Tom Malleson calls, 'networks of power, influence, lobbying, and patronage'. Members are keen to accumulate money and contacts that will be needed to win the next term if they want to be re-elected. Critics of electoral politics argue that electing representatives by vote is subject to manipulation by money, media, and other powerful means[17]. That would be a lesser problem if politicians could only serve a maximum of two electoral terms, since in the second term they would not have to gather capital and support for the next term, enabling them to say what they believe rather than appease their supporters.
- **Empowering ordinary people instead the representatives of the elites.** An inherent problem with electoral politics is the over-representativeness of the politically active groups in society who tend to be those who join political parties. For example, in 2000 less than 2% of the UK population belonged to a political party. As a result, political members of the UK population were represented by one MP per 1800 of those belonging to a party[18]. For comparison, an average UK constituency for a single mandate in the Parliament is about 75,000 voters. With a Citizens' Assembly, voting 'for elites' would practically disappear.
- **Rational decision making.** Voting on the basis of gut feeling is replaced by sensible deliberation, as those who have been drafted to serve on a Citizen's Assembly are exposed to expert opinions, objective information, and public debate.
- **Randomly selected members' loyalty** is to their conscience rather than to a political party because being appointed by a random selection they do not owe anything to anyone for their position. Contrary, elected representatives typically rely on political parties in order to gain and retain office. This means they often feel a primary loyalty to the party and will often vote against their conscience to support a party position[19].

[15] T. Malleson, "Should Democracy Work Through Elections or Sortition?" 01 2018, https://ssc.wisc.edu/~wright/929-utopias-2018/wp-content/uploads/2018/01/Malleson-PS-special-issue-on-sortition.pdf.
[16] G. D. a. O. Dowlen, Sortition: Theory and Practice, Amazon books, 2010.
[17] T. Malleson, "Should Democracy Work Through Elections or Sortition?" 01 2018, https://ssc.wisc.edu/~wright/929-utopias-2018/wp-content/uploads/2018/01/Malleson-PS-special-issue-on-sortition.pdf.
[18] D. O. a. G. Smith, "The circumstances of sortition," 2017, https://ssc.wisc.edu/~wright/929-utopias-2018/wp-content/uploads/2018/01/Owen-and-Smith-PS-special-issue-on-Sortition.pdf#page=1&zoom=auto,-169,368.
[19] David van Reybrouck, 'Britain does not need a second referendum, it needs a preferendum' in 'The Guardian', 17/12/2018

- **Freedom to make own decision.** Citizens chosen by lot may not have the expertise of professional politicians, but they add something vital to the process: freedom. After all, they don't need to be elected or re-elected.
- **Limiting the negative effects of intra-elite competition** e.g. during the exchanges in the Parliament when MPs may support a decision that would not be best for the nation, but rather such that the public likes most (populism).
- **Rotation** – no selected member will serve more than one session
- **Fairness and equality.** Random selection is inherently egalitarian in that it ensures all citizens have an equal chance of serving on a Citizens' Assembly irrespective of any bias in a society. Compared to a voting system, even one that is open to all citizens, a citizen-wide random selection scheme for a Citizen's Assembly, lowers the threshold for service in a public office[20].
- **Representing those with opposing views and minorities.** Selected members represent the cross-section of the whole of the society and thus ideally fulfil this requirement, whilst elected representatives have little or no incentive to respond to constituents from other parties.
- **Impartiality.** Selected members of a Citizens' Assembly are selected, rather than elected precisely for the reason that their decisions will in principle be impartial. An elected representative on the other hand, could in theory be impartial as an individual. However, as a member of a party, he will have to support decisions and solutions, which quite often are not impartial because they are made on behalf of the winning part of the electorate. He will be subject to a party whip (discipline). Unless a government is set upon a Scandinavian model, where decisions are made through consensus with the opposition, i.e. are to a large degree impartial and taken in the best interest of the whole nation, there is little scope for impartiality in current Western democracies.

Disadvantages of Citizens' Assembly system

- **Chance misrepresentation.** If selection or decision is made based on randomness, there is always a statistical possibility that it may put into power an individual or a group that do not represent the views of the population, from which they were drawn. This argument might also apply to juries. However, the modern process of jury selection and the rights to exclude particular jurors by both the plaintiff and defence, lessen the possibilities of a jury not being representative of the community or being prejudicial towards one side or the other. Today, therefore, even juries in most jurisdictions are not ultimately chosen through pure random selection. Regarding larger groups, the probability of selecting a very one-sided view group is statistically insignificant[21].
- **Lack of commitment by the selected members**. In an elected system, the representatives are to a degree self-selecting for their enthusiasm for the job. Under a system of pure, universal random selection, individuals are not chosen for their enthusiasm for their role and therefore may not make good advocates for a constituency. That, however, may not have to be the case if the delegates are financially renumerated for their service.
- **Lack of feedback or accountability.** Unlike elections, where members of the elected body may stand for re-election, a Citizens' Assembly does not offer a mechanism by which the population expresses satisfaction or dissatisfaction with individual members of that Assembly. Thus, there is no formal feedback, or accountability mechanism for the performance of officials, other than the law[22] (a solution is proposed further down).
- **Legislation agenda and scope.** As David Owen and Graham Smith indicate in their paper 'The circumstances of sortition' 'A Citizens' Assembly embedded within a bicameral system, will also be subject to pressures from the elected chamber, especially when there is disagreement between them… A small number of members, length of term, and specialization of roles also

[20] B. Henning, "End of Politicians," 2018, https://unbound.com/books/the-end-of-politicians/
[21] Wikipedia, "Sortition," Wikipedia, 26 1 2018, https://en.wikipedia.org/wiki/Sortition.
[22] [22] Wikipedia, "Sortition," Wikipedia, 26 1 2018, https://en.wikipedia.org/wiki/Sortition.

invites more insidious forms of influence - namely, corruption and bribery" [23]. To overcome that deficiency, some researchers propose that a Citizens' Assembly should be given an agenda and scope but not develop it further (a full solution is proposed further down).

- **Public influence and 'control' over representatives.** Random selection gives the public a kind of control but only over the selection process. Once the representatives to a Citizens' Assembly have been selected, voters have no influence on them at all. The only way this can be rectified is to have a process of recalling such members and substituting them with others from the waiting pool of the Citizens' Assembly members (a full solution is proposed further down). On the other hand, elected representatives to a Parliament are by the very nature of elections totally under the control of the voters but only during the elections. During the term of a parliament, the only influence the voters have, is a threat that next time they may not be voted in, if they do not keep their promises, or stick to their party manifesto. This deficiency could, however, be fairly easily rectified if there had been a fast process of recalling representatives to Citizens' Assemblies should their voting pattern and/or behaviour been unacceptable to his constituents. There is such a process in several countries already, like in the UK, but it is used very seldom, or the threshold needed to recall a representative is too high.
- **Citizens' Assembly members' competency.** Incompetence of the selected members is one of the most common arguments against using it as an additional tool to improve democracy. D. v. Reybrouck asks: "How could randomly selected members of the public be capable of understanding and making sound decisions on complex policy problems? It would be just a sheer luck. However, similar arguments were once put forward against allowing peasants, workers, or women to vote. Then, the opponents also claimed it would mark the end of democracy. A body of elected representatives undoubtedly has more technical competencies than a body chosen by a lot. But the elected do not know everything either. They need staff and researchers to fill the gaps in their expertise. In much the same way, a representative body chosen by lot would not stand alone. It could invite experts, rely on professionals to moderate debates and put questions to citizens."[24].

The most current global list of places worldwide where Citizens' Assemblies have been used can be found on the Sortition Foundation website, which also provides a further justification for using this type of direct democracy. By August 2021, there have been over 250 Citizens' Assemblies worldwide[25], covering various political topics, such as:

- Danish Consensus conferences give ordinary citizens a chance to make their voices heard in debates on public policy. The selection of citizens is not perfectly random, but still aims to be representative.[26]
- Half of the delegates to the South Australian Constitutional Convention 1998 were randomly selected citizens (the other half included parliamentarians), to consider changes to the state constitution.[27]
- In 2004, a randomly selected group of citizens in British Columbia[28] convened to propose a new electoral system. This Citizens' Assembly on Electoral Reform was repeated three years later in Ontario[29].
- 'Democracy in Practice', an international organization dedicated to democratic innovation, experimentation, and capacity-building, has implemented sortition within schools, randomly selecting members of student governments in Bolivia. [30]

[23] D. O. a. G. Smith, "The circumstances of sortition," 2017, https://ssc.wisc.edu/~wright/929-utopias-2018/wp-content/uploads/2018/01/Owen-and-Smith-PS-special-issue-on-Sortition.pdf#page=1&zoom=auto,-169,368.
[24] D. v. Reybrouck, "Why elections are bad for democracy?," 29 06 2017, https://www.theguardian.com/politics/2016/jun/29/why-elections-are-bad-for-democracy .
[25] Sortition Foundation, 'Citizens' Assemblies and sortition around the world', https://www.sortitionfoundation.org/where
[26] Wikipedia, Citizens' Assemblies – Denmark, https://en.wikipedia.org/wiki/Citizens%27_assembly#Denmark
[27] Wikipedia, Australian Constitutional Convention 1998, https://en.wikipedia.org/wiki/Constitutional_Convention_(Australia)
[28] Wikipedia, British Columbia, https://en.wikipedia.org/wiki/British_Columbia
[29] Wikipedia, Ontario, https://en.wikipedia.org/wiki/Ontario
[30] Wikipedia, Bolivia, https://en.wikipedia.org/wiki/Bolivia

Perhaps the best testing ground is the most recent Conference on the Future of Europe, which started in May 2021, and which is to deliver its recommendation in spring 2022. It is potentially the most significant role ever played by Citizens' Assemblies. Throughout the entire period of 8-10 months of the Conference, ordinary, randomly selected citizens will join these debates and have a say/vote over any decision taken by the Conference. It will ignite a debate on the way in which citizens can co-govern their country throughout the term of the whole parliament, rather than just on the election day, in a new style of democracy.

The decision-making body is the Conference Plenary. The Conference discusses 10 subject areas (called Topics). Each of these Topics is deliberated in one of the 12 chosen EU countries in a series of debates at National Citizens Assemblies. Each such a National Assembly selects delegates to the European Citizens' Assembly, which is part of the Conference Plenary. If the final result of the Conference broadly follows the proposals coming from the European Citizens' Assembly, then it may create an unexpected opportunity to convert the Conference into a de facto Constitutional Convention. This may then lead to a tighter EU integration, possibly creating the European Federation.

Fig. 1 The role of a Citizens' Assembly in the Conference on the Future of Europe[31]

If the final result of the Conference broadly follows current proposals, then it may be converted into a de facto Constitutional Convention.

Although Citizens' Assemblies are not a silver bullet solution, they could help correct some deep fault lines in the current democratic system and bring to democracy two very important elements: neutrality and diversity. Most electoral systems in representative democracy still split societies into political classes. A Citizens' Assembly would normally limit the period served by the delegates to one specific session, discussing one issue only, thus continually bringing people with fresh ideas and different

[31] Tony Czarnecki, Sustensis, 'Conference on the Future of Europe', June 2021, https://euro-agora.sustensis.co.uk/the-future-of-europe-conference/

perspectives on life and societal cohesion. As can be seen, the major advantage of a Citizens' Assembly is that it is quite literally the rule by the people. It is completely non-discriminatory, more diverse, and less corruptible than a typical electoral system in a representative democracy.

Citizens' Assemblies are a relatively new addition to making political decisions. They can help by practically eliminating the class-driven policy and decision-making system. We should also remember that both for the developed as well as for the developing democracies, a Citizens' Assembly can be used effectively to weed out, or at least minimize, corruption and bring about more cohesive consensual politics.

The shape and form of Citizens' Assemblies evolve as more experience has been gained eliminating some of the disadvantages listed above. The basic principle that the members of a Citizens' Assembly should be selected randomly from an electoral roll, as is the case for a jury system, seems to be right. However, the subject matter debated by a Citizens' Assembly is entirely different from that discussed by a jury in a judicial court. In a jury service, the only decision that a juror must make is always a binary one: guilty or not guilty. In a Citizens' Assembly, delegates must make many decisions on usually very complex problems, where there can be many recommended solutions with a wide variety of opinions among the delegates. That requires a certain degree of knowledge, which is usually not essential in the jury service. Thus, for an effective running of a Citizens' Assembly a certain minimum education may be required as one of the selection criteria.

Advocates of Citizens' Assemblies insist that a legislature consisting of randomly selected citizens would perform significantly better than an elected chamber in terms of deliberation and impartiality. Without party discipline or the need to refer to any constituency, members would be free to listen to each other, learn and change their minds. Evidence gathered with so called mini-publics, shows that, under the right conditions, citizens can engage in a high-quality impartial deliberation.

Those who may suggest not to hurry and first test the concept as an independent auxiliary political body, which would stay outside national or regional parliaments, are reminded that we now live at the time when change happens at an almost exponential, rather than linear pace. What once took a decade, now takes less than a year. Neither Europe, nor the world have decades to tinker with new democratic ideas. We have just several more years left to implement a deep reform of democracy.

In summary, Citizens' Assemblies seem to be a significant improvement over referenda enabling citizens to express their preferences in political decisions, a typical feature in a direct democracy system. However, to have a real and continuous impact on politics, Citizens' Assemblies should not be called just every few years to debate an important legislation. Rather they must become a permanent part of a legislative system at every level within a new democracy, linking representative democracy with direct democracy and giving citizens **a continuous real influence in political decision-making**.

Citizens' Petitions

The first step towards a continuous oversight of the elected politicians might be a system of citizens' petitions, which already exists in some countries. In Britain, there were one million petitions submitted to the parliament between 1780 and 1918[32]. In 2015, Britain introduced a formal on-line petition system. If at least 10,000 people support it, such a petition must be debated by the government and a formal response published. If a petition gets over 100,000 signatories, it must be debated in the Parliament. So, superficially, it has several advantages. The most significant one is that it creates a channel of communication between citizens and the government, increasing citizens' engagement in shaping important policies. It is also simple, and inexpensive. Here is a summary of petitions filed between 2017-2019 in Britain.

[32] Richard Huzzey and Henry Miller, Oxford Academic, Petitions, Parliament and Political Culture: Petitioning the House of Commons, 1780–1918, 13/4/2020, https://academic.oup.com/past/article/248/1/123/5819582

E-petitions in the 2017-19 Session

E-Petitions in 2017-19 Parliament	Count
Total number of unique users of the e-Petitions website	16,166,387
Total number of petitions submitted	33,181
e-Petitions rejected	25,027
e-Petitions successfully opened	8,154
e-Petitions which received a Government response	456
e-Petitions debated in Westminster Hall	74

Table 3: E-petitions filed in Britain in 2017-2019 parliamentary session[33]

On average, about 35 petitions are being debated in the British Parliament every year. In the last 5 years over 50,000 petitions have been filed but only just one, on removing tax on tampons, became law. So, petitions, at least in Britain, are a frustration valve for the voters and a fig leaf for the governing party, covering the current system of total power grab after the elections. One of the most spectacular failures of the system was a petition on the second Brexit referendum, which gained 4.5M signatures. The Parliament debated it and quickly rejected it because the Conservative Party, which was the main supporter of Brexit, had a majority. It is obvious from even this example that for a petition system to work in any country, it would need a much tighter legislation, which would not allow a government or a Parliament to easily reject it. In the Brexit case, there should have been a requirement for a supermajority of say, 60% of MPs to reject the petition.

Therefore, we need a different, 'reinforced' petition system, which would be part of an overall new democratic system, where successful petitions would trigger a process of continuous accountability of the governing to the governed during the whole term of the Parliament. Citizens' Petitions could be made to the Parliament, the government, or any other legislative body, following tight rules, such as those set out below:

- Every citizen has a right to launch a petition through a dedicated digital on-line system, supervised by an independent Electoral Commission
- Each petition is verified by a country's independent Electoral Commission which checks their potential legislative impact. These would include checking if a legislation already existed but was not acted on, required an amendment, a new legislation is proposed, or that a petition does not require any changes in the existing legislation and is thus invalid (this is already happening in the UK). It also check the validity of each signature.
- The petition system may optionally allow every citizen not only to support a petition but also propose his own version or leave comments. The comments are then aggregated by the petition debating system, such as POLIS[34] or Consensual Debating[35]. Every signatory is just able to assess the changes in the proposed wording of the petition and see an on-line visual representation of various groups' support for each of the variants of the legislation. Based on that, a signatory might switch his support for another version of the petition. In this way, the most preferred version of the petition may be chosen through a consensus and compromise. This may greatly enhance citizens' engagement, leading to a significantly improved quality of the petitions by uncovering patterns in the opinions of the participants, sorting them into opinion groups, and identifying the areas of consensus.
- A petition has to gain enough signatories under its final version within a legally prescribed period to be considered for a response from the government or be debated by the Parliament.

[33] House of Commons Library, 'House of Commons trends – e-petitions' https://commonslibrary.parliament.uk/house-of-commons-trends-e-petitions/, 3/11/2020,
[34] POLIS system was developed by a team of American researchers in 2010 for details see here: www.pol.is
[35] Sustensis, 'Consensual Debating for all levels of governance', https://euro-agora.sustensis.co.uk/consensual-debating-for-all-levels-of-governance/

From Citizens' Petitions to a Citizens' Senate

A petition system such as described above would be the first stage in merging representative democracy with direct democracy. It is a vital element in such a new model of democracy, which gives citizens the power of executing continuous accountability of the law-making body such as a parliament by scrutinizing the working of the existing law as well as directly contributing to creating new laws. However, in order not to choke the parliamentary legislative process, a valid petition requiring a debate in the parliament would have to be carefully examined first by an independent body to debate the issue.

A Citizens' Assembly might be an ideal body to perform such a function of debating such a petition before it would be sent to a parliament. However, it would be inadequate in the current form practiced worldwide. One of the key issues is who decides to call a Citizens' Assembly to discuss constitutional matters. That decision is almost always made by parliamentarians, i.e. those who hold all the power in setting up a new law. To rebalance the current situation, it should be the citizens of a country who should decide on calling a Citizens' Assembly. They would do that by signing a petition addressing a specific problem. That petition, if certified as valid by an Independent Electoral Commission, would be the trigger to call a Citizens' Assembly.

Secondly, Citizens Assemblies only operate at the time, when there is a need to apply this method for making an important political decision, for example, as a substitute of a referendum. If we want to establish a continuous accountability of parliamentarians to their voters, we need a permanent legal structure, which would play the role of the second house of a parliament. **We need a Citizens' Senate.** Any proposal for a Citizens' Senate would have to provide answers to the following questions:

- Should a Citizens' Senate be functioning continuously alongside the lower chamber or only gather for debate when triggered by a valid petition?
- Should a Citizens' Senate debates be held secret or made public? Secrecy can enhance deliberation, prevent corruption, and protect members from embarrassment, but it risks undermining accountability.
- Should there be some minimum level of competency, e.g. education required, even if this undermines the principle of perfectly random selection of population's representation?
- Should a Citizens' Senate have the right to propose legislation on their own (set the agenda) or only vote on the legislation proposed by the lower chamber of a parliament?
- Does a Citizens' Senate need a special body covering administration or supervision on formal matters only, or also be engaged in improving the quality of deliberation?
- How should the relationships between the Citizens' Senate and the lower chamber of the parliament be regulated? Should both houses of the parliament have equal powers of approving or rejecting legislation or one of the chambers would have the ultimate 'upper hand'?
- How to ensure quality debates by the Citizens' Senate? Should it be supported by a special independent 'advisory' body or every delegate would undergo a period of training and coaching/mentoring by experts before he could take part in voting a legislation?

There are already a number of proposals answering some of the above questions. For example, Tom Malleson in his research paper: "Should Democracy Work Through Elections or Sortition?" [36] proposes a solution to the problem of lack of sufficient knowledge by the selected members. He suggests supporting them with experts that would be part of an independent body e.g. Citizens' Support Office (this is now almost routinely used in Citizens' Assemblies - TC). Using this knowledge, it would be plausible to envisage a well-functioning (though imperfect) Citizens' Senate as the second chamber of a parliament.

[36] T. Malleson, "Should Democracy Work Through Elections or Sortition?" 01 2018, https://ssc.wisc.edu/~wright/929-utopias-2018/wp-content/uploads/2018/01/Malleson-PS-special-issue-on-sortition.pdf.

The existence of two chambers implies that an optimal democratic system would need a mechanism for putting legislative proposals into law. The main reason for having a bicameral system is that elections and a random selection each offer a different type of representation. In an elected chamber, the aim is to have representatives who would consider the needs of the entire population. By contrast, in a Citizens' Senate, the aim would be to have a statistically accurate sample of the population. The randomly selected members are not delegates as such (they represent themselves) and therefore have substantial independence to make a decision. Both points of view are valuable and would result in a much better fulfilment of what a given nation really wants and how it wishes to be governed.

There is already a proposal put forward in Scotland by the Electoral Reform Society to **convert a Citizens' Assembly into a Citizens' Senate**. It is to be called the Scottish 'House of Citizens' and is to be a revising chamber made up of ordinary voters in Scotland[37]. It is supported by the Scottish Citizens' Assembly, which the ruling SNP party wants to make a permanent legal body in Scotland.[38]

However, to replicate the operation of a Citizens' Senate as a traditional second chamber of a parliament, where the delegates would serve a whole 4-year term, may not be a good solution. Yes, the Senate should be a permanent institution as such but that does not mean that it should operate in a similar way as a typical second chamber of a parliament. Instead, a Citizens' Senate session should deal with one case only, as raised in a petition.

The main reason for proposing such an arrangement is that if the selected members (Senators) were to serve the whole parliamentary term of a Citizens' Senate, the result could have been similar to that delivered by elected representatives. In a representative democracy, legislative elections give unprecedented power to MPs. That's why they are lobbied by large corporations or rich individuals to introduce laws, which would serve particular interests of the lobbyists. That is what a lobby system has been about since 14th century in England, initially set up as a noble intention, giving access to any citizen to lords of the land and later on to MPs. However, it is enough to look at a potential scale for corruption in the USA, where there are on average 20 official lobbyists per Congressman. The lobbying system as such is anachronistic and should be replaced by a properly legislated system of petitioning, perhaps such as proposed here.

Therefore, to avoid such lobbying pressures, **a Citizens' Senate session should only consider one petition**, which may have to be debated by the parliament of a given country. Petitions which can be dealt with by the government, would not be considered by a Citizens' Senate but instead would be actioned directly by relevant government departments. For each such session, a new lot of citizens will be randomly selected to debate a single petition. Once Senators have passed a resolution, a session will be closed, and the delegates will complete their service. Such an arrangement will allow for several petitions to be dealt simultaneously on different days by different lot of delegates. This will be similar to a court sitting in the same building but adjudicating on several cases on different days with different set of judges. A Citizens' Senate may also be established at a regional level, where the rules may differ from country to country.

For most countries the number of delegates should broadly equal the number of MPs. However, each such delegate should have a substitute in case he resigns from his role during a session of the Senate. In both Irish Constitutional Citizens' Assemblies, the number of delegates was slightly lower than the

[37] Willi Sullivan, Electoral Reform Society, 3/6/2021 'A Scottish House of Citizens would be the opposite of Westminster's institutionally corrupt Lords', https://www.electoral-reform.org.uk/a-scottish-house-of-citizens-would-be-the-opposite-of-westminsters-institutionally-corrupt-lords/

[38] Alan Renwick and Robert Liao, The Constitution Unit Blog, 21/5/2021 in 'The future of citizens' assemblies in Scotland', https://constitution-unit.com/2021/05/21/the-future-of-citizens-assemblies-in-scotland/ write: "SNP manifesto commitment also deserves the attention of those interested in the operation of the democratic system: namely, the party's plan for citizens' assemblies. Such assemblies have already emerged as part of Scottish politics in the last two years. Two have been held: first the Citizens' Assembly of Scotland, with a remit to set out a broad vision for Scotland's future; then Scotland's Climate Assembly, focused on the path to net zero carbon emissions. These have been well received by all Scottish parties. Now the SNP wants to go further. Its election manifesto pledged annual citizens' assemblies and made a commitment to 'genuine public involvement in decision making'. There will also be a further assembly ahead of any independence referendum to help shape an independent Scotland, and an assembly to represent those aged under 16.

number of MPs (100 vs. 160 MPs). That is generally thought was one of the reasons why the planned duration of the proceedings of the Assembly had to be extended. Thus, it seems reasonable that there should be a certain minimum number of delegates, perhaps about 150, irrespective of a country's size. The number of delegates to the National Citizens' Assemblies in the EU, set up as part of the current Conference on the Future of Europe, is 200. This number seems to be the right one to ensure both a true randomness as well as the efficiency of the debates in the Senate. For some countries, such as the UK or France, it would be equal to about 1/3rd of MPs.

Setting up the upper limit of the delegates for the Citizens' Senate session is also important to assess the logistics of carrying out the debates. If we take the UK example, there are about 30 Acts of Parliament passed every year. It is assumed that only a few of them might be successfully contested annually via the petition system, i.e. reaching at least 5% of the required supporting signatures. Additionally, there may be several new legislations proposed annually by the Citizens' Senate. Therefore, there may be on average about 10 Citizens' Senate debates triggered by a petition system annually, some of them being run concurrently by different set of delegates.

The selection of the candidates for the Citizens' Senate would be made far in advance of calling the Senate's session, so that its members would be properly prepared for taking complex political decisions before they actually make them. There have been just a few examples when the members of the Citizens' Assembly have been selected in advance, before the need for such an Assembly had arisen, e.g. in the Irish Constitutional Citizens' Assembly in 2016-2018. The actual setup of the Citizens' Senate will depend on the legislation system in a given country. In the European Union, it might be established following the recommendations of the Conference on the Future of Europe. The overall objective in setting up a Citizens' Senate should be a minimal disruption to the existing legal system to enable a quick start of this new institution, bearing in mind, as mentioned, earlier, that the pace of change is now nearly exponential. Therefore, what is being proposed here is just a general ramification for the introduction of a Citizens' Senate as part of a country's legislation. Figure 2 shows an overview of the proposed Citizens' Senate role in a new model of democracy:

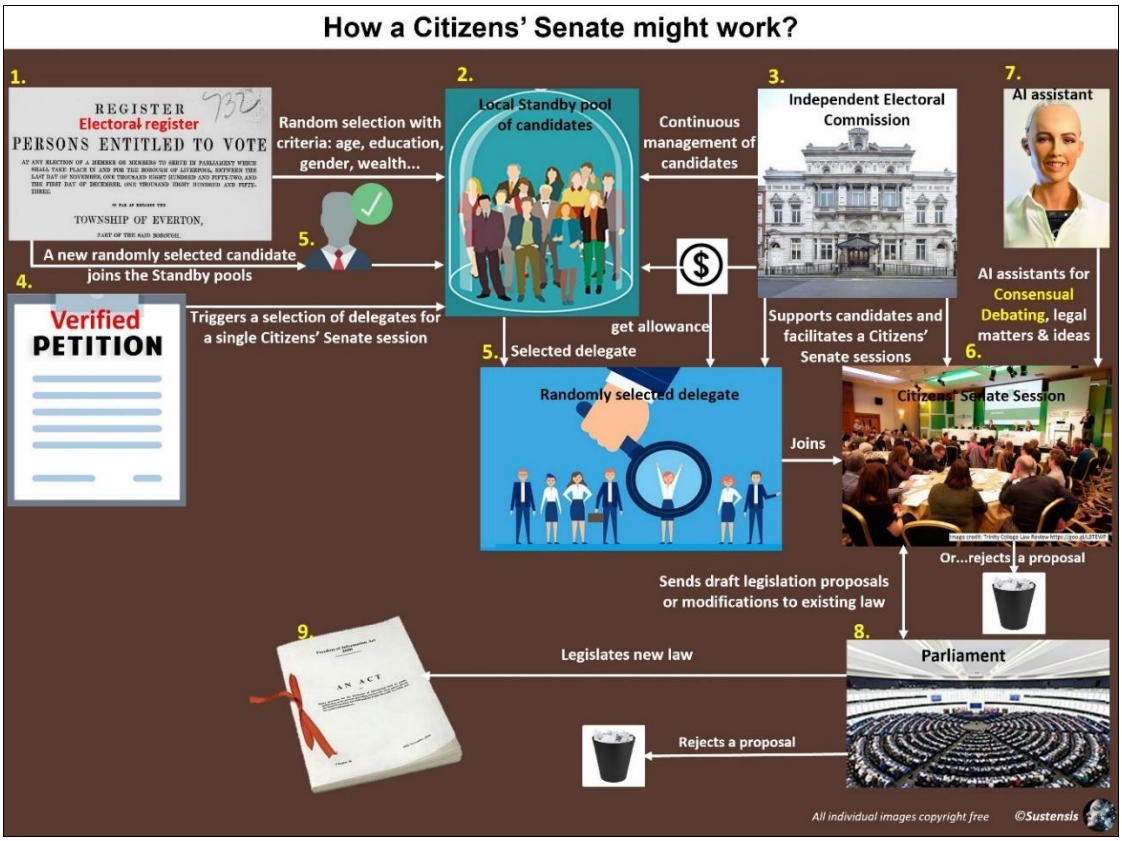

Fig. 2. An overview of how a Petition system, a Citizens' Senate and a parliament might function

This is how a Citizens' Senate might work at a parliamentary level. However, it would be fairly easy to adapt it to other levels of governance. In a detailed description below all numerical values are just suggestions:

- A Citizens' Senate, called the Senate, is a legislative body, which has the power to propose a new legislation or amend an existing legislation passed by the MPs in the Lower House of Parliament. (It can also function at a regional level, like in a small German minority of 13,000 citizens, in Ostbelgien, in Belgium[39]).
- The opening of a Senate's session is triggered by a petitionsystem, described earlier, which will also become part of the legislature
- The Senate will be summoned for a session every time when at least 5% of the voters on the electoral register support debating a certain issue, or see the need to pass a new law, or amend an existing law. Such a percentage may look high, however if such a system is to work properly, the intervention into the existing, or proposed legislation must be justified by a very serious impact it has, or it might have, on the lives of the citizens of that country.
- The validity of a petition will be checked by an independent Electoral Commission of a country, which will ascertain that it fulfils all the required criteria and that it needs to be debated by the highest law making body – the Parliament. This may include the following:

  a. The need to scrutinize an Act of Parliament. Such a petition might be started immediately after a new legislation has been approved by the parliament but not signed by the Head of State. It would thus supersede in some cases the powers of the Head of State, giving those powers to randomly selected citizens. Signing the Act of Parliament by the Head of State will still be needed, since not every legislation will be contested
  b. Proposing a new legislation (perhaps just a few successful petitions annually)
  c. Recalling an MP (at a constituency level only)

  Therefore, on average there may be about 10 successful petitions annually to be debated by a the Senate but that of course depends on specific circumstances in a given country

- The Senate's session will debate only one issue and once the Senate has passed a recommendation to the parliament, the session will be closed, and all Senators relieved from their duties.
- There could be several Senate's sessions deliberating at the same time, either in different physical locations or on different days
- The Senate's sessions will normally be carried out every weekend and a session will usually last between 2 to 10 weekends
- The Senate will not include any MPs, to preserve the Senate's integrity
- To select members of the Senate, a country will usually use the existing parliamentary districts as a territorial reference
- Each parliamentary district will have the same proportional number of seats in the Senate to the number of voters in that district. A recommended minimum number of senators is 150. For larger countries that number should not exceed 200, otherwise the Senates' debates may become less effective
- The whole process will be supervised by an independent Electoral Commission of a country, working closely with regional electoral commissions and local Councils
- Once the legislation for creating a Citizens' Senate as an institution has been passed, local electoral commissions will begin a random selection of citizens from a national register of voters' for the first session. They will join a local pool of **candidates** to the Citizens' Senate
- The candidates will be selected using certain criteria, such as age, education, gender, socio-economic class, ethnic group, geographical location, or political preferences. There could also

[39] David van Reybrouck, 'Citizens' Assembly - Belgium's democratic experiment', Politico, 25/4/2019, https://www.politico.eu/article/belgium-democratic-experiment-citizens-assembly/

be more complex criteria for selecting candidates, but perhaps more beneficial for the society. This might include selecting randomly, say 30% of the candidates with no initial pre-screening for education, another 40% with a minimum secondary education, the next 20% might include university graduates, and the final 10% might consist of technology specialists, scientists, lawyers, voluntary sector etc.

- The selected candidates will have the right to decline to serve as a Senator. That's a departure from the Anglo- Saxon Jury service, where a person called randomly to serve on the Jury must perform his duty, since this is a legal requirement
- Once a candidate passes the selection criteria and agrees to serve as a member of the Senate, he/she joins a Stand-by Pool of the candidates for becoming a Senator in the Citizens' Senate. For each seat in the Citizens' Senate session there may be 3 candidates in the Stand-by Pool (the practice will show if this is the right number), who may be assigned as a substitute of an on-going session or become a Senator of a new session.
- Before becoming a Senator, the candidates in the Stand-by Pool will undergo coaching on how the government works and what are the rights and obligations of a Senator
- Once a petition triggers the opening of a new session of the Senate, a member of a Stand-by Pool will be randomly selected from that pool to serve as a Senator in just one session of the Senate. The remaining candidates in the pool will wait for their selection to the next session of the Citizens' Senate or to substitute a Senator in an on-going session
- The candidates will remain in the Stand-by Pool for a period of 1 year being paid some allowance and any expenses. After that they will be released from their duty, unless they have been selected as a Senator, in which case they will have to serve until the end of the Senate's session. They can resign from the service upon giving a notice to leave
- The candidates in the Stand-by Pool will be regularly informed on the current proceedings of the Senate and may attend the sessions as non-voting representatives via video-conferencing
- Once a candidate is selected to serve in the Senate, becoming a Senator, a new candidate for the Senate will be selected from the electoral register to replace him in the Stand-by Pool, so there will always be 3 candidates in the pool
- If a senator resigns from the Senate session, he will be immediately replaced by another member from the Stand-by Pool.
- The Senators will be paid any expenses and an allowance equal to that of an MP for each attendance at the session of the Senate
- Senators will have their job legally protected, should this be necessary. They will have a legal duty to provide all the information on their education and skills they have. They also may have to sign the Official Secrets Act and other necessary documents, swear under oath that they agree to represent their constituents honestly, without prejudice and maintain the secrecy of the debates, if required, under the same penalties as for government officials
- Senators will be supported by a dedicated officer from the Senate's Support Office, in all matters related to performing their duties
- A Senator can only be recalled if he disobeys the rules of the service. Since he will be accountable to nobody because he was selected and not elected, the only way of removing him would be by the Senators themselves, following the procedures for a Senator's recall.

Every new law passed by the Parliament would have a period of at least 6 months of *vacatio legis* - a period between the announcement of a legislation and before it could be signed by the Head of State. If within 3 months from passing a law by the parliament, a valid petition to stop that law has been passed then a new Citizens' Senate session will be open to deliberate such law. To stop a new law proposed by the parliament, or repel an existing law, a Citizens' Senate would have to vote it down with a minimum of 66% of the votes. If such a minimum cannot be reached or the Senate will not reach an agreement within 10 debates, a proposed new law could no longer be contested, and it would be ready for signing by the Head of State.

To propose a new law, the Senate would have to get the support of a minimum of 50% of the delegates. The new law will be prepared as a complete draft legislation, ready for the first reading in the parliament.

This will enable the parliament to pass such a legislation within 1 year. The proposed law could only be rejected by the parliament by a minimum 50% of MPs. If the parliament does not pass the proposed law within 1 year, then such law would be passed in the form proposed by the Citizens' Senate.

If it sounds incredulous that a group of people with usually no legal background can prepare a draft law within several weekends then one only needs to point out that we live in the 21st century, where change happens at an almost exponential pace. We need to completely rethink how a new democracy would function, accepting that it should embrace all the benefits of a digital technology, and especially AI, which now enables a digital democracy. This will affect all aspects of citizens' participation in governing a country, beginning with digitized elections.

Today, we already have AI-driven tools, such as eBrevia by Capterra[40], which are able to prepare complete court cases. It may take 2-3 years before a Citizens' Senate becomes a reality in many states. By that time, an AI Assistant will be capable of proposing its own suggestions on the subjects discussed by a Senate, sometimes looking from an entirely different perspective, checking the consistency and validity of the produced legal documents, and preparing a complete draft legislative proposals to the parliament. Additionally, it will be able to support the sessions in the Senate with an even more sophisticated debating system, such as Consensual Debating[41], which is available today.

A Citizens' Senate role in Consensual Presidential Democracy

A Citizens' Senate may play a crucial role in a deep reform of democracy. In some way it is just a means to an end. The end is consensual politics, such as Consensual Presidential Democracy[42], briefly outlined here, but it may at least partially apply to some other proposals on reforming democracy. A petition system combined with a Citizens' Senate seems to be the fastest and the most meaningful way to rebalance the power of the voters and the power of the government by maintaining a continuous accountability of the governing to the governed.

But having a Citizens' Senate as a new legislative body would only restore the balance of power between the governed and the governing. The remaining imbalances mentioned earlier in this article, i.e., lack of balance between the rights and responsibilities, lack of balance of power between the majority and the minority, and lack of balance of power between the central and local government, have been addresses by four pillars of Consensual Presidential Democracy as shown in Figure 3 and very briefly described below.

Pillar 1 - Balancing the rights with responsibilities is the first of the four pillars. Values are the source of rights, which directly influence people's attitudes and behaviour. But values are not permanent. They change in line with a civilizational progress. And since civilizational change happens now at nearly an exponential pace, no wonder that our values change very rapidly too. Democracy, as indeed any other socio-political system, is based on values. Therefore, if we want to improve democracy, we need to start with redefining our core values.

Human responsibilities have not been properly addressed either in the UN or EU charters. Rights are not given on a plate. Implementation of rights and their maintenance over time has a price tag attached both in monetary terms as well as in keeping an ethical balance. That is why human rights have to be balanced with citizens' responsibilities.

Pillar 2 - Political Consensus. It is through a petition system and establishing a Citizens' Senate that the lost balance of power between the governed and the governing could be restored. How to restore

[40] Capterra, https://www.capterra.co.uk/software/201298/ebrevia
[41] Sustensis, 'Consensual Debating for all levels of governance', https://euro-agora.sustensis.co.uk/consensual-debating-for-all-levels-of-governance/
[42] Tony Czarnecki, Vol. 2 of "Posthumans", 'Democracy for a Human Federation', second edition, Amazon publications, July 2020

the balance between majority and minority is also addressed within this pillar. A key role in maintaining this balance falls to the Head of State, usually the President.

Pillar 3 – Shallow federalization. The lack of balance of power between the central and local government is covered here. The focus is on the allocation of decision-making powers to the lowest possible level of governance within a federation, a state, or a region. However, it is unlikely and undesirable that there should only be one 'acceptable' model of self-governance for the subsidiary entities of a federal state or a nation's state.

Pillar 4 – AI assisted governance. Since the ultimate goal of a liberal democracy is the greatest happiness for the greatest number of people, a democratic system must ensure cost-effective government. As mentioned earlier, a new democracy has to leapfrog traditional solutions and look forward to immense opportunities created by AI-driven technology. The benefits gained by the government of a country implementing such an AI-assisted governance will be immediate and significant. First of all, most decisions will be made many times faster, with full justification and various options costed. They will also be correlated with other decisions made in a similar way by AI assistants helping all government departments. There will be fewer missed deadlines and unwanted projects. The savings will be truly immense if implemented at all levels of government.

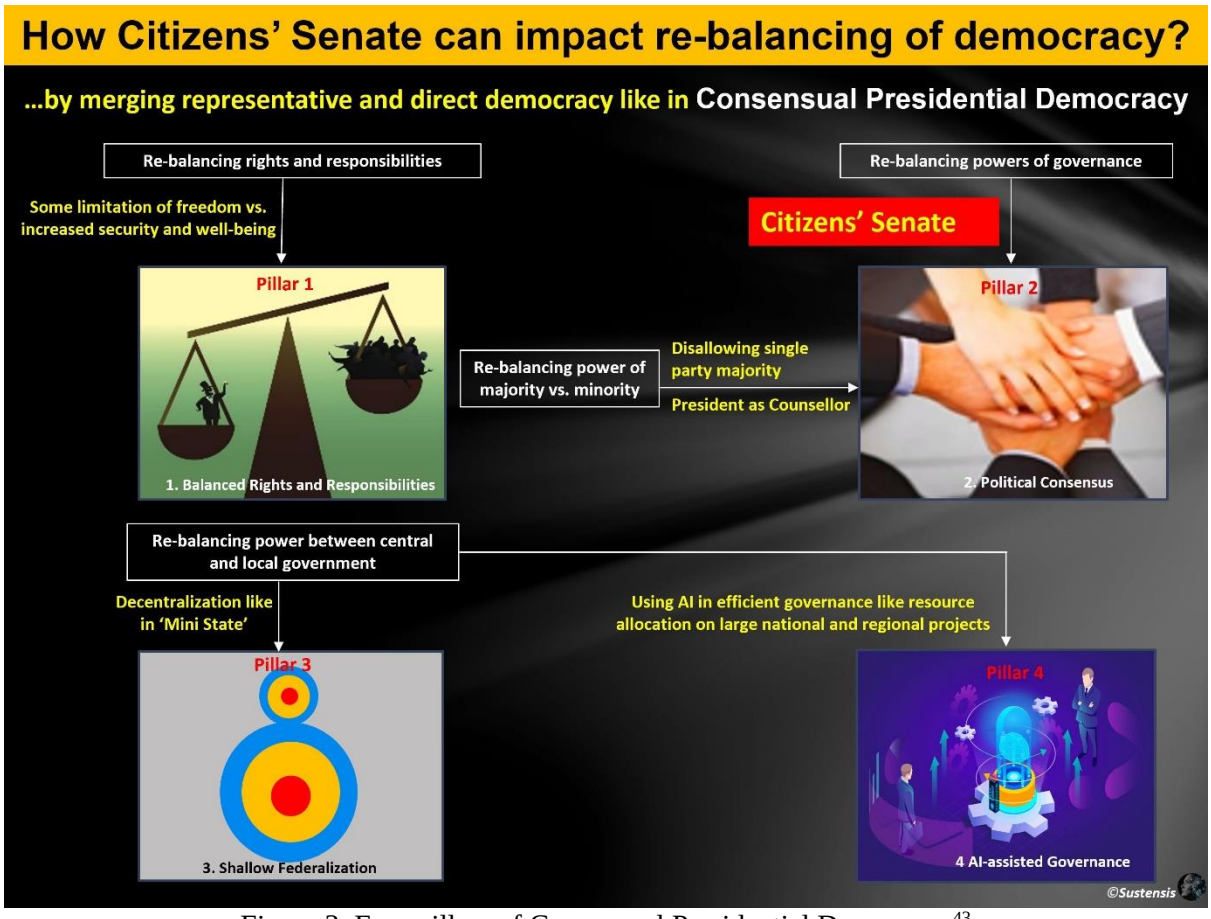

Figure 3. Four pillars of Consensual Presidential Democracy[43]

In summary, a deep reform of democracy should be carried out within years rather than decades. The proposed merger of a representative and democratic democracy would now be possible thanks to new technological inventions supported by AI and enabling a digital democracy. The key to a successful implementation of a new generation of democracy is pragmatism, which will enable faster introduction

[43] Tony Czarnecki, Vol. 3 of "Posthumans", 'Becoming a Butterfly', version 2, Amazon publications, May 2021

of any democratic reforms. Therefore, we should start with something that is fundamental, such as rebalancing the power of governance between the citizens and their representatives in the parliament.

A petition system linked to a Citizens' Senate seems to be the most logical starting point. It will significantly re-engage citizens, maintaining a continuous accountability of the governing to the governed. A Citizens' Senate would become the bridge merging representative and direct democracy. In such a democracy, only coalition governments would be allowed, with the President playing a pivotal role in achieving broader than ever consensus. To increase such a consensus even further, the leaders of the two largest parties would have the role of Vice-Presidents. Such a Presidency would then be both more representative of the entire nation as well as capable of making swift, unpopular decisions in emergencies.

About the author

Tony Czarnecki is a member of the Chatham House, an economist, a futurist, and the Managing Partner of Sustensis, London – a Think Tank on Humanity's transition to coexistence with Superintelligence. He is also the author of four books on that subject. The first one, *"Who could save Humanity from Superintelligence*?" covers one of the top existential threats – developing a malicious Superintelligence. That was followed by the *Posthumans* series, consisting of three books. The first one, *"Federate to Survive!"* proposes that the most urgent task for humans to survive beyond this century is for all nations to federate. "*Democracy for a Human Federation"* suggests that the federalization of the world should be simultaneously accompanied by a deep reform of democracy. *"Becoming a Butterfly"* is the final book in the series, focusing on the future of a human species after 2050. The author suggests that our future depends on a new system of values, which a superintelligent agent may inherit from us.