

A PROPOSAL FOR THE CREATION OF A 'CITIZEN ASSEMBLY'

Philippe C. Schmitter

February 2002

Given that citizens have declining trust in the institutions of contemporary liberal democracy;

Given that this decline has especially affected traditional modes of partisan and territorial representation and the role of elected representatives, especially that of professional politicians;

Given that reforms designed to improve this situation (e.g. term limits) have met with strong resistance and have significant negative side-effects;

It is proposed to create a 'Citizen Assembly' (CA).

1. This Assembly will be composed of a randomly selected sample of the entire age-eligible citizenry, i.e. both registered and unregistered voters.¹
2. Its number (initially) will be twice that of the present lower chamber of the legislature.
3. The selection of 'Citizen Deputies' (CDs) will be in accordance with the existing system of constituencies in the lower house, i.e. two CDs will be drawn randomly from each district – if a single member district – or double the number of existing deputies – if a multi-member district.²
4. Each CD will be paid one-half the salary of a deputy in the lower house for the two or three month period of his or her civic service.³
5. Each CD will be assigned a legislative assistant who will be responsible for ensuring that he or she will receive all relevant documentation, respond to requests for further information and help in their interactions with the public.⁴

¹ The selection process will be monitored by a steering committee of the existing parliament with both chambers participating and with representation from government and opposition parties. This committee will evaluate the results of the random selection process and will reject those chosen who have criminal records or are otherwise unfit for civic service for reasons of physical or mental health. A more radical proposal would be to include 'denizens,' i.e. legally resident aliens, and not just citizens – provided, of course, they had the necessary capacity to participate in the duties of the CD and the deliberations of the CA.

² This implies that the CA will also tend to over-represent smaller and less densely populated units, but no more than the existing system of territorial representation for the lower house.

³ This payment will be made in two steps: an initial payment of ½ the sum at the beginning of the civic service and the other ½ after the term has been completed.

⁴ The assistant will also be responsible for keeping a record of the CDs contacts during the period of civic service and will report any anomalies or difficulties to the steering committee.

6. This Assembly will meet once a year for one month (probably in January) at a site to be determined, but not in the national capital.
7. Its unique purpose will be to review and vote on bills passed by the regular parliament during the previous year for which at least one third of the deputies in the lower house have explicitly requested a stay of implementation.⁵
8. The potential Citizen Deputies will be chosen two months prior to the meeting of the Citizen Assembly.⁶
9. The names of those chosen to be potential Citizen Deputies will be made public and citizens encouraged to contact them – through their respective legislative assistants. Adequate means for communication, e.g. on-line computers, photocopying facilities, franking privileges, etc, will be put at the disposition of all CDs and special arrangements, e.g. websites, will be made to make it both easy to contact them and to protect their privacy.
10. The Citizen Deputies actually participating in the Assembly will be chosen at the end of an initial two month period by coin-toss between the two CDs selected for each single member district or between pairs of CDs from multi-member districts. In the event of illness or other impediment, the ‘substitute’ will become the deputy.⁷
11. The Citizen Assembly after due deliberation will vote on each of the bills submitted to it. Only those drafts receiving a simple majority of the votes will be passed. No legislation rejected by the CA will become the law of the land.⁸

⁵ It is desirable to limit the total number of bills to be reviewed by the CA – say, to no more than three – if only to give CDs adequate time to study them and to deliberate collectively. Also, such a limit will discourage “obstructionist” use of this review by the opposition. It is also presumed that legislation in response to emergency situations or having a specific time referent will not be able to obtain the one third dissenting vote. As Peter Wagner has pointed out to me, the dissenting minorities are not likely to be same for successive bills and, hence, some mechanism will have to be introduced to “ration” the bills to be considered by the CA. The steering committee of both houses, mentioned above, could be used for this purpose, as well as for vetting the selected candidates.

⁶ During this period, they will be provided with the necessary documentation, including the transcript of previous parliamentary debates on the relevant bills and contemporary press commentaries. They may also request any additional information within the limits of national security. Needless to say, arrangements would have to be made to ensure that CDs would be relieved from their regular occupations during their period of civic service and guarantee that they could return to their pre-existing jobs without penalty.

⁷ Here, the intent is to make it more difficult for CDs to be influenced or even suborned by external influences since no one will know until the last minute precisely who will participate in the CA.

⁸ A less restrictive measure would be to consider a negative vote by the CA analogous to a Presidential veto and, hence, the draft could still be adopted by a super-majority of the existing legislature (i.e. more than 2/3).

12. If the regular legislature fails to assign any bills to the Citizen Assembly, it will nevertheless meet to review the year's production of laws and issue a statement on their quality by majority vote with minorities expressing their dissent if necessary.⁹
13. In polities that already have referendum or initiative provisions, the Citizen Assembly could replace such arrangements – at lower cost and greater visibility, and with more opportunity for deliberation.

⁹ Here, the presumption is that the mere existence of the CA will encourage the regular legislature to be wary of passing bills against a dissenting minority and make the necessary compromise to dissuade the opposition from voting for an assignment to the CA. The 'ex ante' effect has been noted, for example, in the case of parliaments that anticipate possible referendums on what they produce (e.g. Switzerland – where, incidentally, confidence in public institutions including the parliament is much higher than elsewhere).