Citizens’ Assemblies on Brexit: A democratic way forward

A discussion-opener from DiEM25 UK
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Introduction
Our interest in Citizens’ Assemblies began with the realisation that the UK’s political deadlock over Brexit can only be solved by ‘considered judgement’ taking us beyond binary confrontation. From the referendum onwards, we have called for an outcome that recognises this insight. While a civil war-like atmosphere made it increasingly impossible for Leavers and Remainers to hold a civilised conversation, we committed to respect the referendum result whilst making sure of a maximal alignment with continental Europe that could secure UK jobs and future prosperity.

It is important to note here that our respect for the referendum result is predicated on vital democratic principles. The Brexit referendum result placed an obligation to confront the challenge posed by 17.4 million people to their political leaders, and acknowledge that the way that the country is run now has to change. Yet, it is no accident that a litmus test for a healthy democracy is the respect shown for minority positions. This is the best way for a system based on majority decision to ensure that it is nuanced enough in its judgments to advance society as a whole. It is also the best way for it to take the whole of society forward with its decisions, whichever way they go. Moreover, it is the best way to ensure against the biggest trap that a democratic system can fall into: one where the considerable power of the state is abused by the claim that its policy is derived from ‘the will of the people’ and therefore in the general interest. ‘Leave’ won the referendum with only a slim majority and an unresolved set of options for ways to leave. But from the outset, when Theresa May claimed that ‘Brexit means Brexit’, this respect for vital democratic principles was the road not taken, resulting in the democratic frustration and toxic polarisation that we now see at every level of UK politics.

Neither Leave nor Remain can solve the constitutional crisis caused by Brexit on its own, and as more people on the left and the right of the political spectrum come to this realisation,
**Introduction**

we are starting to see a growing interest in building alternative solutions – solutions that are no longer confined to addressing UK-EU relations. From English democratic representation to the Good Friday Agreement, electoral systems, trade deals and immigration, the current crisis calls for a UK-wide constitutional convention. We are members of a movement calling for the democratisation of Europe, so we say “bring it on”. But we are under no illusion that the many millions of people rightly calling to ‘take back control’ in Britain today are yet committed to finding the adequate time, space and resources to facilitate the deeper democracy that this requires.

We will have to fight for the survival and renewal of our democracies, fit for a digital age. We believe that Citizens’ Assemblies, like the ones that have changed the way democracy is done from Ireland to Canada, are tangible proof of the real democratic potential of this road not taken – its capacity for ‘considered judgement’, and for bringing the best and not the worst out of democracies and nations. And that the time is now. As we confront a No-Deal Brexit that has never come within sight of a majority, yet which has the blessing of Donald Trump, whose US advisors have declared Europe their “foe” – the considered judgment afforded by Citizens’ Assemblies is a vital lifeline for democrats in the UK, throughout Europe and beyond.

This paper outlines the main ingredients of our plan for using Citizens’ Assemblies as a vehicle of democratisation, for the Brexit process in the short term, and for the British political system itself in the longer term. It opens a discussion for our members and activist friends. It consists of an outline of the political rationale for using Citizens’ Assemblies to address Brexit, by Rosemary Bechler; a synthesis of the core principles and overview of technical and practical aspects to be considered when preparing a Citizens’ Assembly, from a paper by Gavin Barker; and a political conclusion written by Andrea Pisauro and Michael Sinclair.
Citizens’ Assemblies invigorate debate, enabling ordinary citizens to arrive at new solutions on divisive issues.
Context and rationale: ‘Going back to the people’ and Brexit
Everything Theresa May did after inheriting the binary referendum result was an avoidance of debate, from the resistance of the UK government to seek parliamentary approval for Article 50 or to a “meaningful debate” on the final deal, to the ministerial power grab over the Withdrawal Bill and secretive plans for trade deals, the silencing of the devolved nations, the refusal of plan-B discussions, and the insistence that “Brexit means Brexit” through months and years in which it has become increasingly clear that no-one has a clue what Brexit means.

This last formulation, uttered in an impatient tone of British common sense turns out to have been the most deceptive, and the most effective for the reactionary forces at play. It allowed May to choose red lines without any explanation or accountability, and with the inevitable result that any attempt to subject those red lines to democratic scrutiny is now being met with cries of ‘betrayal against democracy’.

Whatever the failures of May’s protracted negotiations, there are two key debates that she was successful in avoiding. The first is the discussion at the heart of any liberal democracy worthy of the name: a democratic debate leading to a compromise between political adversaries, to sort out the political impasse on Brexit. The other is any confusion of the call for ‘taking back control’ with the setting up of a permanent framework for deliberative democracy for citizens who want to have a say in their own and their country’s future. No more than Macron faced by the gilets jaunes, has May been willing to encourage a serious debate between the citizens in her jurisdiction.
The earliest casualty here was parliamentary sovereignty. Yanis Varoufakis pointed out the irony: “What, philosophically-speaking, is the most powerful argument for Brexit? Sovereignty – returning parliamentary sovereignty to this great House. What?! There has been no discussion in the House of what kind of Brexit the country wants. Even the way that European legislation is transcribed into British law has been taken away from this House, and moved to a Tory Cabinet… The Brexiteers are in the process of brutally murdering the sovereignty of this House of Commons.”

Albert Weale spelt out precisely how this anti-politics worked in his timely polemic, The Will of the People – A Modern Myth. May’s argument began, he said: “by equating the will of the people with the outcome of the referendum. It goes on to equate government policy with the referendum result. It ends up by equating government policy with the will of the people. In consequence, parliament becomes the enemy of democracy and has to be replaced with government by executive decree. And all this in the name of the will of the people! One people; one will; one-party state.”

But only now we can see the full scale of where this winner-take-all logic brings us, with the current Tory PM shutting down parliament to force through a no-deal Brexit. The mythic ‘will of the people’ to which Boris Johnson’s cabinet pays allegiance could not have less to do with the general interests of the country at large, as is perhaps clearest in the tectonic reactions of remain-voting Northern Ireland and Scotland. This is why DIEM25 supported and continues to support Jeremy Corbyn’s attempts to avoid the worst polarisation between Leavers and Remainers. Caroline Lucas puts the result very well:

“The last three years have been a ‘phony Brexit’. The real arguments over and consequences of Brexit are, I’m afraid, just beginning. Three years ago we split virtually down the middle over whether to leave the European Union. Since then, that split has deepened and has not been resolved… what [Boris Johnson] is doing is aligning the United Kingdom with Donald Trump’s White House… They will offer Johnson a generous treaty and immediate support if he backs no deal. And we will be reduced to mercenaries in America’s trade wars. And not just trade wars.”
She goes on to warn, “Boris Johnson and his supporters do not represent the decision a majority took in the referendum three years ago. Instead, he and Nigel Farage are playing the game of President Trump, who wants to use us as a battering ram against Europe... Johnson may have to call an election and the surest way he can win a majority is by striking an electoral pact with the Brexit Party. This is the outcome Trump wants and it’s also guaranteed to stop any democratic movement in its tracks.”

We agree with Caroline Lucas that, “The way the country is run has to change and we the voters have the right to decide how.” We also couldn’t agree more that this crucially involves talking “to those we disagree with, not just to our own ‘side.’” The enemy images introduced into the referendum debate through targeted one-way psychometric messaging by mercenary propaganda firms backed by far-right financiers like Steve Bannon paved the way for incivility and murder even before the referendum result. But if anything, the following two years have seen rising levels of racism and xenophobia, and a further polarisation of opinion. Nor can we expect things to improve over years of negotiation to come. Whatever Britain does, at least half the population will question its legitimacy. There will be bitter recriminations and deep-seated disappointments, unless leavers and remainers can “take back control” together.

So parliamentary sovereignty is not the only casualty. The degradation of politics now so evident in the shock and awe of Brexit has entered our processes of decision-making to orient politics around political combat, rather than deliberation and problem-solving. The real danger now is the way money and media can be used for the purposeful degradation, misuse and manipulation of this supposed unitary ‘will of the people’.

DiEM25 UK argues that – whatever the outcome to the Article 50 negotiations and complementing any election process, Britain must rediscover the Ancient Athenian idea of selection by lot – choosing a cross-section of the public to deliberate together – to turn its gathering crisis into a rebirth of democracy UK-wide, moving Westminster from a government according to the will of the people, towards the richer, safer notion of government according to the considered will of the people[1]. A Citizens’ Assembly
chosen by lot from the electorate with between 50 and a hundred participants takes citizens through a process of deliberation in which they hear from both sides of the debate and then decide either how to resolve a seemingly intractable problem, or how to set priorities for an urgent agenda. We call, in the first instance, for at least ten agenda-setting citizens’ assemblies to be chosen by lot in the different regions and nations around the UK. The process should be overseen by a board of UK-wide decision-makers with different views on Brexit. The priorities established by considered judgment in each region and nation will not mandate but will afford invaluable insights to two distinct groups of decision-makers: firstly those involved in the UK-wide task of settling how best to return the Brexit issue to the people, whether by second referendum or general election; secondly, those involved in organising or advising on the programme for a UK-wide constitutional convention. We would like to strongly recommend that both these groupings take a close interest not only in the outcomes but also in the process of these deliberations. This rolling process of deliberative assemblies finally enables a diverse people to have a voice: to come together to discuss the future they want for the UK and in its relations to Europe.

Such a process would have an electrifying effect on political business as usual. Sortition by lot has been adopted in Athens and in European cities since the Renaissance precisely because it offered a powerful bulwark against the power of elites and interest groups. In the twenty-first century, a new system of checks and balances could emerge in the dialogue between people as represented by elections and people as represented by sortition or lot. If a permanent Citizens Assembly began its life as an issues-based rolling convention on Brexit to accompany the several years of negotiation which still lie ahead, one huge source of constitutional strength for the future might yet emerge from this hapless political catastrophe.
Sortition has throughout history proven itself to be an effective means of redistributing the power held by elite groups.
Citizens’ Assemblies on Brexit: the principles
Citizens’ Assemblies on Brexit: the principles

Citizens’ Assemblies are democratic assemblies made up of at least 40 members of the public (if a smaller number of members are selected then a Citizen Jury can be formed to work in a very similar way) to discuss and deliberate on a set of relevant social and political questions. These members are typically recruited by sortition, making sure that the assembly is representative of the wider public in a way that does not favour any particular demographics, opinion, region, etc., but covers a full range.

There are three fundamental reasons why we think that a wide and deep exercise in deliberative democracy involving a rolling series of Citizens Assemblies is the only way to fully resolve the Brexit crisis in a way which is widely recognised as legitimate.

First, Citizens Assemblies are ideally suited to find consensus around complex and divisive issues, such as abortion in Ireland or the Leave-Remain divide in the UK. Fact-based evidence and expert presentations can help assembly members to heal social divides around a common set of concerns. Even if no overwhelming consensus emerges, deliberative democracy can foster positive and respectful dialogue instead of antagonistic confrontation.

Second, Citizens Assemblies are a powerful tool to enable ordinary citizens to come up with their own policy recommendations. These might be no more than a set of guiding policy principles and recommendations, allowing the details to be filled in and implemented by politicians and policy experts. Done right, the recommendations of the Citizens’ Assembly open the way to creative solutions and could add democratic legitimacy to the difficult decisions that central and local government need to take.
Third, Citizens Assemblies are capable of generating a more nuanced and better informed public debate. In the context of Brexit, the lack of quality information in a rancorous public debate conducted in the media and among politicians was evident on both sides. A well resourced, high-profile, non-partisan website that shares the deliberations of the Citizens’ Assemblies could act as a powerful counterbalance to fake news and misinformation. Moreover, Citizens’ Assemblies often reveal a deeper insight into the local public in a way that cannot be achieved by polls or normal consultations.

How it works:
Five Phases

The organisation of Citizens Assemblies typically requires five phases (for further details please consult Gavin’s Barker guide on how to instruct a Citizens Assembly):

1. The operation of a Citizens’ Assembly typically starts with the recruitment of citizens. Usually, a Stewarding Committee oversees the process to ensure its quality and fairness. These kinds of Assemblies often deal with divisive topics, and thus their legitimacy and impact hinges on support from a range of voices across divides – as well as the public standing of their guarantors, stewards and funders.

2. The activity of the assembly begins with a learning phase. Participants are supported to learn about the topic from diverse perspectives. This can be done by combining time for individual learning (e.g. citizens receive information packages agreed by the Stewarding Committee), with time for group learning, during which they are exposed to a range of evidence, views and testimonies covering the topic from various angles. Depending on the topic, this may include experts, officials, politicians, activists, and stakeholder representatives of various sorts (e.g. business, third sector, communities).

3. The **deliberative phase** follows, which is the core of the process. Aided by impartial facilitators and recorders, participants engage in small group face-to-face deliberation (small groups maximise the chance that everyone has a say) where they reconsider their initial ideas on the topic in the light of the evidence and testimonies from the learning phase, but also with respect to the arguments and experiences of their fellow deliberators. Critical is the role of the facilitator. Good facilitation is about encouraging participants to learn and explore each other’s perspectives; it is not just an exercise in the rational analysis of data. Facilitators help participants develop a shared understanding: the focus is on building relationships over and above producing the results.

4. The work of the assembly is concluded with the **decision-making phase** where the learning and deliberative work from previous stages enables participants to engage in considered judgement and informed decision-making. This may lead to a particular recommendation or decision, which must be articulated through reasoned arguments in the final report or statement.

5. A **media campaign** should follow. The focus at this stage is impact. Ideally, the Assembly has already been in the ‘public eye’ from its inception. One way to ensure impact is to involve key public figures and broadcasters in the process and Stewarding Committee. In this final stage, the outcomes and outputs of the Assembly are shared through all relevant networks, thus informing broader public deliberation and decision-making.

**Five Key Design Principles**

One of the most critical issues in Citizens’ Assemblies is transparency, in particular regarding the composition of the assembly via sortition, in a way that represents all parts of society; how the agenda is designed and by whom, empowering members to set the questions; and how experts in the subject matter are chosen to make it impartial,
fact-based and non-partisan. In order for a process of Citizens Assemblies on Brexit to be capable of an effective result we propose five key design principles:

**Legitimacy.** To be able to fully address the Brexit crisis, the Citizens Assemblies we propose should be authorised and funded by a Parliamentary act, organised by the government together with local and devolved administrations, and provided with a precise mandate, adequate time and resources and support from the wider public. Their work should be collated by a constitutional convention, or committee, which is empowered by the same Parliamentary act to draw up their conclusions of the deliberative effort of the Assemblies.

**Devolution.** Given the deeply local character of the Brexit divide, the differences of orientation among different regions and nations of the United Kingdom must be aired before a ‘considered judgement’ can be reached. This requires an adequate number of Citizens Assemblies in each region and nation of the UK, arriving at their own priorities through deliberation and recommendation which will then need to be collated in a unitary discussion at a later stage, where any second referendum proposal must take these different priorities into full account. This rolling programme of Citizens Assemblies throughout the regions and nations of the UK will finally allow a voice to devolved and local democracy that begins to deliver control to the citizens who demand it.

**Inclusivity.** A Citizens’ Assembly on Brexit should foster inclusion of members from all parts of society, while representing all sides of the Brexit debate. This is why the composition of these assemblies should begin by selecting a proportion of leave/remain voters corresponding to the referendum results. But in addition, it should include representatives of those citizens who did not or could not vote in the referendum (citizens who abstained, were too young at the time, were not entitled to vote, either because they were non-UK EU citizens or UK citizens abroad). In this way, Citizens Assemblies will respect the referendum result and unite all citizens who are directly affected by it, to determine the best outcome in a single shared democratic process.

**Power and independence.** The organisers must not push any one agenda, but should
ensure that a variety of voices are heard and that those voices determine the outcome.
The power to maintain a balance among competing perspectives on Brexit should be devolved to each assembly which should have an open mandate to arrive at the definition of what Brexit means for their region or nation. Participants need to know that the outcome of these deliberations will be taken into account and respected across the political spectrum. The priority concerns of their region or their nation must be considered by the UK Parliament when legislating a way forward on Brexit, including in the formulation of any new referendum. The proceedings of the Citizens Assemblies should be followed by the political class with the kind of interest that representation in our many-to-many communications era requires today, helping them reach the widest public. Constructive media coverage of the process and not just of the outcomes will be essential to inspire a newly-informed public debate. This fundamentally innovative process will allow the missing and conflicted voice of the British people to defeat bigotry while finally having an input into the wider Brexit negotiation process.

**Time and resources.** In order to enable the development of deep understanding of the issues at hand the Citizens Assemblies need to have access to the resources that help members to learn in depth about the issues before drawing conclusions. Expert presentations and careful, written briefings were one of the key design features of the UCL project. Materials and presentations must be accessible, avoiding jargon or complex language. The most important resource is however time. Any considered judgement of Brexit needs to allow for a lengthy nuanced discussion where all points of views are allowed expression without undue pressure before arriving at a synthesis. Such a process will require months, if not an entire year. But it will energise our democracy in an unprecedented way.

Deliberative democracy swims in the opposite direction to polarised party political discussion. It requires a serious investment in a different way of thinking about democracy and an effective devolution of power over the most important choice the country has faced in many years. But it is only through a proper process of democratisation that we can hope to end the Brexit stalemate and reinvigorate an imperilled British polity.
Democracy takes time. But without more democracy, there is no solution in sight.
UK politics is demonstrably not working. Three years after the surprising outcome of a referendum that revealed a fundamental disconnect between large parts of the country and its political and institutional centre, the cry to take back control has received no satisfaction. Dragged into the Brexit stalemate, Parliament has failed even to discuss the fundamental changes necessary to genuinely improve life for society as a whole, especially for those in need. Instead, MPs wasted over two years facing enormous pressure to find an impossible balance between some combination of the ever-conflicting will of the country, will of their constituency or will of their party, as they understood it. Outside Westminster, trust in democracy was eroded while an increasing majority felt disillusioned and even more disenfranchised by what is perceived as an all-failing system.

This Brexit mess, partly triggered and partly revealed by the referendum, is not a wrong that can be made right by the very same political system that led to it. Control must be taken back as citizens demanded. Change must come, not just for the citizens but by the citizens. A democratic solution to the fundamental constitutional questions raised by Brexit requires citizens not only to choose the best answer to the question, but also to frame the questions themselves. As political theorist and democracy activist Stuart White put it in considering calls for a constitutional convention in 2015, this is one of those times “when ‘We the people’ have a right to settle what happens precisely because what is at stake is a set of very basic questions about how we are ruled.”
This is why it is time to consider a democratic supplement, free of the political machinations of self-serving party politics, governed by citizens for citizens. Representative, empowered, democratic Citizens Assemblies are such a supplement: non-partisan collectives of people able to make considered decisions, based on fact and evidence. Citizens who have access to each others’ views, relatively undistorted by partisan media and vested interests, but in the hands of leavers, remainers and hitherto non-voting citizens willing to serve the country in a high quality, face-to-face deliberative process.

Time of course was and is of the essence. A serious attempt to give a series of Citizens Assemblies the mandate to find a way out of the Brexit stalemate and to reinvigorate British democracy requires proper resources and above all time. Time for a meaningful debate among self-informing people deliberating over a complex decision. Time for citizens as a whole to listen to each other and empathise with each other. We should allow democracy the time it deserves. This means either a lengthy extension of article 50, or its indefinite suspension, through its revocation.

Meanwhile, a new Tory government chosen by a tiny portion of the electorate is determined to ignore any democratic challenge in wilful pursuit of a no deal Brexit which it pretends will be the end of the matter. No ifs, no buts, and above all, no democratic accountability of any sort. The looming deadline of article 50 is hijacked to force through the ultra-regressive agenda of a “Trumpian” Brexit not once discussed in the three-year referendum campaign, a Trump Deal which in means and ends spells catastrophe for most of us in Britain and continental Europe alike. Parliament is considered nothing more than an obstacle to be removed in order to deliver a Brexit no one has voted for in the name of a mythical ‘will’ of a people that never expressed it. No sincere democrat can allow this to happen. We call for all democratic forces to oppose a no-deal Brexit and work together to save our democracy at this critical hour. No final Brexit settlement can be achieved before consulting the citizens.

Democracy takes time. But without more democracy, there is no solution in sight.
This is why DiEM25 is ready at any time to support our progressive allies in an overdue General Election. A Corbyn-led Labour Party should lead the way for all the forces opposed to a no-deal Brexit, in exposing Johnson’s threat to turn the UK into a vassal state of Trump’s US. But while kicking the Tories out of power would restore parliamentary sovereignty, it won’t fix the ongoing fundamental disconnect between the citizens and their democratic institutions.

This is why the first tasks of a new government at this historic juncture must be that of taking the time to tackle widespread economic and social grievances with an anti-austerity agenda while simultaneously organising a rolling programme of Citizens’ Assemblies on Brexit. This must pave the way to any legitimate longterm conclusion: any new Brexit deal or referendum should be informed by such a deliberative exercise if it is to find widespread backing in the country. It is only by giving citizens access to agency, delivering them bottom-up control, that we will ultimately defeat top-down bigotry. We must energise our democracy to save it.
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