

RANDOMLY SELECTED CITIZENS – THE SORCERER'S STONE OF E-PARTICIPATION?

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Abstract

e-Participation has one commonly acknowledged major weakness: The people actually participating often do not represent the whole population of the respective political entity, severe biases can be observed with respect to overrepresentation of some groups and underrepresentation of other. Unfortunately, there is, according to our knowledge, no much systematic empirical evidence of citizen participation processes available; at least in Baden-Württemberg. Participation is still, like in ancient democracies, restricted to those who can afford the time budget necessary. In ancient Athens merchants, craftsmen etc. had only little time for politics whilst others, especially landlords, heirs and noblemen had the necessary resources to devote more time to politics, so both a regular compensation and a random selection for mandatory political duty were introduced. Such a random selection is still established in our contemporary societies, above all regarding jury duty. The paper analyzes the strength and weaknesses of such a random selection and whether it contributes to the functioning of e-participation. Finally, it gives some advice in order to improve e-participation and, in general, all participation processes.

1. Issues of (e-)Participation Processes in Baden-Württemberg

In Germany, the public understanding of democracy has changed significantly over the past two decades. Representative democracy procedures have not longer a monopoly. The public wants more participation in important political decisions and demand more direct and deliberative democracy (cf. [1], p. 9). The cause of this difficult situation, in which many democracies are, lies probably in social change and the resulting expectations. These have developed from increased opportunities for self-development, the general upswing in education and the intellectualization of the world of work and leisure (cf. [2], p. 1). Against this background, it is hardly surprising that politics and public administration are increasingly offering participation.

The word participation has its origin in the Latin "particeps", which can be translated as "involved" or "participating in something" (cf. [3], pp. 13). In everyday language, participation is often equated with the term "citizen participation". The term is controversial as the "citizen" is usually subject to a specific legal definition. However, the term has been softened in the last few decades and is now commonly used for the general public (cf. [4], p. 400). We will use the term participation in this paper.

When calling for more participation, three central justification approaches are repeatedly cited [5], [6], [7]:

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1. increasing legitimacy
2. increasing acceptance
3. improving the quality of political decisions within society.

These advantages can be achieved for the society through participation in decision-making and access to political discussions. In practice, however, the picture is different. Opportunities for participation are distributed unequally in terms of social structure. Highly educated people, members of the middle class with good professional positions, men in middle and senior years and the public service dominate. Representatives of well-organized bodies like political parties, associations, clubs and churches are also overrepresented. On the other hand, people with a migration background, young people, women, older workers, as well as lower income groups and people with subsistence issues are underrepresented [8]. Civil inequality has been identified as the cause of this situation. To address this problem, random selection is used more and more frequently in participatory processes. This is intended to really represent the whole society in participation processes.

The new importance of participation was emphasized by the Federal State of Baden-Württemberg appointing Germany's first and only State Councilor for Civil Society and Citizens' Participation in 2011.³

The participation offers are intended to counterbalance the dissatisfaction of society with the political elite (cf. [10], p. 2). But after a decade of experience it seems doubtful whether participation can help to overcome the difficult situation of representative democracy that some people see.

In addition, e-participation is used more often. The new situation caused by the corona pandemic has provided another convincing argument for expanding such online offers: No physical meetings can take place, hence participation formats in presence are also affected (cf. [9], p. 1).

2. Randomly selected Citizens on Participation Duty – A historical review

This problem is well known in politics, administration and in the scientific debate. Since the core problem for the crisis situation of democracy is commonly assumed to be the feeling of social, political and economic inequality, the random selection shall solve this problem.

This idea is based on the ancient Greek polis democracy, which is often used as a role model for today's participation efforts.⁴ Regardless of whether it is a direct or a representative democracy, every form of democracy depends on the commitment and interest in the community of as many people as possible (cf. [3], pp. 13).

A direct form of democracy prevailed in Athens from 508/07 to 322 BC. Every citizen was entitled to take part in the peoples' assembly, in which "ta politika", that is, "what concerns the city", was negotiated. In addition, every citizen could take on a public office (cf. [11], p. 9).

³ <https://stm.baden-wuerttemberg.de/de/ministerium/staatsraetin-fuer-zivilgesellschaft-und-buergerbeteiligung/> (as per 12 March 2021).

⁴ Cf. https://www.bundestag.de/services/glossar/glossar/R/repraes_demo-247326 (as per 5 December 2020).

The rule of the people went much further than today's ideas of direct democracy, such including also the executive and juridical branch. Politics was not a profession, as it is mostly the case today. Participation in the people's assembly was decided by a stochastic element: Who had spare time and hence actually participated? Of the approximately 30,000 to 35,000 adult citizens in the times of Pericles, approximately 6,000 people were necessary for the people's assembly to have a quorum. The percentage participation in relation to the total number of citizens was extremely high at around 20 percent. This was mainly due to the fact that politics was seen as a social duty. In addition, a lottery procedure was used to fill political positions with citizens drawn randomly. This procedure made no distinction between poor, rich or social status and was therefore a symbol of civic equality. But the polis democracy was also confronted with problems. As in modern participation formats, experienced speakers can then as now have a decisive influence on the results. The regular draw of the participants should counteract this influence and the assertion of particular interests. The origin of the model character of the Athenian polis democracy lies in the direct participation of the citizens in decisions of the community, the jurisprudence as well as their equality in the appointment of offices. Therefore, the lottery procedure is seen as a prerequisite for the ideal of civil equality and thus also for a functioning democracy (cf. [11], p. 9). It is notable that according to Thucydides, the oligarchs, when gaining power, reduced the number of citizens to 5,000 but also said that such a number never ever participated in the peoples' assembly before (cf. [31], p. 149).

Accordingly, the lottery procedure has been used in the judicial system for several centuries (cf. [12], p. 469). One of the best-known systems is the selection of a jury in the United States. In the USA and Austria, the opinion of the population is supposed to flow into the judicial system via a lottery procedure (cf. [13], p. 5). The judicial branch should be as close to the people as possible and counteract a certain "professional blindness" of the judiciary (cf. [14], p. 69 and [15], p. 216). It is also intended to minimize the possibility of political influence on the judiciary (cf. [16], pp. 31). The goal of involving the people in court proceedings is comparable to involving them in legislative decisions as intended in Germany. Among other things, the random selection is intended to incorporate the opinions and ideas of the population into the political decision-making processes (cf. [17], p. 22).

3. Are e-Panels an appropriate remedy for e-participation?

Subsequently to the digitalization of society, digital formats are used more and more frequently for participation purposes. In order to combine the advantages of random selection with the advantages of the digital world, e-panels seem to be the tool of choice. E-panels are digital platforms where a randomly selected group of citizens can take part in surveys on various topics online.⁵ Ideally, they are used for information, communication and networking between administration, society and politicians in order to make politic processes transparent and accessible (cf. [18], p. 2). The focus is on developing the will of the people with the help of the Internet, which gives the people the chance to shape democracy and enables cooperation between the government and civil society.⁶

However, decision-makers in politics and administration often have reservations about e-participation formats in general (cf. [19], p. 9). It is often criticized that e-participation does not manage to activate underrepresented population groups more strongly (cf. [10], p. 2). In addition, the expected increase in participation numbers through e-participation did not occur. The

⁵ <https://www.beteiligungskompass.org/article/show/181> ass (as per 11 March 2021).

⁶ Cf. Heinrich-Böll-Stiftung e.V., URL: <https://kommunalwiki.boell.de/index.php/E-Partizipation> (as per 09 November 2020).

participation of people depends on their basic attitude and degree of politicization. The fact that participation is now also possible online seems not to change that much (cf. [20], p.1). Note that the empirical evidence has, according to our knowledge, not been systematically analyzed. Data on individual participations is difficult to obtain as Geldmacher et al. have pointed out [17].

E-participation offers are not very productive when it comes to new ideas and high-quality input. The results are considered superficial (cf. [21], p. 39, [22], pp. 32 and [23], pp. 35). In addition, the lack of binding nature of online offers and the lack of personal ties are criticized. These make it difficult to find a compromise. In addition, e-participation offers unwanted participants free access to decision-making processes (cf. [24], p. 131). Especially when it comes to controversial issues such as climate issues or infrastructure projects, interest groups that are well networked online can influence the digital discussion according to their wishes (cf. [25], pp. 2). These groups go through opinion-forming processes more often in so-called digital filter bubbles. Thereby a decline of the political public is criticized (cf. [20], p.1). Against the desired goal of civil equality, the intensification of the digital divide through e-participation is also criticized (cf. [26], pp. 210).

If the results of such an e-participation influence political decisions, then a severe legitimization problem arises, because the participants in a participation offer neither represent the composition of society nor were they legitimized through elections.

There are also still many unanswered questions in the context of e-participation. These include, among others, the prevention of multiple participation, the access barriers through identification mechanisms, their verifiability, questions of data protection and IT security and the anonymity of votes [27]. With a high level of anonymity, for example, multiple participation can hardly be prevented. In turn, a high level of commitment discourages many potential participants. These considerations have to be repeated with each participation process (cf. [28], pp. 27 and pp. 154, [19], p. 14 and [29], p. 17).

In this context, politics and public administration expect the advantages of random selection to compensate the deficits of e-participation in the form of e-panels to generate far-reaching synergy effects (cf. [17], pp. 76).

In view of the difficulty in finding compromises, an e-panel can be structured in such a way that topics with a particularly high need for discussion are brought into the group of random citizens. The topics can, for example, originate from an upstream online participation and serve as the basis for the further participation steps [27]. Randomly selected citizens reduce automatically the influence of undesired participants including organized clique and mob. A major strength of randomly selected groups is the contribution of technical expertise, personal experience and common sense (cf. [22], p. 11). In addition, the results are considered empathetic, far-sighted and valuable for society as a whole (cf. [30], p. 6). Given this high quality of results, it can be assumed that even if a strong influence of undesirable participants can be seen in the results generated online, the subsequent random citizen process embeds them again in a balanced overall result. Therefore, an increased access barrier is not necessary with these e-panels. This also puts the problem with the handling of personal data on the Internet into perspective. Without access barriers, such as personal information or registration requirements, these do not have to be protected in a complex manner. Nevertheless, this positive effect of the random selection does not exempt from dealing with the secure handling of personal data and aspects of IT security (cf. [17], p. 73).

Each random selection process chosen must of course avoid both excluding people from the other side of the Digital Divide and not including them in an appropriate way, e.g. with guidance facilities offered.

A working random selection process counteracts the increased formation of political opinion in digital "filter bubbles" through e-participation by virtue of its property that constructive discussion, tolerance towards discussion partners and mutual appreciative listening are encouraged (cf. [30], p. 6). As a result, random selection processes *may* have a positive influence on the civic education of society. Due to the strength of the random selection of activating and integrating groups that are not involved, a combination of both formats also compensates for the deficit in e-participation by not doing this (cf. [17], p. 74). Again, we have to stress that a systematic analysis of participation processes is not available and, more than that, not even a complete overview of participation processes is available.

4. Summary and Recommendation

E-panels are just as little a magic potion as all other participation formats. The focus must be on the goals to be achieved in the specific situation and the participation processes designed based on this (cf. [10], pp. 38). Even modern technologies cannot work miracles without planning and concepts, because: "A fool with a tool is still a fool" ([25], p. 1) is always applicable. But: It opens up new opportunities for politics and administration to increase the transparency and comprehensibility of decisions, which is one of the central requirements for a functioning democracy (cf. [20], p.1).

The Internet has become an integral part of daily, social, political, economic and ecological life. E-participation thus represents surely one part of the answer to the changed world of life and work in society. The desire for more participation in an ever faster world combined with challenges such as demographic change and the growing diversity of society asks for a redesign of political processes. In order to win people to devote time to politics, there is no way around the Internet. But, and this is often neglected, the internet works totally different than what used to be the real world: Astroturfing, cliques and mobs and faked "followers" are the new normal [17].

So combining the good experience and extensive knowledge gained from random selection with the advantages and new possibilities of e-participation is a development that should not be ignored, especially in times of pandemic. But participation in all forms and formats must be embedded in a meaningful overall concept. As a tool, e-panels offer interesting application options and the potential to positively change the participation landscape. Whether they actually deserve the title of "Sorcerer's Stone", we will have to figure out. However, there is definitely potential for this.

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