THE RATIONALE BEHIND FACTS: WHY WE SHOULD PROMOTE DELIBERATIVE DEMOCRACY IN THE EU

George Andreou

*Assistant Professor, School of Political Sciences,
Aristotle University of Thessaloniki; Research Fellow, ELIAMEP*

Democracy, the rule of law and fundamental rights are the foundations on which the European Union is based. Democracy allows citizens to shape laws and public policies at European, national and subnational level. Democracy, however, relies on safeguards, checks and balances, and institutions that fulfil their roles and maintain the rules of pluralistic democratic debate. For participation to be meaningful, citizens must also be able to form their own opinions and make electoral choices in a public space where a plurality of views can be expressed freely and where free media, academia and civil society can play their role in fostering open debate free from harmful interference, either domestic or foreign. In sum, democracy flourishes in a climate where *freedom of information* and *freedom of expression* are both supported, allowing everyone to express their views, regardless of how critical they are of governments and those in power.

The digital revolution has transformed democratic politics and provides political actors with new chances to reach out to voters. It also brings new opportunities for civic engagement, making it easier for some groups — mostly young people — to access information and participate in public life and democratic debate. On the other hand, digitalisation has also had several negative effects on political contestation and political communication: facilitating political actors obtaining financing from uncontrolled sources; cyber-attacks that target critical electoral infrastructure; online harassment of journalists; and coordinated disinformation campaigns that rapidly spread hate speech, false information and polarising messages on social media (European Commission, 2020: 1–2).

According to the European Commission, disinformation is a "verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public, and may cause public harm" (European Commission, 2018). Other popular terms for disinformation are "information manipulation" and the incomplete – and perhaps even misleading – term "fake news", both of which are usually associated with the "post-truth" era or the

"hybrid war" framework. Although not a new phenomenon as such, disinformation has mostly profited from the continuous advances in digital technology and AI development. Recent years have shown that, as we become more interconnected in the borderless (and generally unregulated) digital realm, creating and propagating disinformation becomes cheaper and more effective for malign actors, and harder to spot and counter for targeted states and societies. Disinformation also has strong domestic roots, as it is deployed by populist and nationalist politicians with a pronounced anti-European and antiestablishment discourse. By sowing distrust of the EU and painting simple black or white dichotomies, they demote pluralism, fuel toxic polarisation and extremism in their own countries and, at the same time, do the work of those who seek the decline of the EU's global influence and promote European disintegration (Sebe et al., 2020: 338–339).

The debate on populism and disinformation in Europe is closely linked with the debate on the democratic legitimacy of the European Union. In fact, the multiple crises affecting the EU and the member states in recent years – notably those around the eurozone and migration – provided fresh ammunition to nationalist and anti-European politicians and further weakened the EU's credibility and legitimacy in the eyes of its citizens. Legitimacy must be understood not only as citizen consent given to a governing authority in the classical Weberian sense but also as acceptance of such an authority's governing activities. When defined in terms of governing activities, legitimacy is linked to policy effectiveness and performance for the common good (*output legitimacy*); citizen participation and representation, along with political elites' responsiveness to citizens' concerns (*input legitimacy*); and the quality of governance procedures (*throughput legitimacy*), including the efficacy of policymaking processes, the accountability to relevant forums of those engaged in making the decisions, the transparency of their actions and access to information, and their openness and inclusiveness towards civil society (Schmidt, 2021: 3–4).

In an age that is often defined by "polarization, populism, and pessimism" (Taylor, 2019), public actors are increasingly using *representative deliberative processes* to involve citizens more directly in solving some of the most pressing policy challenges. While these processes are not "new" (the first contemporary wave started in the late 1960s), there is a new world-wide trend towards greater experimentation in their purpose, design, combination with other forms of participation, and institutionalisation. Deliberative processes are one of the most innovative methods of citizen participation, reintroducing the ancient Athenian practice of random selection (sortition), updated with modern statistical methods that allow for stratification – a method used to ensure representativeness. These innovations offer the possibility of useful and interesting mechanisms to complement existing representative democratic institutions. Existing literature and studies of representative deliberative processes indicate that, if institutionalised, they have the potential to give voice and agency to a much wider range of citizens; to rebuild trust in government; and to bring about more legitimate and effective public decision-making (OECD 2020).

According to the OECD (2020), deliberative processes have been shown to work well for the following types of problems in particular:

- Values-driven dilemmas: Representative deliberative processes are designed in a way that encourages active listening, critical thinking, and respect between participants. They create an environment in which discussing difficult ethical questions that have no evident or "right" solutions can happen in a civil way, and can enable participants to find common ground.
- Complex problems that require trade-offs: representative deliberative processes are designed to provide participants with time to learn, reflect and deliberate, as well as access to a wide range of evidence and expertise from officials, academics, think tanks, advocacy groups, businesses and other stakeholders. These design characteristics enable citizens to grapple with the complexity of decision-making and to consider problems within their legal, regulatory and/or budgetary constraints.
- Long-term issues that go beyond the short-term incentives of electoral cycles: many public policy issues are difficult decisions to take, as their benefits are often only reaped in the long term, while the costs are incurred in the short term. Deliberative processes help to justify action and spending on such issues, as they are designed in a way that removes the motivated interests of political parties and elections, motivating participants to act in the interests of the public good.

However, deliberative processes are not a panacea. Democratic societies face a wide set of challenges, which require different methods of resolution or participation. For example, deliberative processes are not sufficient to address the problems of political inclusion and collective decision-making. Nor are deliberative processes well-suited to urgent decisions, problems in the late stages of decision-making where possible solutions are limited, issues that involve national security, or resolving binary questions.

Nevertheless, research has demonstrated that deliberative processes benefit politicians, public servants, members of the process itself and the wider public in various ways.

- They contribute to *better policy outcomes* because deliberation results in considered public judgements rather than public opinions. Most public participation processes are not designed to be representative or collaborative. Consequently, they can be adversarial (a chance to air grievances rather than find solutions or common ground). Deliberative processes create the space for learning, discussion and the development of informed recommendations, which are of greater use to policy and decision-makers.
- They provide decision-makers with *greater legitimacy to make hard choices*. These processes help policymakers better understand public priorities and the values and reasons behind them, and identify where consensus is and is not feasible. They are particularly useful in situations where there is a need to overcome political deadlock and weigh trade-offs.
- They *enhance public trust in government and democratic institutions* by giving citizens a significant role in public decision-making. People are more likely to trust a decision that has been influenced by ordinary people than one made solely by government.
- They *promote civic respect and empower people*. Engaging people in deliberation strengthens their political efficacy (the belief that one can understand and influence political affairs).

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- They *make governance more inclusive* by opening the door to a much more diverse group of people. Deliberative processes, with their use of civic lotteries, bring in people who would not typically contribute to public policy and decision-making.
- They *strengthen integrity and prevent corruption* (as well as public perception of corruption) by ensuring that those with money and power cannot have undue influence on a public decision.
- They *help counteract polarization and disinformation*. Empirical research has shown that "echo chambers" that focus on culture, identity reaffirmation and polarisation tend not to survive in deliberative conditions, even in groups of like-minded people (OECD, 2020: 7).

In sum, the evidence shows that representative deliberative processes have helped public authorities take difficult decisions on a wide range of policy issues at all levels of government for which there was previously political stalemate or a lack of evident solutions.

In the recent years of multiple crises, examples of innovative forms of deliberative democracy have emerged in Europe. The most prominent example is of course the Conference on the Future of Europe, which represents a major opportunity for the EU to consider a more proactive strategy to develop new kinds of democratic representation, deliberation and accountability, and to encourage a more far-sighted vision of democracy. Generally speaking, the long-term challenge for European political actors is to weave facts and values into concrete yet flexible strategies for democratic deliberation that lead to policy and social change. It has been suggested that positive and substantive civic engagement via digital media and social networks should go hand in hand with quality journalism and media literacy to foster critical thinking and emotional intelligence among the general public. Armed with facts, citizens can be expected to inject positive energy into the institutions of democracy, improve their representativeness, insist on constructive deliberation, and thus enhance their legitimacy. Fact-based deliberation in representative bodies, direct channels to give voice to citizens' concerns and choices, and supporting mechanisms to hold governments and public officials accountable can save democracy in Europe from the onslaught of populism, nationalism and anti-Europeanism (Blockmans, 2020: 376).

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