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Deliberative democracy: exploring new forms of legitimacy? A qualitative analysis of the legitimising effects of deliberative mini-publics and the motivations behind their institutionalisation in present-day Belgium
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A qualitative analysis of the legitimising effects of deliberative mini-publics and the motivations behind their institutionalisation in present-day Belgium

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Jeff van Luijk

Abstract

Deliberative Mini-Publics (DMPs), as political decision-making mechanisms, are often referred to as legitimising devices. Considering that DMPs are in contradiction with deliberative democratic ideals of legitimation through large scale deliberation, they are often labeled as experiments and can be seen as shortcuts towards legitimate decisions. Studies are showing, however, that this shortcuts approach does not necessarily increase the legitimacy of resulting decisions as perceived by the wider public. Why are they continuing to be replicated and institutionalised in western democracies? What are the motivations behind this proliferation of DMPs? The present thesis attempts to answer these questions through the analysis of a combination of long-form and short-form qualitative data collected around DMPs in Brussels. Findings include insights on process design that can lead to increased *emotions legitimacy*.

Introduction

Yellow vests, Black Lives Matter, MAGA[1] supporters storming Capitol Hill, Fridays for the Future... Representative democracy appears to be in a deep crisis, with young adults all around the world growing more critical of the current state of democracy, while a growing proportion of them appears to be in favour of authoritarian or military-rule systems.[2] Indeed, as renowned political scientist Colin Crouch put it, some of the features of 21st-century representative democracies could be called "post-democratic". Post-democracy, for Crouch, is characterised by the disproportionate weight and importance that the economic interests of an elite minority are given in policymaking.[3] In order to bring about change, he calls for disruptive political movements and thus accurately predicts the rise of xenophobic populism and environmentalist movements.[4] Apart from this, it is often argued that the European Union already has a perceived innate democratic deficit, which can once again be traced back to the contemporary traits of representative democracy[5], i.e. "post-democracy".

In fact, the fundamental principles and processes of our representative democracy have hardly evolved since the 18th century, i.e. the era of Enlightenment and the French and American revolutions.[6] Hélène Landemore, a prominent scholar working on democratic theory, defines it as "a regime centred on the elections of elites who act as trustees of and make decisions on behalf of the larger population".[7] Times, however, have substantially changed in the past 250 years, with the need for reform of Enlightenment-era institutions becoming ever more apparent. The policymaking process synonymous with our concept of representative democracy generally does not allow for more nuanced, continuous input by the rest of society (lacking the necessary capital). While mass parties and modern-day journalism have been the remedy for this for the longest

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[1]Make America Great Again (MAGA) refers to Donald Trump's famous 2016 U.S. presidential campaign slogan

[2]Roberto Stefan Foa and Yascha Mounk, 'The Signs of Deconsolidation', *Journal of Democracy* 28, no. 1 (2017): 5–15, https://doi.org/10.1353/jod.2017.0000.

[3]Colin Crouch, *Post-Democracy*, Themes for the 21st Century 226202550 (Oxford [etc.]: Polity Press, 2004).

[4]Colin Crouch, '10. Post-Democracy and Populism', *The Political Quarterly* 90, no. S1 (2019): 124–37, https://doi.org/10.1111/1467-923X.12575.

[5]Vivien Schmidt, 'Democracy and Legitimacy in the European Union Revisited', 2012, 33.

[6]Bernard Manin, *The Principles of Representative Government*, Themes in the Social Sciences (Cambridge: Cambridge University Press, 1997), https://doi.org/10.1017/CBO9780511659935.

[7]Hélène Landemore, 'Deliberative Democracy as Open, Not (Just) Representative Democracy', *Daedalus* 146, no. 3 (July 2017): 54, https://doi.org/10.1162/DAED_a_00446.

time, the advent of the cartel party[8], populist movements, social media, and fake news have complicated matters substantially and contributed to the rise of "post-democratic"[9] societies.

Recently, however, grass-roots movements, civic tech companies as well as public administrations themselves have been pushing for more citizen involvement through participatory and deliberative democratic initiatives, as they have developed tools such as randomly sampled mini-publics and online deliberation platforms, enabled by today's technologies. Are those tools the antidote to the so-called crisis of representative democracy? Will they be able to restore trust in representative democracy by involving a more significant sample of the population in different stages of the policymaking process and by facilitating more comprehensive ranges of input?

Before attempting to answer this question, it might be necessary to elaborate on the crisis of representative democracy; how, apart from the abovementioned protest movements, does it manifest itself? Landemore provides different examples and symptoms, namely voter absenteeism, the decline of traditional parties as "vehicles for mass participation", lower than ever approval ratings for governments and politicians in the political West, calls for a return to more direct forms of democratic rule, as well as general discontent due to the economic situation across significant parts of the globe.[10] On the one hand, participation in traditional forms of politics appears to be on the decline, while alternative movements are on the rise. While these are evidently symptoms of a bigger problem with representative democracy, the latter movements seem to provide something that the former cannot.

This "something" might emanate from more general feelings of being acknowledged and involved in the process, with protest movements and political campaigns having been proven to be more effective at mobilising the affective (i.e. emotional) dimension of human reasoning than the established processes and institutions of representative democracy, often through channelling broader feelings of *hope* or *fear*.[11]

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[8]Richard S. Katz and Peter Mair, *Democracy and the Cartelization of Political Parties*, First edition, Comparative Politics (Oxford : [Colchester, United Kingdom]: Oxford University Press; ECPR, 2018).
[9]Nicolas Truong, 'Le commentariat étend son influence, des réseaux sociaux aux chaînes d'info en continu', *Le Monde.fr*, 9 April 2021, https://www.lemonde.fr/idees/article/2021/04/09/l-avenement-de-la-societe-du-commentaire_6076109_3232.html.
[10]Landemore, 'Deliberative Democracy as Open, Not (Just) Representative Democracy', 53.
[11]W. Russell Neuman, ed., *The Affect Effect: Dynamics of Emotion in Political Thinking and Behavior* (Chicago: University of Chicago Press, 2007), chaps 5, 6, 7.

Considering such calls for more acknowledgement and involvement[12], local, regional, national and transnational government institutions are starting to integrate participatory processes into different stages of the lawmaking process, e.g. the Conference on the Future of Europe. A rising trend[13] thus seems to be the implementation of deliberative mini-publics[14] (DMPs), where (generally) small groups of randomly sampled citizens are given varying amounts of political power and discuss problems of general interest in order to find the best possible solution.

These initiatives are not new; they are based on the notion of *deliberative democracy,* which has been around since the 1980s[15] and which can be traced back to the works of Jürgen Habermas[16] and John Rawls[17], hailed as its founding fathers. Their contribution primarily stems from the fundamental concepts surrounding deliberative democracy, such as Habermas' *public sphere* and *the force of the better argument* and Rawls' *public political forum*.

For Hélène Landemore, deliberative democracy is "a theory of democratic legitimacy" different from the ones behind universally accepted regimes of elected officials, i.e. representative democracies. In a genuinely deliberative democracy, the "authority of laws and policies" would be traced back to the "public exchange of arguments among free and equal citizens", opening up the process to the whole population (the so-called *maxi-public*) and not limiting it to the simple act of voting.[18]

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[12]European Commission. Directorate General for Communication. and European Parliament. Directorate General for Communication., 'Future of Europe: First Results' (LU: Publications Office, 2021), 22, https://data.europa.eu/doi/10.2775/971646.

[13]OECD, 'Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave', Text, accessed 7 January 2021, https://www.oecd-ilibrary.org/governance/innovative-citizen-participation-and-new-democratic-institutions_339306da-en?

[14] otherwise known as citizens' assemblies, citizen councils, citizen conventions, citizen panels, among others

[15]Joseph M. Bessette, 'Deliberative Democracy : The Majority Principle in Republican Government', *How Democratic Is the Constitution?*, How democratic is the constitution?. - Washington, D.C. [u.a.] : American Enterprise Institute for Public Policy Research, ISBN 0-8447-3400-4. - 1980, p. 102-116, 1980.

[16]Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry Into a Category of Bourgeois Society* (MIT Press, 1991).

[17]John Rawls, *A Theory of Justice* (Harvard University Press, 1999), https://doi.org/10.2307/j.ctvkjb25m.

[18]Landemore, 'Deliberative Democracy as Open, Not (Just) Representative Democracy', 52.

Yet, as Parkinson points out, "there is a contradiction at the heart of deliberative democracy, precisely because the deliberation of all those subject to a decision or regime is impossible".[19]

Can this contradiction be resolved by combining representative and deliberative democracy, i.e. the use of DMPs, as Parkinson, later on in his essay, suggests?

DMPs have thus been heralded as a solution to many of representative democracy's shortcomings. They have been branded as practical experiments, eventually edging us closer to deliberative democratic ideals, even though only a portion of the maxi-public, i.e. a mini-public, is made to deliberate.

Critics, however, stress that DMPs are too often top-down, "governance driven" tools for democratisation and that this generally consultative nature results in a poor record of "effectively influencing decisions".[20]

Furthermore, even though the research of James Fishkin shows the power of deliberation in changing people's opinions, and thus in simulating an informed public, "it is audience acceptance and not social scientific validation that produces legitimacy. Therefore, unless the audience is unusually enamored of social science, social scientific assessments of statistical representativeness are largely irrelevant for the purpose of securing legitimacy."[21]

Altogether, opinions appear to diverge around the topic of DMPs and their legitimising power. On the one hand, it is argued that they increase the legitimacy of the resulting policies. On the other hand, their real-world implementation is often top-down, with vague objectives and limited power. What, then, are the "right" motivations? Do individual motivations matter if the result, i.e. more citizen participation, is the same? While it should be clear that deliberation provides an added value to politics, what is its relationship with political legitimacy? What are the factors at play in producing the above-mentioned audience acceptance, if not scientific ones? Could a better acknowledgement of the affective dimension of human reasoning be one of those factors?

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[19] John Parkinson, 'Legitimacy Problems in Deliberative Democracy', *Political Studies* 51, no. 1 (1 March 2003): 181, https://doi.org/10.1111/1467-9248.00419.

[20] Graham Smith and Maija Setälä, 'Mini-Publics and Deliberative Democracy', in *The Oxford Handbook of Deliberative Democracy*, by Graham Smith and Maija Setälä, ed. Andre Bächtiger et al. (Oxford University Press, 2018), 9, https://doi.org/10.1093/oxfordhb/9780198747369.013.27.

[21] Mark Brown, 'Deliberation and Representation', in *The Oxford Handbook of Deliberative Democracy*, by Mark Brown, ed. Andre Bächtiger et al. (Oxford University Press, 2018), 8, https://doi.org/10.1093/oxfordhb/9780198747369.013.58.

The following analysis will seek to shed more light on the factors at play in the institutionalisation of DMPs at different levels of government throughout western democracies and specifically Belgium, where calls for more participation appear to be particularly strong[22], through semi-structured interviews with policymakers, researchers and private actors involved in deliberative initiatives. Further, a brief assessment of a number of participants' as well as non-participants' perception of DMPs will follow.

This exploratory research project is guided by the following research question:

Why are DMPs continuing to be institutionalised in policymaking processes throughout western democracies despite their experimental character and their apparent incompatibility with theories of deliberative democratic legitimacy?

Guided by this broader research question, the analysis of the collected data will provide insights into:

- Academics', practitioners' and policymakers' theoretical and practical conceptions of deliberative democratic ideals
- The role of emotions in political decision-making
- Different theories of legitimizing political decisions through deliberation
- The motivations behind the implementation of DMPs in political decision-making processes
- Several ways for DMPs to have an impact on the wider political landscape

Findings include the necessity of expanding pre-existing frameworks of political legitimacy, notably by taking into account the affective dimension of human reasoning through a concept we call *emotions legitimacy*. Secondly, five elements to better account for emotions in deliberation are identified. Finally, the motivations for the implementation of DMPs are put into context, and different implications for the future of democracy are highlighted.

The results of the present study should thus serve as a basis for further research on DMPs, in order to establish a clear framework around the role of emotions in deliberation and in engendering legitimacy, which was not conceivable in this master's thesis. Meanwhile, the

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[22]European Commission. Directorate General for Communication. and European Parliament. Directorate General for Communication., 'Future of Europe', 22.

preliminary conclusions of this research can serve as a basis for a better understanding of the implications of deliberative democratic policymaking and for informing best practices around process design aimed at empowering emotions.

Literature Review

Deliberation

Deliberation, as defined by Merriam Webster, either refers to "the act of thinking about or discussing something and deciding carefully" or "a discussion and consideration by a group of persons (such as a jury or legislature) of the reasons for and against a measure".[23] The *Oxford Handbook of Deliberative Democracy* defines deliberation "to mean mutual communication that involves weighing and reflecting on preferences, values, and interests regarding matters of common concern".[24] Theorists like John Stuart Mill have long stressed the democratic value of deliberation, an act that is supposed to "improve" humankind[25], and theories based on principles such as *hearing the other side*[26] have shown that deliberating increases empathy and thus consensus. Furthermore, as the second dictionary definition posits, *group* deliberation is meant to lead to improved outcomes in decision-making due to the collective IQ of the group being increased through cognitive diversity.[27] Altogether, group deliberation is thought to produce better decisions and outcomes than any isolated process by taking into account the perspectives and opinions of a bigger number of people, aided by *the force of the better argument*.[28] While initial conceptions of deliberation, such as the latter, were based on purely rational principles and definitions, "contemporary deliberative theorists have, by and large, accepted these criticisms by expanding the deliberative ideal"[29], subsequently accounting for the interdependency of "cognition and emotion".[30]

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[23]'Definition of DELIBERATION', accessed 6 August 2021, https://www.merriam-webster.com/dictionary/deliberation.

[24]Andre Bächtiger et al., 'Deliberative Democracy: An Introduction', in *The Oxford Handbook of Deliberative Democracy*, by Andre Bächtiger et al., ed. Andre Bächtiger et al. (Oxford University Press, 2018), 1, https://doi.org/10.1093/oxfordhb/9780198747369.013.50.

[25]John Stuart Mill, *On Liberty*, Cambridge Library Collection. Philosophy, 2011, chap. 1.

[26]Diana C. Mutz, *Hearing the Other Side: Deliberative versus Participatory Democracy* (Cambridge: Cambridge University Press, 2006), https://doi.org/10.1017/CBO9780511617201.

[27]Thomas W. Malone and Michael S. Bernstein, eds., *Handbook of Collective Intelligence* (Cambridge, MA, USA: MIT Press, 2015), 119.

[28]Jürgen Habermas, *Between Facts and Norms: [Contributions to a Discourse Theory of Law and Democracy]* (Polity Press, 2018), 103.

[29]Bächtiger et al., 'Deliberative Democracy', 7.

[30]Jane Mansbridge, 'A Minimalist Definition of Deliberation', in *Deliberation and Development: Rethinking the Role of Voice and Collective Action in Unequal Societies*, Equity and Development (The World Bank, 2015), 95, https://doi.org/10.1596/978-1-4648-0501-1_ch2.

Deliberative Democracy

Taking into account these instrumental qualities of deliberation, thinkers such as Jürgen Habermas and John Rawls have made it the basis of their political theory. While this idea can be traced back to ancient Athenian models of mass deliberation, modern democracies evolved to a model of representation through elections, thus delegating people to deliberate in parliament during the age of enlightenment. Recently, however, the aforementioned Athenian ideals of citizen deliberation have become increasingly popular again and have been heralded as a more inclusive and thus superior way of decision-making by political theorists such as Habermas, Rawls and, more recently, Landemore. According to the latter, the epitome of deliberative democracy would be a law- and policymaking process based on "the public exchange of arguments among free and equal citizens"[31], which would ensure the legitimacy of the process and of the resulting decisions. As John Dryzek puts it, "outcomes are legitimate to the extent they receive reflective assent through participation in authentic deliberation by all those subject to the decision in question".[32] Deliberative democracy has thus been declared as an alternative to the traditional electoral model of democracy, raising, however, the issue of *scale* that we still encounter today. It is utterly inconceivable to imagine the entire population (i.e. the maxi-public) regularly deliberating on issues of public concern. Therefore, the ancient Athenians used a sortation model, and modern-day democracies use elections in order to pick representatives who are supposed to deliberate among themselves. Apart from the seemingly impossible character of large scale deliberative democracy, deliberation works best in smaller groups; it would be futile to think that humans could listen to thousands of people and develop feelings of empathy and understanding (often the desired end-product of deliberation[33]) for everyone. This is backed by Robert Goodin, who argues

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[31]Hélène Landemore, 'Deliberative Democracy as Open, Not (Just) Representative Democracy', *Daedalus* 146, no. 3 (July 2017): 52, https://doi.org/10.1162/DAED_a_00446.

[32]John S. Dryzek, 'Legitimacy and Economy in Deliberative Democracy', *Political Theory* 29, no. 5 (2001): 651.

[33]Michael A. Neblo, *Deliberative Democracy between Theory and Practice* (Cambridge: Cambridge University Press, 2015), https://doi.org/10.1017/CBO9781139226592; Sharon R. Krause, *Civil Passions*, *Civil Passions* (Princeton University Press, 2008), https://www-degruyter-com.ezproxy.leidenuniv.nl/document/doi/10.1515/9781400837281/html; Michael E. Morrell, *Empathy and Democracy : Feeling, Thinking, and Deliberation*, UPCC Book Collections on Project MUSE (University Park, Pa: Penn State University Press, 2010), https://login.ezproxy.leidenuniv.nl:2443/login?URL=http://search.ebscohost.com/login.aspx?direct=true&db=e000xww&AN=438367&site=ehost-live.

that "even face-to-face assemblies cease being deliberative when they become too large, with speech-making replacing conversation and rhetorical appeals replacing reasoned arguments".[34] In the face of this, John Parkinson proposes to combine the concepts of deliberative and representative democracies[35], meaning that representatives should be chosen according to their expertise and communicative competencies, in order to deliberate on a wide range of issues of general concern which not everyone has the determination, motivation and/or time to be perfectly informed about.

Deliberative Mini-Publics (DMPs)

One such way of complementing representative democracy with additional occasions for democratic deliberation would be deliberative mini-publics (DMPs). DMPs seek to create small instances of deliberation and can be defined as "specially commissioned deliberative forums, typically sponsored by a government [...] to deliberate about subject matter chosen by their commissioning body"[36], which is generally an "issue of public concern".[37] Participants are chosen by lot, with experts and facilitators trying to guide deliberation, and official feedback in the form of a report generally provided after the process.[38] DMPs are often referred to as experiments and were mostly viewed as "laboratories to test key assumptions in deliberative democratic theory" before being deemed as "institutional fixes for a wide range of problems plaguing mass democracies", i.e. the aforementioned crisis of representative democracy.[39]

Hence, political theorists and practitioners generally agree on the fact that DMPs play "a valuable role in enhancing the democratic legitimacy of the political decision-making process"[40], which is

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[34]Robert E. Goodin, 'Democratic Deliberation Within', *Philosophy & Public Affairs* 29, no. 1 (2000): 83.

[35]John Parkinson, 'Legitimacy Problems in Deliberative Democracy', *Political Studies* 51, no. 1 (1 March 2003): 180–96, https://doi.org/10.1111/1467-9248.00419.

[36]Carole Pateman, 'Participatory Democracy Revisited', *Perspectives on Politics* 10, no. 1 (2012): 8.

[37]Graham Smith and Maija Setälä, 'Mini-Publics and Deliberative Democracy', in *The Oxford Handbook of Deliberative Democracy*, by Graham Smith and Maija Setälä, ed. Andre Bächtiger et al. (Oxford University Press, 2018), 1, https://doi.org/10.1093/oxfordhb/9780198747369.013.27.

[38]Sacha Rangoni, Camille Bedock, and David Talukder, 'More Competent Thus More Legitimate? MPs' Discourses on Deliberative Mini-Publics', *Acta Politica*, 22 June 2021, 2, https://doi.org/10.1057/s41269-021-00209-4.

[39]Ramon van der Does and Vincent Jacquet, 'Small-Scale Deliberation and Mass Democracy: A Systematic Review of the Spillover Effects of Deliberative Minipublics', *Political Studies*, 5 May 2021, 3, https://doi.org/10.1177/00323217211007278.

[40]Smith and Setälä, 'Mini-Publics and Deliberative Democracy', 8.

why we see governments all over the globe embrace DMPs as "recipes"[41] for more citizen participation.

Objectively, however, DMPs seem to be a compromise. While deliberation is a viable method of decision-making, given its empathy-increasing character and the fact that a cognitively diverse group of people are proven to take better decisions[42], it does not seem feasible nor desirable to have the entire population deliberate. Therefore contemporary, pragmatic approaches to deliberation rely on randomly selecting a representative sample of a given community using tools like *the sortition foundation's* algorithms[43], which is generally referred to as taking *shortcuts*[44] towards achieving deliberative democratic ideals. This stands in contrast to the *participatory* approach, which focuses less on empowering single instances of DMPs and more on engendering a public conversation through the proliferation of DMPs.[45]

The question remains: Is the DMP approach as *desirable* as having the maxi-public deliberate?

Political Legitimacy

Historically, definitions of political legitimacy have ranged from vague, descriptive references to "faith" in the regime (*Legitimitätsglaube*)[46] to normative benchmarks or justifications of political authority, coercion and general power.[47] The latter are usually coupled with indicators such as effectiveness and justice.[48] However, political theorists have criticised the sharp distinction between purely normative or descriptive concepts of political legitimacy[49], as they would only

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[41]Archon Fung, 'Survey Article: Recipes for Public Spheres: Eight Institutional Design Choices and Their Consequences', *Journal of Political Philosophy* 11, no. 3 (2003): 338–67, https://doi.org/10.1111/1467-9760.00181.

[42]Thomas W Malone, *Superminds : The Surprising Power of People and Computers Thinking Together*, First edition., 2018, 41.

[43]'It's Official: We Use the Fairest Selection Algorithm', Sortition Foundation, accessed 6 August 2021, https://www.sortitionfoundation.org/its_official_we_use_the_fairest_selection_algorithm.

[44]Cristina Lafont, *Democracy without Shortcuts : A Participatory Conception of Deliberative Democracy*, First edition., 2020.

[45]Lafont.

[46]Max Weber, *The Theory of Social and Economic Organization* (New York : London: Free Press of Glencoe ; Collier-MacMillan, 1964), 382.

[47]Fabienne Peter, 'Political Legitimacy', 29 April 2010, https://stanford.library.sydney.edu.au/entries/legitimacy/#Bib.

[48]Philip Pettit, *On the People's Terms: A Republican Theory and Model of Democracy*, The Seeley Lectures (Cambridge University Press, 2012), https://doi.org/10.1017/CBO9781139017428; Peter, 'Political Legitimacy'.

[49]Jürgen Habermas, *Communication and the Evolution of Society* (Cambridge: Polity Press, 1991); David Beetham, *The Legitimation of Power*, Issues in Political Theory 864931379 (Basingstoke [etc.]: Macmillan, 1991); John Horton, 'Political Legitimacy, Justice and Consent',

provide a limited understanding of the mechanisms of public perception and the legitimation of governance.[50] "Every general theory of justification remains peculiarly abstract in relation to the historical forms of legitimate domination"[51] Therefore, as part of this research project, I argue and opt for the use of concepts of political legitimacy that are grounded in real-world phenomena and observable through social scientific research, such as this project.

Diving further into political theory leads us to John Locke's social contract and the notion of consent, or the necessary condition of tacit or express agreement to the political regime.[52] While this theoretical agreement has to happen before the conception of any new political regime, both Locke and John Rawls also agree on the notion of "joining consent"[53], which refers to the continuous assessment of regimes by their citizens. The social contract goes as far as to posit that "every man, by consenting with others to make one body politic under one government, puts himself under an obligation to every one of that society to submit to the determination of the majority, and to be concluded by it".[54]

Among approaches to political legitimacy, Vivien Schmidt's three legitimacies framework remains one of the most cited models. It can be illustrated by a modified version of a popular quote by Abraham Lincoln, namely that government should be "of the people, by the people, for the people"[55] and "with the people"[56], which describe the normative dimensions of *input, output* and *throughput* legitimacy. According to Schmidt's model, the legitimacy of decision-making processes can be assessed according to these three differentiable but interdependent mechanisms; high levels of input legitimacy entail inclusive proceedings that allow for everyone's voice to be heard; throughput refers to transparent and efficient procedures, as well as to the quality of the feedback loops and the fact that decision-makers can be held accountable; impactful and efficient policies ensure high levels of output legitimacy.

Critical Review of International Social and Political Philosophy 15, no. 2 (March 2012): 129–48, https://doi.org/10.1080/13698230.2012.651015.

[50] Peter, 'Political Legitimacy'.

[51] Habermas, *Communication and the Evolution of Society*, 205.

[52] John Locke, *Second Treatise of Government*, ed. C. B. Macpherson (Indianapolis, Ind: Hackett Publishing Company, Inc., 1980), 63.

[53] John Rawls, *Lectures on the History of Political Philosophy* (Harvard University Press, 2007), 124, http://www.jstor.org/stable/j.ctvjnrtqz.

[54] John Locke, *Second Treatise of Government*, ed. C. B. Macpherson (Indianapolis, Ind: Hackett Publishing Company, Inc., 1980), 52.

[55] History com Editors, 'The Gettysburg Address', HISTORY, accessed 8 August 2021, https://www.history.com/topics/american-civil-war/gettysburg-address.

[56] Schmidt, 'Democracy and Legitimacy in the European Union Revisited', 7.

More recently, organisations like the Centre for Public Impact have tried to investigate the contemporary mechanisms behind government legitimacy; the preliminary results of this research project, during which conversations with citizens were supposed to provide more insight into ways to improve government-citizen relationships, can be found in the *Finding a more human government* report.[57] One of the main findings of the report was that "government suffers from a lack of authenticity and an inability to show emotion, be human or demonstrate empathy."[58] This perspective differs from the abovementioned conceptions of political legitimacy, based on more rational factors.

Is it possible, then, to combine these rational dimensions of legitimacy with the aforementioned findings linked to emotions and empathy through pre-existing research and theories?

The Debate

Our working definition of deliberative democracy will be the abovementioned one by Hélène Landemore, positing it as a theory of political legitimacy traced back to deliberating citizens. This leads us to believe that decisions are legitimate only after being approved through "deliberation by all those subject to the decision in question"[59], as hypothesised by John Dryzek. This, in turn, raises multiple questions concerning the so-called deliberative wave and the widespread institutionalisation of DMPs as part of the policymaking process in western democracies. As van der Does and Jacquet mention in their study investigating the spillover effects of DMPs, it has recently been questioned whether and why "minipublics [sic] involving only a fraction of the public could and should matter for the functioning of large-scale democracies".[60] One could ask oneself how tools that were initially imagined as "laboratories"[61] and testing grounds for deliberative theory have come to evolve to "recipes"[62] hailed as solutions for declining trust in political institutions and polarisation[63], with a number of theorists even praising DMPs' educational effects on mini- as well

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[57]Nadine Smith and Magdalena Kuenkel, 'Finding a More Human Government' (Centre for Public Impact, February 2018), https://www.centreforpublicimpact.org/assets/documents/Finding-a-more-Human-Government.pdf.
[58]Smith and Kuenkel, 5.
[59]Dryzek, 'Legitimacy and Economy in Deliberative Democracy', 651.
[60]van der Does and Jacquet, 'Small-Scale Deliberation and Mass Democracy', 3; Simone Chambers, 'Rhetoric and the Public Sphere: Has Deliberative Democracy Abandoned Mass Democracy?', *Political Theory* 37, no. 3 (2009): 330.
[61]van der Does and Jacquet, 'Small-Scale Deliberation and Mass Democracy', 3.
[62]Fung, 'Survey Article'.
[63]John S Dryzek et al., 'The Crisis of Democracy and the Science of Deliberation', *Science (American Association for the Advancement of Science)* 363, no. 6432 (2019): 1144–46;

as the maxi-public.[64] As recent studies are showing, the so-called spillover effects on members of the maxi-public (i.e. non-participants), both aware as well as non-aware of DMPs happening around them, appear to be negligible.[65] Yet findings seem to be sufficiently clear about the benefits of DMPs for policymakers as well as participants, providing the former with informed (or "enlightened"[66]) recommendations or insights on selected topics while putting the latter in decision-makers' shoes for a limited period of time and thus fostering "empathy, learning, social cohesion and political efficacy, among others"[67]. The general consensus is that DMPs are "extremely useful to policy-makers"[68], that they serve as a tool for "public education"[69] and are thus supposed to generate "ideal citizens".[70] Furthermore, this is usually linked to increased approval of, and conformity with, political decisions[71], which should facilitate leadership for public officials; the same goes for the impact of "desensitizing" polarised topics.[72] Although the beneficial effects of small-scale deliberation on participants appear to be generally agreed upon, criticism seems to be far-reaching and widespread as well. Critics mainly concentrate on the limited power of such top-down initiatives[73], aiming to preserve decision-makers' powers and sometimes limiting

Kenneth Newton and Brigitte Geissel, *Evaluating Democratic Innovations: Curing the Democratic Malaise?* (Routledge, 2012).

[64]van der Does and Jacquet, 'Small-Scale Deliberation and Mass Democracy'; M Button and K Mattson, 'Deliberative Democracy in Practice: Challenges and Prospects for Civic Deliberation', *Polity* 31, no. 4 (1999): 609–37; Fung, 'Survey Article'; Julien Talpin, 'Former des sujets démocratiques: Les effets de la participation sur les individus', *Idées économiques et sociales* N° 173, no. 3 (2013): 17, https://doi.org/10.3917/idee.173.0017.

[65]van der Does and Jacquet, 'Small-Scale Deliberation and Mass Democracy'; Sophie Devillers et al., 'Looking in from the Outside: How Do Invited But Not Selected Citizens Perceive the Legitimacy of a Minipublic?', *Journal of Deliberative Democracy* 17, no. 1 (1 June 2021), https://doi.org/10.16997/jdd.961.

[66]Nicole Curato, Julien Vrydagh, and André Bächtiger, 'Democracy without Shortcuts: Introduction to the Special Issue', *Journal of Deliberative Democracy* 16, no. 2 (14 October 2020): 6, https://doi.org/10.16997/jdd.413.

[67]Curato, Vrydagh, and Bächtiger, 3.

[68]Clare Delap, 'Citizens' Juries: Reflections on the UK Experience (PLA 40)', Publications Library, 39, accessed 6 August 2021, https://pubs.iied.org/g01309.

[69]JS Fishkin, RC Luskin, and R Jowell, 'Deliberative Polling and Public Consultation', *Parliamentary Affairs* 53, no. 4 (2000): 665.

[70]Robert C Luskin, James S Fishkin, and Roger Jowell, 'Considered Opinions: Deliberative Polling in Britain', *British Journal of Political Science* 32, no. 3 (2002): 460.

[71]Archon Fung, 'Minipublics: Designing Institutions for Effective Deliberation and Accountability', *Accountability through Public Opinion, Washington DC: The World Bank*, 2011, 192–93.

[72]Robert E. Goodin, *Innovating Democracy: Democratic Theory and Practice after the Deliberative Turn* (OUP Oxford, 2008), 89.

[73]Loïc Blondiaux and Christophe Traïni, *La démocratie des émotions* (Sciences Po (Les Presses de), 2018), http://journals.openedition.org/lectures/24461; Smith and Setälä, 'Mini-Publics and Deliberative Democracy'; Mark E. Warren, 'Governance-Driven Democratization', *Critical Policy Studies* 3, no. 1 (2009): 3–13.

the scope of deliberation as well as the institutional design, which implicitly or explicitly seeks to select a specific group of people and influence them in their reasoning. Some thinkers are of the opinion that the process is overly scientific[74] and thus might only further pre-existing narratives against technocracy. Marit Böker built a strong case against DMPs, contending that they do not align with the standard of political legitimacy posited by deliberative democratic theory. According to the author, important aspects of normative theory were abandoned in order to implement deliberative democratic ideals into real-world policymaking. Moreover, the design of DMPs can be thought of as a "recipe" that can be adapted to achieve a desired outcome, which increases their popularity as seemingly relatively easy-to-implement democracy enhancing devices, but which might compromise the democratic value of such initiatives. While Archon Fung theorises that "the proliferation of better mini-publics may provide the means for "effective large-scale public sphere reforms'[75], Simone Chambers claims that "the growing enthusiasm for these experiments is troubling"[76] and that the mass public (i.e. maxi-public) would have to be involved in order to realise deliberative democratic ideals, which is not the case with DMPs, as they only target a small sample of the general population. Indeed, the reasoning behind their institutionalisation increasingly diverges from deliberative democratic ideals and theory. Chambers points out this dichotomy as she distinguishes between theories of deliberative democracy and democratic deliberation, the latter of which revolves around DMPs, seemingly abandoning broader visions of mass deliberation.[77]

While it should be clear by now that DMPs are a polarising topic, at least in academia, the reasoning of the people involved in the implementation and institutionalisation of such initiatives remains less clear. Furthermore, if public opinion around the legitimacy of DMPs, especially their competence as solutions to complex challenges and as tools to identify areas of consensus, remains split[78], what makes them legitimate in the eyes of participants, public officials and NGO representatives involved? If politicians are generally seen as more competent decision-makers,

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[74]Mark Brown, 'Deliberation and Representation', in *The Oxford Handbook of Deliberative Democracy*, by Mark Brown, ed. Andre Bächtiger et al. (Oxford University Press, 2018), 8, https://doi.org/10.1093/oxfordhb/9780198747369.013.58.
[75]Fung, 'Survey Article', 339.
[76]Chambers, 'Rhetoric and the Public Sphere', 330.
[77]Chambers, 'Rhetoric and the Public Sphere'.
[78]Devillers et al., 'Looking in from the Outside'.

both by themselves[79] and by the wider public[80], what is the point of multiplying these experiments in democratic deliberation and of giving them increased decision-making power?

The key hypothesis of this research project is that DMPs predominantly create a sense of legitimacy for those involved, be it citizens, public officials, or organising contractors.

This claim is backed by Marit Böker, who states that DMPs, as "specific instances of deliberation", "create some legitimacy, at least for those involved".[81]

How can this legitimacy be measured? This will be elaborated on in the next section.

[79]Rangoni, Bedock, and Talukder, 'More Competent Thus More Legitimate?'
[80]Devillers et al., 'Looking in from the Outside'.
[81]Marit Böker, 'Justification, Critique and Deliberative Legitimacy: The Limits of Mini-Publics', *Contemporary Political Theory* 16, no. 1 (2017): 19–40.

Theoretical Framework

In order to shed light on the broader question of why DMPs continue to be replicated, institutionalised and thus implemented at different levels of government and the policymaking process despite their experimental character and a relative lack of empirical findings backing their legitimacy as perceived by the wider, non-participating public, this research project aims to investigate the wider motivations behind the participation in and the organisation of these participatory mechanisms.

In order to conceptualise this, we will continue to use the notion of legitimacy, specifically political legitimacy, to evaluate and put in context the findings of our research. Given that legitimacy is a broad concept lacking a clear model and indicators that could be used to evaluate mechanisms such as DMPs, large parts of this research will be a matter of interpretation. Moreover, as "DMPs and elections do not rely on the same premises and types of legitimacy", it remains unclear if traditional models of political legitimacy can be applied. This leads us to take on a constructivist approach in terms of our framework, nevertheless employing and implementing existing models of political legitimacy, notably Vivien Schmidt's three legitimacies.[82] Schmidt's framework of input, throughput and output legitimacies remains among the most cited in political science, and although it was initially conceived to assess the decision-making processes of the European Union, it has since been applied to different levels of government[83] and even to DMPs.[84]

According to Schmidt's model, the legitimacy of decision-making processes can be assessed according to three differentiable but interdependent mechanisms; high levels of input legitimacy entail inclusive proceedings that allow for everyone's voice to be heard; throughput refers to transparent and efficient procedures, as well as to the quality of the feedback loops and the fact that decision-makers can be held accountable; impactful and efficient policies ensure high levels of output legitimacy.

The theoretical nature of this model, along with the lack of clear empirical indicators that could be used to measure each type of legitimacy, leaves it up to researchers to define their own questions, to put their findings in the general context of the three legitimacies and thus explain and interpret their results.

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[82]Schmidt, 'Democracy and Legitimacy in the European Union Revisited'.
[83]Harald Baldersheim and Anders Lidström, 'A Comparative Approach to Local Government Legitimacy', 2016, https://ecpr.eu/Events/Event/PaperDetails/29313.
[84]Devillers et al., 'Looking in from the Outside'.

Therefore, relying on previous research conducted around the perceptions, effects and legitimacy of DMPs[85], this study will try to build on previously identified indicators, most notably input, throughput (sometimes called process legitimacy) and output legitimacy, as well as perceived competence. Yet, we will be attempting to take on a constructivist approach in order to build on pre-existing literature in a similar way that Vivien Schmidt expanded Fritz Scharpf's 1999 work[86], resulting in the addition of throughput legitimacy to Scharpf's framework.

In this regard, we would like to point out the particularly rational character of much of the literature around DMPs as well as political legitimacy. As has been the object of recent studies[87], deliberation, decision-making, politics, and human reasoning, in general, cannot be fully understood without taking into account a harder to assess (i.e. for political scientists) affective dimension of the human mind. Similarly, it has been demonstrated that *feelings* of hope and fear towards elected officials play a significant role in voter behaviour.[88] The same goes for novel political movements such as the Obama campaign and the *Indignados / Podemos*, which appear to have been particularly adept at mobilising *feelings* of inclusion and hope. While the literature on deliberative democracy has recently moved away from exclusively rational conceptions of deliberation, acknowledging that "cognition and emotion are interdependent in decision processes"[89], theories on political legitimacy have not, leading to potentially overly rationalised evaluations of the legitimacy of the aforementioned emotionally-influenced processes.

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[85]Devillers et al.; van der Does and Jacquet, 'Small-Scale Deliberation and Mass Democracy'; Emilien Paulis et al., 'The POLITICIZE Dataset: An Inventory of Deliberative Mini-Publics (DMPs) in Europe', *European Political Science*, 7 July 2020, https://doi.org/10.1057/s41304-020-00284-9; Camille Bedock and Jean-Benoit Pilet, 'Enraged, Engaged, or Both? A Study of the Determinants of Support for Consultative vs. Binding Mini-Publics', *Representation*, 22 June 2020, 1–21, https://doi.org/10.1080/00344893.2020.1778511.

[86]Fritz W. Scharpf, *Governing in Europe: Effective and Democratic?* (Oxford [etc.]: Oxford University Press, 1999).

[87]Hugo Mercier and Dan Sperber, 'Why Do Humans Reason? Arguments for an Argumentative Theory.', *Behavioral and Brain Sciences* 34, no. 2 (April 2011): 57–74; discussion 74-111, https://doi.org/10.1017/S0140525X10000968; Neuman, *The Affect Effect*; Blondiaux and Traïni, *La démocratie des émotions*; Martha C. Nussbaum, *Upheavals of Thought: The Intelligence of Emotions* (Cambridge: Cambridge University Press, 2001), https://doi.org/10.1017/CBO9780511840715; Mansbridge, 'A Minimalist Definition of Deliberation'.

[88]Neuman, *The Affect Effect*, chap. 10.

[89]Mansbridge, 'A Minimalist Definition of Deliberation'.

The Goal of this Research

Hence, this project will seek to uncover if DMPs also potentially score high on what we will call *emotions legitimacy*[90] from hereon, given the widely praised ability of deliberation to mobilise *feelings* of empathy and inclusion[91], among others. Our working definition of *emotions legitimacy* will be "the legitimization fostered by the careful acknowledgement of people's deeper values, aspirations, worries, and general feelings to inform policymaking".[92] This perceived *emotions legitimacy* might also be one of the drivers behind the institutionalisation of democratic deliberation, as main actors, as well as participants, *feel* that their effort is particularly legitimate, even if critics and several research findings might lead us to a different conclusion when it comes to purely rational terms of public perception and democratic value.

The goal is neither to develop a full theory on *emotions legitimacy* nor to produce a final, externally valid explanation or justification for the proliferation of DMPs in western democracies. The aim of this study shall simply be to shed more light on the reasoning and motivations behind the organisation of, participation in and general support of DMPs, all the while fully acknowledging the limitations of a master's thesis and of the empirical data acquired through exploratory empirical research.

Scope and Methodology

In this spirit, the following analysis relies on qualitative data acquired through a series of long-form, semi-structured interviews with ten individuals studying, organising and/or advocating for DMPs in Belgium. This is complemented by short-form, anonymised survey data collected from 62 citizens involved in a municipality-level DMP in 2021 in Brussels, ethnographic data gathered during two sessions of the Brussels Regional Parliament's deliberative commissions in 2021, as well as personal observations and experiences with the initial organisation and selection phases of a municipal-level DMP in Brussels in 2021. The scope of interviewees was determined and

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[90]Stephen Boucher, Corentin Licoppe, and Jeff van Luijk, 'Comment éviter l'effondrement de la démocratie ?', La Fonda, accessed 8 August 2021, https://fonda.asso.fr/ressources/comment-eviter-leffondrement-de-la-democratie.

[91]Neblo, *Deliberative Democracy between Theory and Practice*; Krause, *Civil Passions*; Michael E. Morrell, *Empathy and Democracy*.

[92]Stephen Boucher, Carina Antonia Hallin, and Lex Paulson, eds., *The Routledge Handbook of Collective Intelligence for Democracy and Governance (Forthcoming)* (Routledge, 2021), https://www.dreamocracy.eu/project/smarter-together/.

considerably widened by the personal contacts made during my internship with a Brussels-based think-tank. Therefore, I acknowledge the bias inherent in the selection of this limited number of interviewees, given the constraints of a master's thesis.

Findings

This part is divided into three sections: firstly, interviews with academics and thinkers studying DMPs; secondly, interviews with civil servants, practitioners and elected officials involved in the organisation of DMPs; and lastly, interviews with citizens participating in DMPs. The latter includes ethnographic data collected by observing two DMP processes in Brussels, namely the Forest municipality's citizens' council and the Brussels region's deliberative committee on homelessness.

As a number of people interviewed for the first and second sections have been involved in research on deliberative democracy as well as in practical aspects around the organisation of DMPs, the exact division of interviewees is based on their current lines of work.

Considering the semi-structured nature of the interviews, conversations sometimes tended to deviate, making it difficult to categorize insights into different sections. Therefore, sub-sections may slightly overlap.

Academics and Thinkers

The interviewees for this part of the analysis were primarily identified through the literature on DMPs. As all of them have considerably contributed to recent thinking around democratic deliberation, I decided that their perspective on this research project would be invaluable. The academics/thinkers interviewed for this section include:

- Claudia Chwalisz, who leads the OECD's work on Innovative Citizen Participation (and authored the aforementioned report on the *Deliberative wave*[93])
- Jean-Benoit Pilet, Professor at the Université Libre de Bruxelles' Cevipol (Centre d'Etude de la Vie Politique) and Co-Curator of the Politicize dataset[94]
- Simon Niemeyer, Director of the Centre for Deliberative Democracy and Global Governance at the University of Canberra
- Vincent Jacquet, Researcher at the Université de Namur's Department of Political, Social and Communication Sciences and former Coordinator of the Belgian G1000

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[93]OECD, 'Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave', Text, accessed 7 January 2021, https://www.oecd-ilibrary.org/governance/innovative-citizen-participation-and-new-democratic-institutions_339306da-en?

[94]Paulis et al., 'The POLITICIZE Dataset: An Inventory of Deliberative Mini-Publics (DMPs) in Europe'.

Profile

While Jean-Benoit Pilet and Vincent Jacquet are currently conducting empirical research around DMPs and deliberative democracy from a purely academic standpoint, Simon Niemeyer and Claudia Chwalisz are also involved in more practical aspects, such as the organisation of DMPs, with the latter also carrying out research at the OECD instead of a public research institution.

Definitions

When asked about their personal definitions of deliberative democracy (generally without having mentioned DMPs at that point in the interview), interviewees immediately distinguish between the distinct but complementary disciplines of citizen participation and deliberation. Minimalist definitions of deliberation include positioning it as "a mode of communication based on wisdom", which is about the "exchange [of] arguments about one particular problem."[95]

Simon Niemeyer talks about his approach to deliberative democracy, which he hopes becomes more mainstream in the future: instead of focusing on the process and procedures of deliberation, which are nevertheless important, he talks about understanding "the conditions in which we can collectively decide best", which should be the core of the discipline. He explains this as trying to comprehend and connect "our understanding of the world" with "what we want as humans and citizens" in order to reach decisions.[96]

Another factor differentiating deliberation from participation is the former's supposed "explicit aim to try and find common ground".[97] Finally, Pilet brings up DMPs as an instance of deliberative democracy that could serve as a reform to representative democracy.

Why deliberate?

When asked "why deliberate?" Claudia Chwalisz refers to the ability of "a diverse group of people" with sufficient "time and resources" to come up with "good solutions" that have an "added sense of legitimacy behind them, which you don't get without having some deliberation" and "which gives a sense of being able to actually take action on things that are hard to act on otherwise"[98]. She

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[95]Vincent Jacquet, Interview, interview by Jeff van Luijk, 17 June 2021.
[96]Simon Niemeyer, Interview, interview by Jeff van Luijk, 13 July 2021.
[97]Claudia Chwalisz, Interview, interview by Jeff van Luijk, 24 June 2021.
[98]Chwalisz.

also talks about the more normative perspective of providing "a sense of agency and political efficacy to the people who are involved in a deliberation", which should "strengthen society's democratic fitness"[99]. Finally, she refers to the crisis of representative democracy and how deliberation is proven to build trust towards other participants but also towards politicians and government as a whole, which also works the other way around. She then mentions anecdotal evidence of politicians changing their minds about DMPs after participating in them, recognising the "value that people can bring to their decision-making process", and that in some cases it "has completely just changed the MPs approach to government and that relationship between government and citizens".[100] This is backed up by Jacquet, who also sees deliberation as "a way to manage different ideas" and claims that deliberation is "already the way most people like to think about how to resolve political problems", namely by "exchanging arguments".[101] Niemeyer goes even further by connecting the act of deliberating to "the way in which we have evolved to reason in a group [...] as social beings with emotions and connections"[102], citing Mercier and Sperber's work on human reasoning.[103] The concept of empathy is brought up in connection with this emotional dimension of reasoning, which could also play a role in the aforementioned dimension of trust-building. When asked "why do you want people to deliberate? What are the benefits of it?", Pilet points out that he should not be seen as an advocate for deliberation but as an academic and political scientist analysing a current phenomenon of general interest. He highlights that, according to his research, there are two major narratives behind the support for deliberation in the form of DMPs: firstly, the desire for a "thicker democracy"[104]; and secondly, citizen disenchantment with politics that gives rise to a desire to get rid of politicians. The motivations behind the two appear difficult to reconcile, apart from the fact that DMPs could be a solution to both.

Legitimacy

When asked about the legitimacy of public decision-making, one of the first answers that come up refers to Vivien Schmidt's model of input, throughput and output legitimacy, explaining those by citing notions such as levels of inclusion, fairness and transparency of the process as well as

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[99]Chwalisz.
[100]Chwalisz.
[101]Jacquet, Interview.
[102]Niemeyer, Interview.
[103]Mercier and Sperber, 'Why Do Humans Reason?'
[104]Jean-Benoit Pilet, Interview, interview by Jeff van Luijk, 14 June 2021.

the quality of resulting decisions.[105] Another distinction that is made is the one between French and German concepts of legitimacy, which are more subjective and refer to the acceptance and evaluation of specific decisions by those subject to it, and the Anglo-Saxon conception. The latter poses legitimacy as "a goal in itself"[106] and posits normative criteria for legitimate decision-making processes, one of which would be deliberation. In the same vein, process design comes up as very important in order to ensure the legitimacy of DMPs. Process elements include the selection of a representative random sample, the inclusion of different perspectives and a focus on consensus-building while operating under a maximum amount of information in order to take into account legislative and financial constraints in any subsequent decision. When asked about a possible affective, non-rational dimension of legitimacy, interviewees generally acknowledge the role of emotions in human reasoning. Niemeyer has a particularly elaborate answer to this, as he believes that "we don't have a good enough handle on [the factors at play] yet to understand how we even conceptualize legitimacy in that context"[107]. He talks about the legitimacy "of a particular moment" and how a DMP has a legitimacy "in and of itself" that might be connected to this. This connects to his previous reference to the natural human way of reasoning, in which affect plays a role. This way of reasoning through deliberation is supposed to contribute to the contingent legitimacy of a specific moment and thus also of a specific decision reached through deliberation. However, questions related to the legitimacy of DMPs still remain abstract and depend on "us developing a better understanding of what deliberation is".[108]

The Role of Emotions

All of the interviewees acknowledge the role of emotions in human reasoning and, therefore, also in politics. Jacquet claims that DMPs are filled with emotions but that it is not easy to differentiate between rational argumentation and emotions as the two are intertwined. Yet, he disapproves of the common way of conceiving deliberative democracy as rooted in ideals that "could not be translated in reality" and overly focused on rational aspects, whereas "democracy is about solving problems about humans [...] [who] are full of emotions".[109] Therefore, deliberation should take this aspect into account. When questioned about this overly rational understanding of deliberation, Chwalisz states that she does not believe that humans are "rational creatures at all and that these

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[105]Pilet.
[106]Jacquet, Interview.
[107]Niemeyer, Interview.
[108]Niemeyer.
[109]Jacquet, Interview.

processes are purely rational", emphasising the role of personal values as the lens through which we see the world.[110] Therefore, reflecting on values during deliberation, especially DMPs, is highlighted as important, which is why the "best ones [...] define the values that are going to be guiding their deliberations".[111] There is purportedly growing awareness within the field that the affective dimension needs to be taken into account, even though the role of emotions in deliberation is not theorised or talked about enough. Chwalisz points out that she has come across very little research on this and that it has not come up much either in conversations with academics or practitioners, but that it is becoming more and more apparent that processes need to be designed in a way to take emotions into account. Another concept that comes up during the interviews is the phenomenon of affective polarisation, i.e. that our feelings towards politicians and political parties affect our objective evaluation of their policies. Pilet argues that this might also be at play during deliberation, as participants' evaluation of each other, of politicians and of the process are influenced by the act of getting familiar with each other. He also reiterates the difficulties of differentiating between rational and affective thought-processes, as they mutually influence each other. Niemeyer maintains that the field of deliberative democracy is actively moving away from traditional, rationalist concepts such as the force of the better argument, with even Habermas himself distancing himself from this particular understanding of the deliberative process. Besides, deliberation should be especially well placed as a discipline to shed further light on the mechanics and intricacies behind human reasoning. This is, however, an ongoing process and has not fully happened yet in terms of the "normative implications of what that means, storytelling, emotionally regarding and so on".[112] Finally, he even mentions neurobiological and philosophical evidence connecting deliberation to so-called "pleasure states", further establishing DMPs as particularly capable of channelling positive effects on human emotions.

Process Design and Anecdotes

Considering that each one of the interviewees has extensively studied real-world implementations of DMPs, with some of them having been involved in process design to varying degrees, the goal of the next question was to get insights on specific instances and aspects of process design that were deemed to have been particularly adept at taking into account emotions. When asked about such aspects, Jacquet points out the importance of welcoming participants and letting them express their personal opinions about the topic at hand in a broader sense, instead of starting

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[110]Chwalisz, Interview.
[111]Chwalisz.
[112]Niemeyer, Interview.

with more technical and sophisticated argumentation right away. The process should more generally serve to connect "what people feel in their everyday life with more general and maybe rational political projects that can solve different problems".[113]

During his time as Coordinator of the Belgian G1000, Jacquet witnessed one particular outburst of emotions that he still remembers vividly, when a discussion about discrimination and Islam turned into a verbal altercation between participants, with some of them crying as a result. While he admits that he does not exactly remember the general consensus that came out of these discussions, he points out the group's own ability to resolve the conflict, with some members scolding others for being too violent and hurtful in their choice of words and needing to comfort the crying participants.

Although Chwalisz admits to not having encountered processes that specifically accounted for affects, she mentions that board members of the OECD's Innovative Citizen Participation Network have pointed out the potential adverse effects of gathering a representative microcosm of the population in one room, as it might accentuate and thus exacerbate a pre-existing sense of discrimination among minorities, if not properly accounted for. She reiterates that emotions have not been a topic of conversation in the field but that this aspect "merits a lot more attention".[114]

Pilet mentions the Icelandic Convention on the Constitution and the British Columbia Citizens Assembly as cases that were particularly good at connecting participants with the outside world through media coverage and direct contact with outside citizens, respectively. This, according to him, helped reinforce the affective ties with the maxi-public and could have created increased legitimacy. The French Convention on Climate Change was, in turn, lacking in this aspect and was not able to establish such a connection despite extensive media coverage.

Regarding mediatisation, Jacquet also mentions the US American practice of judges physically drawing names out of a hat for jury duty. This could serve as an inspiration for DMPs, in order to render the sortition process more transparent and to increase the maxi-public's trust in it. Niemeyer notes that he has been contemplating process design questions for 20 years and has collected substantial empirical evidence on specific aspects. He mentions the importance of engaging facilitators who are rigorous in paying attention to group dynamics and the ways that different participants express themselves and interact. He corroborates Jacquet's claim that

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[113]Jacquet, Interview.
[114]Chwalisz, Interview.

DMPs should include a stage before the actual deliberation on the topic at hand and highlights a specific practice of familiarising members of a DMP with each other through the collective drafting of a set of rules on how to interact with each other. While these rules are ultimately unlikely to diverge considerably from the established, best practice rules of democratic deliberation, the very process of defining their own rules would enable ownership and an improved group dynamic. Niemeyer goes even further by declaring this process as the "single biggest factor" contributing to "an improved group reasoning outcome", according to his own research.[115] As legitimacy appears to be dependent on context, this finding highlights that it is highly important to facilitate context creation as part of DMPs.

The Relationship between Emotions and Legitimacy

When asked specifically about the relationship between legitimacy and emotions, Chwalisz points out that there is no apparent theory on this and that the present study seems to be filling a gap. She hypothesises that there might be a relationship between the fact that ordinary people are contributing to decisions and the subsequent feeling of being listened to and taken into account, which should therefore engender legitimacy both for the mini- and the maxi-publics. Pilet also states that he has not looked into the relationship between emotions and legitimacy besides the aforementioned loosely related study and his hypothesis on the phenomenon of affective polarisation being connected to DMPs. Niemeyer, as already mentioned, indeed believes that there is a strong connection between affective states that can be influenced by deliberation and the perceived legitimacy of DMPs. This all depends on how the context around specific DMPs is created by the process, facilitators and the participants themselves. If done right, DMPs could thus induce pleasure and empathy that potentially render them more legitimate in participants' eyes. Another way to connect to participants, brought up by Jacquet, would be to adapt to different ways of expression, which, apart from speech, could include forms of art such as dance. This, however, possibly increases the risk of increasing the gap between politics and DMPs, if the latter concentrate too much on emotions while the former remains stuck in old ways of rational decision-making. Therefore, for Jacquet, DMPs should further evolve to take the affective dimension into account but need to retain a valid connection with real-world politics in order to stay legitimate.

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[115]Niemeyer, Interview.

Motivations

Of interest also are the motivations, or general perception of the motivations, behind the implementation and institutionalisation of DMPs. Niemeyer refers to the "broad desire to find better ways to make decisions", even though the aforementioned connection between politics, participants and the general public varies a lot from instance to instance.[116] He sees the motivations behind the growing institutionalisation of DMPs in Belgium at the "desirable end" and specifically highlights the Ostbelgien model as a particularly well-designed implementation of DMPs, engendering a public conversation. On the other hand, there are instances of DMPs that are increasingly tailored towards getting good media coverage without actually contributing anything new to the policymaking process, with some of them even having "more or less worked out", i.e. premeditated decisions "beforehand".[117] This, however, does not generally appear to be the case in Europe, according to Niemeyer, where the role of DMPs is becoming one of more "systemic appreciation".[118] Another way to put this would be to see DMPs as "engines of democracy" instead of "decision tools".[119] Chwalisz speaks of both pragmatic reasons and normative ideals motivating the wider institutionalisation of DMPs, in cases that she has observed. While the former stem from a sense that more input is useful in critical policy areas such as climate change, the more idealistic part could be motivated by the realisation that the current democratic model is in crisis and thus needs to change. She highlights that the experimental character of DMPs is generally accepted and that the general consensus is that "it's better to try and do something" before it is too late when confronted with rising populist movements and fading trust in existing institutions.[120] Another aspect driving a more pragmatic attitude is that oftentimes politicians know "what needs to be done, but nobody does it because they won't get re-elected next time".[121] Pilet largely corroborates Chwalisz's statements, adding that "politicians are also there to be elected", meaning that their support for DMPs could also be part of their branding.[122] Jacquet has conducted his own research investigating the motivations of politicians involved in the implementation of the Ostbelgien case, again confirming that these actors are often driven by a desire to get more input in the decision-making process, to save the floundering model of

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[116]Niemeyer.

[117]Niemeyer.

[118]Niemeyer.

[119]Niemeyer.

[120]Chwalisz, Interview.

[121]Chwalisz.

[122]Pilet, Interview.

representative democracy, and to appear more innovative than their opponents in order to get re-elected.

Representative Democracy and the Future of Democracy

Across the board, interviewees see democratic deliberation as playing an increasing role in the future of democratic regimes. Chwalisz, whose forthcoming report will assess various present-day models of institutionalisation of democratic deliberation, would like to see the "proliferation of these different approaches being used at all levels of government [...] by different ministries, different departments, different agencies, different councils".[123] Yet, she dislikes the word "scaling" and does not see the future "as creating ways for everybody to participate in the deliberation at one time".[124] According to her, some initiatives that promise increased participation through online platforms "kind of miss the point of what's the problem we're trying to solve"[125]. She does not think that it would be desirable for everyone to be involved in decision-making "on everything all the time"[126]. At the same time, there is no one size fits all solution, according to her upcoming report. She sees DMPs as "longer form, meaningful deliberative processes" and would like to see the practice spread. An increasing trend, in this respect, would be that parliaments are interested in adding citizen deliberation to their processes in a permanent and ongoing way, in a similar way to what has been done at the Brussels Regional Parliament.

When asked about the future of deliberative democracy, Pilet states that "if deliberative democracy has to work [...] [it] needs to be everywhere, from schools to companies to institutions" in a similar way that voting is a process that we are confronted with in a variety of different environments.[127] According to Pilet, we understand voting precisely because of its omnipresent character, which is why the same needs to happen to decision-making through deliberation. While the process of deliberating is "very natural", it is often "perceived as nonpolitical" in informal settings, which needs to change in a wider, societal way instead of solely at an institutional level.[128] To illustrate this, Pilet takes the example of Switzerland, where referenda and petitions are part of citizens' day to day life and thus also of their repertoire of soft skills. It is the importance of these soft skills that he repeatedly stresses during the interview.

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[123]Chwalisz, Interview.
[124]Chwalisz.
[125]Chwalisz.
[126]Chwalisz.
[127]Pilet, Interview.
[128]Pilet.

Pilet also predicts that new technologies will change the way that people participate in political decision-making in ways that are not foreseeable yet. He notes that we can already see the beginning of this via tools like e-petitioning, the impact of which has been increased and accelerated by the pandemic. Therefore, he foresees democracy evolving in the direction of a hybrid model, with a variety of forms of participation across different stages of the policymaking process, all interacting and coming together in a complex system. He again cites Switzerland as a hybrid model where citizens have numerous direct or indirect ways of influencing political decision-making. As a result, he predicts the end of the monopoly of representative institutions over policymaking.

Niemeyer lists three different ways of how DMPs could change the wider political system in the long run. The first one entails DMPs influencing wider political discourse around topics covered through deliberative events, through mediatisation, and the influence deliberation actually has on participating citizens and elected officials, something which allegedly happened during the Irish Citizens' Convention. The second one develops Jacquet's reasoning behind the mediatisation of the random sampling process as a way to connect DMPs with the wider (or maxi) public through active coverage of the process. While there has not been much work exploring new ways to establish this connection, the Center for Deliberative Democracy is exploring a way to do this through the production of a documentary film covering their Global Citizens' Assembly, along with a study on how it potentially affects viewers. However, this coverage needs to somehow simulate the "transformative effects" of DMPs instead of simply "transmitting an outcome", the key to which will be conveying the actual "experience of deliberation in terms of not only the reasoning, but also the engagement with the emotionality of that experience as well".[129] The third possibility resembles Pilet's vision of how DMPs could influence political reasoning and discourse by politicizing deliberation and thus developing citizens' soft skills and their perception of what politics should look like, weaving it into our "cultural fabric".[130]

Jacquet, when confronted with the question about the future of democracy and the compatibility of the ideals of representative and deliberative democracy, states that he constantly changes his mind about what the best combination would be, but that we still need some delegation alongside more public deliberation, with the latter being necessary mainly because not every citizen can be

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[129]Niemeyer, Interview.
[130]Niemeyer.

involved in every decision all of the time. He favours a mix of different ways for citizens to have more input into the policymaking process and thinks that there could be a better mix than the one we currently have, featuring more DMPs. Finally, the "difficulty of democracy" is how to find a balance between "abstract ideals" and the "real situation", which is why solutions are never all-encompassing but can certainly represent an improvement.[131]

Practitioners, Civil Servants and Elected Officials

Contributors to this section include:

- Gilles Balis, Parliamentary Assistant to MP Pepijn Kennis and member of the Agora Brussels movement advocating for a sortition-based model of Democracy
- Jonathan Moskovic, Democratic Innovation Advisor to the President of the Brussels French-speaking Parliament and former Coordinator of the Belgian G1000
- Pepijn Kennis, Member of the Brussels Regional Parliament and Leader of the Agora Brussels movement advocating for a sortition-based model of Democracy
- Stéphane Vansantvoet, Advisor to the Brussels Regional Parliament and Guarantor of the Regional Parliament's Deliberative Committees
- Stephen Boucher, founder of Dreamocracy.eu, a consultancy involved in the organisation of DMPs, and former Advisor to the Belgian government
- Yves Dejaeghere, Executive Director of the Federation for Innovation in Democracy Europe and former Coordinator of the Belgian G1000

Profile

All of the interviewees in this section are involved in the conception and/or the institutionalisation of DMPs at different levels; Balis, Moskovic, Kennis and Vansantvoet are involved in regional-level DMPs in Brussels, while Boucher and Dejaeghere have worked on deliberation at different levels of the Belgian government. Moreover, Dejaeghere used to conduct research on political participation at KU Leuven.

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[131]Jacquet, Interview.

Definitions

Personal conceptions of deliberative democracy among interviewees in this section vary considerably more than in the previous section.

Whereas the concept stands in contrast with representative democracy for Kennis, Boucher sees it as complementary to the latter. According to both Kennis and Moskovic, "there is hardly any real deliberation" in parliaments anymore, having been replaced by "debate, if not just theatre", thus highlighting the need for a more deliberative form of politics.[132] Dejaeghere highlights that parliaments were originally conceived as spaces for deliberation where the "best of your country", chosen through elections, would gather to find the best solutions, an ideal which they have moved away from over time, influenced by developments such as party politics.[133] In that respect, Dejaeghere mentions that it is "hard to find 20 people who agree on everything for five years except in a parliament", further emphasising the non-deliberative character of our political institutions.[134]

Another important distinction for Kennis lies in who can take part in decision-making processes, which for him "implies the selection of a small group of people that reflect the diversity of the population concerned, often through sortition".[135] For Boucher, deliberative democracy is about "getting a small group [...] of citizens having a quality conversation to shed light on public decisions", which does "not necessarily mean participation in the decision-making process".[136] Dejaeghere similarly emphasises the importance of drawing participants by lot for the mitigation of a number of problems that electoral models are struggling with, such as "legitimacy, trust, [and] representation".[137]

Therefore, for Kennis and Boucher, deliberative democracy is implicitly associated with DMPs, which according to the latter, can be used in different phases of the policymaking process, with varying amounts of power and complexity. Current use cases are often limited to the task of prioritizing already-existing policy options, which leaves "a lot more to be expected from deliberative democracy".[138]

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[132]Pepijn Kennis and Gilles Balis, Interview, interview by Jeff van Luijk, 23 June 2021.
[133]Yves Dejaeghere, Interview, interview by Jeff van Luijk, 31 May 2021.
[134]Dejaeghere.
[135]Kennis and Balis, Interview.
[136]Stephen Boucher, Interview, interview by Jeff van Luijk, 26 May 2021.
[137]Dejaeghere, Interview.
[138]Boucher, Interview.

For Dejaeghere, DMPs have different accents and values than the representative electoral way of making policy, which is why he also sees them as a necessary innovation complementary to the latter, ideally serving to improve it. Vansantvoet, similar to Boucher, sees deliberative democracy as a way to consult citizens more often than just every five years and thus as an aid to inform representatives and as a way for citizens to participate in a co-construction process.

Finally, both Balis and Moskovic talk about the flaws of the existing political system and of their conviction that deliberative processes are a superior way of policymaking, with Moskovic even advocating for a more radical change of the system based on deliberation, that would see the role of DMPs extend beyond the mere consultative and pedagogical ones touted as important by other practitioners.

Why deliberate?

Reflecting on the purpose of deliberation, Vansantvoet mentions the benefits of listening to other points of view and the pedagogical dimension of letting citizens take part in decision-making, teaching them about politics and putting them in the shoes of policymakers, potentially changing their preconceptions.

For Balis and Kennis, deliberation is all about diversity of opinions and experience as parliaments, and thus MPs, represent a rather homologous background, with the vast majority of MPs in the Brussels regional parliament having a university degree, for example. Moreover, according to Balis, citizens' interest in furthering their community is more genuine compared to elected officials, as they do not have much to gain out of deliberative processes individually, unlike politicians who also need to look after their personal interests in order to get reelected.

In addition to these benefits, Moskovic indicates that political deliberation can serve as a tool in the fight against polarization, populism and misinformation, to build trust in the system and thus reshape society, given the benefits of interacting with a diverse group of people and understanding their values.

Dejaeghere briefly mentions the normative benefits of these aforementioned cognitively diverse groups of people coming up with better decisions and refers to deliberation as a superior way of finding common ground and reaching decisions. This is in contrast with debate, which is common in representative democracies and parliaments, necessarily resulting in a winner and a loser. Deliberation is rooted in human nature and has the explicit aim of finding common ground, as

opposed to partisan politics, which are too often about identifying and pointing out the differences between individual parties and their positions, according to Dejaeghere.

Boucher seconds the output dimension of deliberative democracy, stating that DMPs can help identify novel solutions and uncover unknown experiences through a diversity of experiences as well as by tapping into citizen expertise, e.g. through more careful selection according to hard skills. He corroborates the importance of civic education through deliberation but also raises the importance of acknowledging each other as human beings, including one's values, aspirations, concerns, which DMPs are supposedly particularly adept at by getting people heard by others, be it citizens or politicians.

Legitimacy

The aforementioned phenomenon of citizens listening to and acknowledging each other as well as politicians during DMPs can lead to outcomes "feeling" more legitimate, according to Boucher.[139] The legitimacy of public decision-making, as defined by Boucher, can be compared to the rules of a game as far as they are understood and accepted by all of the players, even if they do not necessarily agree with them. Therefore, decisions that comply with the rules should be deemed acceptable in a game, as well as in a democratic regime. Therefore, it is "important that people accept to be part of this game of democracy".[140]

Deliberation can contribute to the legitimacy of decisions by informing citizens about the limitations and considerations that need to be taken into account in the process. This could potentially counter the lack of trust in institutions and policymakers that is increasingly highlighted through surveys, according to Boucher. He goes on to use Vivien Schmidt's model of legitimacy to illustrate how DMPs could provide better input, throughput and output, yet admits that the current focus on small groups coupled with the limitations of mass deliberation might limit this legitimacy.

Dejaeghere states that for him, there are two elements of legitimacy, namely one focused on the previously mentioned rules and a fair, transparent and thus legitimate process, and one that is more "diffuse", as he puts it.[141] While western democracies are very good at the first kind of

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[139]Boucher.
[140]Boucher.
[141]Dejaeghere, Interview.

legitimacy on paper, e.g. fair elections as monitored by the OCSE, increasingly frequent protest movements and the rise of populist parties are the result of historically low trust levels.

Moskovic brings up the term "loser's consent" in relation to legitimacy, which comes close to the aforementioned "rules of the game" analogy in that it designates the phenomenon of accepting decisions even though they do not fully represent one's point of view. Because it is improbable for decisions to reach a 100 per cent approval rate, even though DMPs regularly see votes with 80 to 90 per cent majorities, there needs to be a "loser's consent", referring to the fact that even though some people are against a particular decision, they still understand why other people might be in favour and can thus live with it.
According to Moskovic, deliberation favours such a loser's consent through empathy-building and participants listening to each other.

Additionally, the fact that participation in DMPs is often not tied to citizenship makes it possible for non-citizen residents to take part in those instances, which should, in turn, increase legitimacy through more diversity. The fact that, theoretically, virtually everyone has the possibility to participate, as opposed to a representative system with lots of barriers to participation renders decision-making through DMPs legitimate for Vansantvoet. His conception of legitimacy falls into Dejaeghere's first category, involving normative criteria that ensure a legitimate and just process.

Kennis also reiterates the importance of good process design and a diverse group to ensure legitimacy during deliberative initiatives, with the process having to "let everyone express themselves".[142] He also highlights the crisis of legitimacy of representative democracy, reportedly caused by party politics and a lack of deliberation in parliaments.

Finally, Balis raises an interesting point, connecting the legitimacy of their particular organisation, Agora, to the feeling of hope that their processes and general work instil in people. This hope is allegedly connected to the realisation that system change is possible but remains rather subjective, according to Balis.

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[142]Kennis and Balis, Interview.

The Role of Emotions

The aforementioned feeling of hope instilled in people through democratic deliberation serves as a transition to this section, which seeks to explore interviewees' opinions on the role of emotions in politics.

Dejaeghere starts by stating that it is indeed a fact that emotions play a role in human political reasoning, mentioning experiments that fit into the previously mentioned strand of literature on affective polarization. He goes on to claim that fairness can also be classified as an emotional reaction, establishing a connection with this principle in politics and the "revulsion" against the political world that many Westerners feel, pointing out recent poll data suggesting that 83% of Belgians do not trust politicians. According to Dejaeghere, this is primarily an emotional reaction, highlighting the role of affective reasoning in politics.

Yet, "emotions should [not] be a driving force" when it comes to political decision-making, even if they "are part of human interactions".[143] Kennis similarly acknowledges the role of emotions, which are "intrinsically part of every discussion and every conversation", citing the ancient Greek concepts of *logos*, *ethos* and *pathos* as a sort of general framework for human reasoning, the latter of which represents emotions.[144]

Balis adds that emotions might play an even bigger role in deliberative fora, as citizens are often more "sincere" and "less controlled" when deliberating, as opposed to elected officials who are more controlled due to their experience and training. This is backed by Vansantvoet, who also assigns a bigger role to emotions in DMPs.[145]

Boucher explains that even electoral politics are "dominated by emotions, but we don't know how to deal with those emotions", which is why politicians tend to "play with emotions" in order to appeal to their electorate in speeches, on social media or as part of other promotional communication.[146]

He is, however, not aware of specific ways to "manage emotions in a benevolent way in service to people deliberating and contributing to policymaking", apart from best practice DMP process design, and therefore looking for ways to "empower" people through this affective dimension.[147]

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[143]Dejaeghere, Interview.
[144]Kennis and Balis, Interview.
[145]Kennis and Balis; Stéphane Vansantvoet, Interview, interview by Jeff van Luijk, 22 June 2021.
[146]Boucher, Interview.
[147]Boucher.

In this respect, Boucher acknowledges a clear lack of research around the emotional dimension of deliberative democracy and its mechanisms, which needs to be the object of further studies, considering that the importance of this has repeatedly been recognized in his conversations with practitioners.

Moskovic, another practitioner with a strong theoretical background in deliberative democratic theory, also emphasises the role of emotions in deliberative processes and provides anecdotal evidence of a vote on same-sex marriage being heavily influenced by a participant's traumatic experiences during the Constitutional Convention in Ireland, which he observed as a student. In fact, this very emotional experience seems to have had a major influence on the discourse around same-sex marriage in that instance, which is why Moskovic came to the realisation that the literature on deliberative democracy was overly rationalised and that emotions could, in fact, be an engine of deliberation, something which is not theorised in the literature. He also notes the relationship between politics and the media and the fact that the media often feed on emotions.

Process Design and Anecdotes

When it comes to aspects of deliberative processes specifically tailored around emotions, Vansantvoet acknowledges that the rationale behind the Brussels parliament's deliberative committees is purely rational and that the emotional aspect was "totally neglected".[148] The external operators, who were more closely involved in the process design of this initiative, should, however, implicitly have taken this into account, albeit not consciously, as they are used to organising DMPs. In this respect, the reasoning behind this particular initiative, among others organised by the same operator, is that citizens have to be able to fully express and thus "liberate" themselves in order to move on to more constructive forms of reasoning after the fact.[149]

Vansantvoet thinks, however, that taking emotions better into account through deliberative channels would certainly constitute an improvement over protest movements, as it could lead to more constructive decisions.

Dejaeghere's line of thinking is similar in that he sees the first step as acknowledging the role of emotions and the fact that they "are there".[150] He maintains that politics have long focused on being overly rational, with rationality having been put "on a pedestal", which is why the act of

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[148]Vansantvoet, Interview.
[149]Vansantvoet.
[150]Dejaeghere, Interview.

acknowledging the emotional dimension of decision-making processes is an important first step.[151]

When interrogated about insights into process design around emotionality, Moskovic highlights the importance of facilitators who are there to avoid "anarchy", to inform and also to avoid that emotion takes over the debate too much.[152] He claims that while emotions are an important part of deliberation, there is a tradeoff between this affective dimension and rationality, which is why there needs to be a balance ensured by good process design and skilled facilitators in order to avoid subpar results.

Kennis seconds the importance of facilitators keeping track of the discussion as emotions can lead certain people to take up more space than others and thus inhibit participation, which means "slowing down certain people" and "speed[ing] up" others "to get along with the process".[153]

The Relationship between Emotions and Legitimacy

When asked about the relationship between emotions and legitimacy, Moskovic mentions that acknowledgement, changing power dynamics, and inclusion can legitimise decisions taken through deliberative fora, a claim which is largely backed by Vansantvoet.

Boucher corroborates this by stating that deliberation if it is well done, e.g. by ensuring quality dialogue and taking into account people's deeper values, "will contribute to the participants' feeling that the decision is legitimate".[154]

Moskovic also brings up anecdotal evidence from the Irish Constitutional Convention, stating that emotions were the main driver behind people's participation as "they felt like they were playing for the Irish National Football squad" and that "it was very emotional".[155] This was allegedly mostly due to the extensive media coverage around the event, raising participants' feeling of pride and providing them with the hope that they could provide "a better future to their children".[156]

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[151]Dejaeghere.
[152]Jonathan Moskovic, Interview, interview by Jeff van Luijk, 28 May 2021.
[153]Kennis and Balis, Interview.
[154]Boucher, Interview.
[155]Moskovic, Interview.
[156]Moskovic.

Further reflecting on the question, Moskovic theorises that better acknowledging emotions could be a way to "re-enchant politics and to bridge the gap between citizens and politicians", mentioning greater empathy as a way "to bring a bit of humanity into politics".[157]

Another mechanism mentioned by Boucher, referring to multiple studies, is that participation in deliberative events potentially makes people interact more with politics and political debates, further increasing the wider public's inclusion in pre-existing processes and thus possibly their legitimacy. Furthermore, Kennis also believes that the legitimacy of deliberative processes comes from gaining a better understanding of each other, empathising and "taking decisions in the general interest rather than in a conflict of interests"[158].

Kennis and Balis also recognise that emotions play a role in the legitimisation of deliberative processes but stress that there is a need for a framework around this, which does not yet exist, and that making it "more concrete" is the "hardest part".[159]

This is in line with Dejaeghere's thinking around the diffuse part of legitimacy that is hard to explain or investigate in rational terms. Deliberation, according to Dejaeghere, is thus based on values and should serve to decide on which values should become "authoritative", i.e. be turned into law. This cannot be decided in a technocratic, scientific way because questions around such values cannot be answered in a right or wrong way, where there is a winner and a loser. This is because values are based on feelings and personal experience, which is why decisions reached through deliberation, where participants become aware of the experiences and emotions of other people, tend to have an increased sense of legitimacy.

Motivations

The motivations behind the interviewees' work are manifold, with a majority of them believing in the ideals of deliberative democracy and its ability to change the failing representative system, either by completely replacing it or by complementing it.

Kennis, for example, wanted to get involved in politics without taking part in partisan politics and thus without becoming a member of a political party. Consequently, both Balis and Kennis see deliberation as a generally superior way of making policy by further involving people in the process. Concerning the general motivations behind the institutionalisation of deliberative

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[157]Moskovic.
[158]Kennis and Balis, Interview.
[159]Kennis and Balis.

processes, Kennis thinks that many MPs are frustrated with the current state of politics, such as their own inability to act on important issues because of the complexity of the system. Contributing to this frustration is increased public scrutiny of their work and fading trust, entailing a desire to counter this by making people take part in their frustrations through deliberation. Balis adds that this frustration results in the realisation of a need for system change, especially in Belgium, which is why an increasing number of people are embracing democratic deliberation as a potential solution.

Vansantvoet traces the motivations behind the institutionalisation of the Brussels Parliament's deliberative committees back to the last election cycle when an increasing number of younger, newly elected MPs became frustrated with established ways of working, wanting to restore the deliberative character of parliament. While he would not summarize it as a generational problem, he recognizes that citizen participation was not a major topic back when he attended university more than twenty years ago. Therefore, younger generations might have different conceptions and ideals.

Jonathan Moskovic, having written his master's thesis on DMPs ten years ago, is part of this younger generation, having arrived in parliament in an advisory role with different ideals as to how democracy should work. These ideals were formed through a series of experiences with different institutions at different levels of government which left him frustrated with the aforementioned old ways of working up until he discovered DMPs through an internship abroad.
He summarizes the personal motivations behind his work as those of a political science student wanting to "change the system", which he had grown increasingly "disappointed" with.[160]

Dejaeghere explains his personal motivations for getting into the field of deliberative democracy as being in line with his previous work as a political scientist. After spending fifteen years in academia, he took the opportunity to explore deliberation in more of an activist role because he saw it as "a very interesting new evolution" of a "minimalistic view of politics as pure partisan games and elections every five years".[161] He confirms the previous claim that a new generation of politicians who believe that "the system could be done differently" is in the making, while also

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[160]Moskovic, Interview.
[161]Dejaeghere, Interview.

pointing out that there is a general sense "that something needs to be tried at least" in the face of populism, declining party membership and a drop in participation in traditional forms of politics.[162] Another factor in Belgium's pioneering role in the institutionalisation of DMPs could be the frustration with the "partiecratie" system, which can be especially polarising and has proven its inefficiency time and again in Belgium, e.g. when the country had no official government for 589 days from 2010 to 2011. This has, according to Dejaeghere, resulted in newly elected, younger politicians "with a different view on what politics is", who are "not married to the party" anymore and do not want to spend their time on party politics, instead aiming for wider system change.[163]

Boucher's motivations primarily originate in the desire to "improve democracy", namely representative democracy, and to restore people's trust in the system by making it address "people's concerns efficiently and effectively", as he is not a believer in "only direct democracy".[164]

As to the more general motivations behind the use of DMPs throughout different levels of government, Boucher mentions "policymakers that genuinely understand that we can't do politics the old way", but also shares a more critical perspective on the current implementation of DMPs; as opposed to officials that believe in the wider ideals of deliberative democracy there are, according to Boucher, more pragmatic actors who "want to be seen" and "gain more legitimacy", and who "focus essentially on the process or throughput legitimacy dimension".[165] Further elaborating on this perspective, Boucher refers to the example of Macron and the Grand Débat National, where the focus was not so much on identifying new ideas (input) or increasing the impact of policies (output), but rather on being perceived as having "been listening".[166] Finally, Boucher concludes by pointing out that he increasingly comes across "more and more policymakers who do it well, who want to do it well" and that "in a sense [...] it doesn't really matter what the exact intentions were behind".[167]

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[162]Dejaeghere.
[163]Dejaeghere.
[164]Boucher, Interview.
[165]Boucher.
[166]Boucher.
[167]Boucher.

Representative Democracy and the Future of Democracy

Considering that this section's interviewees' theoretical background varies, it should be particularly interesting to shed more light on their conceptions of representative and deliberative democracy and their outlook on the future of democracy.

In this respect, Yves Dejaeghere sees deliberation as an innovation of representative democracy, which "can help mitigate some of the problems you have in electoral [systems]" and compares it to adding a fourth wheel to a car that can drive on three wheels, but that will be improved by adding a fourth one.[168]

Some of the drawbacks that democratic deliberation could fix are issues of "legitimacy, trust, representation", as it has "different accents and values than the electoral representatives part of it", the latter of which is "insufficient and very biased towards certain things like partisanship, like polarization", which becomes apparent when looking at trust barometers.[169] The need for innovation in representative processes should be obvious, according to Dejaeghere, like everything in society is subject to innovation, but "for decades" we have not improved the electoral system which was invented in the 1800s.[170] Part of this process, for Dejaeghere, is opening up debates around values that have not been questioned, such as how much information is required to take a decision on something, which is a question that is commonly asked when challenging citizens' ability to contribute to policies, but which is not asked when evaluating elected officials. Throughout the interview, historical analogies are drawn, such as the comparison between the experimental character of DMPs and the first elections, which were also limited to "two per cent of the population".[171] In this respect, Dejaeghere posits the future of democracy as a hybrid model between representative and deliberative democracy, even though this requires officials to "put in the means, the money", to "ask serious question[s]" and "to let go of some of the final decision-making [power]", which "will always be a bit hard for politicians to do".[172]

Vansantvoet shares this perspective, as does Boucher, in that they both argue for more citizen input in policymaking, going beyond elections every four or five years. While Vansantvoet is of the opinion that small scale deliberative initiatives work best, given that they are usually connected to participants' daily lives in some way, Boucher sees the potential of online tools and different

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[168]Dejaeghere, Interview.
[169]Dejaeghere.
[170]Dejaeghere.
[171]Dejaeghere.
[172]Dejaeghere.

kinds of hybrid models, such as the *vTaiwan* platform, to scale up the benefits of DMPs and thus mend some of the flaws of representative democracy. The further institutionalisation of DMPs would thus serve politics and citizens to stay connected with each other, grounding policy in "reality".[173]

Vansantvoet mentions the importance of media coverage around deliberative panels, as has been pointed out in prior sections, in order to ensure this connection with a bigger audience.

As deliberative democracy is in clear contrast with the existing electoral system for both Kennis and Balis, they are advocating for the further institutionalisation of DMPs in decision-making processes, as they are convinced that it is a more inclusive and natural way to produce all-around better policies without the "theatre" of contemporary representative politics. Finally, Moskovic, while strongly believing in the power of deliberative democracy to change the system, is himself contributing to the implementation of hybrid models through the mixed deliberative committees initiative, where MPs deliberate with randomly selected citizens, but also through reinjecting deliberation back into parliamentary processes by scheduling entire days dedicated to deliberating important issues, with the help of civil society organisations. He thus strongly believes in DMPs', and deliberation in general, ability to "re-enchant politics" through a stronger connection with people and the acknowledgement of their emotions, as previously mentioned.[174]

Participants

This section is divided according to the nature of the collected data. This includes data collected at a municipality-level DMP in Brussels as well as at the Brussels Regional Parliament's Deliberative Committees.

Motivations

Municipality-level DMP
Participants
When interrogated about the motivations behind their participation in the draw for one of the observed DMP processes, a large majority of participants (76%) mentioned their desire to engage in the decision-making around their community and to thus have a positive impact. Respondents included people who have already been politically active and individuals who regularly volunteer, but not predominantly. The main justification behind this reasoning was a sense of duty towards

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[173]Vansantvoet, Interview.
[174]Moskovic, Interview.

the community, with 20% of participants specifically mentioning the official invitation letter as the main manifestation of this duty. 29% of participants were also motivated by specific problems that they encountered in relation to life in the municipality, including issues related to mobility, education, security and law enforcement, among others. Another 29% indicated their desire to learn, namely about decision-making processes and the commune in general. Finally, 6 out of 34 people referred to social aspects, such as the desire to get out of the house and interact with people, as a motivator. While answers were generally kept short, anecdotal evidence about specific issues tended to take up substantial parts of participants' reasoning when brought up. Motivation levels were, however, generally high, coupled with mostly favourable assessments of the commune.

<u>Non-selected</u>

The same trends could be observed among non-selected citizens without any notable deviations. Yet, while no major frustrations with the wider system were able to be observed with actual participants, 3 out of 21 surveyed non-participants as well as various people calling the official hotline of the citizens' council seized the opportunity to vent their frustrations with the commune and the way it is run, raising doubts about the intentions behind the DMP, the selection of the participants and emphasising their dissatisfaction with not having been selected and thus not being able to express their concerns in person.

Deliberative Committee

Participants questioned about their motivations during brief conversations mostly referred to the specific topic, homelessness, as the main motivator behind their participation, with the desire to learn about politics also being mentioned.

Evaluation

Municipality-level DMP
<u>Participants</u>

A striking majority of citizens (88%) who were selected for the DMP in Forest expressed their hope towards the utility of the initiative, with only slight doubts being raised in connection with historical evidence of other unrelated participatory initiatives not having been properly taken into account, e.g. recent national-level examples in France. As to the potential of the citizens' council to enhance their understanding of the decisions taken by the commune, participants were unanimous in hoping that it will.

<u>Non-selected</u>

76% of surveyed non-participants stated that they were hopeful towards the utility of the DMP process and its results. Nevertheless, 7 out of 21 people expressed their doubts about its efficiency, the motivations behind the DMP and the impartial nature of the selection process, among others. Concerning the process' contribution to their understanding of the commune's decisions, the consensus is that it will be useful, with the exception of the critics who again state that they do not trust the initiative.

<u>Deliberative Committee</u>

Participants of the Brussels Parliament's deliberative committee on homelessness largely expressed their satisfaction with the initiative, with various participating citizens and MPs thanking the organisers as well as each other for the experience, ending the process on a positive note. This satisfaction was, however, challenged by a number of MPs who thought that the topic of homelessness was set up too broadly in order for the recommendations of a DMP to be useful for policymaking. Similarly, numerous citizens voiced their dissatisfaction with the behaviour of some of the MPs who engaged in party politics during votes. One instance in particular, where a recommendation was rejected by the MPs due to a technicality, led to a number of citizens expressing their discontent. While a large majority of participants endorsed the final recommendations, reflected by individual articles having been accepted with majorities of between 80 and 90%, doubts concerning their utility arose during short conversations with a number of citizens and one MP, with the latter criticising their simplistic character that required a lot of work in order to be turned into policy. Finally, besides voicing their satisfaction, a majority of participants stated that they had learned something during the process.

Emotions

<u>Municipality-level DMP</u>
While neither selected nor non-selected citizens were specifically interrogated about their emotions in relation to the Forest municipality's DMP, feelings such as pride, hope and content, but also fear, mistrust, anger and discontent were able to be identified in their answers.

<u>Deliberative Committee</u>
Emotions, while not having been overly apparent during the first observation of the deliberative committee on homelessness, apart from participants being eager to share their personal

experiences and struggles in occasionally touching stories, were dominating at the final meeting of the committee. As mentioned before, citizens grew increasingly frustrated with the behaviour of a number of MPs and with the process, resulting in a major article being dropped from the final set of recommendations due to the inattentiveness of MPs. This frustration led to anger, repeatedly expressed during the occasionally rather heated final remarks of the process, as well as during short conversations with participants. Finally, however, gratitude prevailed as facilitators asked multiple participants to share their final perspectives, with one individual, in particular, being moved to tears as he expressed his satisfaction and pleaded for increased respect for the work of MPs, as well as more empathy in general. When asked about specific emotions felt during the process, participants identified anger, sadness and frustration as well as joy, content and satisfaction. One citizen noted that she felt happy that other people agreed with her, while two other citizens and one MP stated that emotions were, in fact, not very important for DMPs, with the latter not being able to identify any emotions felt throughout the process.

Discussion

In the previous section, the findings of this exploratory research project were presented. In this section, those findings shall be put in relation with the literature on DMPs and with the wider framework of this thesis. Conversations with a wide range of individuals were able to provide insights into a variety of theoretical and practical aspects related to the utility and effects of, as well as the motivations behind the implementation of DMPs in the policymaking process.

Thus, we have seen that definitions of deliberative democracy differ not only between academics and practitioners but even between individual members of these groups, with a number of interviewees implicitly connecting the DMP practice with the term deliberative democracy. As definitions vary between more philosophical ones, such as Niemeyer's, practice-oriented ones, such as Kennis' and normative conceptions, such as Vansantvoet's, so do the interviewees' personal motivations behind their work. While some, including Moskovic, Balis and Kennis, want to see the wider system change through deliberation, other thinkers or practitioners, such as Boucher, Dejaeghere and Pilet, perceive DMPs primarily as a way to reinforce representative institutions.

This is in line with broader conceptions of deliberative democracy, namely the *participatory track* and the *shortcut track* approach highlighted by Lafont[175], the former of which would entail a generally more deliberative public sphere where DMPs would serve as testing grounds for arguments that would influence the wider debate about any given issue. Pilet and Niemeyer's ideas about multiplying DMPs throughout society in order to build up soft skills and cement deliberation's role in political decision-making ties into this approach, as does Moskovic's perception of re-enchanting politics through deliberation. On the other hand, practitioners such as Kennis, Vansantvoet and Boucher tend to have an increased focus on the *shortcuts* approach, emphasising the higher legitimacy of decisions reached through deliberation by representative samples of the population and would like to see the further empowerment of such initiatives.

The divergent nature of the aforementioned approaches entails that interviewees also have different conceptions of the factors that render decision-making through DMPs legitimate. While definitions alluding to Schmidt's concepts of input, throughput and output are frequently referred to, individuals believing in the *shortcuts* approach tend to focus solely on these dimensions, unlike those favouring the *participatory* approach who are inclined to provide more abstract definitions of legitimacy. It is important to note that the latter recognises the importance of a fair, transparent and inclusive process that needs to be taken into account by authorities as it leads to better decisions, which is in line with the aforementioned dimensions of legitimacy. Yet, they also mention the significance of a more "diffuse" dimension of legitimacy, as Dejaeghere puts it, which is *felt* by participants of DMPs and appears to be a result of the interactions had throughout the deliberative process, based on empathy, understanding and the acknowledgement of each other's values, i.e. the acknowledgement of human nature, according to Niemeyer.

This correlates with previous findings highlighting the role of affective reasoning in politics and the power of acknowledging emotions, such as hope and fear, in human interactions, especially in the legitimation of political decision-making.[176] It can be put in relation with Jacquet's reference to German concepts of political legitimacy, which are more abstract, such as Max Weber's *Legitimitätsglaube*[177].

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[175]Lafont, *Democracy without Shortcuts : A Participatory Conception of Deliberative Democracy*.
[176]Neuman, *The Affect Effect*; Mercier and Sperber, 'Why Do Humans Reason?'; Mansbridge, 'A Minimalist Definition of Deliberation'; Blondiaux and Traïni, *La démocratie des émotions*; Michael E. Morrell, *Empathy and Democracy*.
[177]Max Weber, *The Theory of Social and Economic Organization* (New York : London: Free Press of Glencoe ; Collier-MacMillan, 1964), 382.

The above findings thus largely confirm the role of this affective dimension, which DMPs appear to be particularly adept at instigating in the perceived legitimacy of political processes and decisions through the provision of an environment where participants are being listened to. This becomes clear through the observation of general feelings of hope and satisfaction in participants of DMPs as well as, in a certain sense, in practitioners and academics involved in the field of deliberative democracy. Non-participants, however, are more likely to raise doubts about the procedure and express their disappointment in not having been selected and thus not being afforded the opportunity to share their point of view, which correlates with Devillers et al.'s findings of non-participants being more sceptical towards DMP processes.[178] The evidence thus suggests that normative concepts of legitimacy involving purely rational concepts such as the fairness and efficiency of political processes, which representative democracy appears to have evolved to focus on, are not sufficient in order to render these processes legitimate in the eyes of the maxi-public nor to explain the added sense of legitimacy provided by deliberation. This added sense of legitimacy shall thus, from hereon, be called *emotions legitimacy*.

Even though interviewees recognised the importance of better taking into account emotions in political reasoning, especially during deliberation, few of them had extensively reflected on this and were thus not able to provide extensive insights on best practices around this dimension. Niemeyer, stating that we do not yet "understand how we even conceptualize legitimacy"[179] in the context of deliberation, perfectly sums up the present state of the literature around the political legitimacy of DMPs, especially in terms of affects contributing to it. Nevertheless, this research has served to uncover a number of normative aspects in terms of process design that deserve more attention:

First, organisers and participants need to acknowledge that emotions have a place in deliberation and thus provide participants with a safe space as well as time to express themselves. Emotions should thus not be perceived as counterproductive or inferior to purely rational judgements.
Second, facilitators need to be well trained in order to be able to cope with the different emotional needs of different participants and thus be able to adapt the process spontaneously.
Third, DMPs should be empowered as much as possible, e.g. by designing their own rules.

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[178]Sophie Devillers et al., 'Looking in from the Outside: How Do Invited But Not Selected Citizens Perceive the Legitimacy of a Minipublic?', *Journal of Deliberative Democracy* 17, no. 1 (1 June 2021), https://doi.org/10.16997/jdd.961.
[179]Simon Niemeyer, Interview, interview by Jeff van Luijk, 13 July 2021.

Fourth, organisational processes such as the random sampling of the population should become public and more transparent in order to eliminate doubts around their fairness.

Fifth, organisers should increase mediatisation and groundwork efforts around DMPs in order to reach a wider public, implicate more people and attempt to convey participants' experiences, values and thus emotions via these channels.

Concerning the motivations behind the implementation of DMPs in the policymaking process in Belgium and in western democracies in general, interviewees confirmed that they could be manyfold, which was validated by their personal motivations. While public officials could be driven by electoral politics and the desire to outclass their opponents in terms of innovativeness, Niemeyer affirms that the motivations in western Europe appear to be moving towards the "desirable end".[180] Indeed, as a number of interviews uncovered, a younger generation of policymakers, practitioners and thinkers appear to be guided by broader ideas of system change through more inclusive and egalitarian processes such as deliberation. The recent urgency behind the proliferation of these processes, however, stems from the realisation by both the idealistically and pragmatically minded camps that something needs to be tried in order to save democracy, which is why the experimental character of DMPs is generally accepted by both groups. As Boucher stated, "it doesn't matter what the exact motivations were behind" every DMP, as long as they follow best practices.

This is in line with the general consensus that the propagation of DMPs will lead to a hybrid model of democracy, combining existing representative institutions with gradually empowered DMPs that contribute to decision-making processes. This propagation should implicitly contribute to the general acceptance of deliberation as a form of political decision-making and thus strengthen "society's democratic fitness" by developing soft skills while increasing mutual understanding and empathy. Therefore, even though the motivations behind specific DMPs might originate in the *shortcuts* approach, every instance of deliberation should implicitly contribute to the *participatory* approach.

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[180]Niemeyer.

Conclusion and Further Research

Following this exploratory investigation into the effects of deliberation on legitimacy, the role of emotions in democratic deliberation and the motivations behind the implementation of DMPs in the policymaking process, a number of descriptive as well as normative conclusions can be drawn:

Firstly, democratic deliberation appears to be particularly adept at inciting positive feelings in participants through being acknowledged, listened to and empathised with, providing decisions reached through deliberative processes, such as DMPs, with an added sense of legitimacy. This legitimacy cannot be explained by Schmidt's three legitimacies (input, throughput and output)[181], which leads us to call it *emotions legitimacy*.

Secondly, academics, practitioners and public officials are unanimous in acknowledging the role of emotions in human reasoning, which was preliminarily confirmed by limited observations of DMP processes. As a result, DMP processes should be further adapted to take into account this affective dimension in order to empower participants by better channelling it. Five concrete elements of process designs enabling this have emerged:

1. Organisers and participants need to acknowledge that emotions have a place in deliberation and provide participants with a safe space as well as time to express themselves. Emotions should thus not be perceived as counterproductive or inferior to purely rational judgements.
2. Well-trained and experienced facilitators are needed in order to be able to cope with the differing emotional needs of different participants and thus be able to adapt the process spontaneously.
3. DMPs should be empowered as much as possible, e.g. by being able to design their own rules.
4. Organisational processes such as the random sampling of the population should be made public and more transparent in order to eliminate doubts around their fairness.

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[181]Vivien Schmidt, 'Democracy and Legitimacy in the European Union Revisited', 2012, 33.

5. Organisers should increase mediatisation and groundwork efforts around DMPs in order to reach a wider public, implicate more people and attempt to convey participants' experiences, values and thus emotions via these channels.

Finally, motivations behind the institutionalisation of DMPs in the policymaking processes of western democracies are manifold and can primarily be explained by the *shortcuts* and *participatory* approaches.[182] While the *shortcuts* approach does not appear to be able to provide decision-making processes with drastically higher levels of legitimacy in the eyes of the maxi-public, a number of interviewees argue that the *participatory* approach might be able to. The latter would thus increase society's "democratic fitness"[183] through the proliferation of DMPs that would provide the wider public with the soft skills required for democratic deliberation and weave the practice into our "cultural fabric".[184] As a result, decisions taken through deliberation would, in the future, potentially score higher on *emotions legitimacy* even as perceived by the maxi-public, if the proliferation of DMPs continues.

To conclude, while the present study was not able to provide a definitive answer to our initial research question, individual motivations behind the proliferation of DMPs do not appear to matter, as Boucher put it in an earlier quote. It should be clear that the participation but also the general involvement in DMPs create instances of *emotions legitimacy,* which could contribute to individual motivations behind their institutionalisation. As this trend continues, politics should see a re-enchantment of sorts, as hypothesised by Moskovic, possibly enabled by broader levels of *emotions legitimacy.*

Further empirical research could thus seek to systematically investigate the role of emotions in the political legitimacy of decisions, especially taken through deliberative processes, as the present analysis has been largely interpretative and limited in terms of scope, data and research methods. Future studies would ideally aim to confirm the aspects of *emotions legitimacy* identified above through more specific, externally valid research methods that could uncover some of the mechanisms behind legitimation through deliberation, as interviewees have shown repeated interest in theoretical and practical insights on this.

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[182]Cristina Lafont, *Democracy without Shortcuts : A Participatory Conception of Deliberative Democracy*, First edition., 2020.
[183]Claudia Chwalisz, Interview, interview by Jeff van Luijk, 24 June 2021.
[184]Niemeyer, Interview.

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