

# **The Role of Deliberative Mini-Publics in the Quest for Gross National Happiness in Bhutan**

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## **Abstract**

Political participation is recognized as a component of Bhutan's multidimensional development framework, 'Gross National Happiness' (GNH). In recent years, Bhutan has instituted a conventional system of liberal democratic, representative democracy. However, this system has supplanted an earlier, indigenous system of village-based participatory democracy. This paper builds on the premise that, to be true to the goal of good governance encapsulated in GNH, Bhutan needs to embrace a deeper level of political participation than that embodied by representative democracy. The deficits of the new representative system are identified via the utilization of Lijphart's majoritarian versus consensual democratic framework. It is suggested that a form of 'deliberative polling' should be institutionalized as part of the parliamentary policy-making process, as a complement to the existing representative system.

## **Introduction**

Collective happiness as a goal of government policy has deep historical roots in Bhutan.<sup>1</sup> It is only in the modern era, however, that this rather nebulous aspiration began to take a more concrete form. The fourth hereditary monarch of Bhutan, Jigme Singye Wangchuck, is credited with coining the term 'Gross National Happiness' (GNH) in the early 1970s.<sup>2</sup> By the late 1990s, the idea of GNH as a multidimensional development framework was becoming established; while

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<sup>1</sup> Givel, 2015.

<sup>2</sup> McDonald, 2010, p. 1.

what are now referred to as the four 'pillars' of GNH were still in flux, it was clear that 'good governance' would be one of these.<sup>3</sup> As the GNH framework was further specified in the 2000s, 'good governance' was included as one of nine 'domains' of GNH to be measured via the GNH Index; one of the measures within that index is 'political participation'.<sup>4</sup>

One can construct a narrative that would characterize the political history of Bhutan since the 1950s as an inexorable movement toward greater citizen participation in decision-making. The founding of the National Assembly in 1953 gave representatives from all districts in Bhutan, the monastic establishment, and the bureaucracy a consultative role in government. The introduction of decentralization via the establishment of semi-representative Dzongkhag Yargye Tshogdue (DYT) (District Development Committees) in 1981, and the 1991 extension of decentralization via the Gewog Yargye Tshogchungs (GYT) (Block Development Committees), elected on a household basis, brought some decision-making on development issues closer to the general population.<sup>5</sup> The first universal adult suffrage elections in Bhutan, for GYT executives or 'gups', took place in 2002, while the first parliamentary elections, on the same basis, were held in 2007-08.<sup>6</sup> With the re-organization of the Development Committees into multi-functional regional local governments after 2009, and the election of municipal (Thromde) governments in 2011, Bhutan can be said to have developed representative government at the country-wide, regional, county, and municipal levels.<sup>7</sup> Finally, given that the second

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<sup>3</sup> Thinley, 1998, p. 16. The other three pillars are now listed as: equitable social and economic development; environmental conservation; and cultural preservation and promotion.

<sup>4</sup> Ura, Alkire and Zangmo, 2012, pp. 111-112, 121.

<sup>5</sup> Rapten, 2009, p. 67.

<sup>6</sup> Ura, 2004, p. 2. The upper chamber, or National Council, elections were held on 31 December, 2007, while the lower chamber, or National Assembly, elections occurred on 24 March, 2008.

<sup>7</sup> DYT became Dzongkhag Tshogdu (DT); GYT became Gewog Tshogde (GT). For details regarding DTs, GTs, and Thromdes, see

parliamentary elections were held successfully in 2013, and produced a peaceful handover of power to the former principal opposition party, it appears that Bhutan has a consolidated representative democracy.<sup>8</sup>

There is an alternative interpretation of this narrative, however. This interpretation would characterize these developments as an evolution away from a previously existing, highly participatory, grassroots democratic system. In the early 1990s, Wangchuk documented a traditional form of participatory democracy that still operated at the village level:

Decisions affecting the community are made in the village meeting (*zomdu*), where at least one representative - male or female - from each family partici-pates. Because the average village size ranges from 20 to 200 households, the problem of handling the logistics of an unmanageably large village meeting is seldom encountered. Decisions are made once a consensus is reached, and all differing viewpoints are debated....The village *zomdu* embodies what Dahl terms “primary democracy” occurring at the village level.<sup>9</sup>

Wangchuk lamented the loss of local control embodied in the move to a conventional, representative democratic structure, calling for the *zomdu* tradition to be incorporated in the new democratic framework.<sup>10</sup> Similarly, Dessallien praised Bhutan’s “indigenous form of ‘natural democracy’”, noting that “the liberal democratic system as practiced today does not appear particularly adept at ensuring public involvement in decision-making”.<sup>11</sup> She concluded that, in the face of the institution of conventional representative structures,

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Bhutan, 2010a; Bhutan, 2014.

<sup>8</sup> Gallenkamp, 2013; Turner and Tshering, 2014a; Turner and Tshering, 2014b.

<sup>9</sup> Wangchuk, 2004, p. 841.

<sup>10</sup> *Ibid.*, pp. 844-848.

<sup>11</sup> Dessallien, 2005, pp. 59, 69.

“[i]t may...be necessary to engineer greater political space for, and promote more vigorously the involvement of, citizens in discussion and decision-making.”<sup>12</sup>

This paper takes up Dessallien’s challenge. It is built on the premise that, to be true to the goal of good governance encapsulated in GNH, Bhutan needs to embrace a deeper level of political participation than that embodied by representative democracy. It seeks to analyze the new representative system, and ‘engineer’ a complementary system of citizen participation in the policy-making process.

The paper proceeds as follows. First, it argues that, to be effective, citizenship must entail practices that go beyond representative democracy. Second, it argues that Bhutan is at a ‘critical juncture’, during which the opportunity exists to construct an understanding of Bhutanese citizenship that includes greater participation. Next, it argues that greater participation should be seen as a complement to, not a replacement for, representative democracy. Fourth, the Bhutanese system as currently constructed is considered in the context of Lijphart’s majoritarian democracy versus consensual democracy framework, thus exploring its strengths and weaknesses. The results of this consideration are then used to determine what sort of participatory mechanisms would be appropriate to complement the currently existing Bhutanese system. After a brief survey of available mechanisms, the paper then selects one – deliberative polling – and proposes that it be institutionalized as part of Bhutan’s legislative process.

### **‘Effective’ Citizenship**

It has been argued that part of the reason for the successful consolidation of the neo-democracies that have emerged since the mid-1970s is that representative democracy itself is rather inconsequential.<sup>13</sup> If successful consolidation of

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<sup>12</sup> *Ibid*, p. 69.

<sup>13</sup> Schmitter, 2009, pp. 19-21.

representative democracy is compatible with persistent, or indeed increasing, inequality among citizens along rural-urban, class, gender, or other lines, then the effectiveness of representative democracy itself must be questioned. A common characterization of this lack of effectiveness is as a 'democratic deficit'.

One way of thinking about the democratic deficit in developing countries is to consider it as a gap in "effective citizenship"; i.e., a "gap between formal legal rights in the civil and political arena, and the actual capability to meaningfully practice those rights".<sup>14</sup> It appears that Bhutan has succeeded in establishing a link between representative democracy and the *status* of citizenship. However, Somers has argued that we should regard citizenship not as a status but as "a set of institutionally embedded social *practices*".<sup>15</sup> It is because many have concluded that the institutionally embedded practices of representative democracy are inadequate for the construction of effective citizenship that they have sought other, or additional, methods for consequential democratic participation. Thus, as Heller notes:

These participatory efforts...have included a wide range of movements and initiatives to transform the nature of state institutions by making them more responsive and more open to direct citizen involvement. Participatory politics has been explicitly about *making citizens* and as such is integrally linked to ongoing struggles to deepen democracy.<sup>16</sup>

Indeed, Bothe has argued that the phase of citizen construction in Bhutan associated with the promulgation of the constitution that provided the framework for parliamentary representative democracy created local citizens as "spectators", rather than as active participants.<sup>17</sup> Subsequently, citizens have been

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<sup>14</sup> Heller, 2012, pp. 645, 646.

<sup>15</sup> Somers, 1993, p. 589. Emphasis added.

<sup>16</sup> Heller, 2012, p. 648. Emphasis in original.

<sup>17</sup> Bothe, 2012, p. 55. See also Bothe, 2011; Bothe, 2015.

encouraged strongly to participate as voters, as is conventional in representative democracies. Just as conventionally, however, participation rates in elections are declining.<sup>18</sup> It would thus appear that additional work is necessary if the Bhutanese are to achieve the sort of effective, participatory citizenship which would accord with GNH principles.

### **Why Now?**

Before we proceed further, we need to consider briefly why it is important that modifications or additions to the representative structure of Bhutan's democracy be undertaken soon. For this, we turn to the comparative theoretical framework of historical institutionalism.

Historical institutionalism stresses the long-term implications of institutional design choices. An essential element of historical institutionalism is the concept of 'critical junctures'. Capoccia and Kelemen explain their importance:

Many causal arguments in the historical institutionalist literature postulate a dual model of institutional development characterized by relatively long periods of path-dependent institutional stability and reproduction that are punctuated occasionally by brief phases of institutional flux - referred to as critical junctures - during which more dramatic change is possible. The causal logic behind such arguments emphasizes the lasting impact of choices made during those critical junctures in history. These choices close off alternative options and lead to the establishment of institutions that generate self-reinforcing path-dependent processes.<sup>19</sup>

While the period of 'modernization' in Bhutan began in the early 1950s, it is clear that, regarding democracy and the meaning of citizenship, it is the period since 2001, when the

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<sup>18</sup> Turner and Tshering, 2014a, p. 418.

<sup>19</sup> Capoccia and Kelemen, 2007, p. 341.

King announced that a new, democratic constitution would be developed, has been a 'critical juncture' in Bhutan's political history. With the promulgation of the constitution in 2008, and the subsequent political developments noted above, one would anticipate that the new representative institutions would now evolve in an incremental, 'path dependent' fashion.

It is not clear, however, that the critical juncture for the understanding of the meaning of citizenship in the democratic era has yet closed. Still, it is not theoretically possible for the juncture to remain open indefinitely. Thus, while there may still be an opportunity to construct a more participative understanding of citizenship in Bhutan, it is an opportunity that must soon be seized.

### **Representation**

It is not the intention of this article to argue that the representative system constructed to date is itself misconceived. Rather, the position here is closely aligned with that advanced succinctly by Plotke:

[T]he opposite of representation is not participation. The opposite of representation is exclusion. And the opposite of participation is abstention. Rather than opposing participation to representation, we should try to improve representative practices and forms to make them more open, effective, and fair. Representation is not an unfortunate compromise between an ideal of direct democracy and messy modern realities. Representation is crucial in constituting democratic practices.<sup>20</sup>

Thus is not that representative democracy is here rejected, but rather that the construction of a more participative representative democracy in Bhutan is both *possible* and *desirable*. That is, *possible* because there is now a plethora of more participatory models extent which can be adopted

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<sup>20</sup> Plotke, 1997, p. 19.

and modified for local circumstances, and because, as argued above, Bhutan remains in a 'critical juncture' during which institutions and practices remain in flux. *Desirable* because Bhutan's over-riding goal of GNH, which includes within it aspirations for socio-economic equality and citizen participation in governance, would be more likely to be accomplished in a more participatory system. Indeed, models of more participatory representative democracy developed elsewhere often have the explicit aims of increasing both participation and social justice.<sup>21</sup>

### **What are the Shortcomings?**

It would be convenient if all representative systems were sufficiently similar to allow us to apply a 'one size fits all' participatory solution for their shortcomings. Unfortunately, this is not the case. Perhaps the most accurate method for discovering the shortcomings of representative democracy in Bhutan would be to let the system run for some time – say, a decade or two – and then retrospectively identify the democratic deficits. However, as discussed above, critical junctures are not open-ended, so by the time this approach yielded definitive results, the opportunity for innovation offered by the current juncture would have passed. The effects of path dependency would make both institutional innovation and innovation regarding the meaning of Bhutanese citizenship more difficult.

Fortunately, between the 'one size fits all' approach and the retrospective approach lies a third way. We can use the insights provided by the comparative analysis of existing political systems to inform a reasonable analysis of where the deficits are likely to emerge, given the design characteristics of the Bhutanese system. We can then check that analysis against the limited data available from the operation of the Bhutanese system to date. To begin, we turn to Lijphart for our comparative framework.

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<sup>21</sup> See, for example, Wampler, 2012.

Briefly, Lijphart set out two ideal-type patterns of democracy: majoritarian and consensual.<sup>22</sup> Lijphart illuminated these two patterns by comparing democracies according to ten different variables; while any particular country might lie anywhere along a continuum for each variable, in practice countries' positions tended to cluster, thus allowing them to be characterized as 'majoritarian' or 'consensual'.<sup>23</sup> Our interest in this paper is not to determine in a precise mathematical way where the Bhutanese system would fit in Lijphart's classification, although that would be an interesting exercise in itself, but rather to characterize it more generally so that we may make some rational conclusions regarding its likely deficits.

It is clear that the current Bhutanese system, as designed, adheres more closely to the 'majoritarian' than the 'consensual' pattern. For four of Lijphart's variables, it fits squarely in the majoritarian camp. First, it is constitutionally mandated as a two-party system.<sup>24</sup> While any number of parties may compete in the primary round of a general election, the purpose of this round is to identify the two parties that will compete in the general election. Thus, the lower house, the National Assembly, will only contain two parties, designated as the 'ruling party' and the 'opposition party'. Second, it thus follows that members of the National Assembly are elected via a majoritarian electoral system. Only representatives of the two parties identified in the primary round are allowed to compete, in single member constituencies, in the general

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<sup>22</sup> Lijphart, 1999.

<sup>23</sup> In summary, the poles of the ten variables are: single party majority cabinets versus multi-party cabinets; executive dominance of legislature versus executive-legislative balance; two-party versus multi-party system; majoritarian versus proportional electoral system; pluralist versus corporatist interest group system; unitary versus federal government; unicameralism versus balanced bicameralism; flexible versus rigid constitution; legislative versus judicial supremacy regarding constitutionality of legislation; central bank dependence on executive versus independence from executive.

<sup>24</sup> Bhutan, 2008. Article 15, ss.5-8.

election. Thus, one of the two contenders will gain a majority of the votes cast in each constituency.<sup>25</sup> Third, it again follows that governments will be composed of single-party majority cabinets, rather than coalitions. Fourth, Bhutan has a unitary, rather than federal, system of government.

For two further variables, Bhutan is on track to develop in a majoritarian direction, based on initial design and development to date. First, regarding executive dominance of the legislature, Lijphart uses cabinet durability as his metric.<sup>26</sup> Given that only the period since 2008 is relevant, it is early to come to a definitive conclusion on this variable. However, it is the case that single-party majority cabinets of the type fostered by Bhutan's electoral rules generally exhibit the highest levels of executive dominance.<sup>27</sup> As both the cabinets formed in 2008 and 2013 have been stable, nothing in the experience in Bhutan since 2008 contradicts the conclusion that it will follow the majoritarian pattern in this regard. Second, Lijphart contrasts the pluralist model of interest group organization, associated with majoritarianism, with the corporatist model, more often associated with consensualism.<sup>28</sup> An interest group system in Bhutan is only beginning to develop.<sup>29</sup> While it seems premature to come to firm conclusions as to its future evolution, developments to date are certainly in a pluralist, rather than a corporatist, direction.

Bhutan best fits the consensual category for two variables. First, the parliament does exhibit balanced bicameralism, inasmuch as, by Lijphart's definitions, the second chamber (the National Council) is both symmetrical and incongruent.<sup>30</sup>

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<sup>25</sup> *Ibid.* Ch.2, s.3. Procedures for breaking ties are provided in Ch.19, ss.463-4.

<sup>26</sup> Lijphart, 2012, pp. 105-129.

<sup>27</sup> *Ibid.*, p. 124.

<sup>28</sup> *Ibid.*, pp. 158-173.

<sup>29</sup> For a very brief survey, see Asian Development Bank, 2013.

<sup>30</sup> For an explanation of Lijphart's terms in this regard see Lijphart, 2012, pp. 193-194.

Second, the constitution is relatively rigid, requiring an affirmative vote of three-quarters of members in a joint sitting of the two houses to confirm an amendment proposed in a previous parliamentary session.<sup>31</sup>

For one variable, Bhutan seems to be on track for the consensual category. It is certainly the case that Bhutan has judicial supremacy regarding constitutionality of legislation.<sup>32</sup> It is also the case that the Supreme Court has, in at least two high-profile instances, shown itself as independent of the executive.<sup>33</sup> However, to characterize judicial review in Bhutan as 'weak', 'medium-strength' or 'strong', according to Lijphart's categorization, would seem premature at this stage.<sup>34</sup>

Finally, regarding central bank independence, it is not possible to make a determination at this point. First, the extant literature on Bhutan concerning this variable seems to place the country in an intermediate position.<sup>35</sup> Second, this literature does not appear to take account of recent changes to legislation governing the Royal Monetary Authority, changes which might affect its position.<sup>36</sup> As a result, it would seem inappropriate to characterize Bhutan's position on this variable at this time.

Overall, however, it seems clear that Bhutan adheres more closely to the majoritarian pattern. It clearly exhibits majoritarianism on four variables, and appears on track to manifest majoritarianism on two more. On balance, it seems fair to characterize the Bhutanese system as more majoritarian than consensual.

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<sup>31</sup> Bhutan, 2008. Article 35, s.2.

<sup>32</sup> *Ibid.* Article 1, ss.9-11.

<sup>33</sup> Turner and Tshering, 2014a, pp. 419-420.

<sup>34</sup> Lijphart, 2012, pp. 214-218.

<sup>35</sup> Ashan and Skully, 2009, p. 20; Dincer and Eichengreen, 2014, p. 217.

<sup>36</sup> Bhutan, 2010b.

What are the consequences of this? As Fung has pointed out, “[t]he discipline of elections is thought to create two dynamics – representation and accountability – that ensure the integrity of the link between citizens’ interests and policy outcomes.”<sup>37</sup> Fung goes on to show how less than favourable conditions can undermine the ability of elections to ensure government responsiveness according to these two dynamics. For us, however, the question is in which area – representation or accountability – is the newly institutionalized system in Bhutan to prove most vulnerable.

As Powell has pointed out, the strength of the type of majoritarian system institutionalized in Bhutan – an electoral system which provides the opportunity for “an occasional all-or-nothing rejection of the incumbents”<sup>38</sup>, combined with single-party control of the executive and the confidence chamber of parliament – is that it allows for retrospective accountability of office-holders.<sup>39</sup> As it is abundantly clear who is responsible for policy, the line of accountability is clear, and voters are able to either reward or punish office-holders via a majoritarian electoral system that, unlike the proportional systems characteristic of the consensual pattern, facilitates complete turn-overs of office holders. This is, of course, exactly what occurred in the second Bhutanese elections for the National Assembly in 2013.

If retrospective accountability is the strength of majoritarian systems, however, their weakness lies in representation; as Lijphart concludes, “the consensus democracies do clearly outperform the majoritarian democracies with regard to the quality of democracy and democratic representation”.<sup>40</sup> The ability of representatives to affect policy outcomes in majoritarian, or ‘Westminster’ type legislatures has long been belittled.<sup>41</sup> They were at least, however, acknowledged as sites

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<sup>37</sup> Fung, 2006, p. 671.

<sup>38</sup> Powell, 2000, p. 50.

<sup>39</sup> *Ibid*, pp. 50-53.

<sup>40</sup> Lijphart, 2012, p. 295.

<sup>41</sup> See, for example, Mezey, 1979; Polsby, 1975.

of legitimation, as government policy was deliberated upon. With the increasing concentration of power in the hands of senior executives, however, even their abilities as sites of democratic deliberation is being criticized.<sup>42</sup>

Thus, while there has been a comprehensive criticism of late of the failings of representative democracy as a type, majoritarian systems with the characteristics of that institutionalized in Bhutan tend to be strongest on retrospective accountability, and weakest with regard to representation. Thus, while we may have concerns regarding accountability, we should set these aside in order to focus our efforts on the aspect of the system that is most prone to be found wanting in majoritarian systems. Therefore, if we are to propose complementary democratic processes intended to compensate for the most probable shortcomings of the Bhutanese system as designed, we should focus on measures calculated to improve representation.

### **Which Sort of Mechanisms?**

Fung has suggested that the various mechanisms utilized to complement, or even to a degree supplant, representative democracy may be classified as to which aspects of democratic deficit they apply.<sup>43</sup> He lists three areas to which such mechanisms may be applied as a complement to the role of elected representatives: preference formation, representation, and accountability. A fourth set of approaches “seek to reduce the role of political representatives by making agencies and state action more directly responsive to citizens.”<sup>44</sup> This latter approach, as Fung notes, is designed to deal with problems of state capacity, rather than representation.<sup>45</sup> For our purposes, then, we will set aside these latter mechanisms, as well as those dealing with accountability, and focus on those to do with preference formation and representation.

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<sup>42</sup> Setälä, 2011, p. 208; Warren, 2009, pp. 25-27.

<sup>43</sup> Fung, 2006, pp. 673-682.

<sup>44</sup> *Ibid.*, p. 673.

<sup>45</sup> *Ibid.*, p. 682.

The issues around preference formation are coherently explored by Fung; it is worth quoting him at length as an introduction to the topic:

On policy matters for which there are prominent, diverse, and developed perspectives in the public debate...citizens may have policy preferences that are clear and stable. On many other matters—where one or a few perspectives dominate, where misinformation abounds, those that are remote from the perceived interests, where having a sensible opinion requires substantial cognitive and informational investments, or issues that simply fail to capture the attention of many citizens—popular preferences may be unclear or unstable....On such matters, institutions that contribute to the development and stabilization of preferences by making them more clear, coherent, rational, and reasonable therefore deepen democracy and potentially make government more responsive to citizens' interests.<sup>46</sup>

It is certainly the case that the institutions of the larger public sphere – such as the media and civil society organizations (CSOs) – play a prominent role in informing and educating citizens on public issues. As we know, there has been much diversification in both media and CSOs in Bhutan in recent years.<sup>47</sup> Notwithstanding this, however, it is undoubtedly the case that, just as in the media- and CSO-rich environments of countries that have had much longer experience of representative democracy, there are many issues upon which many Bhutanese citizens have unclear or unstable preferences. Indeed, it is the case that citizens are more apt to have clear preferences in areas in which they perceive that they have real choices, but to have less well articulated preferences in areas that they perceive to be outside their influence. Prior to the recent establishment of elective

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<sup>46</sup> *Ibid.*, p. 673.

<sup>47</sup> Asian Development Bank, 2013; Avieson, 2015.

representative democracy, public policy choices above the village level were outside the influence of ordinary Bhutanese, so one would expect that citizens would have had unclear preferences on a wide range of topics.

While the recent era has undoubtedly been a time of rapid preference formation, it likely remains the case that many Bhutanese still have unclear and/or unstable preferences on a wide range of public policy questions. The democratic challenge, therefore, is to provide opportunities, beyond those provided by the media and CSOs, for citizens to educate themselves on policy issues in an environment that encourages a sense of collective effort to improve the quality of policy preferences. A number of mechanisms have been developed in recent years – often referred to collectively as deliberative mini-publics – specifically for these purposes. We shall consider these in more detail below.

The second aspect of democratic deficit we want to address is representation. There is a range of commonly used mechanisms to gauge the public temperament and communicate it to elected representatives that have significant flaws. Public opinion surveys, for instance, are large-scale and may feature sophisticated selection methods, but as they are not deliberative, do not assist in improving the quality of preferences. Focus groups, which feature the soliciting of uninformed opinions, are neither deliberative nor selected in a fashion designed to produce a representative sample of the population. Similarly, public hearings and notice-and-comment requirements, often features of legislative processes, are normally small-scale, structured so as to allow self-selected, well-organized groups on opposing sides of an issue to provide evidence and comment, and non-deliberative, inasmuch as they do not generally facilitate genuine exchange of views between the groups.<sup>48</sup>

Indeed, the method of selection of a public participation

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<sup>48</sup> Kemmis, 1990, pp. 52-53.

mechanism is directly related to its representativeness. While the openness of public hearings, for example, is attractive, the downside is obvious:

[T]hose who choose to participate are frequently quite unrepresentative of any larger public. Individuals who are wealthier and better educated tend to participate more than those who lack these advantages, as do those who have special interests or stronger views.<sup>49</sup>

Some mechanisms attempt to compensate for this tendency by selectively recruiting among those groups that are less likely to engage in the process on a self-selection basis. However, “the best guarantee of descriptive representativeness” is to select participants randomly from among the general population.<sup>50</sup> Several of the deliberative mechanisms developed, based on mini-publics, have adopted random selection as the fundamental method of selecting participants, sometimes in combination with an aspect of self-selection, targeted recruitment, or stratification in the random selection.<sup>51</sup> As we are particularly concerned with the representational deficit associated with the majoritarian system, it would seem sensible to prioritize representativeness in our choice of deliberative mechanism, and thus to select only from among those that utilize some form of random selection of participants.

### **Mechanisms**

A number of mechanisms have been developed for the purpose of providing opportunities for citizens to improve the quality of their preferences via small-group deliberation. While it lies beyond the scope of this paper to describe the available mechanisms in detail, a summary of a few of the more common of these is provided in Table I.<sup>52</sup>

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<sup>49</sup> Fung, 2012, p. 615.

<sup>50</sup> Ibid.

<sup>51</sup> Chappell, 2012, pp. 141-160; Commission on Fair Access to Political Influence, 2013. Annex D

<sup>52</sup> For more on these mechanisms and others see: Elstub, 2014, pp. 167-170; Fung, 2006, pp. 674-676. For regularly updated

Table I: Summary - Some Common Deliberative Mini-Public Mechanisms

	<b>Citizen Jury</b>	<b>Planning Cell</b>	<b>Study Circle</b>	<b>Consensus Conference</b>	<b>Deliberative Poll®</b>
<b>Participants</b>	12-26	25-600	3-300	10-20	100-500
<b>Meetings</b>	4-7 days	4-7 days	Once/week over 10-15 weeks	4-8 days	2-3 days
<b>Selection Method</b>	Random Selection	Random Selection	Targeted Recruitment	Random & Self Selection	Random Selection
<b>Output</b>	Collective Position Report	Survey Opinions & Collective Position Report	Collective Position Report	Collective Position Report	Survey Opinions
<b>Distribution of Output</b>	Sponsor & Mass Media	Sponsor & Mass Media	Sponsor & Mass Media	Parliament & Mass Media	Sponsor & Mass Media

Sources: (Elstubb, 2014, p. 170); <http://www.participedia.net>. Table layout adapted from that of Elstubb.)

As will be seen, each has its own characteristics, for example, regarding duration, the method of selection of participants, or the degree to which the outcomes are integrated in the policy-making process. Collectively, however, all these mechanisms have at their heart small-group discussions, generally with fewer than 15 members per group, some involving a facilitator to prompt the discussion and maintain its focus. The latter point raises the question of scale.

The fact that these mechanisms rely on small-group discussion does not necessarily mean that they are necessarily entirely small-scale in nature. In Sweden, for example, Study Circles have involved up to 750,000 participants in a single year, while in the U.S. another mechanism, the Twenty First Century Town Meeting, has convened up to 4,500 participants at a single gathering.<sup>53</sup> In practical terms, however, there are reasons why it is not generally held that large numbers of citizens need to be directly involved in these processes in order for them to have a beneficial effect.

First, the outcomes of these mechanisms may provide important cues for non-deliberating citizens.<sup>54</sup> As deliberative mini-publics are designed to be non-partisan, they can be used to articulate the relevant advantages and disadvantages of policy options in an unbiased fashion, thus providing information in which other citizens can have confidence. As noted in Table I, the involvement of the mass media in publicizing the results of such deliberative processes is critical. Second, participation in mini-public deliberations may increase both the political knowledge and deliberative capacity of the participants.<sup>55</sup> To the degree that such processes are routine, such that a significant minority of the population has improved skills, this may have a beneficial effect on the larger political culture.

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information see <http://www.participedia.net>

<sup>53</sup> Larsson and Nordvall, 2010; Lukensmeyer and Brigham, 2005.

<sup>54</sup> Bächtiger, Setälä and Grönlund, 2014, pp. 240-241.

<sup>55</sup> Niemeyer, 2014, p. 194.

It is the case, however, that if mini-publics are to have a significant effect in the policy process, they must become a routine aspect of that process. It is only with “institutionalisation of their use and the development of forms of public communication between mini-publics and elected representatives and other policy-makers” that mini-publics will be able to fulfil their representative and deliberative roles in the policy process.<sup>56</sup> Otherwise, if the decision as to whether to organize a mini-public on an issue is made in a ‘top-down’ fashion, by public servants, political representatives, or other policy makers, the decision may be made on strategic grounds.<sup>57</sup> Alternatively, if mini-publics are only loosely connected to the policy-making process, their work may simply be sidelined if its results do not accord with the preferences of policy-makers. As Setälä concludes, the key to strengthening the influence of mini-publics is to embed them in the legislative decision-making process at a relatively early stage.<sup>58</sup>

### **How Should Deliberative Democracy be Integrated with Representative Democracy in Bhutan? A Modest Proposal**

It is common practice in many democratic political systems – such as the UK, the Commonwealth countries, the United States, and the European Union – for the executive to produce a public consultation document prior to formulating specific legislative proposals. Such documents, often referred to as ‘green papers’, generally describe the policy issue with which a new piece of legislation would deal, and set out a range of possible policy responses. The purpose of the green paper process is to stimulate debate and launch a process of consultation *before* the executive commits itself to any particular policy direction. In the systems noted above, those most likely to respond to such consultations are stakeholders and CSOs.

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<sup>56</sup> Bächtiger, Setälä and Grönlund, 2014, p. 241.

<sup>57</sup> *Ibid.*, p. 236; Setälä, 2011, p. 204.

<sup>58</sup> Setälä, 2011, pp. 209, 211.

It is here suggested that such papers be made a routine part of the legislative process in Bhutan. A sufficiently detailed green paper would be produced for every issue upon which legislation is proposed by the executive department concerned. This document would be sent to a stand-alone office of parliament constituted specifically with the mandate to administer deliberative processes. This office would, then, instead of simply awaiting responses from a self-selecting group of stakeholders and CSOs, institute a deliberative process involving mini-publics, using the green paper as the basis for the discussions. The office would be particularly concerned to invite the media to publicize this process.

Once the deliberations had been held, the parliamentary office would collate the results and prepare a comprehensive report. This report would be provided not only to the executive department concerned, but also simultaneously to parliament itself, for the information of all members of parliament and most especially to the parliamentary committee tasked to shadow the executive department in question.

Which deliberative mechanism should be used? While each of the methods noted above has its strengths and weaknesses, it is here suggested that the 'deliberative poll' mechanism be chosen.<sup>59</sup> There are several reasons for this. First, as noted by Mansbridge, this method is the "gold standard" in terms of deliberative mini-publics, including being the "strongest in representativeness".<sup>60</sup> As representation has been identified as the most significant weakness of the Bhutanese system as currently designed, selecting the mechanism that is strongest in this regard would seem appropriate. Second, in order for the proposed mechanism to be institutionalized as a routine part

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<sup>59</sup> The originator of this mechanism, Professor James Fishkin, has registered both 'Deliberative Poll' and 'Deliberative Polling' as trademarks in order to supervise the quality of polling experiments. The suggested use of the mechanism here relates to the methods involved, rather than a recommendation of the specific, trademarked mechanism.

<sup>60</sup> Mansbridge, 2010, p. 55.

of the policy-making process, it must not make undue time demands on the participants. While there is a very significant work load in preparation for a deliberative poll, the portion of the process involving the citizens is comparatively brief, often only two days. As noted above in Table I, comparable mechanisms place much greater time demands on the citizen participants. Third, the deliberative poll mechanism has been successfully utilized in a wide variety of economic and cultural contexts.<sup>61</sup> While some mechanisms depend on participants reading extensive background material, for example, deliberative polls have been run using video presentations to overcome literacy issues.

It may be argued that the fact that the output of a deliberative poll is a survey result, not a specific policy recommendation, is a disadvantage. However, part of the reason other mechanisms demand more time is that this is necessary in order to deliberate to the point of consensus on a policy recommendation. To a degree, then, there is a trade-off to be made between time demands on participants and the output of the process. It is here suggested that to make greater time demands on the participants, with all the logistical and thus financial repercussions that this would imply, would make routine use of the mechanism impractical. Therefore, it is argued that, for Bhutan, this trade-off is appropriate, given the gains to be made from establishing the deliberative mechanism as a normal stage of the policy-making process.

How extensive would the process be? Historical data to date indicate that approximately ten legislative proposals are being dealt with by the Bhutanese parliament each year.<sup>62</sup> The demands of the random sampling process would mean

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<sup>61</sup> See the Center for Deliberative Democracy website at: <http://cdd.stanford.edu/>

<sup>62</sup> During the five-year (2008-2013) term of the first parliament of Bhutan, a total of forty-three legislative proposals were dealt with: twenty-nine new Acts were passed; nine previous Acts were amended; and a further five proposed Bills were either withdrawn or lapsed. See Bhutan, 2013, pp. 74-77.

that a total of 100-150 individuals would be involved in the deliberative phase of each deliberative poll. This would result in approximately 1000-1500 Bhutanese citizens being consulted each year, or 5000-7500 over the course of a five-year parliament.

The Election Commission of Bhutan maintains the Electoral Roll, which would represent the population from which the samples could be drawn. Regarding the meetings themselves, the government is in the process of establishing Community Centres across the country that incorporate videoconferencing facilities; more than forty of these have already been established. These could be used as sites for the small-group discussions, with the videoconference facilities used for the plenary sessions of the meetings. Obviously, this would diminish the logistical complexities and financial demands associated with transporting participants to a single site.

Introduction of any new process to an established system does, of course, require adjustments by all those concerned. Research in the field to date indicates that, beyond the institutionalization of participatory processes themselves, complementary adjustments are necessary in order for such processes to be consequential.<sup>63</sup> The professional development work already ongoing for civil servants and elected representatives would, for instance, need to foster an understanding of the contribution of participatory processes to democracy. Similarly, ongoing training for parliamentary committee members and staff would need to stress the role of such committees in holding the executive to account regarding its policy responsiveness to citizen input. Again, however, Bhutan is advantaged in this regard as, at this early stage in its representative democratic development, elected representatives and civil servants serving both the executive and parliament are still in the process of learning their roles. Compared to other, long-established political systems, the Bhutanese environment should be much more open to

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<sup>63</sup> Woodford and Preston, 2013, pp. 357-360.

innovation.

### **Conclusion**

As one of the world's newest representative democracies and the only country to as yet have embraced Gross National Happiness as a guide for state development, Bhutan is in a unique position. It has the opportunity at this critical juncture to fashion a political system that, while embracing the representative principles of other liberal democracies, seeks to establish a participatory democratic system more in keeping with GNH values. Embedding the systematic use of deliberative polls within the Bhutanese parliamentary processes could improve the understanding among elected representatives of the policy preferences of those they serve. Reflexively, it would undoubtedly help those citizens involved in these processes develop their policy preferences. More widely, it would help the Bhutanese population to deepen its understanding of what democratic citizenship entails. Ultimately, the success of such a scheme would demonstrate to other countries, democratic or not, what GNH values mean in the field of democratic government.

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