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Forms of Aleatory Democracy: Genesis and Development¹

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Abstract. The article analyses forms of citizen participation in public decision-making that are alternative to traditional institutions of citizen participation (public discussions of draft laws by citizens, public hearings, citizen participation in the work of public councils formed by government bodies, etc.). The author argues that the main drawback of traditional forms of civil participation consists in a lack of mechanisms for ensuring independent and competent public discussion of the most significant public problems. Therefore, in his opinion, such institutions tend to be more aligned with the politics of special interests, i.e., expressing the aspirations of elite groups, rather than civil society as a whole. The presented argument is structured according to the theory of deliberative democracy and the related concept of *aleatory democracy*. Potential forms of civil participation in the exercise of public power based on the institution of drawing lots (various forms of mini-publics) are explored. It is shown that the modelling of these forms is closely related to the evolution of jury trials – and in particular to the introduction in the United States during the late 1960s of the ideal of a fair cross-section of society in the formation of jury composition. The latest forms of aleatory democracy are considered. The advantages and disadvantages of these forms are considered together with the experience of their practical implementation. Forms of aleatory democracy are shown to have potential in terms of contributing to rational communication between civil society and the state, as well as local government bodies. The future development of these forms may thus contribute to overcoming the crisis of modern liberal democracy.

Keywords: aleatory democracy; deliberative democracy; jury trial; mini-publics; planning cells; citizens' juries; consensus conferences; deliberative polls; citizens' assemblies; citizen's core jury; citizens' parliament; cross-sectional ideal; cross-sectional jury

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The Democratisation of Democracy

Political systems referred to in modern society as democratic regimes are often criticised for their inability to adequately express the will of the bearer of sovereignty and ultimate source of power – the people. Moreover, the words “democracy”, “democratic system” and “democratic structure” are used by almost all official authorities to characterise the political regime of their country if elections are provided for and held in it. The decisions of the majority of the electorate – and the struggle behind them of the dominant interest groups in society for power as a means to assert their priorities – are considered to be almost the main features of democracy. As a rule, citizens do not directly participate in the management of state affairs in the periods between elections. Even in countries with a high degree of democratic freedoms, the mechanism of governance based on the initial theoretical premises that democratic governance is carried out by those “representatives” who receive the majority of votes in general elections, actually turns out to entail the effective removal of the overwhelming majority of citizens from the process of making public-authority decisions on the most important issues in the life of society.

Although the structure of public power in many democratic countries provides for the presence of institutions of direct democracy – referendums, citizen legislative initiative, recall of elected officials – in practice these institutions are implemented so rarely that they are not capable of changing the established, *de facto* elitist style of government that goes by the name of democracy. Due to the above and other reasons, as Friedrich von Hayek noted, this concept has become a mere verbal fetish, lacking any clear meaning. As a result of such abuses, democracy has increasingly come to be understood as “regimes of domination by organised interests that are unacceptable to the majority of citizens” (Hayek 2006: 262-363). These lines were written in the mid-1970s, at a time when the shortcomings of modern representative democracy were becoming increasingly obvious. The awareness of the imperfections of democratic regimes has given impetus to the search for alternative models of expressing and taking into account the interests of citizens in the public sphere.

A few years later, in the pioneering research of the Australian philosopher John Burnheim, the idea of organising a democratic political system not on the basis of elections, but by drawing lots was proposed. In his book *Is Democracy Possible? An Alternative to Electoral Politics*, Burnheim substantiated the possibility of a functioning political system of society based on new principles of representation (Burnheim 1985). This system, meaning direct rule by citizens selected by random sampling, he called *demarchy*². Subsequently, this type of system also began to be characterized as *lottocracy* from the word “lot” – or *aleatory democracy* from the word “aleatoric” – meaning random. At the time of the publication of his work, Burnheim’s ideas might have seemed – even to

² The term *demarchy* was first used by von Hayek to describe a democratic political system, an alternative to modern democracy. By *demarchy* he meant a political system identical to *isonomia* – the ancient Greek ideal of a democratic system based on universal equality before the law (Hayek 2006: 363).

the author himself – to have the character of philosophical generalisations that were abstracted from real everyday life. While ostensibly aimed at developing a hypothetical design for a political structure of a stateless society and bureaucracy, in many ways they resembled various anarchist futurological projects. At that time, the possibility of their practical implementation was not seriously advanced (see: Martin 1992: 13).

However, already by the end of the last millennium, the special-interest problem inherent in established ideas about the mechanism for exercising power had become acute. Even in developed countries, it has by now become clear that simply ignoring these problems can threaten the very existence of democracy. In particular, a pronounced tendency towards the isolation of elites from the general masses has emerged. As the American historian and social critic Christopher Lasch has shown, the centralised state bureaucracy in the United States no longer recognises the mutual obligations between the select few and the masses. Having by now conclusively reoriented itself to the private sector and no longer being based on the provision of state services, simply withdrew itself from public life. The public service sector was excluded from its focus (Lasch 2002: 39-40). Guided by the idea that democracy means only liberal institutions, the elite has become accustomed to the idea of proceeding without any significant forms of civic participation in politics. As a result, society was faced with a duality of norms and rules: some for the elite, others for citizens; this implied two types of citizenship, which is unacceptable for a democracy (Lasch 2002: 69-72). These conclusions are in line with those of the British sociologist Colin Crouch, according to whom the result of interest politics was the merging of political circles with business corporations – and, as a consequence, a gradual withering of the concept of public services. As a result, ordinary citizens are effectively excluded from politics, having been deprived of any opportunities to translate their discontent into political action. Thus, politics today is becoming an occupation of narrow elites, by whom the “creative democratic demos” is perceived as an anti-democratic mob (Crouch 2010: 130-145).

The consequences were not long in coming: since at least the end of the last century, democratic societies have been faced by a multitude of problems requiring an urgent solution, which show no sign of abating. The spectrum of these problems is wide: from migration crises and the growth of xenophobia to the need to resolve pressing issues of public and state security while respecting human rights; from problems associated with the operation of hazardous industrial facilities and the use of new physical, chemical, biological and other technologies to issues of protecting the health of citizens and ensuring a safe environment; from problems of growing citizen mistrust of state institutions, political apathy and absenteeism, and the rise of populism to issues of changing electoral systems, improvements to the instruments of power, and many others. Along with the rapid increase in the number and scope of all kinds of challenges, the problem of providing public services has unwittingly become the focus of attention. But rarely could any government take sole responsibility for making the relevant decisions. Even among ruling circles, there is an increasing recognition of the importance of engaging in social dialogue. Thus, issues of ef-

fective civil participation in resolving publicly significant issues have become relevant and have firmly entered the agenda.

Since the beginning of the 21st century, increased attention is being paid to the problems of creating an optimal model of civil participation in public power, involving the establishment of effective mechanisms of public control over the implementation of government powers through various forms of interaction between the state and civil society. The theory of civil participation in politics and law-making practice have undergone significant changes over the past three decades following the theoretical development of problems (theories of participatory-, delegative-, and negotiated democracy, etc.). Their main trend is the growing interest in the theory of deliberative democracy, which was developed, in particular, in the works of Jürgen Habermas. The general understanding of the significance of Habermas's ideas – especially the provisions on rational communication – has increased to the extent that one can note the beginning of profound changes in the axiology of democracy itself (Rudenko 2017). Since rational communicative discourse is considered an essential attribute of democracy, the main form of participation in the exercise of public power is increasingly communication, rather than voting as such. At the same time, such communication must meet a number of criteria to qualify the discussion of socially significant issues as a deliberative process. Such requirements include voluntarism, equality and close interaction of the participants in the discussion, their dialogue, deep insight into the essence of the issues under discussion, readiness for consensus, including taking into account expert assessments, their desire to articulate the interests of citizens, etc. (Busova 2002: 44 et al.; Rudenko 2017: 118-119; Taraev 2018: 267). The new approach to democracy means placing the responsibility for social processes not only on government bodies formed with the direct or indirect participation of voters, but also on the citizens themselves and civil society institutions interacting with government bodies at different organisational levels (Campbell 2013: 33).

In the sphere of law-making activity, this tendency finds expression in the development and legislative consolidation of new forms of participatory democracy, representing an alternative to the traditional forms that developed in the practice of constitutionalism in the 20th century. The best-known traditional forms include: discussions of draft laws by citizens; public and public hearings on the most important issues of public life; participation of representatives of civil society in advisory bodies created to ensure the activities of government bodies and officials; work of citizens in public councils and boards formed under executive, legislative, and judicial government bodies; negotiations between groups of citizens, public organisations and government bodies; development and signing of agreements between government bodies and public organisations; public hearings.

While all these forms offer various advantages, at the same time they are characterised by a number of shortcomings that prevent their classification as forms of deliberative democracy. Thus, while nationwide discussions of draft laws may ensure mass participation of citizens in the discussion of vital issues, these discussions do not have the merits of rational discourse since they lack a

clear deliberative mechanism. Not only are citizens, as a rule, not sufficiently informed on the essence of the issues under discussion, but authorities typically also lack the capacity and motivation to process the tens or even hundreds of thousands of proposals received. While public hearings may facilitate a more competent discussion of the issues raised at them, their significant drawbacks include the existing possibility of selecting the “right” participants in the hearings in order to obtain a manifestly predictable result. Moreover, the composition of the participants in public hearings is not representative. Participants in public hearings are generally representatives of the most active part of a particular territorial community, who certainly do not represent the interests of all its strata. A similar situation arises with public councils: as a rule, civil society is represented in them by specialists selected by government bodies. This makes it impossible to qualify these bodies as independent in their judgments and thus consider them as an alternative to interest politics. Using the indicated forms of civil participation in the exercise of public authority, government bodies are often interested not so much in objective expert opinion as in assessments that legitimise the decisions they have already taken. In general, then, the designated forms of dialogue between society and government do not correspond to the format of rational communication (Carson, Martin 2002).

Trial by Jury. The “Little Parliament”: Towards the Creation of Citizens’ Assemblies

Thus, the issue of developing new models of interaction between society and government based on rational communicative discourse has become more relevant. In this connection, our interest was kindled in the concept of selection by *lot*. We propose that a prototype for new forms of citizen participation in the exercise of public authority consists in the jury formed by lot. In this proposal, three important circumstances play a decisive role.

Firstly, jury trials, as the 19th-century philosopher Alexis de Tocqueville noted, are essentially not so much judicial bodies as political institutions. Through jury trials, citizens exercise real levers of control over society. By examining, in addition to criminal cases, a host of civil disputes (as happens today in the United States), citizens are drawn into the process of resolving the most important public-law issues, which affect the interests of every member of society. As a result, according to de Tocqueville, participation in public life becomes an everyday form of activity: the administration of justice by judicial offices with juries begins to personify the idea of justice to embody “one of the forms of sovereign power of the people” (Tocqueville 1992: 211-212). A century later, similar ideas were expressed by Lord Devlin, who noted that juries, when used in court, “are more than an instrument of justice and more than one wheel of the constitution”. In essence, “every jury is a small parliament” (Devlin 1956: 164).

Secondly, the experience of jury trials shows that small panels of citizens formed on the basis of a random sample are capable of making reasoned public law decisions. Despite the fact that many experts in criminal and civil proce-

ture have accused citizens of incompetence as members of juries, legislators in most common-law countries – especially in the United States – value jury trials as among the most important assets of constitutionalism. *Petit juries*, which are composed of ordinary citizens selected by lot from the electoral rolls or other legitimate lists, are given enormous power. In the United States, juries are authorised to hear the most complex criminal cases, even those in which a defendant may be sentenced to death. This power is also impressive in civil cases: in practice, there have been cases where, on the basis of jury decisions, industrial companies have been forced to pay billions in damages to their counterparties (Landsman 1999: 285-287).

The work of jury trials places a limit on arbitrariness in the judicial branch of power, helping to avoid (with some notable exceptions) bringing innocent people to criminal responsibility for crimes they did not commit, and thus creating additional guarantees of the independence and impartiality of judicial proceedings. It is no coincidence that jury trials have come to be compared to a lamp that “shows that freedom lives” (Devlin 1956: 164).

Thirdly, in the 1970s, US federal and state legislatures began to pay close attention to the procedure for forming jury panels, primarily in terms of problems of ensuring representation in the panels of various strata of society into which civil groups are differentiated in the area of jurisdiction of the relevant court. Until 1968, juries in American courts were composed of elite citizens who commanded the confidence of the courts due to being deemed capable of reflective reasoning. The composition of such jury panels was called “blue-ribbon juries” – that is, carefully selected juries. As a result of this approach, numerous cases of discrimination were recorded in jury trials – in particular, when women were tried for a crime, but there were no female jurors on the jury panel. Moreover, in southern states, the custom of not including African-American citizens on juries became established (Abramson 2000: 99). To avoid these and other forms of discrimination, the United States Jury Selection and Service Act of 1968 (or “Jury Act,” 28 USC § 1861) introduced a new system for forming grand and petit juries in federal courts. This was based on the ideal of a fair cross-section of the community within the court’s jurisdiction: each jury member was to be “selected at random from a fair cross-section of the community in the county or precinct where the court is convened”³. Representatives of different races, religions, genders, and ethnic groups thus began to be involved in the consideration of cases in court. Since 1975, the US Supreme Court has extended the cross-sectional ideal to state courts. The Court held that the guarantee of an impartial trial is the microcosmic representation of the concerned local community by the jury panel (Abramson 2000: 99).

In the process of functioning of jury courts, it became obvious that the panels formed by judicial bodies could include a varying number of randomly selected citizens. In the 1970s, the US Supreme Court, in a series of decisions,

³ *Jury Act (The United States Jury Selection and Service Act of 1968, 28 U.S.C. § 1861)*, available at: <https://www.law.cornell.edu/uscode/text/28/1861> (accessed October 20, 2018).

recognised that the 12-person jury pool was a historical accident. According to this position, it is advisable to limit only the lower limit of the number of jurors. In particular, the Supreme Court found that there was no reason to consider the decisions of six jurors as less reasonable than the verdicts of twelve citizens. However, the Court blocked Georgia legislators from reducing the size of the jury to five, since such a jury would no longer be representative and its decisions would thus lack objectivity (Abramson 1999: 291).

The described steps of the US federal legislator largely coincided with the emergence and development of theoretical ideas about the mechanisms of citizen participation in the exercise of public authority. The most important of these is the idea of the “attentive public” advanced in 1950 by Gabriel Almond. This subsequently became the starting point for the famous developments of Robert A. Dahl, which substantiate the possibility of ensuring effective civil participation via a “mini-populus”. In particular, Dahl notes that “the effectiveness of the process of gradual approximation to democracy does not require that every citizen be informed and politically active on any important issue. [...] Instead, there will need to be a critical mass of well-informed citizens large enough and active enough to control the political process. [...] Almond referred to such a group of people as an “attentive public” ... An attentive public is smaller than the demos – and in most cases it is a much smaller part of it. It does not necessarily have to be representative. What if, however, one of the varieties of attentive public was not only well informed, but also corresponded to the people without exceptions?” (Dahl 2003: 516). Thus, the American political scientist was one of the first to lay the foundations of modern concepts of deliberative mini-publics – competent and informed groups of citizens participating in the process of making public-authority decisions, usually formed by lot and reflecting in their composition a cross-section of society (on mini-publics, see: Shablinskii 2018; Grönlund et al. 2014).

Little Parliaments in Action

The discussed theoretical ideas and hypotheses found their practical confirmation in a number of forms of aleatory democracy that developed at the turn of the 20th–21st centuries. These forms include citizens’ assemblies formed by lot from among citizens who have expressed a desire to take part in the deliberative process of decision-making. Options for public-authority decisions or recommendations are addressed primarily to government bodies and public administration. In the modern world, the most popular forms of aleatory democracy are planning cells and citizens’ juries. Consensus conferences, deliberative polls, and citizens’ assemblies are already known, while new forms of aleatory democracy are continually emerging. The organisation and activity of all these forms have a common basis in the following principles:

1. The work of citizens’ assemblies is provided by independent non-governmental organisations that select citizens to participate in the discussions, find a place to hold meetings, provide the selected citizens with the necessary reference information, attract expert speakers and representatives of interest

groups to inform the participants in the discussions, and seek sources of funding for projects.

2. The project organisers strive to create all the necessary conditions for a comprehensive discussion of problems that is free from external influence. Projects are financed by sponsors – individual citizens, non-profit organisations, corporations, government agencies, authorities, media holdings, or a combination of all of these.

3. The selection of citizens to participate in the discussion of the project is carried out on the basis of drawing lots. Initially, the organisers select a large number of citizens (up to several thousand) from voter lists or other legitimate lists (telephone numbers, registers of driver's license holders, etc.). A telephone conversation is then held with each of them. From the list of selected citizens who have expressed their consent to participate in the discussion, the required number of project participants is then selected by lot. This procedure is carried out according to predetermined sampling parameters that ensure the demographic diversity of the groups participating in the discussion. Representative groups must serve as a microcosm of the entire large civil collective, on whose behalf the discussion is organised.

4. In order to avoid professionalisation of citizens participating in the discussions, each project is unique. One body of citizens is selected to discuss one or more issues within the framework of only one project, just as in jury trials a petit jury is formed to consider only one case. After the project has been implemented, the group of citizens who participated in the discussion is disbanded.

5. Depending on the area of public relations being discussed and the complexity of the problems, discussion of problems within the framework of a particular project usually lasts from three to six days. During the process of discussion, citizens participate in dialogue mode.

6. Citizens participating in the discussion do not receive remuneration for their work. At the same time, as in jury trials, they are provided with small compensations for travel, accommodation, meals, exemption from basic work, etc. This provides certain guarantees of a serious attitude on the part of citizens regarding the performance of their duties.

7. The purpose of each project is to hold a comprehensive, informed discussion of a publicly significant issue in order to enable decision-makers to know what people really think about due to the opportunity to examine the issue under discussion.

Let us consider the procedure for the formation and organisation of the activities of the two most common of the aforementioned forms of aleatory democracy. Planning cells (ger. *Planungszelle*) or groups were proposed by German sociology professor Peter C. Dienel in 1972 to solve problems of interaction between society and government. Planning cells are small assemblies of citizens, consisting of approximately 20–25 people, who are selected by lot. These citizens must include persons whose interests are directly affected by the issues under discussion, as well as persons whose interests are only indirectly affected by these issues. Age, gender, and other demographic characteristics are also taken into account. Parties and officials interested in the outcome

of the proceedings are not selected to be part of the group of citizens, but may participate in the consideration of the issue as witnesses. The discussion organisers also select experts who represent alternative points of view and problem-solving approaches.

Once the group is formed, the body commissioning the discussion (typically a municipal or county body, a federal agency or ministry, etc.) addresses the questions to be considered by citizens. The discussion usually goes through several stages. Initially, at the first plenary session, citizens are introduced to the problem by watching films and listening to lectures. Written materials are provided along with an explanation of the procedure for determining solution options and evaluation criteria. Citizens are then divided into several (four to five) separate groups, in each of which, at the first group session, a questionnaire survey of citizens and a comprehensive discussion of the problems are conducted. Each group develops recommendations, from which the most important recommendations for discussion are selected by vote by all project participants based on its own previously determined priorities and criteria. At the next stage all groups are united into one at the second plenary session to evaluate the proposed recommendations, rank them, and record alternative proposals with the help of mediators. Next, all participants are again divided into groups based on the principle of rotation of their members. The organisers once again conduct a questionnaire survey of group members and an analysis of the problems, taking into account their discussion at the first plenary session. Additional plenary and group sessions may be held if necessary. Based on the results of the discussion held at the final plenary session, a final document – the citizen report – is prepared for submission to the body that commissioned the discussion. The entire process of discussion and development of recommendations takes about one week (Sellereit 2010; Renn et al. 1995: 193-197). During the discussion of issues, specialists and interested parties are not present.

By 2010, planning cells in Germany had been set up 170 times in 40 different locations. Issues at almost all levels of decision-making were brought up for discussion by citizens: federal, regional, municipal, corporate, etc. In particular, in 1982, the Ministry of Research and Technology of the Federal Republic of Germany used planning cells to gather citizens' opinions on various options for the country's energy policy. Over the course of three years, 24 planning cells were carried out in seven local communities in different regions of the country. The study showed that citizens prefer energy conservation and energy efficiency policies. In 1992, the Federal Ministry of Posts and Communications held 22 planning cells on the issue of the telephone of the future. In the final report, citizens presented 66 recommendations, including those related to information protection. Some of the citizens' proposals were accepted by the German government (Renn et al. 1995: 131).

In 2000, on behalf of the Department of Urban Development of the Senate of the City of Berlin, the organisations *Inter3 – Institute for Resource Management* and *Nexus Institute for Cooperation Management and Interdisciplinary Research* carried out planning cells on the issue of development of the Sparrplatz quarter in the Berlin district of Wedding. Over the course of four days, citizens

discussed urgent problems related to the development of the microdistrict and elaborated proposals for its development. The planning cell involved 80 local residents, who were selected by lot and divided into four groups. The results of the discussion of local issues were presented in the final report. The report, which formed a basis for taking into account the opinions and wishes of the residents of the microdistrict within the framework of the program for the development of city districts being implemented in Berlin, turned out to be significant for the whole of Berlin, which combines the status of a city and a state⁴.

In 1985, the German Consumer Association commissioned a citizens' report on the issue of testing new products. The aim of the project was to study public preferences in consumer policy and test the procedures used by the Association. The results of the discussion were used by the Association to adjust its own policy and improve work with clients (Renn et al. 1995: 131).

As well as in Germany, planning cells have been conducted in other countries at various times. In Spain, at the request of the Basque Country Department of Transport in 1997, 14 planning cells discussed the logistical layout of motorways and the socio-political implications of road construction in the region. In the United States, in 1988, the State of New Jersey commissioned a public review of priorities for the use of sludge wastewater by the Department of Environmental Protection (Sellereit 2010). Several planning cells have been operated in Austria since 1996. Residents of Vienna, Graz, and the federal state of Vorarlberg discussed problematic social issues, including those related to the spending of budget funds, prospects for urban development, etc. (Rüsch 2005).

Along with planning cells, *citizens' juries* served as a model for a number of related forms implemented in the modern world. At the theoretical level, it was substantiated in 1971 in the doctoral dissertation of the American academic Ned Crosby, which was devoted to the ethics of public life. In 1974, the Jefferson Center for New Democratic Processes (The Jefferson Center for New Democratic Processes), which was founded by Ned Crosby in Minnesota, conducted the first experiments in organising small groups of citizens (Citizens Panels). These were modelled on jury trials (Crosby et al. 1986: 170). These groups later became known as *Citizen's Juries*; the name was trademarked by the Jefferson Center to prevent commercialisation of the idea.

Citizens' juries, like planning cells, are public bodies periodically created by non-governmental organisations on the initiative of citizens, organisations or government bodies, as well as various bodies at the state or municipal level. An essential requirement for the formation of their composition is the random selection of members using special methods that ensure the representation of various demographic groups. The following demographic criteria are usually taken into account: age, education, gender, geographic location, race (in combination with large ethnic groups such as Hispanics, Native Americans, etc.), party

⁴ *Citizens' report for the "Sparrplatz" neighbourhood*, available at: <https://www.inter3.de/en/projects/details/article/buergergutachten-fuer-das-stadtquartier-sparrplatz.html> (accessed October 20, 2018).

affiliation⁵. The jury is composed of 16 to 24 jurors, which is comparable to the number of jurors in the grand juries of federal district and county courts.

Each citizens' jury has the goal of a comprehensive study and solution of some particularly important social problem. The duration of the jury project implementation is typically 4–5 months, including time allocated for consultations with sponsors, for the creation of the project's working bodies, the selection of witnesses and experts, the approval of jury members, etc.⁶ Since the members of the jury have to be distracted from their main activities for a fairly long period, they receive a modest monetary compensation in the amount of 50-100 dollars per day.

Each jury project is supported by a full-time staff that performs a variety of specific organisational tasks depending on its goals, problems, sponsors, etc. Members of the staff are required to maintain a neutral position; individuals who identify themselves with one or another particular point of view are excluded from its composition. The leading role in organising the jury's activities, developing the assignment, formulating the agenda, selecting witnesses, attesting witnesses, as well as experts whose testimony can deeply and comprehensively illuminate the problem under consideration, belongs to a specially created advisory- or steering committee consisting of 4–10 people familiar with the problem that has arisen and representing different approaches to its solution. The committee may include representatives of government agencies, public organisations and other persons. The project director acts as a liaison between the project staff and the advisory committee. Within the framework of the project, working groups are formed as necessary with the participation of members of the advisory committee, as well as maintaining contact with the project sponsors.

The work of a citizens' jury consists in examining questions posed by the advisory council, which is organised with some borrowing of procedures typical for the consideration of cases in jury courts. The preparation of an "attentive public" from a previously formed microcosm, representing a cross-section of society, is essentially carried out over the course of one or one and a half months of the project implementation. As with the preparation of members of planning cells, jury members are addressed by experts who present various points of view on the issue that citizens will discuss; relevant video materials are viewed, printed materials are read, etc. After the jury members have delved into the issue and studied the documents provided to them, special hearings are held for one week to question witnesses and discuss the issue, after which the jury makes its verdict. Such a citizens' jury announces its decision publicly with the participation of representatives of the media. The findings of the citizens' jury and corresponding generalisations are presented in the final report, which is provided to the project initiators. The project organisers then make the report publicly accessible.

⁵ *Citizens Jury Handbook*, 2004. Jefferson Centre, pp. 25-26, available at: http://www.rachel.org/files/document/Citizens_Jury_Handbook.pdf (accessed October 20, 2018); (Carson et al. 2004: 17-18).

⁶ *Citizens Jury Handbook*, 2004, pp. 15-16.

From 1974 to the present, the United States has accumulated significant experience in organising and operating citizens' juries. For example, the Jefferson Center itself has completed 36 citizens' jury projects. Citizens' juries have deliberated on a wide variety of vital issues at all levels of government. In doing so, they have either represented citizens of the country as a whole or of a subsidiary state or local community. Thus, at the federal level, in 1991, 24 members of a national citizens' jury deliberated in the District of Columbia what needed to be done to ensure a strong economy. At the state level, in 1984, 60 jurors divided into five citizens' juries decided issues around Minnesota regarding the impact of agriculture on the state's water quality. In 1998, a 12-member citizens' jury at St. Olaf College in Northfield, Minnesota, considered the issue of euthanasia. Recommendations were made to the state legislature on how to regulate matters related to physician-assisted dying. In 1999, 17 jurors spent 5 days studying property tax issues for the Department of Revenue with the support of the Governor of Minnesota. Among other things, the recommendations of the citizens' jury were used by the department to organise a broad public discussion at the grassroots level throughout the state on tax issues. At the local government level, in 1991, 24 jurors debated public and private sector policies toward low-income housing in Rochester, Minnesota.

In the process of implementing jury projects organised by the Jefferson Center in Minnesota and other US states, other issues related to the organisation of children's education in schools, the implementation of energy projects, global climate change, the reform of electoral systems, and many others were also considered (for a list of implemented projects, issues considered, and final reports, see the Jefferson Center website⁷). In all cases, experts formed a jury of citizens based on a random sample. The composition of the jury was stratified in such a way that it would be, to the greatest possible extent, represent a microcosm of the entire composition of society (see, for example, the procedure for forming the composition of the citizens' jury during the implementation of the project at the Washington state level⁸).

At the turn of the 20th and 21st centuries, the practice of implementing jury projects became widespread far beyond the borders of the United States. Many such discussions of pressing public issues have been held in Australia and Great Britain. In Australia, citizens' juries are becoming an integral part of the country's political system. Higher education institutions offer courses on this form of civic participation in politics. In Great Britain, citizens' juries were intensively formed under the Labour Prime Ministers Tony Blair and Gordon Brown (Chernov 2018: 217). Gordon Brown is known to have initiated several citizens' juries on issues of crime, immigration, education, health care, and transportation. There has been extensive experience of working with citizens' juries

⁷ URL: <https://jefferson-center.org/projects/>

⁸ *Citizens Jury on the Citizens Initiative Review*. May 20-24, 2001. Final Report. Prepared: June 2001. A Project of the League of Women Voters of Washington. 4710 University Way NE, Suite 214. Seattle, WA 98105, p. 2, accessed: <https://jefferson-center.org/wp-content/uploads/2012/10/CITIZENS-INITIATIVE-REVIEW-.pdf> (available at October 20, 2018).

in Brazil, Denmark, Canada, New Zealand, Ireland, South Korea and other countries. The accumulated experience over recent years has been accompanied by a differentiation of citizens' juries in key areas and issues of public life.

In particular, there is evidence of young people's interest in this form of civic participation in public decision-making. The practice of so-called youth juries of citizens has become widespread⁹. The composition of such jury is a microcosm of a large segment of civil society, represented by young people. Youth juries of citizens discuss both the problems of the youth themselves and general issues of public life that concern young people: the use of public space, ensuring the safety of the urban environment at night time, etc. In particular, in the UK in 2005, a youth jury studied reproductive problems in young families associated with the genetic characteristics of the parents (Iredale et al. 2005). Youth juries, formed by lot and operating according to the planning cell scheme, are also being created in Germany (for details on the formation of their composition and activities)¹⁰.

The widespread practice of citizens' juries discussing health protection issues also attracts attention. Citizen involvement in health decision-making began in 1995; since then, a number of projects have been implemented, particularly in the UK. Their focus has included: ethical issues in public health (patient consent, genetic testing, xenotransplantation, placebo use, biobanking); setting priorities in health care (resource allocation and research goals); developing key policy directions (mammography screening, pandemics, food retailing, drug use, telemedicine, health care reform); environmental health issues (use of genetically modified foods, traffic volumes); and community well-being (antisocial behaviour, public health and well-being, community mental health services)¹¹. Numerous citizen juries have considered complex environmental issues.

Today, planning cells and citizens' juries serve as a basic model for organising other forms of citizen participation in public-government decision-making. Among them, the so-called *Consensus Conferences* were introduced into practice in the 1980s by the Danish Board of Technology to advise parliamentarians on science and technology. During the first stage of work carried out on weekends, groups of citizens comprising 10–25 people selected by lot study materials on the issue under discussion. Invited experts and representatives of interest groups are guided by the lists offered to them for consultation. At the second stage of the work, citizens prepare a report in which they formulate their collective decision taking expert advice into account. Citizens work in collaboration with an advisory board consisting of academics, practitioners,

⁹ *Youth Citizens Jury – Erfahrungen mit einem neuen Modell für Jugendpartizipation* (Aufsatz aus "Deutsche Jugend", heft 6/2013, S. 245 bis 253), available at: <http://www.timo-rieg.de/2018/01/youth-citizens-jury-erfahrungen-mit-einem-neuen-modell-fuer-jugendpartizipation/> (accessed October 20, 2018).

¹⁰ See: Youth Citizens Jury, 2013.

¹¹ (Streeta et al. 2014; *Citizens Jury Literature Review. Our Voice Citizens Jury Realistic medicine*, London, Shared Future, 2017, 24 p.).

experts and representatives of interest groups. The council selects conference participants, prepares lists of experts and representatives of interest groups, and forms a team of specialists who ensure close group communication among conference participants. Consensus conferences are periodically held in Australia, Argentina, Great Britain, Israel, Canada, New Zealand, the USA, South Korea, and Japan (Escobar, Elstub 2017: 2).

Thus, we can recognise the success of the model of a “little parliament” proposed by Peter Dienel and Ned Crosby, according to which deliberative groups were created by lot without the institution of elections. At the same time, authorities are not always inclined to trust small civic assemblies; consequently, opportunities to expand the practice of turning to them are not always pursued. It is significant that in the United States, over a more than forty-year period from 1972 to 2015, only 36 citizen jury projects were implemented. This suggests that authorities continue to use traditional mechanisms for coordinating interests and that they have no pressing need to determine the competent opinion of citizens on issues of everyday life. However, in cases where there is an urgent need to coordinate interests as a means of preventing possible conflicts, authorities may be forced to choose between public opinion polls and consultative referendums. Public opinion polls represent a means of identifying the current moods and preferences of citizens. However, the expressed sentiments tend to reflect the state of mass consciousness, which is often emotionally charged. Consultative referenda express a more stable opinion and mood of the majority of citizens. While they are expensive and may be heavily influenced by the media during the referendum preparation period, voters generally provide an unambiguous answer to the question posed. In other words, neither surveys nor consultative referenda provide a detailed or problematic vision of emerging problems by citizens; much less can they be relied upon to obtain reasoned programmatic proposals from citizens. This is what makes civic assemblies particularly attractive.

As practice in recent years shows, the organisers of one or another project of a citizens’ assembly typically want to obtain the opinion and recommendations of a more representative group of citizens. In this regard, from the end of the 1980s to the present, there have been some changes in approaches to the organisation of their work and to the development of forms of what was already being called aleatory democracy.

From a “Little” to a Large Citizen Parliament

Forms of enlarged citizen assemblies were proposed in 1988 by Ned Crosby’s student Professor James Fishkin (Fishkin 2009 et al.) and the Center for Deliberative Polling. Today, these larger forms are widely known as deliberative polls. In this case, a fairly large citizen group comprising 150–500 people is selected by lot to participate in the discussion. When working with such citizens’ groups, deliberative poll organisers follow the methodology of “in-depth public opinion” in order to establish the point of view of respondents who are well informed on the issues under discussion (for the methodology itself,

see: Doctorov 2007). The deliberative survey project involves an initial study of citizens' opinions, providing them with the necessary information, organising joint discussions of issues in small groups, meetings with experts at plenary sessions, and procedures for re-examining opinions after discussions. Here, rather than generating a final report containing concrete recommendations, the purpose of the project is to aggregate public opinion. The results of the survey are widely covered in the media. Deliberative surveys have been used in more than 10 countries around the world, including China (Escobar, Elstub 2017: 2, 4).

Since the beginning of the 21st century, other forms of aleatory democracy have begun to emerge, combining the advantages of small and large groups of citizens. In particular, much research interest has been directed to the so-called *citizens' assemblies*. This form of democracy involves a large group of assembly participants comprising 100 or more people. Participants are determined by lot based on data from electoral lists in a number initially exceeding the planned composition of the assembly. After identifying those who wish to take part in the work of the assembly, the final selection of project participants is carried out by drawing lots. When making this selection, the age, gender, and residential location of citizens are also taken into account. While the standard scheme initially involves familiarising citizens with the problem, assembly participants selected by lot then participate in public hearings at their place of residence in order to subsequently bring the opinions of local community residents to the attention of all assembly participants. At the final stage, citizen participants discuss the problem together and prepare a final report. Decisions by citizen participants are carried out by voting. The final report is addressed to the parliament, the government, and the organisers of the referendum (Escobar, Elstub 2017: 3-4). Other orders of work are also possible as determined by the commissioners of citizens' assemblies.

Citizens' assemblies, which are in many ways reminiscent of parliaments, can have a significant influence on public-government decision-making. This was the case in the Canadian provinces of British Columbia (2003–2004) and Ontario (2006–2007) in preparation for referendums on electoral reform. In British Columbia, a Citizens' Assembly on electoral reform convened by the provincial government was served from September 2003 to December 2004. The Assembly consisted of the Chairman appointed by the state legislature and 160 voters made up of two people (a man and a woman) selected by lot from each of the 79 electoral districts. Two representatives of indigenous peoples were also included in the Assembly. When selecting members of the Assembly, gender, age and geographical distribution were taken into account. 15,800 voters were initially selected from the electoral lists from each province – 200 from each electoral district. Each citizen received a written invitation to participate in the work of the assembly if selected as a member. As a result, the Assembly organizers received positive responses from 1,715 men and women. From among the consenting citizens, the final selection of members of the Assembly was then made by lot at 27 caucuses held throughout the state. Following the study phase, 50 open public hearings were held across the state in May and June

2004, involving between 4 and 16 participating assembly members. In the following stage weekend sessions were carried out from October to December 2004 to produce a final report that presented recommendations¹². In 2005, a reform project proposed by citizens was put to a provincial referendum, whose decision was binding. In almost all electoral districts, it was supported by a relative majority of citizens, while in the province as a whole, 57.7% voted for it. However, the result turned out to be insufficient, since, according to the established rules, in order to make a decision, it would have been necessary to obtain a majority of at least 60%.

Even more indicative is the experience of organising a Citizens' Assembly in Ireland. The manifesto of the parliament elected at the general elections held in 2016 envisaged the creation of a Citizens' Assembly that does not include politicians. The Assembly was subsequently established by a resolution of both houses of the Irish Parliament in July 2016. The Assembly's mandate provided for the consideration of a limited number of issues. The Chairman of the Assembly was appointed by the government from amongst the corps of judges of the Supreme Court of Ireland. The other 99 members of the Assembly were selected by lot from voters representing the whole of Irish society (substitute members of the assembly were also selected). The selection of members of the Assembly was carried out on the basis of the voter lists at the end of 2016 by the independent consulting company Red C, which had won the contract via tender. During the selection, the following population characteristics were taken into account: gender, age, social status, and geographic distribution. To resolve organisational and other issues, a steering group of the Assembly was created, consisting of 11 members (chairman, secretariat, and assembly members). The secretariat included employees of government departments. A group of experts was also organised from among specialists in political and social sciences, constitutional law, medical law and ethics, as well as practical medicine and obstetrics.

The Assembly worked on weekends from October 2016 to June 2017 in plenary sessions, where, after the Chairman's speech, expert presentations, meetings and debates, and roundtable discussions were held. During its work, the Citizens' Assembly considered the question of the advisability of repealing the 8th Amendment to the Constitution of Ireland, introduced in 1983, which prohibited abortion. It also discussed the related challenges of an aging population and climate change. Following six two-day plenary sessions held between October 2016 and April 2017, the Assembly recommended the repeal of the 8th Amendment to the Constitution of Ireland, as well as formulating proposals in the area of maternity protection, sex education for adolescents, etc. At other plenary sessions, it defined social policy priorities and developed recommendations on pension provision for citizens and care for the elderly. It proposed that the powers of the independent body be expanded to address climate change

¹² *Making every vote count. The final report of the British Columbia Citizen's Assembly on electoral reform, Final report*, December 2004, pp. 9-13, available at: https://citizensassembly.arts.ubc.ca/resources/final_report.pdf (accessed October 20, 2018).

issues, including improving the tax system for greenhouse gas emissions, and solving a number of transport problems¹³.

It is noteworthy that the final reports of the Citizens' Assembly were taken into account by law makers. In particular, it agreed to repeal the 8th Amendment if the proposal was supported by citizens in a referendum. The corresponding referendum, which took place in Ireland on 15 May 2018, resulted in citizens supporting the Assembly's proposal¹⁴.

The work of the Citizens' Assembly in Ireland has been highly praised by the country's leadership and the expert community. The Assembly demonstrated that even the most intractable issues, which may be deadlocked in political process for decades, are solvable through political decisions based on fair and reasonable discussion among citizens. According to some experts, the experience of the Irish Citizens' Assembly can serve as a model for the whole of Europe (Humphreys 2016).

To date, citizens' assemblies have been held in Canada, Holland, and Ireland. Despite the limited experience of holding them, the emerging trend towards modelling new types of large mini-publics is clearly identifiable. In this connection, Australia and South Korea are among the countries at the forefront of new approaches. Two novel modifications of the forms that aleatory democracy can take are particularly noteworthy.

Nuclear Citizens' Jury is another form of aleatory democracy representing the largest project in the history of citizen jury organisation carried out in Australia. The need for the project arose in connection with plans to build a high-tech nuclear waste storage facility in South Australia, as outlined in the report of the state's Nuclear Fuel Cycle Royal Commission. At the direction of the state prime minister, it was decided to create a Nuclear Citizens' Jury as a means of ensuring a more representative composition. The work of the Citizens' Jury was also organised in a novel way. The overall project envisaged two Citizen's Juries. The first Citizens' Jury in July 2016 analysed the Royal Commission's report and identified issues to be discussed. A second Citizens' Jury examined the case according to its merits later that same year.

The composition of the first Jury of citizens was determined by lot in the amount of 50 people from a random sample of 25,000 citizens, taking demographic indicators into account. The Jury also included a proportional representation of those who supported and opposed the project. As well as having the right to summon and question witnesses, the Jury had the power to form

¹³ *First Report and Recommendations of the Citizens' Assembly. The eight amendment of the Constitution*, June 27, 2017, The Citizens' Assembly, pp. 40-54, available at: <https://www.citizensassembly.ie/en/The-Eighth-Amendment-of-the-Constitution/Final-Report-on-the-Eighth-Amendment-of-the-Constitution/Final-Report-incl-Appendix-A-D.pdf> (accessed October 20, 2018).

¹⁴ *Irlandiya: kak pal zapret na aborty. O pyati godakh kampanii za pravo vybora : red. st. Sotsialisticheskoy partii Irlandii* [Ireland: as the ban on abortion fell. About five years of campaign for the right to choose : editorial article of the Socialist Party (Ireland)], June 24, 2018, available at: <https://socialist.news/read/article/ireland-how-yes-was-won> (accessed October 20, 2018). (in Russ.).

groups of experts and turn to them for advice. The rights of traditional land owners – including indigenous peoples – to address jurors in their own language was ensured. The Jury deliberated for a total of 50 hours over weekend sessions. Each juror was paid \$500 in compensation. Following their deliberations, the Jury concluded that all South Australians have a right to a safe environment. At the same time, in their opinion, the construction of a high-tech nuclear waste storage facility posed minimal threats to public safety¹⁵.

The second Citizens' Jury, which consisted of 350 people, considered under what circumstances South Australia might be able to store high-level nuclear waste from other countries. The Jury's work was organised by the non-governmental organisation DemocracyCo. While the second Jury was selected by lot, 50 citizen participants in the first Citizens' Jury were also invited to serve, of which 30 gave their consent.

Over the course of six days, jurors were given a comprehensive briefing on the following topics: safety; transparency and accountability; public and communal harmony; economic issues, including benefits and risks to the state. DemocracyCo presented a list of 160 witnesses, which the Jury decided to increase to 200 due to an evident bias in favour of the project's defenders in the proposed list of witnesses.

The hearings of the second Nuclear Citizens' Jury took a total of 40 hours and were held in the format of general plenary sessions. As a result of the proceedings, citizens did not support the project. In this, they were largely motivated by a desire to protect the rights of Australia's indigenous peoples. The full arguments of the Citizens' Jury are set out in a multi-page final report¹⁶. The state government was forced to abandon construction of the storage facility.

The work of the Citizens' Jury in South Australia was highly praised by the expert community due to the decision basically involving a breakthrough in the relationship between society and the government. The citizens said "No" to a project worth about \$600 million. This decision was taken despite years of propaganda by the nuclear lobby and the state government, including unprecedented pressure on the Jury. It is also noteworthy that the Jury, consisting of 350 people, was not divided into groups and did not have the opportunity to question all the witnesses and hear experts. This stipulation was carried out at the initiative of the organisers. The Jury's work has provided impetus to the further development of institutions of deliberative democracy in Australia. Citizens' juries have become increasingly common in states across the country¹⁷.

¹⁵ Donaldson D. *Going nuclear: inside SA's deliberative policymaking citizens' juries*, 27.10.2016, available at: <https://www.themandarin.com.au/71948-going-nuclear-inside-sas-nuclear-citizens-jury/> (accessed October 20, 2018).

¹⁶ *South Australia's Citizens' Jury on Nuclear Waste. Final Report*. November 2016, 48 p., available at: <http://assets.yoursay.sa.gov.au/production/2016/11/06/07/20/56/26b5d85c-5e33-48a9-8eea-4c860386024f/final%20jury%20report.pdf> (accessed October 20, 2018).

¹⁷ Clark R. 2016. *South Australian 'citizens' jury' rejects nuclear dump*, 11.11.2016, available at: <https://www.greenleft.org.au/content/south-australian-%E2%80%98citizens%E2%80%99-jury%E2%80%99-rejects-nuclear-dump> (accessed October 20, 2018).

Another “nuclear” Citizens’ Jury in the form of an expanded composition was formed in 2017 in South Korea on the initiative of President Moon Jae-in. In October, following months of study and debate, a 471-member Citizens’ Assembly voted to resume construction of units 5/6 of the Shin-Kori nuclear power plant. 59.5% of the jurors voted in favour of this decision. At the same time, 53.2% of jurors supported policies to reduce the country’s dependence on nuclear energy generation¹⁸.

Citizens’ Parliament combines the features of citizens’ juries, planning cells and citizens’ assemblies. The first Australian Citizens’ Parliament was held from 6 to 9 February 2009 in the Houses of Representatives building in Canberra. The Parliament included 150 citizens from all over the country, each representing a constituent federal electoral district. Initially, 8,000 citizens were selected from the voter lists based on random selection, of which 3,000 agreed to participate in the work. Then, from 3,000 citizens, 150 citizens were selected based on the cross-sectional principle. During the selection, gender, age and cultural differences were taken into account. Over the course of four days, 24 groups discussed current issues pertaining to the country’s democratic structure. Their focus was on the question: “What makes us proud of our democracy and how can we improve it?” Following the debate, citizens developed recommendations, which were set out in the final report¹⁹.

Notable among these are proposals to introduce accountability for political promises, expand opportunities for citizen participation in politics at the communal level, grant citizens the right to initiate referendums, change the electoral system, and create an Indigenous Citizens’ Parliament. Citizens who were not included in the final composition of the parliament were able to participate in its work through regional assemblies and online forums. Their views and opinions were monitored throughout the deliberative process. The work of the Citizens’ Parliament was carried out in cooperation with the New Democracy Foundation, which was also one of its founders, and supported by parliamentarians who showed interest in the opinions of the forum participants. The work of the Parliament was supported by 120 volunteers, information about whom was made public. The activities of the Citizens’ Parliament were funded by Australian Research Council in the form of a Linkage Grant). The Citizens Parliament accepted 11 proposals for discussion from the online parliament²⁰. The results of the work of the world’s first citizens’ parliament, which was organised at the federal level of government, received high praise. First of all, it is worth noting that the citi-

¹⁸ Patel S. *Citizens’ Jury Recommends Resuming Nuclear Construction in South Korea*, 20.10.2017, available at: <https://www.powermag.com/citizens-jury-recommends-resuming-reactor-construction-in-south-korea/> (accessed October 20, 2018).

¹⁹ *Citizens’ Parliament. Final Report*. Old Parliament House, Canberra, 6-9 February 2009, 18 p., available at: http://citizensparliament.org.au/wp-content/uploads/2015/02/Citizens-Parliament_final_FINAL-report-10-Feb.pdf (accessed October 20, 2018).

²⁰ *Citizens Parliament. “How can Australia’s political system be strengthened to serve us better?”*, available at: <http://www.citizensparliament.org.au> (accessed October 20, 2018).

zens themselves refuted the thesis about their supposed unwillingness to participate in political life²¹.

The processes taking place in the world indicate an increase in the interest on the part of governments in the deliberative participation of citizens in the exercise of public power, and above all in forms of aleatory democracy. These forms gradually become quasi-parliaments, similar in form to parliamentary assemblies themselves. The main distinction between them lies in the latter's rejection of the institution of elections as the primary method of forming representative bodies. The advantage of such citizens' assemblies lies in their relative independence from the authorities for which they make their recommendations, as well as their independence from the electorate as a whole, which is typically influenced by various political parties and interest groups. This means that participants in the deliberative process can be said to work in the interests of the common good. Election by lot is also fairer: it gives everyone the opportunity to take part in the process of reaching a publicly significant decision.

In the course of working together with other citizens, such forms of aleatory democracy allow voters selected by lot to undergo a school of citizenship. Since a deliberative process implies competent and informed participation, citizens obtain the chance to exercise their creativity by working on their own proposals instead of voting on pre-prepared answers. The methods of forming citizens' assemblies, which are based on the ideal of a fair cross-section of society, give hope that the collective opinion of a citizens' assembly may coincide with the position of the entire community that the corresponding citizens' assembly represents. Therefore, citizens' assemblies can be considered as transmitters of citizens' opinions and interests, forming a link between society and government. An important advantage of the forms of aleatory democracy is their applicability at virtually all levels of government organisation – from local government in small territorial communities to state or federal government at the national scale. Since in all cases the discussion of issues is carried out by a group of unprivileged citizens selected by lot, the implementation of forms of aleatory democracy has the potential to restore confidence in democratic institutions as a whole.

At the same time, the above description of the functioning of forms of aleatory democracy does not allow them to be positioned as an antipode to elected and other authorities. Nevertheless, despite the diversity of issues of public life discussed by citizens' assemblies, the limitations of the range of problems that these assemblies can solve are obvious. In particular, there are obstacles to resolving interregional issues, problems of interethnic and ethno-confessional relations, as well as dealing with the need to resolve various types of conflicts. Within the format of work of citizens' assemblies, it is practically impossible to organise a continuous legislative process. Moreover, citizens' assemblies are not

²¹ Dryzek J. *The Australian Citizens' Parliament: A World First*. Papers on Parliament No. 51, June, 2009, available at: https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/~/~link.aspx?id=E03B9D7AA31049C2AD126EBD7AC3247E&z=z (accessed October 20, 2018).

directly accountable to either voters or the authorities for which they develop their proposals.

The various forms of aleatory democracy also exhibit a certain kind of dependence on the authorities themselves: without the commission of the latter, the self-organisation of citizens largely loses its significance, since the recommendations developed lack a specific addressee. The legitimization of the citizens' assemblies themselves along with any decisions they may reach, as well as their subsequent use by authorities, is also problematic, particularly in China (for more details on the problems of legitimization, see: Shablinskii 2018). Since the work of these assemblies depends on commissioning, there is an obvious tendency towards their commodification (Hadjimichael, Delaney 2017): contrary to the intentions of their inventors, civic assemblies become a significant market commodity. It is significant that the Nuclear Citizens' Jury cost \$3 million, while the funding for discussing the 8th amendment to the Irish Constitution amounted, according to various estimates, to between 300 and 600 thousand euros. Even the organisation of a small citizens' jury numbering 12–25 people involves expenses in the amount of 60–100 thousand US dollars. This fact, in turn, entails the manipulation of citizens' assemblies by their organisers, as can be seen in the example of the selection of witnesses when forming the composition of the Nuclear Citizens' Jury in South Australia and the choice of the format of plenary sessions by the organisers. It is also impossible attain to the ideal of forming a sample of citizens based on modern methods. The ideal of a fair cross-section of society remains unattainable.

In this light, it seems that even today the ideas of John Burnheim and his followers (Reybrouck 2018 et al.) about a coming political order without elections and parliaments, despite all their attractiveness and persuasiveness, merely add to the treasury of examples of "democratic extremism" (Lucardie 2014: 117–134). In the future, citizens' assemblies will undoubtedly play the role of fairly effective and reasonably organised citizens' assemblies, helping to ensure the competent participation of voters in resolving complex public-law issues. But they are and will remain supplementary to the existing forms of representation. In this regard, bold and "extremist" futurological views may achieve relevance and reveal their positive potential, helping to overcome the crisis of modern liberal democracy, which may underestimate the possibilities for the competent participation of citizens in resolving state issues.

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