

No. 9

CONTRUST

01/2024

Working Paper Series

Should Citizens Trust their Randomly Selected Peers?

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Abstract. This essay presents a critical examination of trust in the context of minipublics (DMPs), with the aim of substantiating the notion of contingent trust and making recommendations for its formalization. Filling a gap in the literature on minipublics, it argues that proponents of DMPs have underestimated the conditions for public trust, risking a potential backlash against democratic innovations. It posits that trust in DMPs should not be based solely on their perceived benefits for democracy, but rather on the demonstrated trustworthiness of these mechanisms. And the trustworthiness of DMPs should be considered in terms of public justification. That is, the recommendations of DMPs should only be trusted if (a) their deliberations have been open to the public throughout, and (b) the outcomes of those deliberations can be reasonably justified by the deliberating citizens to their non-deliberating peers. Accordingly, the essay suggests that DMPs can only function as ‘trusted information proxies’ if it can be ensured that deliberating citizens are not unduly influenced by special interests. It also highlights the potential of DMPs to provide descriptive representation, but warns of issues of attitudinal conformism and self-selection that may undermine their trustworthiness. Finally, the paper argues for improved communication between DMPs and the general public in order to foster horizontal trust between deliberative panelists and non-deliberative citizens. By addressing these key considerations, this essay contributes to a nuanced understanding of trust in DMPs and their role in enhancing democratic legitimacy.

RECOMMENDED CITATION

Ballangé, Aliénor: “Should Citizens Trust their Randomly Selected Peers?”, *ConTrust Working Paper 9* (2024), [contrust.uni-frankfurt.de/wp-9](https://doi.org/10.21248/gups.80291).
<https://doi.org/10.21248/gups.80291>

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- **Publisher:** [ConTrust - Trust in Conflict](#)
Research Centre “Normative Orders” of Goethe University Frankfurt am Main
Max-Horkheimer-Str. 2 | D-60323 Frankfurt am Main

contrust.uni-frankfurt.de/en/wp-series



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1. Introduction

Imagine the following scenario: You are a citizen of a country X, and you have been invited to vote on a referendum whose question concerns the future of the pension scheme. A minipublic of randomly selected citizens has been constituted to research the issue, audit the stakeholders, engage in dialogue with experts and produce a short statement summarising what the referendum is about and what the most convincing arguments are. This minipublic has no binding competence. Rather, it has been designed by a public institution to help non-deliberating citizens make up their minds before the referendum¹. Apart from the fact that these people are “like you and me,” you do not know much about the way their deliberations have been conducted, or how the issue has been presented to them, or how the experts have been chosen to discuss this issue with them. At the end of the

deliberation process, these randomly selected citizens state that raising the retirement age is a more reasonable option for reforming the pension system in X than introducing a new super-profits tax. This statement is made public two weeks prior to the referendum. Are you going to trust that the policy recommendation is a good one, and should be put into effect on the grounds that people “like you and me” deliberated on this issue before you and considered that raising the retirement age was a good option? Are you going to trust them because you trust the deliberative experiment itself, regardless of how much you actually know about it?

It might be tempting to say yes. After all, following the statement of this minipublic would certainly save you time and effort. Moreover, there may be reason to believe that their considered opinions are likely to be sensible and informed. And indeed, several empirical studies have recently investigated the significant support of the wider population for the concept of minipublics (Pow 2023, Bedock & Pilet 2023, Pilet et al., 2023; Germann et al., 2022; contra see Már & Gastil 2023). But to what extent is this support well founded, and under what conditions should non-deliberating citizens outsource their judgement to their deliberating peers?

This essay argues that the three first options discussed above – i.e. horizontal trust in your randomly selected peers, trust in the quality of deliberative experiments in general,

¹ Although this scenario is purely fictional, it is inspired by experiments with the Citizens’ Initiative Review model of minipublics in the United States (see Gastil & Knobloch 2020), Finland (see Setälä et al 2023, 2021) and Switzerland (see Geisler 2022). This scenario goes a step further, however, by including the fact that deliberating citizens express their considered opinion in the statement and make a non-binding policy recommendation (here, raise the retirement age to reform the pension system in X).

and pragmatic trust – involve blind trust. Such blind trust does not meet the normative standards of public reason, even though, from a pragmatic perspective, it may increase the trust among citizens or between citizens and their representative institutions. Conversely, deliberative minipublics² (DMPs) should be trusted on the grounds of the quality and the transparency of their justificatory process, not on the grounds that they involve, empower, or give voice to a random part of the demos. But to be trusted in a way which meets the standards of public reasoning, these bodies should be in a position to prove their trustworthiness – i.e. their process should be transparent and their recommendations justifiable.

Departing from Már and Gastil's pioneering descriptive analysis of who trusts minipublics and why (2023), this essay develops a normative argument aimed at determining the conditions under which the general public should extend its trust to randomly selected participants in DMPs³. The purpose of this essay is twofold: first, it aims to distinguish between reasonable and unreasonable forms of trust (Forst 2022, Norris 2022) when it comes to horizontal trust between citizens; second, it aims to determine how DMPs could generate reasonable forms of trust between randomly selected deliberating citizens and non-deliberating citizens. Thus, this essay aims to substantiate the idea of contingent trust in relation to minipublics and to provide recommendations for formalising this contingent trust. In doing so, this essay fills a gap in the literature on minipublics. It suggests that advocates of DMPs have not written explicitly enough about the conditions under which the public should trust minipublics, while these conditions should be theorised more explicitly and comprehensively if one is to avoid a resentful public backlash against potentially disappointing democratic innovations. *In short, I argue that the public should trust DMPs not on the grounds that trust is useful, valuable, important, or required in a healthy democracy, but on the grounds that DMPs prove trustworthy (Crosby & Nethercut 2005). And the trustworthiness of DMPs should be considered in terms of public justification. That is, the recommendations of DMPs should only be trusted if (a) their deliberations have been open*

² For the most cited studies on deliberative democracy (theoretical studies) and deliberative experiments (empirical studies) see: Bächtiger et al. (2018), Blondiaux & Manin (2021), Bohman & Rehg (1997), Elster (1998), Estlund & Landemore (2018), Gastil & Levine (2005), Girard (2019), Gutmann & Thompson (2004), Lafont (2017), Landemore (2017), Parkinson & Mansbridge (2012).

³ Few studies have focused on the issue of trust in the context of minipublics (Geisler 2022; MacKenzie & Warren 2012; Már & Gastil 2023; Lafont 2020; Setälä et al. 2021). Most of the studies come from empirical political science and propose evidence-based analyses, the purpose of which is mostly descriptive and the scope of which is usually focused on a specific case (e.g. Finland, Oregon, Switzerland). There is little discussion of whether non-deliberating citizens should trust the deliberations of their peers (Lafont 2020). However, at a time when DMPs are central to broader discussions about the legitimacy of institutionalising citizens' assemblies (see Courant 2022), it is necessary to elaborate on the conditions under which non-deliberating citizens would reasonably accept to outsource their political judgments to their randomly selected peers.

to the public throughout, and (b) the outcomes of those deliberations can be reasonably justified by the deliberating citizens to their non-deliberating peers. Crucial but hardly touched upon by deliberative studies, this articulation between the normative claim of justification and the trustworthiness of DMP underlies the core argument of this essay.

Now, one might ask why we should be so interested in minipublics, given that their judgments have so far been purely advisory, rather than making judgments that lead to changes in the law. A couple of points in response: one obvious point is that even in an advisory scenario they are exercising political influence, and so we should think about the conditions under which this is justified. Secondly, there is a growing suggestion in recent literature that DMPs should be given a greater role in sharing the decision-making process (Callenbach & Phillips 2008, Buchstein & Hein 2009). On the activist side, Extinction Rebellion has recently argued for citizens' assemblies to impose drastic action on climate change on today's reluctant elected officials and populations (see Courant 2022). Accordingly, the argument that DMPs do not need a high level of popular trust because they are mostly advisory and consultative forums proves inadequate; this is a purely descriptive argument that prevents us from imagining a context in which DMPs would actually be granted a more binding competence (Bedock & Pilet 2023). Waiting for the DMP to become binding before starting to think about how non-deliberating citizens may consider the decisions made by their deliberating peers trustworthy may be a risky bet, especially in highly divided societies. Relatedly, because DMP involve citizens and not (distant) public officials or experts, there is a significant risk that participatory democracy backfires into intra-citizenry resentment. Hence the need to better involve non-deliberating citizens in DMP processes, so that they can be confident that the deliberations of their peers are trustworthy. This means critically assessing the input, output, and throughput legitimacy of these mechanisms⁴, and, more importantly, allowing ordinary non-deliberating citizens to participate in this critical assessment.

My argument unfolds as follows. First, in section 2, I argue that if democratic innovations such as DMPs are to be regarded as promising tools for enhancing citizens' trust in democracy, they should not be trusted simply because trust is useful, important, or good for democracy. Rather, they should be trusted if they prove to be trustworthy, i.e. if they meet certain criteria of publicity and transparency, which will be further elaborated in the following sections. Section 3 shows that DMPs can be seen as 'trusted information proxies' (MacKenzie & Warren 2012) that save time and energy for the general public when they have to make a

⁴ In Suiter and Deligiaouri's words (2023), input legitimacy refers to 'the representativeness of the mini-public from a demographic point of view where mini-publics draw legitimacy from their descriptive similarity to the wider population' (2); throughput legitimacy 'speaks to the quality of the process and whether mini-publics are capable of engaging in high-quality deliberation and can shift opinions' (2); output legitimacy 'reflects what the broader electorate would think and how representatives and policymakers deal with their outputs' (1).

decision on a particular issue, but only if non-deliberating citizens can be sure that their deliberating peers have not been influenced by special interests during their deliberations. Section 4 argues that the descriptive representation of DMPs may be a good reason for the public to trust that their diverse interests will be better represented and defended than in a purely representative system. However, the descriptive representation of DMPs is seriously limited by the very low threshold of citizens who actually agree to participate in minipublics, leading this democratic innovation to be a democratic bubble of mostly consensual, self-selected panellists who hardly represent the diversity of the general public. Building on this point, section 5 claims that horizontal trust between deliberating panellists and non-deliberating citizens can only be achieved through enhanced communication between DMPs and the general public. Here I will introduce the idea of a recursive loop between random citizens, randomly selected panellists, and voters, and give some concrete examples of how this might work empirically.

2. Trust DMPs because they are trustworthy, not because trust is useful for democracy!

Minipublics reinforce horizontal trust between citizens and transversal trust between citizens and their institutions, which is beneficial for democracy in general. This view is mostly endorsed by officials and institutions, but it also finds support in the 'mainstream literature' on trust (see Skinner et al. 2014; Norris 2022, 202–08). It posits that trust is a precious good for a well-oiled and well-functioning society. Here, trust serves as an instrument that lubricates social relationships in a pluralist society, where disagreements on comprehensive or substantial issues are likely to be numerous and highly divisive (Putnam 1993, 2000). Trust is generally considered a virtuous attitude for it generates peaceful, respectful, and open-minded relationships among trustors (Fukuyama 1995; Gambetta 2000; Tov & Diener 2009; Uslaner 2002), while also fostering a clear and stable ordering of society (Almond & Verba 1963, 473–506).

In this instrumental conception of trust, the rationale which posits that non-deliberating citizens should trust the deliberations of their peers is generally defended by those who have an interest in maintaining "business as usual" in the representative system – i.e. officials, representatives, elites (Norris 2022, 12). But from the point of view of those citizens who are encouraged to trust their peers for the sake of the representative system, is horizontal trust stimulated in a top-down manner something with which they should be satisfied? To be sure, here the question is not simply: 'Should the broad public trust citizens' deliberation?' but rather: 'Should citizens trust their peers on the grounds that horizontal trust would be beneficial for a healthy democratic society – i.e. a society including those citizens who will never have the opportunity to make their voices heard?'

Not necessarily. Increasing horizontal trust within citizens via the multiplication of deliberative experiments may well produce good outcomes, for everyone has an interest

in sharing their ideas, opinions, and experiences. It is safe to assume that it may incite intersubjective comprehension and empathy, and then create a more open-minded society where the neighbour or the colleague is viewed as a potential partner in deliberation. However, this instrumental rationale suffers from two significant flaws: first, it overemphasises the virtue of trust per se at the expense of justified trust; second, it misunderstands the mechanism of trust by overemphasising the pragmatic reasons for trust (i.e. I trust p because I have reasons to think that holding the belief that p will be beneficial) at the expense of the evidential reasons for trust (i.e. I trust p because I have reasons to believe that p is true).

Let us begin by reformulating the first argument: does a healthy democracy require trust or justified trust? Do we want citizens to trust their fellow citizens and their institutions because they might benefit from that trust, or do we want citizens to trust their fellow citizens and their institutions because those institutions are trustworthy and give them evidences and good reasons to trust them? For example, we could get non-deliberating citizens to trust the deliberations of their peers by organising a fair sorting process, inviting impartial experts, and ensuring that all participants have equal access to express their opinions and interests. Or we could get non-deliberating citizens to trust the deliberations of their peers by allowing the organisers to cheat on the sorting process and hide the methodology that led them to select this expert at the expense of another, but requiring that the organisers then do a good job of covering up their indiscretions.

Consider the case of the European Citizens' Panels (ECP) organised in the context of the Conference on the Future of Europe (CoFoE). Kantar, the sorting company chosen by the European Commission's DG Communication, was asked to invite a randomly selected group of citizens covering geographical origin, socio-economic background, education, gender and age. Agreed, the selection process 'fitted with the representativeness of European citizens in terms of nationality, gender, urban/rural context, profession and educational background' (Bailly 2023, 12). However, the sorting process turned out to be biased in terms of random selection, as several cases of distorted lottery selection were reported (Ballangé 2023). For example, several citizens in the French cohort were not randomly contacted. They had previously registered on a customer panel platform (MyConsoo) to participate in the ECPs. These customer panels are generally used by people who volunteer to give their feedback on goods or to test things in exchange for a little money, samples or small gifts. In the case of the ECP, an advertisement with the attractive title 'Share your opinion and travel in Europe' was uploaded on MyConsoo. Although these practices were marginal and should not be generalised to the entire selection process, they cannot help but raise questions and cast doubt on the transparency of the ECP. To expect non-deliberating citizens to trust the outcomes of such an experiment without allowing them to assess its trustworthiness, or to ask the organisers of that experiment to provide good evidence of its trustworthiness, is tantamount to justifying a

form of blind trust in a process that may be better at hiding information than at proving trustworthiness. Is this what a healthy democracy expects?

Contrary to what suggests the mainstream literature on trust, democracy and trust have an ambiguous relationship. In Warren's words: 'Trust and democracy have ... a paradoxical relationship to one another' (2017, 33). Distrust, not trust, has long been associated with the democratic mindset. The democratic subject is one who decides to trust her own judgment first, and who does not hesitate to refuse to grant her trust to her father, her master, or her educator. Her provisional attitude is to doubt and question, and to give her trust only to those whom she considers worthy of his trust. Being obediently and indiscriminately trustful, because it may be beneficial for the general interest of a well-ordered city, belongs to a monarchical or aristocratic society in which principals grant, by default, their trust without asking themselves if their agents are trustworthy. Conversely, 'democracies ... institutionalize distrust, and democracies work when vigilant citizens use these institutions to oversee and monitor those in positions of power' (Warren 2017, 34). In other words, a healthy democracy ought to be based on autonomous and reasonable individuals who should be able to discriminate between those people, institutions or processes which are trustworthy and those which are not (Bruno 2017).

Let us call this specifically democratic type of trust 'contingent trust' – i.e. justified and reasonable trust based on normative criteria that allow citizens to have intrinsic reasons to develop trust in institutions, processes, or experiments (such as DMPs). If non-deliberating ordinary citizens should not trust the deliberations of their deliberating peers out of principle, they may graduate their trust according to the quality of the justificatory relationship between them and their deliberative peers. Contingent trust – as opposed to immoral or irrational forms of trust based on credulity, wishful thinking, daily routine, or cronyism (Forst 2022) – cannot be decreed, nor can it be taken for granted. It must be justified and constantly renewed. If we conceive of trust as a reasonable attitude, we cannot find it satisfactory that Carla trusts X, or a group of X, or some ideas, because she cannot but trust them, or because she was asked to, or because it is painless to trust them. These are unreasonable forms of trust; indeed, we would do better to call them reliance. Trust is justified – and therefore reasonable – if and only if the trustor is assured that her trustee is indeed worthy of that trust. In the specific context of randomly selected minipublics, this contingent form of trust implies a certain degree of transparency and publicity on the part of the organisers. I will develop how these criteria can be concretely embedded in DMPs in the following sections.

But before I do, let me make another point that is often underestimated in the instrumental rationale for trust, according to which trust should be fostered because it is useful for democracy. According to this rationale, all attempts to foster trust among citizens are to be welcomed because, thanks to a spill-over dynamic, they will increase the overall level of trust in a society, which in turn will benefit democracy. But

do people trust because (they are told) they have an interest in trusting, or because they are presented with evidence that what they are supposed to trust is actually true or reliable? The instrumental rationale convincingly shows that citizens who develop attitudes of trust would reap certain benefits. But it doesn't show that the expectation of benefits from trust is sufficient for distrustful citizens to trust. In other words, it is doubtful that pragmatic reasons alone can lead people to trust. Consider the classic example of the atheist (see Oppy 2019) – an example you might compare to the distrustful citizen in a democracy: will he suddenly believe that 'God exists' (p) if you tell him that believing p will benefit his community or himself (through greater comfort, reassurance, etc.)? Similarly, will our distrustful citizen suddenly trust institutions or her distant citizens if you tell her that trusting them will benefit democracy (by lubricating social relationships), or the market (by encouraging investment), or herself (by suspending her doubts and healing her potentially exhausting disbelief)? This is unlikely because trust involves not only pragmatic reasons for trusting (i.e. it may benefit me) but also, and perhaps especially, evidential reasons for trusting (i.e. I trust because I have reasons, evidence, to believe that what I trust is true or reliable). As Hieronymi aptly shows, 'although many considerations show trust useful, valuable, important, or required, these are not the reasons for which one trusts' (2008, 213). In a context of great distrust of democratic institutions, you will not automatically accept to trust institutions, processes, or experiments just because you are told that trusting democracy as a whole, or certain institutions in particular, is good or useful for you and the society you are part of. You will need evidence that you can trust them. And even if you were to pragmatically decide to trust them out of pure interest, that could not be considered the justified trust that democracy requires, because it would not be based on rationality. Consider this case of pragmatic trust in minipublics: you don't have any evidence that the claim 'the selection process for this DMP was fair and inclusive' (pS) is true, but you choose to believe it and trust the experiment because you think participatory democracy is a good mechanism, or because your friend was drawn by lot, or because it justifies delegating your judgement to these fairly randomly selected citizens when necessary. These might be useful reasons to decide to trust pS, but in no case should this be confused with reasonable trust. Indeed, you deliberately decided to suspend your disbelief for pragmatic reasons, but you didn't trust pS because you considered it trustworthy. Instead, in a healthy democracy, rational citizens should – and are likely to – choose to trust DMPs when they have evidence that they are trustworthy, which requires a certain amount of publicity and transparency from DMP organisers.

3. Minipublics as promising but potentially vulnerable 'trusted information proxies': the issues of constrained deliberation and insidious influence

Minipublics allow a small group of citizens to produce trusted information for a bigger group of citizens, which allows the latter to save time and energy in their judgment formation. Based on the 'economic problem' of the division of labour between participation and trust in complex democracies, this rationale has originally been defended by MacKenzie and Warren (2012) and more recently by Geisler (2022). MacKenzie and Warren state that when they must make up their mind and take a decision that concerns public issues, people cannot afford the time and energy to thoroughly weigh up the pros and cons and form considered judgments. Rather, their judgments would be 'constrained by the "twin scourges of scarcity and complexity"' (MacKenzie & Warren 2012, 111). To remedy their insufficient capacity to make their own considered judgments, people need to rely on third parties which will help them make good decisions. In place of internal deliberation, they need trustworthy examples of collective deliberations whose quality is sufficiently acknowledged to justify that non-deliberating citizens should follow the judgments of their peers without questioning or monitoring them (ibid., 99). Non-deliberating citizens may therefore trust their peers on the grounds that, given the complexity of the issues under discussion, they could not reasonably have come to a better judgement themselves:

'Passive citizens can hardly do better than to rely on information proxies that do exhibit these characteristics [i.e. "time, energy, interest, and motivation to pay attention to public affairs"], especially if there are good reasons to believe that minipublics are (collectively) competent, designed to encourage enlightened discourse, aligned with the public's interest, reasonably transparent, and expending costly efforts.' (ibid., 113)

DMP are described as 'trusted information proxies' (MacKenzie & Warren 2012, 110–16). In other words, deliberations which result from minipublics should be seen as an available source of (good) information which may be very useful in helping non-deliberating citizens make up their minds on a given subject. Because they are designed as representative forums and arenas where deliberation can be conducted under ideal conditions, minipublics should be seen as outsourced internal deliberation – i.e. deliberation everyone would have arrived at had they been placed in conditions of ideal deliberation. For that reason, their conclusions should be trustfully followed, provided 'there are good reasons to believe that (these) minipublics are competent, ... aligned with the public's interest, reasonably transparent'.

The more information is directly provided on a DMP's process – including its sponsors, the sortition company, the sortition methodology, the experts invited to support people's deliberations, the selection of the topic, all the different stages of people's deliberations, the sociology of the facilitators and their methodology, how people have been asked to vote on their final recommendations, etc. – the

more trustful its recommendations, and the more reasonable it is that its recommendations may be considered as 'trusted information proxies'. Therefore, DMPs should be considered 'trusted information proxies', provided that they publicly disclose their methodology in a way that is clear and accessible to the general public, without the public having to make a special effort to find the information that would enable them to assess the trustworthiness of the experiment. However, although the professionals involved in designing DMPs are becoming more open about their methods and processes, it is still often difficult to get hold of this information. And because this information is still difficult to find, it is a challenge to be sure that deliberative panellists involved in minipublics are not susceptible to constrained deliberation and/or influence from organisers, experts, medias, public officials or activists involved in or around the experiment and, to a lesser extent, facilitators and fellow panellists.

By 'constrained deliberation' I mean a situation where randomly selected panellists deliberate on options that have been pre-selected by the organisers before the deliberative process begins – along the lines of, for example, 'What is the best way to tackle climate change? Option 1: A, Option 2: B, Option 3: C, etc'. Then the deliberative process starts, the panellists listen to the experts, interact with each other, and finally choose one of the options according to their considered opinion. In this situation, panellists can only decide to give their preference to an option that may be the least bad for them of all the others considered but may not be their absolute favourite. At the end of the process, therefore, the minipublic may reflect a distorted impression of their true preferences: perhaps Option 2 is favoured by this minipublic, but perhaps the same minipublic would have massively favoured another option that wasn't offered in the set of pre-selected options. And this distorted impression should hardly be regarded as an 'information proxy', since the choice between different options was limited prior to deliberation. Consider the example of Tomorrow's Europe, a deliberative survey conducted at the European Union level in 2007 (see Fishkin 2011, 183–189). The panellists were asked to give their opinion on issues dealing with economy, social justice, and the welfare state. One important point concerned pensions. Four questions dealt with the funding of the public pension scheme. Interestingly, no proposition suggested the extension of the welfare state or the taxing of the wealthiest. Rather, the propositions suggested 'letting more immigrants enter the labour market' (Q5a), 'making it more attractive to work longer before retiring' (Q5b), 'raising the retirement age' (Q5c), and 'encouraging people to have more children' (Q5d). At the end of the process, Q5b was the most favoured and Q5a the least. Does this mean that, under ideal deliberative conditions, this minipublic thought that 'making it more attractive to work longer before retiring' was indeed the best option for pension reform? Should this be seen as a 'trusted information proxy' for non-deliberating citizens who didn't know that, for example, no option on taxing the wealthiest was being deliberated? Rather, if citizens' deliberations are to be regarded as trustworthy sources of information, they should be unfettered and unframed prior to deliberation.

And they should not be framed during the deliberative phase – which brings me to my second point.

The challenges of impartiality and resistance to influence in DMPs have been well described and addressed in the literature (see Courant & Baekelandt 2023, Landwehr 2014, Lang 2008, Myers 2017, Spada & Vreeland 2013, Sunstein 2016, Tucker & Gastil 2013). Resistance to influence is an ambivalent issue when it comes to minipublics, as it can be seen both as an asset of minipublics and as one of their main weaknesses. On the one hand, non-deliberating citizens should be entitled to trust their randomly selected peers more than their elected representatives, on the grounds that the latter may be beholden to interest groups (because they have financed their election campaigns and may also finance their re-election campaigns, provided the representatives act according to the wishes of that lobby group) or because they are obliged to obey „party discipline“ (if they want to be allowed to stand for that party in the next election), whereas the former are generally elected for a fixed term and are therefore more free to act according to the more long-term common interests. This certainly tends to make DMPs more resistant to partisan influence. On the other hand, however, several studies have shown that many different actors can influence the deliberations of randomly selected panelists throughout the process, from public officials or civil society activists when they are involved in the deliberations (Courant & Baekelandt 2023), to experts (Lang 2008) and even moderators (Spada & Vreeland 2013). This form of “active” influence is well known and well addressed, and I will not develop it further here.

Rather, I would like to point to another form of influence, perhaps more insidious because it is more “passive”. I am referring here to the situation where randomly selected panelists lack so much basic knowledge and information about the issue they are supposed to be deliberating on that, when asked to speak and express their supposedly own opinion, they adopt any pre-fabricated opinion. Lacking information, they tend to repeat what they have heard in the media or even in a trivial family discussion, just to be part of the group, to participate or to “say something”. Take the example of this panelist at the European Citizens' Assembly, who was asked to give his opinion on the rule of law in the EU. He regretted that neither he nor his fellow panelists knew anything about the subject and that they had not been given basic information before the deliberation – basic information which would have allowed them to use the experts' testimonies to build up their own considered opinion. Without this, he regretted,

‘You're going to have a lot of people who, in the end, are just going to follow the majority, or just follow ideas like that, which they catch on the fly, but which in the end won't really be their own ideas. (...) I think that if you don't explore by yourself, you're just going to let yourself be guided, and be carried along by the flow’ (Ballangé 2023, 22).

This lack of basic information, at least when it comes to DMPs that might be seen as more “technical” (such as those on the functioning of the EU), may have major consequences for the validity of the claim that DMPs should be

seen as ‘trusted information proxies’. Indeed, what kind of trustworthy information can be generated by panelists who themselves lack information to such an extent that they are susceptible to any kind of passive influence to stay in the deliberation? In this sense, DMPs should only be considered ‘trusted information proxies’ if the deliberating panelists themselves have received trustworthy information (i.e. facts, issues at stake, challenges) about the topic they are going to deliberate on prior to the deliberative moment. Indeed, the value of minipublics is that among the pool of available information proxies that citizens have to make up their minds on a given issue, DMPs may be a reliable candidate because they imply a contradictory debate based on considered opinions that are likely to leave room for the ‘forceless force of the better argument’ (Habermas 1998). But if this contradictory debate is based on weak premises in terms of epistemic content, even the best process in terms of deliberation can't deliver trustworthy information to the general public.

4. Trust in minipublics' representativeness: upgrading the 'like you and me' argument

In the previous section, I developed a critical account of the trustworthiness of DMPs in terms of throughput legitimacy, that is, in terms of the epistemic quality of the deliberative process. Here I will focus on the trustworthiness of DMPs in terms of input legitimacy, which refers to the representativeness of the minipublic from a demographic point of view. In this context, is the representativeness of DMPs trustworthy to the extent that non-deliberating citizens should trust the deliberations of their peers because they have good reason to believe that a given minipublic is sufficiently diverse in its composition to be able to express and reflect (potentially) all the opinions of the wider public?

One of the best-known arguments for the legitimacy of randomly selected minipublics is that they bring citizens ‘like you and me’ to deliberate on issues that are generally privatised by elected officials whose economic, social, and cultural backgrounds make them express interests that may be quite distant from the interests of ordinary citizens. And unlike elected representatives, whose mandate is to represent the general interest of a given society (Urbinati 2019), the randomly selected citizens of minipublics appear to be better candidates to represent the interests of the various groups in a constituency because of their ‘situated knowledge’ (Young 1997, 399), that is, their specific experience. Because minipublics are composed of random – but stratified – individuals, they are seen as a platform that sociologically reflects a society's full diversity. Since they are composed of individuals who ‘are supposed to think, discuss, and give their views as the population on the whole would do,’ they ‘ensure the “descriptive” nature’ of representation better than any other mechanism based on elections (Sintomer 2023, 189).

In its non-essentialist conception (Mansbridge 1999), descriptive representation refers to the actualisation of the political ‘presence’ (Phillips 1998) of all the sub-groups that

make up a constituency, including those disadvantaged or marginalised groups whose voices and interests are generally underrepresented or misrepresented through the traditional channels of ‘liberal representation’ (Williams 1998). Descriptive representation brings complementary functions to substantive representation, including a promising response to societies facing growing mistrust and an innovative way of tackling issues that can no longer be addressed traditionally⁵.

If minipublics seem to be the best candidates for actualising the descriptive nature of representation, it is because their specific mode of selection – based on lottery but stratified – allows the largest possible sample of the population to express their opinions and interests and to create ‘a social meaning of the “ability to rule” together’ (Mansbridge 1999, 628). As long as the selection process follows a fair stratification process, based for example on criteria such as a fair balance in terms of age, gender, socio-economic and cultural background, place of residence, etc., it is a safe bet that DMPs will indeed offer the best possible option in terms of demographic representativeness. In this sense, they should generally be trusted, and non-deliberating citizens should feel entitled to trust that the deliberations of their peers are likely to be trustworthy in terms of demographic standards.

But representativeness cannot – and should not – be reduced to demographics. Imagine a scenario where a DMP is perfectly representative of a particular electorate in terms of demographics, but it is made up mostly of highly politicised citizens, or Europhiles, or climate change deniers – would such a minipublic be descriptively representative of the electorate as a whole? In this respect, minipublics that take attitudinal perspectives into account in their selection process should be considered more representatively trustworthy than those that rely solely on demographic criteria. If I can be sure that not only young non-white men, but also conservative non-white women, progressive old men, apolitical suburbanites will participate in a minipublic, then I have more reason to trust that my opinion (and not only my experience) will at some point be represented by someone ‘like me’.

Let us take the example of the 2021-2022 European citizens' panels. As no attitudinal criterion was introduced in the sorting process, these panels appeared attitudinally homogeneous to several observers and deliberating panelists. As Bailly reports:

‘When I surveyed the citizens, [some citizens] emphasised the lack of representativeness of the citizens' panels,

⁵ In Mansbridge's words: ‘For two of these functions – (1) adequate communication in contexts of mistrust, and (2) innovative thinking in contexts of uncrystallized, not fully articulated interests – descriptive representation enhances the substantive representation of interests by improving the quality of deliberation. For the other two functions – (1) creating a social meaning of “ability to rule” for members of a group in historical contexts where that ability has been seriously questioned and (2) increasing the polity's de facto legitimacy in contexts of past discrimination – descriptive representation promotes goods unrelated to substantive representation (1999, 628).’

with at least 5 of the 31 citizens interviewed insisting on it. One of them was a German citizen in her 30s: “You should pay attention to a greater diversity of people and not only people who are pro-Europe” (2023, 19)

Given that the trustworthiness of minipublics rests largely on their ability to give voice and represent the diversity of a given electorate, the very fact that they may not empirically reflect its diversity of opinion, and may even promote greater homogeneity among the deliberating panelists, is enough to cast doubt on the legitimacy and trustworthiness of their input. Indeed, if experiences and profiles are more likely to be similar in a parliamentary assembly than in a randomly selected citizens' assembly, the contradictory dimension of the deliberations is at least guaranteed by the partisan mode of selection. However, since citizens' panelists are not selected for their ideas and opinions, the risk of opinion homogeneity – which is real because citizens contacted to participate are free to decline the invitation, thus turning random selection into self-selection (Isernia et al., 2014) – must be mitigated by adding attitudinal criteria to the selection process. Opinion pluralism, and not just sociological pluralism, is essential to ensure a true representation of the public from which these minipublics are sampled. Furthermore, the dimension of ‘reciprocity’ (Forst 2012) in citizen interactions ensures trustworthy deliberation, as it implies that a certain dose of fair ‘contradiction’ (Manin 2021) is encouraged in the course of deliberation. If these criteria are met, I can trust the deliberations of my peers because I can trust the process itself, on the grounds that everything has been done to ensure that the widest possible range of experiences and opinions – including, most likely, mine – have been given a voice.

5. From internal deliberation in minipublics to interactional deliberation between minipublics and the general public: the ‘minipublic bubble’ problem

To introduce my final point, I would like to return briefly to an issue that I only alluded to at the end of the previous section, and which is still largely underestimated in the literature on DMPs: the very low acceptance rate of those drawn who actually agree to participate in a DMP. It should be remembered that, unlike a jury in a legal context, randomly selected citizens in a minipublic are not obliged to accept the invitation to participate in a panel. In other words, participation in citizen panels is not compulsory. Drawn citizens are free to decline the invitation without having to justify their decision. And the fact is that only a very small proportion of people invited to take part in a deliberative experiment usually agree to do so. In the case of the ECPs, for example, it was less than 10%. As a result, citizens who agree to take part in these experiments are likely to share some predispositions that go beyond sociological and attitudinal characteristics. For example, they may be more interested than the average electorate in participating in panels for several

hours, they may be more inclined to express their opinions in public, they may feel better equipped to contribute to the common good, and so on.

This empirical limitation raises the important question of self-selection in the selection process of minipublics and questions the insularity of DMPs in terms of democratic deliberation. If 90% of a representative sample of a given electorate refuse to participate in a citizens' panel to share their experiences, opinions and ideas, to what extent do the deliberations produced in a minipublic really reflect the wishes, fears and needs of the macropublic? In other words, how can the internal deliberations of these very few panellists be better linked to the public from which they are drawn? Making the selection process compulsory would be unsatisfactory, as it would turn free participation into authoritarian participation and create a potentially traumatic experience for citizens who do not feel safe expressing their opinions. Instead, I will argue here for greater interaction between randomly selected panellists and their non-selected peers to mitigate the constitution of a disconnected ‚mini-public bubble‘⁶ (Vrydagh 2023).

My contribution is mainly normative, elaborating on the notions of publicity and transparency in order to mitigate the risks inherent in trust and, consequently, to foster greater reasonable trust between minipublic panellists and the general public. My point here is not that trust is such a dangerous attitude that we should replace it with a search for pure transparency, which would suspend the very logic of trust – e.g. if you are so transparent with me that I know everything about you, I do not need to trust you because there is no uncertainty left. Rather, my point is that a certain amount of transparency is necessary to make trust less risky for the trustor. Another way of saying this is that transparency helps us to reduce the amount of trust required when using randomly selected minipublics. However, we need reason to trust that what is presented to us as the transparent functioning of the DMP is actually transparent – hence the requirement for publicity.

Trust, especially when it comes to democratic politics and involves distant citizens, rests on a fundamental uncertainty. No principal can ever be sure that her or his agent will act in accordance with the warrant he or she was given. In other words, trust implies a risky attitude which consists in betting, more or less rationally, on someone else's trustworthiness. The warrant need not be explicitly expressed – you do not have to repeatedly ask your friend to behave trustfully with you – but commitments and sanctions are a good way of

⁶ The issue of preventing the constitution of a ‚mini-public bubble‘ is attracting increasing interest in the literature on democratic innovation, as evidenced by the recent special issue of Representation, ‚From Mini-publics to Mass Publics‘, coordinated by Suiter and Deligiaouri in 2023. The challenge here is to increase the ‚output legitimacy‘ of DMPs, i.e. the way in which they reflect and defend the interests and opinions of the wider public. Building on the ‚systemic turn‘ in deliberative studies (Parkinson & Mansbridge 2012, Blondiaux & Manin 2021), but focusing primarily on unelected deliberative arenas, these studies aim to bridge the gap between microscopic enlightened participatory democracy and mass democracy (see Chambers 2009).

promoting trust.

Indeed, warrants and sanctions help to stabilise trust because these mechanisms formalise and protect the relationship between the trustor and the trustee. But what if there is neither clear warrant, nor sanctions? In our case, how to stabilise trust between non-deliberating citizens and their deliberating peers if their relationship is based on no warrant and no sanctions? Can the expectation that the minipublic will act in accordance with the common good be a sufficient reason to trust their decisions? Perhaps – but for this statement not to be overoptimistic, the criterion ‚consistent with the common good‘ should be verifiable by the wider public, and greater interaction between minipublic panellists and non-selected citizens should be encouraged.

This can be achieved minimally by establishing a platform where non-deliberating citizens are first offered the opportunity to give their opinions; then, in a second step, this platform serves as a basis for the DMP's deliberations. A general poll could also be organised in a first round; then a DMP can be constituted to elaborate on the poll's outcomes. Conversely, a referendum can be organised at the end of a deliberative experiment to allow non-deliberating citizens to have their say on the DMP's recommendation. However, if non-deliberating citizens do not have access to discover how the deliberations were led in the DMP, they will have very little information to vote on the recommendations of their peers. Hence the option of a deliberative process based on the ideal model of a recursive loop.⁷ A recursive loop occurs when a procedure keeps making calls to itself repeatedly, thus forming a potentially never-ending loop. Recursion is the process where the output of one iteration from a procedure becomes the input of the next in a separate procedure. Applied to the case of public deliberation, recursion occurs when an issue *y* is first exposed to the general public through, for instance, a poll or a dedicated platform. Then *y* and the reactions provoked by *y* are discussed in a randomly selected minipublic. At that stage, where the public's outputs have become the minipublic's inputs, the minipublic should be asked not only to give opinions and recommendations, but also to formally display justifications capable of enlightening the reasons why this or that recommendation has been preferred to another (Steenbergen et al. 2003, 28). Then, *y* is resubmitted to the general public, this time accompanied by a set of recommendations and justifications. The minipublic's output becomes the public's input again. And so on and so forth. Ideally, the more rounds this recursive loop includes, the better. But in a non-ideal translation of the recursive loop model, we could consider that the general principle is met when the public is given back the opportu-

⁷ My case for a ‚recursive loop‘ in deliberation borrows from Habermas's ‚two-track model‘ (1998) and Dryzek's ‚feedback loop‘ (2009). In these models, the recursion occurs between institutionalized bodies and the public sphere (Habermas), or between the empowered space and the public space (Dryzek). By contrast, my proposal situates the recursion within the public sphere/space. In other words, my recursive loop occurs between citizens deliberating in minipublics and non-deliberating citizens in the public. It aims at democratizing the elitism intrinsic to deliberative mechanisms through the greater inclusiveness of mass participation.

nity to vote on a decision (step 3) after having taken note of the considered and justified opinions of their peers (step 2) concerning an issue that everyone had first the possibility to discuss (step 1). But for step 3 to be trustworthily achieved, a certain dose of transparency is required.

This dose of transparency, aimed at reducing uncertainty without suppressing it – otherwise trust would no longer be needed – could be achieved by making more public the way in which minipublics approach their deliberations. Specifically, more transparency could be achieved if panellists were asked to make public the reasons that led them to privilege this or that recommendation during their deliberations. These written statements would consist of the reasons and arguments mobilised in order to reach a decision, be it on a methodological or substantive issue. Any methodological or substantive decision that could be summarised and adopted in this „justification“ file would be considered trustworthy, provided that this file is made public without any editing on an ad hoc platform.

This process of producing ‚justifications‘ was, for example, tested during the 2021-22 European Citizens' Panels. During the third weekend, citizens were invited to define in a framework document the reasons why they thought it was fair and necessary to propose this or that ‚recommendation‘ to the European institutions. One of the citizens from each sub-group was then asked to go to another group and present the recommendations of his or her group, trying to defend them on the basis of the reasons given in the document.

Thanks to this mechanism, DMPs would be required not only to produce ideas and recommendations but also to give the reasons why their output is based on the „better arguments.“ On the other side, the non-deliberating public would have greater access to the framing and content of the minipublic's deliberation, so that they would have good reasons to actively decide to trust – or not to trust – the deliberations of their peers.

Conclusion

This paper has argued that non-deliberating citizens – that is, all non-expert citizens who are neither part of a minipublic nor part of the professionals directly or indirectly involved in democratic innovation – should develop an attitude of ‚contingent trust‘ when it comes to assessing the deliberations of randomly selected minipublics. By ‚contingent trust‘ I mean that they should not trust them out of principle, because they are invited to do so in the name of the general interest, or because it would be more convenient, or because it would be rational to trust those who are said to think and speak like them. ‚Contingent‘ means that non-deliberating citizens should trust DMPs if and only if they autonomously judge that such DMPs deserve to be trusted. Indeed, what we should be looking for is not trust per se, but justified trust, based on criteria that prove the trustworthiness of DMPs, i.e. do minipublics present arguments that are generalisable, consistent with the common good, sensitive to conflicting opinions and the diversity of the constituency, fair, indepen-

dent, and informed?

To this end, non-deliberating citizens must at a minimum be given the opportunity to monitor the deliberations of their peers, and at a maximum be included in the deliberative process through a recursive loop between the public and the minipublic. I have given some concrete examples of these options, the simplest mechanism being the creation of an ad hoc platform where all recommendations discussed by the minipublic would be publicly displayed and justified. As for the ‚recursive loop‘ process, I have suggested that an initial general poll could be used as the basis for the minipublic's discussion, so that the public's output becomes the minipublic's input, and the minipublic's output becomes an updated input for the public, who would then have a fair, considered judgement on the issue they would have to vote on. Such a mechanism would undoubtedly be of great interest to all theoreticians and practitioners interested in narrowing the gap between niche deliberation and mass participation.

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