

Agenda-setting and Monitoring Citizens' Assemblies: lessons from the Ostbelgien Permanent Citizen Dialogue

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In recent years, the involvement of citizens into the process of law-making through direct or participatory mechanisms has increased substantially. Citizens' Assemblies, often also referred to as mini-publics (Grönlund, Bächtiger, and Setälä 2014), have become one of the most prominent examples of this trend. Often believed and presented as a solution to cure a growing distance between citizens' lived experience and political decision-making due to, for example, the decrease in partisan affiliation and trust in government (Michels and De Graaf 2010), the deliberation within Citizens' Assemblies is thought to provide decision-makers with consensus-based recommendations and thereby 'improve' the legitimacy of subsequent laws and policies (Geissel and Newton 2011; Geissel 2022). Within the realm of public administration, the integration of the public through consultative and deliberative mechanisms into decision-making is also argued to further solidarity, foster support and build-up momentum for policy decisions (He and Ma, 2021; Nabatchi and Amsler, 2014). The underlying presupposition is that, due to both the random character of participant selection as well as the expertise transmitted throughout the process, these recommendations reflect more or less shared ideas of the public (Fishkin 2018). Consequently, consensus-oriented recommendations and the lived experience they reflect would allow political decision-makers to integrate citizens' voice more concretely into the policies and laws they decide upon and thereby redefine the relationship between the public and the state (Ansell and Gash, 2008; Dupuy and Defacqz, 2021) which – at least in the long run – may ease the malaise of democracy (Smith 2009).

So much in theory. In practice, many of today's Citizens' Assemblies are marked by little to no follow-up making it difficult to scientifically evaluate the actual impact of Citizens' Assemblies or other innovative mechanisms on public decision-making and beyond (King and Wilson, 2023). The institutionalisation of certain mechanisms, as we can currently observe on the regional level in Belgium, therefore provides a first evidence to investigate the effectiveness of citizen participation in politics and law-making. This paper's study case, the Permanent citizens' dialog of the German-speaking community is the first Belgian experience to have been institutionalised within the subnational parliament (Macq and Jacquet 2023; Reuchamps and Sautter 2022). Its design foresees a formalised process through which citizens communicate and follow-up on their recommendations at several points in time. Therefore, parliamentarians are, firstly, bound to take a position on the issues and propositions addressed by the citizens, and, secondly, bound to provide evidence on a potential implementation or integration into policy-making (Niessen and Reuchamps 2019a).

At the time of writing, three years after its instauration, the Permanent Citizens' Dialogue concluded its first two cycles of citizen deliberation in 2022. Two subjects, health care and inclusive education, went through the four phases of the process, that is the phase in which citizens begin to deliberate, the phase of recommendation finding, the phase of recommendation drafting, and the phase in which the recommendations formally enter into

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the law-making process once they are presented and justified in front of the parliament. This article takes a step back and compares the impact of these two citizens' assemblies by exploring whether the recommendations have had a substantial effect on law-making. It furthermore investigates the subsequent short-term impact of the process on participating citizens by relying on ethnographic observations. Thereby, and in contrast to existing literature (van der Does and Jacquet 2023), the article takes a more holistic and nuanced view on the short-term effectiveness of citizens' assemblies by delving into the details of the deliberative process in the Belgian German-speaking community.

The impact of citizen assemblies: Stepping out of the design box

While there are many forms of citizen participation in legislation (Hendriks and Kay 2019; Leston-Bandeira and Thompson 2017) that come in all shapes, sizes and constraints (Nabatchi and Amsler, 2014), over the last decade, citizens' assemblies have become one of the preferred tools for citizen participation. These small-sized and deliberation-focused gatherings attempt to mirror the wider public through stratified random sampling in order to enable the discussion of important political and societal issues for a few days, a few weeks and sometimes even a few months. In the wake of the 'deliberative turn in democracy' (Blondiaux and Manin 2021), these citizens' assemblies have received increasing scientific and practical attention. Their advocates often promoted the idea that involvement of citizens into the decision-making process of public authorities would enhance internal and external political efficacy by stimulating values such as solidarity, trust, empathy and tolerance (Dryzek 2000; Mansbridge 1980; Pateman 1970) and could even be able to overcome salient societal divisions or break political deadlock (Dryzek 2005; O'Flynn 2006; Caluwaerts and Reuchamps 2014). Their proposition comes in a context of growing political awareness and dissatisfaction from the side of citizens (Dalton 2004; Norris 2011) that appears to go hand in hand with a declining trust in the performance of and satisfaction with public institutions (Newton 2011). Many scholars have thus argued that increased citizen participation may augment the quality and legitimacy of public decision-making by, for example, bringing in citizens' experiences as both information and reality check for political elites or by bringing politics closer to citizens (Geissel and Newton 2011; Lefebvre, Talpin, and Petit 2020; Caluwaerts and Reuchamps 2020). As a result, much empiric evidence results in recommendations on how to better design deliberative mechanisms (Alcaide Munoz et al., 2023; Berardo et al., 2014; Byrer, 2013; Gunton and Day, 2003; Ianniello et al., 2019; Junius, 2022; Smith, 2009).

Yet, already before the mushrooming of citizens' assemblies across the globe, Fung (2006) argued for a need of stepping out of a restrained optic on deliberative mechanisms and promoted the need for a more holistic approach to the analysis of deliberative mechanisms. He sustained that it would be necessary to reflect upon both the side of expectations towards increased citizen participation – that is which objective is ought to be fulfilled, which larger issue is ought to be solved – as well as the effectiveness, how and if citizens are reacting to these expectations and are getting listened to. These calls for a more holistic perspective on citizens' deliberation are today mirrored in systematic approaches within the scholarship on citizens' assemblies (Dryzek, 2010; Jacquet and van der Does, 2020; Nabatchi and Amsler, 2014). Why is a holistic perspective indispensable? With many decision-makers having the objective of citizens' reintegration into democratic politics in mind (Macq and Jacquet, 2022; Reuchamps and Sautter, 2022), the question of the impact of citizens' assemblies becomes

not only a question of causal and direct political output, but a question of political empowerment, that is citizens' factual ability to shape and contribute to the formulation of legislative texts and policies (March and Olsen, 1984). In fact, this is precisely where the potential transformative power of citizens' assemblies lie: Aiming at the empowerment of citizens, the philosophical idea behind participatory repertoires and mechanisms redefines the establish power balance between citizens and elected representatives by transforming everyday people into holders of political influence, direct or indirect (Dahl, 1957; Fung, 2004). Deliberative variants in general, and Citizens' Assemblies in particular, may go – in many cases – as step further by turning citizens into topic-related “agenda-setters”, or even “co-legislators”, through precisely formulated demands and recommendations (Smith, 2009). From this perspective, the case of the German-speaking community presents a crucial one.

In 2020, the German-speaking community of Belgium decided to launch the Citizens' Dialogue, for a variety of reasons (Niessen and Reuchamps 2019b), among which also improving the relationship between politicians and the greater public. The dialogue is composed of a Citizens' Council (*Bürgerrat*) of 24 members drawn by lot. The *Bürgerrat* is tasked with the organisation of regularly occurring mini-publics (*Bürgerversammlung*). It is the council that surveys the public and political level on topic suggestions and ultimately phrases the issues to be discussed by the randomly selected members of the different *Bürgerversammlungen*. At the end of each assembly, citizens draft a recommendation document on the issue that is then presented to the competent parliamentary committee and ministers. By decree, both members of parliament and ministers are bound to submit reasoned opinion on the further path of the recommendations to the *Bürgerrat* and the respective *Bürgerversammlung*. The dialogue is thus characterised by an obligatory follow-up where recommendations are expected to be realised in parliamentary or governmental action. A final report published a year after the submission of the recommendations to parliament precisely serves this purpose.

For this given mechanism, impact may be defined as the citizens' ability to alter or propose legislation that had not yet been implemented, or was not intended to be implemented. Without measurable impact, there may be no power. Although the Dialogue's recommendations are not binding, one could hypothesize that the mechanism may be impactful for two reasons. First, due to the publicity of the specific issue and the democratic character of the task, politicians may feel reluctant to go against citizens' recommendations even though they may go against political priorities. Second, due to the Follow-up process, citizens can directly control politicians actions, which means that politicians may experience a more sustained pressure by participating citizens to advance on the successful implementation of recommendations. However, this impact requires not only a factual, but a subjective side. Participating citizens need to *feel* as if they are able to influence political decision-making throughout the process, otherwise the empowering and altering element of deliberation may arise.

Methodology

This study relies on a multi-modal approach to assess the effectiveness and thus impactfulness of the Permanent Citizens' Dialogue in the German-speaking community of Belgium. The notion of impact is defined in both factual and experienced terms. Factual is the ability of

participating citizens to directly influence law- and policy-making with recommendations contributing to policies and laws in a way that provides new, unheard or altering (Dahl, 1957). Experienced impact, that is the feeling of empowerment and individual evaluations of participants' ability to influence political decision-making. To determine the factual legislative impact of both the BV1 and BV2 in East Belgium, a content analysis of the final reports published by the Parliament of the German-speaking Community in 2022 was conducted. These reports represent a summary of the political developments regarding each of the assemblies' recommendations. The presented argumentation by the political level allows at least for a preliminary judgment about the impact of BV1 (14 recommendations) and BV2 (31 recommendations), which have completed a full cycle, that is from the call for subject proposals to the final hearing in parliament. The final statements of the political level of East Belgium provide comprehensive insights into the actual evaluation of the feasibility of the recommendations as perceived by both the parliament and government of the German-speaking community. In a first step, we have analysed the overall level of endorsement by the political authorities based on the report (Appendix X). In a second step, we summarised the reasons why the political level supports the recommendations or not in the first place. This explanatory element will allow us to analyse the contributory ability of each recommendation (e.g., is the recommendation new and or different to already existing plans in the policy area?; are decision-makers cherry-picking in line with already existing plans?).

For the subjective perception of impact, we rely on ethnographic observations collected during the full cycles of BV1 and BV2. The challenge of studying this new process was that it is quite literally "history in the making" with few indicators of what to expect in the process or what data may emerge. For this reason, we chose participant observation and "systematic seeing" (Mills et al., 2010) which enabled "ground level insight" to the Bürgerdialog process (Bayard De Volo and Schatz, 2004). We attended all meetings of the Bürgerversammlungen and all follow-up meetings in parliament either in person or online². Additionally, we attended some of the meetings of the Bürgerrat and kept in consistent dialogue with the permanent secretary. Our impressions were recorded in field notes which for the purpose of this paper were used to illustrate the design and delivery of the Bürgerversammlungen and scrutinised for evidence of "experienced impact" or lack thereof.

The consideration of subjective elements also allows us to compensate for a limitation of the reports. Those remain, after all, political documents that may not fully reflect the experienced reality of politicians and citizens. Instead, they merely represent the results of the process. A perfectly accurate description of why politicians have decided in a way, or another may not be politically feasible. At the same time, we need to be aware that our ethnography represents a snap shot of the main proceedings of the process but falls short of providing a full picture. For example, it was not possible to closely observe all groups during breakout sessions in meetings of the Bürgerversammlungen or Bürgerrat. Further, we have only limited insight to how much participating citizens engaged with each other outside of the formal meetings. Finally, we were restricted to handwritten notes and did not have permission to record proceedings.

Findings

² We preferred to observe in-person, however, during the Covid19 pandemic there were restrictions on the number of people permitted in the meeting venue. On these occasions online tools were used to continue the observation.

In 2022, the Citizens' Assemblies on Care and Inclusion came to an end. The final report provided extensive insight into the realisability and state of progress of each recommendations by the political level, comprising both statements by the government as well as the competent parliamentary committee. As summarised in table 1, for both Assemblies only a minority of recommendations were adopted without modifications. While we *do* observe that, in general, the ideational support towards the majority of recommendations predominates, meaning that politicians generally tend to endorse rather than oppose recommendations, a plurality of recommendations are often modified to such an extent that the underlying telos of some is altered. As we will illustrate further below, this means that not only can we observe a redefinition of the suggested policy instrument but a change in direction that contrasts the original intent.

| | Bürgerversammlung 1 - Care | Bürgerversammlung 2 - Inclusion |
|-----------------------------|-----------------------------------|--|
| Full support | 2 (15,4%) | 6 (19,4%) |
| Partial support | 7 (53,8%) | 11 (35,5%) |
| ... with minor modification | 3 | 4 |
| ... with major modification | 4 | 7 |
| Exists already | 4 (30,8%) | 5 (16,1%) |
| ... positive response | 4 | 2 |
| ... negative response | 0 | 3 |
| Refusal | 0 (0%) | 9 (29,0%) |
| Total | 13 | 31 |

Table 1. Categorisation of recommendations by level of endorsement for BV1 and BV2

Furthermore, a significant change can be observed between BV1 and BV2. From a purely numerical perspective and by presupposing a definition of success that satisfies itself with a high number of recommendations being ultimately integrated into the political agenda without considering their content, one may argue that the recommendations of BV1 were significantly more 'successful' than BV2. Contrary to BV1 on care, more than a third of the recommendations on inclusion were not substantially integrated into public decision-making by political authorities. Nonetheless, a critical observer will ask why recommendations elaborated by citizens during the course of six weeks are rejected by the political level in the first place and why some of these recommendations are judged to already exist. For some part, the explanation can be found in the fact that both BV1 and BV2 were interrupted by the pandemic, leading to a decrease in the number of participants as well as long breaks between reunions. Thereby, the ability of participants to assemble and critically scrutinize the necessary information suffered which may have decreased the realisability and thus quality of some recommendations. However, this cannot be an exhaustive response either and the fundamental questions about the power balance within the process remains open. To provide a deeper insight into this challenge, we thematically analysed the justifications as presented by the political level.

| | Bürgerversammlung 1 - Care | Bürgerversammlung 2 - Inclusion |
|--|-----------------------------------|--|
| | | |

| | | |
|---|---|---|
| Full endorsement | <ul style="list-style-type: none"> · Context | |
| Partial endorsement <i>with minor modifications</i> | <ul style="list-style-type: none"> · Respect of institutional leeway · Policy not generalisable | |
| Partial endorsement <i>with major modifications</i> | <ul style="list-style-type: none"> · Outside scope of competences · Deontological objections | |
| Exists already <i>positive response</i> | <ul style="list-style-type: none"> · Improve visibility, accessibility, transparency | |
| Exists already <i>negative response</i> | / | <ul style="list-style-type: none"> · Existing policy suffices |
| Refusal | <ul style="list-style-type: none"> · Outside scope of competences | <ul style="list-style-type: none"> · Sufficiently covered by other recommendations · Lack of resource · No task of political institution · Deontological objections |

Table 2. Summary of Justifications as presented in the final reports in parliament

Interestingly, only for the last two categories, "exists already (negative response)" and "refusal" the presented justifications differ fundamentally from each other. For the category "full endorsement", moreover, often no explicit justification is explicated in the document. This, however, is in alignment with Art. 9 §2 of the Decree on the Establishment of a permanent Citizens' dialogue in the German-speaking Community. For this specific category, our analysis also highlighted the importance of contextual elements, especially when recommendations ideationally matched with reform initiatives. For example, with regard to Recommendation 1 and Recommendation 5 of BV2 on Inclusion, representatives stated that integrating inclusive pedagogy into the obligatory curriculum of the teacher educational programme as well as the formative programme for educational managerial staff would align with ongoing educational reforms. Similar is the case of initiated reform proposals to improve the working conditions of caregivers (recommendation 8 of BV1). Although not explicitly foreseen by the government, the underlying ideas of the recommendations to improve communication with the public (recommendations 16, 28 and 29 of the BV2) have also been fully implemented and reflected the government's reform plans on public communication.

Recommendations were often modified to a minor extent when a recommendation went too far and thus limited the discretion of stakeholders or when, according to policy makers, the suggested solution was difficult to generalize. Recommendation 6 of BV1 on Care, for example, proposed involving residents of care facilities in institutional decision making. Policymakers were convinced by the underlying philosophy but found that this involvement should only be systematically introduced for all *future* projects rather than reorganizing all existing facilities. In contrast, recommendations were endorsed in a majorly modified form when they were not feasible in their original form. Reasons given were, first, that the recommendation fell out of the scope of possible actions of the DG, e.g., that the desired behaviour of the intended target group could not be forced upon them, and second, that an implementation of the recommendation in its original formulation was objected for ethical reasons. In this case,

although the philosophy behind the recommendation was preserved, the recommendation remained largely non-implemented and was used instead for an entirely different approach.

A particularly relevant example is their Recommendation 1 of BV1. The recommendation attempts to tackle a decline in interest in the professional education for nurses and other caregivers. Citizens held that the educational programme of the German-speaking community was not sufficiently competitive compared to neighbouring Germany. Thus, they suggested to organise multiple educational formats between which students could easily transfer, which would thus also allow for increased flexibility for students. Both the government and the parliament, however, insisted that the German-speaking community could not act without concerting with the Dutch-speaking and French-speaking community. Furthermore, while generally agreeing with the need to solve the issue, they feared that the suggested policy would lead to a decrease in quality of the educational programme. Instead, they suggested to generally decrease the access barriers for those students that had already completed lower professional education in the care sector in order to generally enhance the professional through-flow. The complications related to Belgian federalism and the complexity of attributed competences to lower levels of government also played a role in the refusal of some recommendations. Recommendation 11 of BV1, which asked for increasing the accessibility of patient files, fell outside of the German-speaking community's scope of competences. For BV2, however, the difference in argumentation also highlights the problematic caused by the pandemic on the declining number of participants. Most of the rejected recommendations were esteemed to have been sufficiently covered by broader recommendations or simply to be purely symbolic in character and thus not within the scope of action of the political authority. Some of the recommendations refused for these reasons were proposing thematic days (Recommendation 21, 27) or spaces of exchange (Recommendation 18, 31) on the subject of inclusion within the German-speaking community.

Interesting is especially the difference in reaction of recommendations that are understood to "exist already". While for some, the reaction was positive and the German-speaking community admitted to shortcomings in terms of communication, that is visibility, transparency and accountability, a number of recommendations from BV2 were judged to exist already without requiring any further reaction of the German-speaking community. The political level thus noted for example that self-help groups (Recommendation 17) or inclusion throughout early-life education (Recommendation 22) was already sufficiently developed in the community. These misunderstanding in what offers already exist is likely also a consequence of the pandemic, but if reoccurring at later *Bürgerversammlungen* may require a reflection on the design and the integration of experts in the process.

Assessing our ethnographic account of the Bürgerdialog helps to identify possible shortcomings in the design and delivery of the Bürgerversammlungen. Further, it shows that the relative success of BV1 based on the absence of rejected recommendations could be seen more critical when taking into account the citizen reactions that were not recorded in any formal protocols.

In both assemblies, we observed dynamics of heavy reliance on the moderator and permanent secretary. For example, in the first meetings after the interruptions of BV1 and BV2, the moderator offered his summary progress made so far and set the agenda for the

work going forward accordingly. He focussed on points made by experts who spoke to the assemblies and generally disregarded points that emerged from the citizens themselves. For the hearing of experts, both BVs relied on the suggestions made by the permanent secretary who in turn relied on the availability of these experts she had shortlisted (which was often limited due to the pandemic context). These shortlists were almost exclusively focussed on experts based in East Belgium. There was no demand for other expertise from the participating citizens and only very few participants brought in their own knowledge or research. There was also no consultation of other possible resources (e.g. videos or reports), the main mode of learning about the set topic was listening to presentations by the experts followed by Q&A primarily driven by the moderator. Further, we observed that very little time was spent during the Bürgerversammlungen on enabling participating citizens to understand the Bürgerdialog process overall and their role in it. The focus was set on listening to select experts from day one. A briefing on the competencies of the German Speaking community within the topic area or on existing policies and projects relevant to the topic did not take place. This may explain why the theme of recommendations already existing or being primarily symbolic emerged strongly in our content analysis.

We also observed that citizens who did do their own research into the topic became very much invested into it and made them a driving force in the development of recommendations. This kind of personal investment also prompted the participants to continue their engagement in the Bürgerrat after the BV finished. Our observation of the Bürgerrat pointed towards multi-layered challenges. There is a clear prescription of the formal follow up of recommendations in parliament, however, the decree does not define how follow-up should be conducted between the sessions in parliament. This meant that the members of the Bürgerrat had to develop strategies for the follow-up and were unsure of expectations set on them or what they could expect from the political side. Again, a strong reliance on the permanent secretary, who suggested tools (such as keeping a tracker for the recommendations) and gave insight to the parliamentary process, became apparent. Essentially, during the period under examination, the Bürgerrat was learning how to structure their work efficiently while also keeping up with the task of follow-up of two BVs simultaneously (as the pandemic had delayed the follow-up of BV1 to a point where it overlapped strongly with the follow-up of BV2). This led to a feeling of being overwhelmed and a decision to limit the number of Bürgerversammlungen to one per year and thus limit the workload of following up to one topic at a time. From our observations it is unclear to what extent Bürgerrat members felt they were exercising influence or if they felt they were struggling for it.

Another noteworthy incident in the context of “experienced influence” occurred during the follow-up of BV1, where citizens met with an elected official on the issue of dual-education and subsequently resigned from the Bürgerrat as they found the official “ill-prepared and unwilling to openly engage” and thus wasting their time. In the parliamentary meeting on the final report, these citizens were openly accused of “having thrown the towel” while the citizen advocating dual-education blamed the political side for “sheer unwillingness” to introduce something that was perfectly possible in other European contexts. This incident led to a change of strategy from the political side who started to invite the Bürgerrat to attend committee meetings more frequently and initiated a closer dialogue more generally. Bürgerrat members involved in this process expressed feelings of being valued and listened to. Subsequently, there were no incidents of major discontent in the follow-up of BV2 despite the

negative rejection of a third of recommendation. Thus, from a position of “experienced influence” citizens in the follow-up of BV2 appear to have felt more influential or at least more content than in the follow-up of BV1.

Discussion

- Modifications result from the late inclusion of the political level into the process, that is at the stage of the hearings in parliament. These hearings serve precisely the purpose of a feasibility check and thus also provide a setting in which the intentions from both the side of citizens and representatives are to be illuminated
- The underlying tendency in modifications should be critically examined on whether the Bürgerdialog fulfils the expectations of the constitutive political level (Gherghina and Jacquet, 2022).
- It should, however, be noted that the meetings of BV2 were interrupted by the pandemic at several points in time, which lead to a decrease in participants. As a result, the ability of critical scrutiny by participants was limited. Furthermore, the citizens' assembly did not want to eliminate the preliminary contributions made by absent colleagues.
- Ethnographic account shows
 - o that the Bürgerdialog is an evolving process
 - that there is a lack of introducing the structure and purpose of the Bürgerdialog which leads to citizens simply following the set structure and heavily rely on staff
 - expecting citizens to exercise influence without clear awareness of their position – utopian?
 - o Unclear expectations can lead to tensions and breakdown (but these then also led to improvements)
 - o Modifications/rejections more willingly accepted if outcome of a dialogue?

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