

Open Legislative Council (OLC)

A discursive eDemocracy project

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Open Legislative Council (OLC)

- A specific model of discursive democracy, combining various features of the direct and representative models
- An Internet-enabled organisation open to the participation of all citizens,
- aimed at deliberatively developing projects of laws, charters of governing bodies, practical regulations etc.
- Pseudonymous strongly moderated communications on a specially designed Internet site,
- which is organized in *ad-hoc* groups, or sections, around specific themes,
- where participants exchange and mutually appraise their opinions and proposals, thus creating among them a “merit-based” hierarchy, resulting in ***weighted vote***

OLC: problems addressed

- Representative (parliamentary) democracy leaves little or no place for public participation in decision-making
- Direct democracy (referendum) is highly susceptible to massive manipulations of non-qualified public opinion
- Electing “universal representatives” relieves citizens of all responsibilities – till next parliamentary elections
- “Universal representatives” cope no more with all their legislative tasks – because of ever-growing technicality
- Decision-making progressively moves from parliaments to executive bodies, from generalists to specialists
- Executive bodies in turn need further public support for their decisions that may entail changes in citizens’ life
- But, citizens remain quite passive...
- ... because representative democracy leaves little or no place for public participation in decision-making

Prerequisites for Citizens' Participation

Most if not all of the current projects in the eDemocracy field suffer from *low participation*. We believe this is mainly because in those projects citizens' activity is limited to reviewing *already developed* proposals, thus making participation *evaluative* and not *creative*.

To make participation in legislative process much more attractive and even passionate, the following requirements should be satisfied (and will be satisfied by the OLC project):

1. Participation should be open and not selective
2. Be well-informed before starting deliberation
3. Exercise creativity by proposing one's own solutions
4. To be heard and considered regardless of social status
5. Not to hear too many low-value words (filtering needed)
6. To see the whole process advancing to an established goal and finally attaining that goal (e.g. a law proposal)
7. Ability to participate in a fair vote on proposed solutions

OLC: solution proposed

- A model of ***direct participatory deliberative democracy***, with no “universal representatives”
- For every new subject matter to be discussed, an ad-hoc group or committee is created,
- where ***self-appointed*** participants (those who are the most concerned, or interested, or knowledgeable)
- deliberate in written, over Internet, by exchanging their communications, comprising opinions and proposals,
- and by assigning to them ***appreciation values*** that increment (or decrement) each participant’s ***rating***,
- thus increasing (or decreasing) the ***weight*** with which are counted the subsequent votes of a participant

OLC: mixture of direct and representative

When you assign a high note to somebody's contribution, you thus participate in making stronger the voice of that contribution's author.

His/her vote will be counted 2, 3,...30 (?) times the "basic" vote, depending on his/her total accumulated rating.

Thus, you have "elected" that person as your "representative" (on this given subject matter only), by vesting him/her with additional voting power.

At the same time, you fully conserve your rights of voting *and of advancing further proposals.*

This is the "sum" of representative and direct voting.

The process is reversible: negative notes decrease the rating of authors, and hence their voting power.

OLC: further benefits of weighted vote

- It creates a necessary balance between
 - “mass opinion” (large number of light-weighted votes), and
 - “qualified opinion” (expressed by few heavy-weighted votes),
with all intermediate levels of weights
- It helps resisting both
 - “mobs attacks” and
 - “oligarchic ruling”
- It makes participation interesting and rewarding:
 - advanced participants will enjoy more attention to their actions, and this may translate into higher social status;
 - in one scenario, they can expect becoming party candidates in classical parliamentary (or local) elections;
 - in another scenario, voluntary participation is paid (as in the antique Athens), and the pay depends on participant’s rating or weight.

OLC: Scenarios of use

- 1. *School for future legislators***
- 2. *Two-stage referendum***
- 3. *Better using the legislative body***
- 4. *Expanding the legislative body***
- 5. *(futuristic) Replacing existing legislative body***

OLC Scenario 1:

School for future legislators

- A “nursery” or school for future legislators and politicians, improving their preparation to conduct fair deliberation in real legislative activity.
- A workshop for developing new political or social ideas and solutions, by enlarging the circle of participants to people outside established political, academic and administrative bodies.
- May be used in school classes as an interactive tool for awakening interest to (and growing awareness of) various social issues,
- and also in university / inter-university courses of social sciences.
- Can also be seen as a game or contest („selecting the best legislator in the XXX University“ ...)

OLC Scenario 2:

Two-stage referendum

1. OLC acts as a self-appointed online commission to deliberatively define a set of questions (or options) to be proposed for a (local / national/...) referendum on a given theme. OLC members/editors also prepare concise introductory/explanatory material. Optionally, a preliminary vote is held within OLC.
2. Then, the whole constituency votes on the proposed questions/options. OLC-submitted explanatory material helps other citizens making well-considered choice. Preliminary OLC vote results may be instructive for showing deliberatively defined preferences.
3. *As an option to be further studied:* in order to be accepted as voters, citizens may be asked to pass a short test to prove they are sufficiently well informed.

OLC Scenario 3:

Better using the existing legislative body

Option 1: OLC as an online deliberation and voting tool is used *within* the existing legislative body, thus replacing or enhancing traditional parliamentary committees or ad hoc commissions. *Participation is limited to legislators.*

Option 2: (1) OLC deliberatively develops a range of solutions on a given theme or problem, holds a preliminary vote, and submits the results into the legislative body (similar to the Scenario 2 for two-stage referendum). *Participation is open to every citizen.*

(2) The legislative body may further deliberate, and then takes a binding decision by (internal) vote.

Options 1 and 2 may coexist, i.e. some questions may undergo intra-parliamentary OLC-deliberation only, while for other ones a large public OLC-deliberation is first launched (followed or not by further internal parliamentary deliberation and/or vote).

OLC Scenario 4:

Expanding the existing legislative body

OLC thematic committees are created ad hoc by the existing legislative body, or via some ePetition means. Such an online committee deliberates as in other scenarios, but the members of the legislative body have larger rights (e.g. as moderators and/or editors), while everybody has the same „creative“ rights (to propose a solution).

As for the *final vote*, it may be held :

Option 1: within the legislative body (i.e. excluding the “raw” participants). *This option remains compatible with current national constitutions.*

Option 2: including both legislators and raw citizens (though legislators may be given e.g. 100 times voting weight of a raw participant). *This option implies changes into current national constitutions, in order to incorporate non-legislator voices into binding parliamentary votes.*

OLC Scenario 5 (futuristic):

Replacing existing legislative body

This is a further, more radical development of Scenario 4.

It consists in

- abolishing today's legislative body of „universal representatives“ elected for several years and for *all* legislative areas,
- and replacing it with a flexible system of open ad hoc committees where the „best participants“ advance towards a status of „would-be representatives“ owing to support of their current deliberative actions granted by other participants.
- Such a development would indeed require deep changes to existing national laws and constitutions.
- It could only be considered after years of successful experiments on a lesser scale, along the lines of Scenarios 1 to 4, or like.

OLC: pseudonymity & authorship

- OLC participants act under alias names (*pseudonyms*):
 - A person grants support not to another person, but to *specific actions* being taken by that other person,
 - while being immune to any information regarding that other person (identity, race, gender, social status, administrative position, fortune...)
 - In non-free countries, pseudonymity helps to protect participants' immunity from oppressive actions.
- **Authorship** of every OLC communication is preserved by using cryptographic digital signature keys (DSK). Thus, the set of all actions of a participant is definitely attributed to his/her pseudonym (unique within OLC).
- Disclosing the participant's real name is his/her voluntary action, e.g. when nominating candidates for elections

OLC structure, action types, roles

- **Administrative board** charged with
 - legal and financial issues,
 - commissioning paid expert surveys if required,
 - maintaining the network and information base structures, etc.
- **Experts** (paid or not) for preparing initial surveys.
- **Participants** (the main body of the forum, its virtual legislators).
- **Moderators** (who should be mostly or exclusively drawn from the community of participants).
- **Editors** (including participants but also professional lawyers)

*All the above are different **roles** in the forum; the same physical person can play different roles simultaneously, e.g. as an expert (under his/her real name) and also as a participant (under a pseudonym).*

Development stages of a theme

1. Opening a new theme.
2. Collecting one or more *expert surveys*.
3. Deliberating on the theme, making proposals.
4. Editing a set of proposals.
5. Holding a final vote on the proposals.
6. (At some later time, on request ...)
Reconsidering already voted proposal (or a law, or another disposition already enacted), following the above procedure

Stage 1: Opening a new theme

- receiving an initial proposal;
- holding an initial discussion, when the theme's summary and a list of related *questions* is proposed;
- editing different proposals for the theme's description;
- finally, voting to select the most acceptable description

Stage 2: Collecting expert surveys

These should give extensive information:

- on the nature of the problems being discussed,
- on the current state of affairs in this and other countries,
- on measures taken elsewhere to solve those problems,
- on existing projects and theoretical developments, etc.

Stage 3: Deliberating on the theme

- Participants send their *communications*,
- which are rigorously *moderated*,
- then *submitted to peer review* by randomly selected participants,
- who *vote* on the communication, expressing separately:
 - their degree of appreciation of the communication *quality*, and
 - the degree to which they share the *opinions* expressed therein
- Communications collecting higher notes progress to further peer review by heavier weighted participants.
- All participants can see every communication immediately after it has passed the moderation;
- they can sort communications by received note count, or by other criteria, to select the “most interesting” ones

Stage 4: Editing a set of proposals

- After a theme has been discussed for some period of time and collected some number of proposals or other communications, a *theme editor* should be elected by participants, or nominated by the administrative body.
- The editor:
 - must have proved his/her aptitude for this task by his/her previous actions;
 - must act impartially while editing, should refrain from imposing his own ideas, should have literary skills etc.
- The editing consists in *summing up* all proposals and considerations contained in the communications
- The ***proposals summary*** may then be briefly rediscussed by the participants

Stage 5: Final editing and vote

- Finally, the proposals summary is referred to the expert(s) for a professional elaboration.
- The resulting document should contain two or more competing **final proposals** expressed by the expert(s) using common language (not too much legalese).
- These final proposals would be put to a **final vote**. This vote would be open to every OLC participant, where:
- the **weight** of each voter depends mostly on the number of points collected during the discussion of *this theme*,
- ... but also of other related themes, with appropriate “theme-interrelation” coefficients (to be established when a new theme is being opened at Stage 1).

Stage 6: Reconsidering a theme

- Reconsidering an already voted and/or enacted law or another disposition:
 - may be requested by a bunch of recently registered participants;
 - may be needed in order to harmonise it with more recently discussed and voted dispositions,
 - or to accommodate it to the new reality...
- To start the procedure, some preconditions should be satisfied:
 - not less than xx years have passed after previous vote;
 - not less than yy % of participants (weighted percentage!) have supported the reconsideration request.
- The reconsideration procedure itself may pass the same stages 1 – 5 as above, but in a shorter period of time

OLC moderation principles (1)

- The goal of OLC moderation is:
 - to filter out any offences to the public order and to other participants,
 - to cut off direct discussions between two participants or within a small group of them,
 - to restrain participants from expressing too open emotions, from copying others' texts, etc.
- Moderation rules should all be known in advance.
- Olcers who systematically obey those rules may opt for a *self-moderation* regime. Olcers who systematically break the moderation rules may be banned from participation.
- Moderators would preferably be participants themselves. A moderator for each given communication could be randomly selected among those currently available.

OLC moderation principles (2)

- The moderator's decision could be contested by the author, in which case a jury of 3 other moderators should adjudicate, leading to a charge of ten times more penalty points to the condemned author or moderator.
- Some automated filters could of course be used, but the OLC forum should not rely upon them as do ordinary forums, simply because OLC rules as a whole need to be more formally policed.
- Automated checks could also be used for searching for fully or partially copied communications. The goal is not only to protect the forum from such spam, but also to eliminate fake participants, and to fight against plagiarism in general.

OLC: Calculating totals and weights

- Every communication collects appreciation notes from several participants. We use some formula for calculating the total appreciation note from these data, but the formula may need optimization.
- The same is true concerning a formula for calculating the total rating of every participant, using as input:
 - the number of his/her communications;
 - for every communication, the number of participants voted;
 - the value of every vote
- A formula to calculate the participant's weight (in a given theme's discussion) from his/her total rating (obtained in this and other themes' discussions) needs to be carefully elaborated to achieve proper balance between raw and advanced participants.

OLC: Registering of participants

- As long as OLC voters are only identified by their “remote registration” via Internet, any OLC vote is easily contestable and thus non-binding (age, citizenship...)
- Also, an ill-intentioned person could create several fake participants, mutually supporting one another in votes
- To tackle this problem, every remote registration should then be confirmed, with the confirmation procedure requiring presentation of the participant’s official identification papers along with his/her alias and/or DSK.
- Such confirmation might be conducted through a notary. In non-free countries this may appear dangerous or impossible; then, remote registration would remain unconfirmed and votes indeed non-binding.

OLC: Problem of fake participants

- However, it is anticipated that “fake participants” would not greatly influence OLC deliberations and votes, because it is impossible for somebody to “play several roles simultaneously” while collecting good notes for each of those roles.
- And the facts of merely copying a “good communication” several times for several “fake participants” would be discovered by appropriate software