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The Effects of Mixed Membership in a Deliberative Forum: The Irish Constitutional Convention of 2012–2014

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Abstract

The Constitutional Convention was established by the Irish government in 2012. It was tasked with making recommendations on a number of constitutional reform proposals. As a mini-public, its membership was a mix of 66 citizens (randomly selected) and 33 politicians (self-selected). Its recommendations were debated on the floor of the Irish parliament with three of them leading to constitutional referendums; other recommendations are in the process of being implemented. This article uses data gathered during and after the operation of the Convention to examine this real-world example of a mixed-membership mini-public. The focus is on how the inclusion of politicians may have impacted on the Convention's mode of operation and/or its outcomes. We find little impact in terms of its operation (e.g. no evidence that politicians dominated the discussions). There is evidence of a slight liberal bias among the politician membership, but this had little effect on the outcomes.

The use of deliberative mini-publics is proliferating, though for the most part they have tended to operate at the local or municipal level, leading to questions over whether deliberation can ever be 'scaled up' (Bächtiger and Wegman, 2014; Dryzek, 2010;

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Niemeyer, 2011). The early real-world examples of deliberation on a larger scale – the citizens' assemblies of British Columbia, Ontario and the Netherlands – proved unsuccessful in terms of policy outcomes (Fournier et al., 2011). It is suggested that one major reason for this was a disconnect between the citizen members and the wider political class who were excluded from the deliberative process and who therefore neither paid much heed to it nor supported its outcomes.

The post-2008 Great Recession and its political fallout triggered a new round of debate over the potential of deliberation in processes of constitutional reform: the argument that was made was that this could help to bridge a perceived gap between citizens and politics and to initiate a process of democratic renewal (Contiades and Fotiadou, 2017; Reuchamps and Suiter, 2016). New initiatives (some government sponsored others privately organized) have been popping up as far afield as Australia, Belgium, Estonia, Iceland, Ireland, Netherlands, Poland, Portugal, Spain, the United Kingdom and in parts of the United States. These new initiatives provide fresh opportunities to test the merits of deliberative approaches.

This article focuses on the Irish case. The Irish Constitutional Convention of 2012-2014 (www.constitutionalconvention.ie) was a mixed-member deliberative forum, including lay citizens and members of parliament as members – a version of the 'directly representative democracy' advocated by Neblo et al. (2018). Established by the Irish government in the midst of the worst economic crisis in the country's history, the Convention was tasked with reviewing a number of areas of constitutional reform. While the Constitutional Convention was not without its critics (Carolan, 2015), most academic commentary on it has been positive (e.g. Flinders et al., 2016; Honohan, 2014; Suteu, 2015; Van Reybrouck, 2016; White, 2017). And with some reason: it was successful as a deliberative process (Suiter et al., 2016); a large portion of its recommendations have been or will be implemented (Arnold et al., in press; Farrell, 2018) – including, most dramatically, a successful referendum on the hot topic of marriage equality in 2015 (Elkink et al., 2017); and the political elite clearly judged it successful as seen by the decision of a new Irish government (elected in 2016) to establish a fresh citizens' assembly (www.citizensassembly.ie) which operated between 2016 and 2018.[1]

It is felt generally by scholars writing on this process that a factor behind the success of the 2012-2014 Irish Constitutional Convention was its mixed membership, 66 randomly selected citizens working side-by-side with 33 professional politicians, with the latter anchoring the process in the political system, making it more likely that the convention's recommendations would receive a fair hearing. It is this mix of two types of members that is the focus of this article, which speaks to a debate in the academic literature on membership in mini-publics (e.g. Smith, 2009; Smith and Stephenson, 2005; Vandamme et al., in press; White, 2017). Our objective is to assess how the inclusion of politicians as members may have impacted on the operation of the Convention (i.e. on how it worked) and/or its outcomes. In one sense at least (as we discuss below), the inclusion of politician members may have helped in grounding the process, thus enabling the Convention's recommendations to have a fair hearing in wider political and governmental circles. The question at the heart of this article is whether this may have been at a cost to the deliberative process that underlay the mini-public design of the Convention.

We make use of data gathered during and after the operation of the Convention to examine whether the mixed-membership deliberative forum was as successful as it may have appeared. We find little impact in terms of the operation of the Convention (for instance, no evidence that politicians dominated the discussions). There is evidence of a

slight liberal bias among the politician membership, but its impact on the outcomes of the Convention appears to have been quite limited – though the politician members do appear to have had some effect on the Convention's position on the question of electoral reform.

The article is organized in four sections. We start, in section 1, with background on the origins and operation of the Irish Constitutional Convention and how it was situated as a mixed-membership mini-public compared to earlier cases of citizen-only assemblies. Section 2 sets out our three hypotheses that are then tested, in turn, in sections 3, 4 and 5. Section 6 concludes.

The Irish Constitutional Convention

The Convention was established in late 2012 by the Irish government to review eight areas for possible constitutional reform (for more details, see Arnold et al., in press; Farrell et al., 2017). Chaired by a well-respected former charity chief, Tom Arnold, its other 99 members was a mix of 66 Irish citizens and 33 politicians. The citizen members were selected at random by an independent market research company, which had a brief of ensuring that the membership was a reasonable reflection of the population in terms of sex, age, region, education and socio-economic status – a tall order with just 66 individuals but one that was broadly achieved (Suiter et al., 2016). The political parties themselves determined how their members were selected: for example, Fine Gael asked for volunteers and the party whip selected the nominees, whereas the Labour Parliamentary Party voted on their nominees. All major political parties on the island of Ireland as well a grouping of Independent parliamentarians were invited to send members to the Convention.[2]

The Irish Constitutional Convention was not the first process of its type in the world to include a random selection of ordinary citizens as members or to adopt a deliberative approach. It followed – and in very large part was closely modelled on – the citizens' assemblies of British Columbia, Ontario and the Netherlands that occurred earlier in the millennium. Between them, these cases are indicative of a new form of constitutional convention, arguably the like of which has not been seen before (Farrell, 2014). As Wheatley and Mendez's (2013) comprehensive study shows, the constitutional convention models of the past have tended to comprise one of three forms of membership: representatives of the elite, representatives of sectoral interests or – as in the case of the Icelandic Constitutional Council – elected citizens. The Canadian, Dutch and Irish cases are marked out as different from these other cases by having citizens selected randomly from the wider population, and also by the manner in which they operated – in effect as mini-publics: that is, deliberative fora rather than the more common method of parliamentary-style posturing from pre-existing fixed positions.

The Convention may have been modelled on the Canadian and Dutch citizens' assemblies, but it differed from them in two important respects. The first difference related to the Convention's agenda, notably its breadth (and directly as a consequence, the lack of depth in treatment). The citizens' assemblies each dealt with just one issue (the electoral system) over an extended period of months, whereas the Irish Constitutional Convention had to deal with eight topics in eight meetings. The topic list set by the governments was as follows: marriage equality, blasphemy, the role of women in the home and public life, women in politics, the electoral system, the voting age, votes for non-Irish residents in presidential elections and the length of the Irish president's term of office. Once it had completed this brief, the Convention was given limited space to consider other topics.

After a series of national road shows and seeking submissions on line, the members opted to consider two more topics in its final sessions: parliamentary reform, and economic, social and cultural rights.

The second main difference between the Convention and the citizens' assemblies – and of particular relevance to this article – was the inclusion of politicians as members: in White's (2017: 329) terms, this made it a 'citizen-majority' Convention. The Canadian and Dutch citizens' assemblies followed the principle that politicians should be excluded from the process. As 'citizen-only' assemblies (White, 2017: 329), there were, by definition, no politician members (they were screened out in the randomized process of recruiting members); indeed, further than White's definition of the genre, politicians were not even invited to address the assembly. This was designed to ensure that the process was independent of party politics and that there would be no dilution of its deliberative element.

But this was not without drawbacks. Questions were raised over the degree of realism in some of the output of the assemblies. As Ratner (2008: 163) observes of the British Columbia citizens' assembly, 'the exclusion of political voices from [citizens' assembly] deliberations became grounds for criticism of their judgment'. It also provided the political parties with a good excuse not to involve themselves in the referendum campaigns that followed in the cases of the British Columbia and Ontario citizens' assemblies. None of the major parties campaigned in the referendums; they remained 'completely silent' throughout (Fournier et al., 2011: 109), as a consequence of which the referendum campaigns had great difficulty in drumming up voter interest. In effect, the parties were able to kill off awkward electoral reform proposals by simply ignoring them. Patrick Fournier and his colleagues (2011: 111) draw the following conclusion from this experience:

> With respect to the political parties, our findings are absolutely unequivocal. The parties were strikingly absent from the whole process. This itself raises important questions about the consequences of such a situation. The risk, of course, is that assembly members may not have fully appreciated the problems and opportunities that parties face under different electoral systems.

Arguably the Irish government's decision to include politician members in the Convention reduced this risk of political detachment. But the many critics of the proposed Convention thought this was a bad idea. One prominent commentator referred to it as 'one part Oireachtas [parliamentary] committee and two parts focus group'.[3] In a parliamentary debate, opposition politicians raised concerns over how the politician members may 'have an undue bearing on the deliberations'.[4] One parliamentarian made the following, quite telling, observation:

> [B]est international practice does not include elected representatives in constitutional conventions. Two of the best recognised speakers in the world on this matter are Archon Fung from the Harvard Kennedy School, under whom I had the privilege to study, and Ken Carty from the University of British Columbia in Canada. In their work in this field, they acknowledge that the presence of partisan influence can lead to distorted deliberations and outcomes. Professor Fung says that in deliberative democracy 'powerful participants may seek to improperly and unreasonably exclude issues that threaten their interests from the scope of deliberation'.[5]

At the heart of our analysis is the issue of whether 'powerful participants' may have influenced the operation and outcomes of the Irish Constitutional Convention. This speaks to

wider debates in the academic literature over the membership of mini-publics particularly in instances where regular citizens are being mixed together with others, such as those where citizens are working in collaboration with public officials (e.g. in participatory budgeting processes, see De Sousa Santos, 1998; another example is the Birmingham race–relations collaborations discussed by Smith and Stephenson, 2005). Much of the focus to date has been on mixing citizens with public officials or citizen advocates; there has been relatively less on the mixing of regular citizens with politicians. A recent Belgian survey found widespread support for a 'mixed chamber' that included politicians and regular citizens. While this may be a popular idea with Belgian survey respondents, the study's authors warn of the potential 'hazard' of 'intellectual domination that sortition MPs [i.e. those randomly selected] might suffer when seated among professional politicians' (Vandamme et al., in press: 139). The Irish case offers a real-world test of how this might work in practice.

Theory and Hypotheses

The Irish Constitutional Convention was a national-level deliberative forum established by the Irish government which mixed national politicians together with a random selection of citizens. The government proposed that the recommendations of the Convention would be debated in the lower house of the Irish parliament (a portion of whose members were themselves Convention members), with the possibility of constitutional referendums to follow (dependent ultimately on the government's reaction to the proposals).

This mixed design – a variant of Hendriks' (2006: 500) 'mixed discursive space' – had the merit of reducing the risks that the political classes might seek to sideline the outcomes of the Convention, which – as we have seen – was a weakness of the Canadian cases. This was a step in the direction of better interaction between mini-publics and legislators called for by Bächtiger et al. in their desire for a 'new era of deliberative mini-publics' (2014: 225).

But there were risks attached to including politicians who were likely to be 'interested, passionate, or biased' (Elster, 2012: 16): powerful participants tend to have strongly held views, and their participation could exacerbate 'power asymmetries' in the Convention (Lupia and Norton, 2017: 65). At the outset, there was no way of knowing how things would operate; it was not inconceivable that the politician members – some of whom turned out to be very senior – might seek to establish rules of procedure more akin to the parliamentary styles of operation rather than deliberative procedures.[6] The government resolution establishing the Convention was silent on the question of mode of operation, so anything was possible. It was clear that in a mixed setting such as this, great care needed to be taken in determining the institutional design so as to ensure a good balance between the two types of participants (Dryzek, 2007: 246).

There are ways to mitigate the risks of dominance of one group over another. The secretariat of the Convention was clearly cognizant of the need to ensure that it followed best practice in operating along deliberative lines including complimenting open plenary sessions with private roundtable discussions, arranging members in mixed (politicians and citizens) groups at tables of eight (and rotating the memberships of tables from one meeting to the next) and using trained facilitators to ensure that all members had an equal chance to contribute to discussions. In addition, there was an important decision on Rules and Procedures made by the Convention's members at the inaugural meeting.[7] A notable feature of these rules was an agreement to take decisions by secret ballot, in effect

preventing any attempt by political parties to apply a party whip to their members. Based on these Rules and Procedures, the Chairman established a set of principles by which the Convention should operate, which he reminded members on repeated occasions and which were included in his introduction to each of the reports. The key mantras were openness and transparency, fairness, 'equality of voice' and collegiality (Arnold et al., in press).

But there are limits to what can be set in place to reduce the risks of dominant groups. The issue of politician dominance over a deliberative process featured in a British experiment, the 2015 Democracy Matters Citizens' Assembly (https://citizensassembly.co.uk/), which sought to test the potential for a constitutional mini-public in the British context. Informed by the Canadian and Irish experiences, the research team designed two city-based mini-public experiments, one involving only citizen members (the Canadian model) and the other a mix of citizen and politician members (the Irish model). Their evidence from surveying the members is that citizen members in the latter group were more inclined to feel that some members dominated the discussions: when probed it was clear that for the most part it was politician members who were seen to be domineering. The report's authors conclude, 'At least in the short term, inclusion of politicians decreases the quality of deliberation (including the amount of perceived domination)' (Flinders et al., 2016: 42). This leads to our first hypothesis:

> H1. The politician members dominated the proceedings of the Irish Constitutional Convention.

The Democracy Matters research team speculate over whether there might have been a longer term impact from this politician domination in terms of shaping 'the agenda of the discussions and judgements that follow' (Flinders et al., 2016: 42). While an interesting speculation, they were unable to test this because their experiment occurred over just 2 weekends. We can envisage how this longer term impact might occur in one of two ways. First, there is the issue about which politicians might seek to become members of the Convention. As mentioned above, there was a strong element of self-selection involved. It is possible to envisage an agenda by a dogged group of politicians seeking to influence the Convention by becoming members and working from the inside, in effect following a politics of 'entryism'. Conceivably, these could have been politicians of any hue – for instance, conservative politicians seeking to temper the outcomes of the Convention or, on the contrary, liberal politicians seeking to steer its outcomes in a more radical direction. Unlike the previous hypothesis which focused on how the politician members operated during the proceedings, in this instance, the focus is on the ideological makeup of the politician members. Thus, our second hypothesis:

> H2. The lack of random selection in the recruitment of politician members left the Constitutional Convention vulnerable to the entry of politicians with an ideological bias.

Separate from whether the politician members were ideologically biased, an alternative take is to examine whether their inclusion in some way influenced the outcomes of the Convention. This echoes a concern raised by Smith (2009: 172) over how the 'attractiveness of collaboration' between politician and lay members 'can mask severe

imbalances of power'. As Bächtiger and Parkinson (2019: ch. 6) suggest, '[s]ometimes critical distance is required in order to … provide a space to develop particular practices and understandings away from the domination of the powerful'. There is a risk that a mixed membership deliberative forum could result in a distortion of outcomes because the inclusion of the dominant group 'makes for an outcome they feel more able to support' (White, 2017: 329). This leads to our final hypothesis:

> H3. The inclusion of politician members distorted the outcomes of the Irish Constitutional Convention.

Did the Politician Members Dominate the Debate?

To test our first hypothesis, we have three sources of information: interviews with some of the citizen members towards the end of the Convention's work, surveys of the members that occurred throughout the process and data gathered from the roundtable discussions. To set this in context, it is important to remember that the modus operandi of the Convention consisted of a mix of plenary presentations and discussions that were public and private roundtable discussions in which each table (generally of seven or eight members) was led by a trained facilitator with a note-taker keeping a record of the discussions and the outcome of the deliberations on the given topic (Farrell et al., 2017). Anyone observing the public sessions could see that generally the politician members tended to be first to the microphone to express a view or ask a question.[8] In that sense, in might be said that they dominated the public proceedings. But the question of interest is whether they were also dominant during the roundtable discussions when the small-group deliberation occurred.

In a series of semi-structured interviews with nine of the citizen members that were carried out in the final days of the Convention, the question was posed whether the politicians dominated the roundtable discussions.[9] For the most part, the citizen members were of the view that the politician members did not seek to dominate. As one citizen member (male) put it quite bluntly, '[The politician members] never tried to take over the table. They'd say what they had to say, and then they'd shut up'. Another concurs, 'At the roundtables, I thought everyone was pretty much equal most of the time'. There were some exceptions: some of the interviewees refer to individual politician members on occasions being more dominant; there is a sense that politicians tended to be more prominent when technical issues were being discussed, such as electoral or parliamentary reform (both issues that politicians could be expected to have strong views on) and there are occasional references to 'subtle ways' of seeking to influence things, such as giving guidance to the note-taker on the summary of the discussion. But these appeared to be minority instances of politicians trying to dominate the roundtable deliberations. For the most part, the views of the citizen members about the role of the politician members were very positive.

We have survey evidence to support this – a similar question to that asked in the British Democracy Matters experiment. For eight of the meetings of the Convention (which each occurred over a weekend), we surveyed the members at the start of each meeting (on the Saturday morning) and towards the end (late on the Sunday morning). These surveys attracted a response rate of between 57% and 75%. In the second weekend survey, we asked the members whether they agreed or disagreed with the statement that 'Some participants tended to dominate the discussion'.

Table 1. Responses to the Question of whether Some Members Dominated Discussions.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Sample size
Citizens	5%	9%	16%	14%	57%	310
Politicians	3%	6%	26%	14%	51%	93
Total	4%	8%	18%	14%	56%	403

Table 2. Weekly Comparisons of the Domination Question.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Disagree: Agree
Week 1	3%	9%	28%	21%	40%	85%
Week 3	3%	6%	18%	15%	59%	90%
Week 4	6%	9%	19%	13%	53%	81%
Week 5	6%	10%	10%	10%	65%	83%
Week 6	2%	4%	21%	9%	64%	92%
Week 7	3%	8%	16%	15%	57%	86%
Week 8	8%	12%	15%	10%	54%	75%

Breaking down the 403 responses between the citizens and politicians, a marginally larger number of citizens (14% as against 9%) believed that some participants tended to dominate (see Table 1). However, a marginally larger number of citizens also disagreed that some participants dominated the discussion. Table 2 reports the trends week by week, showing slightly higher tendencies for members to think there was some domination in weeks 4, 5 and 8, which happened to be when the Convention discussed rather technical matters that had most resonance for the politician members: the electoral system in weeks 4 and 5 and parliamentary reform in week 8. This tallies with some of the comments of our citizen interviewees. Overall, however, these numbers and the differences are too small to expect that they might have an appreciable impact on the results overall. In a regression analysis of this (not reported here) that includes the week number and other demographic characteristics of the participants (age and sex), we find that the difference between politicians and citizens is not statistically significant.

One final piece of evidence is provided by the table note-takers who were asked to record (by a simple tick) the regularity of contributions by members at their table.[10] These 'speech acts' ranged from short expressions of agreement or disagreement through to long explanations of a viewpoint. Across our 8 weekends, there was a grand total of 560 speech acts made by citizen members at the roundtables and 356 by politician members. When we control for the relative sizes of the membership (two-thirds citizens and one-third politicians), this shows that on a per capita basis across all the weekends, the citizen members spoke 61% of the time, and politician members 39% of the time. What we take from this is that on average the politician members spoke slightly more than the citizen members – but only slightly.

In short, there is no support for H1: contrary to the findings in the British Democracy Matters experiment, in the Irish Constitutional Convention, there is no evidence of politicians dominating the deliberative process. The different findings could have something to do with the scope of the endeavour: in the British experiment, the report's authors

speculate that their trends may have been different 'if more high profile politicians participated' (Flinders et al., 2016: 42). Indeed, the evidence from online deliberative experiments with US Congressmen carried out by Michael Neblo and his colleagues (2018), which also found high levels of citizen satisfaction with the process, lends support to the notion that the profile of the politicians is a factor.

The different results between the UK and Irish cases may also reflect the fact that the Irish Constitutional Convention occurred over a far longer period than the British experiment, thus allowing time for the two groups to become accustomed to working together, becoming more familiar with each other (Esterling et al., 2015). An illustration of this is provided in the following quote by one of the politician members in a subsequent parliamentary debate on one of the Convention's reports:

> Thinking back to our first meeting in Dublin Castle, there was a bit of an 'us and them' scenario, with 'us and them' being citizens and politicians. I can remember one particular citizen standing up and asking attendees not to let the politicians do all the talking. I thought, 'Oh God, here we go, this is going to be a disaster of nine months if this is the attitude', but the ice was broken in Dublin Castle that day. Anyone who is a regular attendee of the convention at the weekends has seen that friendships have developed at each and every table across all parties, sexes and ages.[11]

This view is echoed by an interview with one of the citizen members who, when asked what she thought of the inclusion of politicians as members, commented, 'I was actually initially opposed to the politicians being in the Convention at all, but it's actually been really helpful'. The sense that including politicians was helpful was shared by most of the interviewees: the common explanation for this was that they were useful sounding boards – to a degree perhaps helping to inject a sense of realism to some of the discussions.

Entryism?

Given that for the most part the politician members self-selected as members, and that the agenda of the Convention was well-known in advance, it is possible that there may have been an *intent* on the part of the politician members at the outset to influence the work of the Convention by becoming members and working from the inside, in effect following a politics of entryism. In order to assess this, we need to determine whether the politicians who attended the Constitutional Convention were of a distinctly different ideological hue to their peers.

To do so, we make use of the 2011 Irish candidate survey, carried out in the immediate aftermath of the 2011 general election and only a short period before the establishment of the Constitutional Convention.[12] This survey gives us a comparable insight between politician members and non-members of the Convention. We can compare the responses of 16 members and alternates of the Convention and 69 other elected representatives (of either house of parliament) that were not members of the Convention but were potentially otherwise eligible.

Using factor analysis (varimax rotation), we simplify the political positions of each respondent from 19 attitudinal questions down to a single univariate conservative-liberal dimension. The factor analysis reported in Table 3 quite cleanly separates respondents in terms of a classic left-right divide characterized by economic, religious and stability versus change aspects. Those with a higher score are more likely to favour stability and right-wing views, whereas those with a lower score are more likely to adopt a greater tolerance for change.

Table 3. Factor Loadings and Corresponding Attitudinal Questions from Factor Analysis.

Statement		Loading
Less regulation of business		0.519
Less state ownership of business		0.510
There is nothing wrong with some people being a lot richer than others		0.491
God does exist		0.466
Economy over environment		0.407
We are all to blame for the economic problems in Ireland as we all got too greedy		0.397
There should be very strict limits on the number of immigrants coming to live in Ireland		0.368
More European integration		0.358
It would be better if people with strong religious beliefs held public office		0.264
I would be willing to accept a cut in my lower standard of living to protect the environment		−0.135
A working mother can establish just as warm and secure a relationship with her children as a mother who stays at home		−0.139
The British government should declare its intention to withdraw from Northern Ireland at a fixed date in the future		−0.147
In general, things would improve if there were more women in politics		−0.173
The people need a NAMA for their own property and mortgage debts just as much as the banks do		−0.263
A new government should be able to get much better terms on the loan from the IMF/EU		−0.300
Raise Taxes rather than cut spending		−0.306
Ordinary working people should get their fair share of the nations wealth		−0.423
We should 'burn the bondholders', that is, we should default on debt in the banks rather than take on more debt for the country		−0.471
The government was wrong to accept a bailout from the IMF/EU		−0.508

The factor analysis produces a consistent basis for evaluating each politician in terms of a numerical value understanding their left-right position. When we average these positions across candidates of each political party, we observe in Table 4 a familiar left-right pattern with those hailing from political parties more typically viewed as being right wing adopting higher scores while those hailing from typically more left wing parties adopting lower scores (for more on Irish party locations on the left-right spectrum, see Marsh and McElroy, 2016).

To evaluate whether those who took part in the Convention were more or less conservative, we must calculate the average score for politicians in different categories in the Convention. While there are many different types of politicians, the key comparison is

Table 4. Average Score of Politicians Hailing from Each Political Party.

Party	Average loading across candidates
Fianna Fáil	8.83
Fine Gael	8.17
Independent	4.73
Green	3.96
Labour	1.96
Sinn Féin	−4.43
Worker's Party	−5.51
United Left Alliance	−9.69

Table 5. Mean Values, Sample Sizes and Standard Deviations of Different Types of Politician's Conservative-Liberal Score.

Type of politician	Average loading	Sample size	Standard deviation
1. Alternate of CC	−1.24	3	4.98
2. Member or alternate of CC	**3.21**	**16**	**6.24**
3 Member of CC	4.23	13	6.19
4. Losing candidates (including some CC members)	4.41	183	5.66
5. Non-members of CC	4.61	240	5.61
6. Winning candidates (including some CC members)	4.80	73	5.64
7. Elected Reps (not including any CC members)	**5.03**	**69**	**5.48**

CC: Constitutional Convention.

whether those who participated in the Convention were ideologically distinct from those who did not.

As Table 5 shows, politician members of the Convention had an average score of 4.23 compared with non-members who had an average score of 5.03. This indicates that those who took part were more liberal than those who did not. And when compared with those parliamentary candidates who were not elected in 2011, who have an average of 4.41, the politician members were again more liberal. When we look at a two-sample *t* test to evaluate whether 'Members of CC' are significantly more liberal than 'Elected Reps not including any CC members', we get a p value of 0.25. This falls to 0.22 for the comparison between 'Member or Alternate of CC' and 'Elected Reps not including members of the CC'.

This comparison between members and non-members needs to take account the fact that many politician members attended only a limited number of sessions and were replaced by other politicians as alternates.[13] Some alternatives attended many sessions whereas some attended very few. To evaluate whether those who were there were ideologically distinct from those who were not there, we look into attendance records at the Convention and compare the average scores of those attending as against those that did not attend (including politicians that were members of the Convention, but for whatever reason could not quite make it on a given weekend). Our analysis (not reported here)

Table 6. Change in Opinion before and after Debates.

	Post-debate		Sample size
	Opposed	In favour	
Pre-debate			
Opposed	70%	30%	73
In favour	6%	94%	261

Table 7. Change in Opinion by Question.

Question	Pre-debate oppose			Pre-debate in favour		
	Oppose	In favour	n	Oppose	In favour	n
Blasphemy	89%	11%	9	12%	88%	34
Electoral system	82%	18%	11	25%	75%	20
Women in the home	0%	100%	4	0%	100%	51
Marriage equality	36%	64%	11	5%	95%	40
Voting age	88%	13%	24	6%	94%	31
Emigrant vote	67%	33%	9	6%	94%	36
Women in politics	60%	40%	5	2%	98%	49

reveals there is a bigger gap between attendees and non-attendees than is the case when we just looked at the politician members as a totality. It would appear that the process of substituting politicians had the effect of creating a Convention that was even more liberal than one where no substitutions were allowed. The difference is somewhat significant with a p value of 0.058. In other words, we are 94% sure that politician Convention *attendees* were more liberal than politician Convention *members* overall. Overall, therefore, this analysis suggests that the politician members of the Convention were marginally more liberal than other politicians in the Irish parliament, thus supporting H2.

Did the Politician Members Distort the Outcomes?

A final question to consider is whether the politician members had a distorting effect on the outcomes of the Convention. Evidence that politician members were significantly different from the lay citizens in their views on the topics being considered would lend support to our third hypothesis.

The weekend surveys referred to in section 3 also measured opinion shifts. We know from the wider body of literature on deliberation that one measure (albeit somewhat contested) of the 'success' of a deliberative process is the degree of opinion shifts among the participants (Suiter et al., 2016a; Fishkin 2009).[14] The weekend surveys allow us to analyse whether the politician or citizen members changed their positions on the specific matter being discussed in a given weekend.

We first look at whether members in general were influenced by the weekend of deliberation. Table 6 looks in the aggregate at whether respondents were in favour of a change prior to the debates (i.e. at the start of the weekend) and then after the debates (at the end of the weekend). The data clearly indicate that significant numbers of those who were

Table 8. Starting Positions (Pre-Debate) for Politicians and Citizens.

Question	Citizen			Politician		
	Oppose	In favour	n	Oppose	In favour	n
Blasphemy	21%	79%	34	22%	78%	9
Electoral system	29%	71%	24	57%	43%	7
Women in the home	5%	95%	41	14%	86%	14
Marriage equality	24%	76%	45	0%	100%	6
Voting age	50%	50%	38	29%	71%	17
Emigrant Vote	24%	76%	38	0%	100%	7
Women in politics	13%	87%	39	0%	100%	15

opposed to a constitutional change did in fact change their views. Across all topics among those who were opposed to an initiative prior to the meeting, 30% changed their mind to be in favour of that initiative once the meeting had concluded.

When we break this down by issue (Table 7), it is clear that on some issues such as the electoral system, there is some minor movement towards the opposing viewpoint (with 25% of those in favour moving to oppose while 18% of those opposing moved in the opposite direction), whereas in the case of marriage equality, women in the home, women in politics and votes abroad, there is significant movement towards being in favour.

As a starting point (the positions before the weekend meeting), citizens and politicians had broadly similar but marginally different starting points. Table 8 shows these starting positions. In the case of the electoral system, the politicians were more likely to be against, whereas in relation to most other issues, they were more likely to be in favour of change, in particular, on marriage equality, emigrant vote and voting age. This initial analysis suggests, therefore, that, consistent with their more liberal views, in large part, the politician members tended to be on the side favouring change, the notable exception being the issue of electoral reform, which most Irish politicians are opposed to (Farrell et al., 2017a). In most other respects, our descriptive analysis places the politicians on the side favouring change more so than the citizens, thus lending support to our third hypothesis.

We carried out a regression analysis using these weekend surveys to see if there were any significant effects while accounting for other factors: the results were not significant and are therefore not reported here.[15] However, we have one other set of data we can bring to bear on this analysis. All the members of the Convention were surveyed just after it had completed its business.[16] The respondents were asked whether they were in favour of the constitutional changes being considered. Table 9 reports on a regression analysis that includes details of membership type (politician vs citizen), age, sex and details of the constitutional changes in question. The regression in Table 9 looks at the likelihood that a member of the Convention expresses a preference in favour of constitutional change. It seeks to explain whether politician or citizen members are more or less likely to favour a change, while also accounting for other factors.

We observe in model 1 that, again, politicians were more likely to favour a change than citizens. The relationship is 'somewhat significant', with a p value of 0.070. In model 2, once we account for demographics and the type of constitutional change being considered, it is clear that politicians are significantly more likely to favour change. In model 3, we interact the politician variable with each question to understand the ways in which politicians tend to deviate from citizens. Although the politician variable is no longer

Table 9. Factors Determining Support for, or Opposition to, Constitutional Change.

Variable	Model 1			Model 2			Model 3		
	Estimate	SE	p value	Estimate	SE	p value	Estimate	SE	p value
Intercept	0.732	0.022	<0.001***	1.022	0.117	<0.001***	0.918	0.099	<0.001***
Politician	0.081	0.045	0.07(.)	0.094	0.045	0.038*	0.159	0.113	0.161
Gender: Male				-0.077	0.038	0.044*	-0.071	0.036	0.051(.)
Gender: Unknown				-0.069	0.161	0.67	-0.005	0.156	0.976
Age Group: 25-34				-0.16	0.11	0.146	-0.157	0.107	0.145
Age Group: 35-44				-0.198	0.095	0.038*	-0.190	0.093	0.041*
Age Group: 45-54				-0.036	0.092	0.696	-0.038	0.089	0.674
Age Group: 55-64				-0.107	0.091	0.241	-0.092	0.088	0.297
Age Group: 65 +				-0.052	0.098	0.594	-0.039	0.095	0.678
Age Group: Unknown				-0.222	0.231	0.337	-0.354	0.222	0.112
Q: Electoral system				-0.133	0.069	0.056(.)	-0.063	0.079	0.431
Q: Emigrant vote				-0.067	0.069	0.33	-0.068	0.080	0.395
Q: President term				-0.375	0.069	0.000***	-0.313	0.079	0.000***
Q: Marriage equality				0.061	0.069	0.38	0.083	0.080	0.301
Q: Voting age				-0.326	0.069	0.000***	-0.386	0.080	0.000***
Q: Women in the home				0.125	0.069	0.072(.)	0.146	0.079	0.067(.)
Q: Women in politics				0.108	0.069	0.12	0.125	0.080	0.117
Politician × Electoral system							-0.303	0.163	0.064(.)
Politician × Emigrant vote							0.005	0.159	0.973
Politician × President term							-0.250	0.159	0.116
Politician × Marriage equality							-0.083	0.159	0.603
Politician × Voting age							0.252	0.161	0.119
Politician × Women in the home							-0.080	0.161	0.618
Politician × Women in politics							-0.064	0.161	0.690

SE: standard error.
N = 503 (respondent-questions).
Variables are labelled with the following significance codes: ***significant at the 0.001 level; **significant at the 0.01 level; *significant at the 0.05 level, (.) somewhat significant at the 0.1 level.
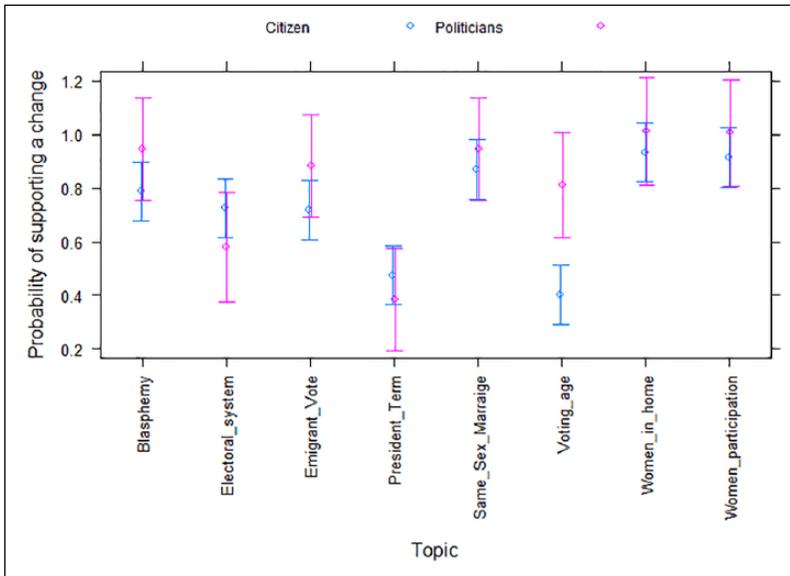
Figure 1. Marginal Effects Plot of the Interaction between Type of Member and Topic.
This is taken from regression model 3 in Table 9.

statistically significant in the third model, the loss of significance is the result of its inter-action with the other variables. While in the normal scheme of things, the politician mem-bers were more likely to be in favour of change, this does appear to vary slightly according to which constitutional change is in question. The interaction term politician × electoral system is negative and somewhat statistically significant. This means that in relation to electoral systems, the politicians were somewhat more reluctant than on the other issues (as also shown in Table 8).

The relationship between the type of member and the topic being considered is a com-plex one, as illustrated by the marginal effects plot in Figure 1 constructed from the regression model in Table 9. It shows that while politicians were more reluctant in rela-tion to electoral reform, there was (by this point) a strong degree of overlap with the citi-zens. Citizens were comparatively less supportive of change in relation to blasphemy, same-sex marriage, women in the home, women's participation in politics, emigrant vot-ing rights and, most of all, in relation to the voting age.

These results point to important differences between citizens and politicians that relate to power interests. The two issues that citizens were more reluctant on were those that would result in widening the franchise to younger voters and to emigrants – both reforms that by broadening the pool of voters would dilute the voting power of existing voters. On the contrary, politicians were comparatively more reticent about changes in the electoral system and changes to the length of the presidential term. Changes to the electoral system pose a direct threat to existing politicians, while more frequent presidential elections are perhaps another area which (albeit marginally) increases the relative power of citizens. In relation to socio-moral issues, the views of politicians and citizens were more consistent.

Overall, the regression analysis provides some support for H3: on an issue that – fol-lowing the 'turkeys not voting for Christmas' adage – could be said to matter to politi-cians, opinion shifted from favouring electoral reform to opposing it, in other words to the

position favoured most of all by the politician members. It is noteworthy that on the other topics, and notably those in which the liberal bias of the politician members might have been expected to have affected matters, evidence of influence by politician members was not conclusive.

Conclusion

The work of the Irish Constitutional Convention is still reverberating through the Irish political system. Its policy legacy is evident in a number of respects: quite a few of its recommendations have been implemented, notably on marriage equality, blasphemy and parliamentary reform, and referendums on other recommendations (role of women, voting age and votes for citizens abroad) are promised in the near future (Farrell, 2018). When compared with mini-publics elsewhere (Böker and Elstub, 2015; Setälä, 2017), the Convention has had a significant impact on the policy and constitutional landscape. Its substantial political legacy was shown by the creation of a new Irish Citizens' Assembly in late 2016 (Farrell et al., 2018), with every likelihood of other Irish citizens' assemblies to follow.

The Convention has also had an important institutional legacy and that is its status as the world's first national deliberative forum to mix politician and lay citizen members. The purpose of this article has been to assess whether this worked as a model, providing an important real-world test of how mixing memberships in this way works in practice. The academic literature cited earlier raised concerns over the risk of 'intellectual domination' (Vandamme et al., in press: 139) or of 'imbalances of power' (Smith, 2009: 172). On the whole, this was not apparent in the Irish case. Certainly, there was no indication that the presence of politician members resulted in a sense of domination of some members over others. But in some other respects, the inclusion of politician members may have had a distinct (and potentially detrimental) impact on the process of deliberation. When compared with the average ideological positioning of Irish politicians, there was a modest liberal bias among those politicians who chose to become members of the Convention. And while this does not appear to have influenced the outcome of its decisions (in the sense that there is no conclusive evidence of this affecting the outcomes of the Convention on those topics, such as marriage equality or the role of women, over which there could be expected to be a strong liberal vs conservative divide), in one respect, at least the presence of politician members does appear to have affected the outcome – on the issue of electoral reform, a matter of considerable personal interest to politicians.

The implications are clear. To avoid the risk of 'entryism' by politicians of a certain ideological hue, in any future, mixed-member deliberative forum politician members should be selected randomly in the same manner as the lay citizen members. And care should be taken to avoid topics (such as electoral reform) where politicians may have a vested interest.

Although not a focus of this article, we should note that an additional weakness was the decision to have the Convention consider a range of different topics over a long period of time (14 months). The fact that the Convention's members were so supportive of change across the board (reflected in our survey data and also in the recommendations) suggests that through the process, the members may have developed a degree of 'we' thinking, reaching shared goals and outcomes. This speaks to the need to keep such processes shorter in length.

There is a more fundamental problem with the Irish process and that refers to the wider point made by Archon Fung that lay at the heart of the criticism by Stephen Donnelly TD (quoted above) of how powerful forces may 'exclude issues that threaten their interests'. This relates to the role of the Irish government in setting the Convention's agenda and reacting to its outcomes. With the exception of two topics that the Convention members were allowed to add to their agenda – which resulted in discussions on parliamentary reform and a proposal to incorporate economic, social and cultural rights into the constitution – all other agenda items were set by government. And the government was free to decide how to react to the Convention's recommendations: it accepted many of them, but there were some notable exceptions (including rejection of the proposals on economic, social and cultural rights).

This Irish case of mixing politicians and lay members in a deliberative forum may have gone someway to reducing the risk of political detachment (that was so apparent in the Canadian cases) and allaying the fears of some that the politicians might dominate proceedings, but it did little to address the wider problem (shared generally by mini-publics) that, in terms of agenda control at least, this ultimately remained a top-down process firmly in the hands of the political elite.

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Notes

1. This Irish citizens' assembly was tasked with considering a range of issues including Ireland's constitutional ban on abortion. The 100-member assembly was comprised solely of citizens (again randomly selected): the lack of politician members on this occasion was most likely due to the politically toxic nature of the abortion debate in Ireland. The assembly's recommendation to remove Ireland's constitutional ban on abortion went to a referendum, which passed in May 2018.
2. The members from the Irish parliament were proportionate to the number of seats in the parliament. Of the 33 politician members, 29 were members of the Irish parliament (from either house) and four were members of the Northern Ireland Assembly, only one of whom completed the surveys referred to in this article. In the analysis that follows, we deal only with the Irish parliament members.
3. Noel Whelan, 'Constitutional convention will have its remit severely pruned', *Irish Times*, February 25, 2012.

4. Catherine Murphy TD, Dáil debate July 10, 2013.
5. Stephen Donnelly TD, Dáil debate July 10, 2013.
6. This was precisely the situation that occurred in the case of the Australian 1998 Constitutional Convention – the only other such case (at least in modern times) of a convention whose membership comprised a mix of politicians and ordinary citizens (though these were not randomly selected). There the decision was taken to operate along normal parliamentary lines (for more, see Constitutional Convention, 1998; Warhurst, 1999; Williams, 1998).
7. The rules of procedure are included in each of the reports of the Convention. For an example, see appendix B of its first report at http://www.constitutionalconvention.ie/AttachmentDownload.ashx?mid=e1f8e128-2496-e211-a5a0-005056a32ee4
8. The video streams of the public sessions are available at https://www.youtube.com/user/ConstitutionIe
9. The semi-structured interviews took place in February 2014.
10. For more information on per captia rates of participation in the Convention's plenary and roundtable sessions, see Harris et al. (2018).
11. John Lyons TD, Dáil debates, July 18 2013.
12. We are grateful to Gail McElroy for having given us access to these survey data.
13. Members (citizen and politician) could be substituted in the event that they could not make a session. As we discuss below, this option was taken up more regularly by the politician members; indeed, in the case of independent members of parliament, there was an agreed rota among them.
14. We might question whether preference transformation is in fact central to deliberative democracy. Certainly, deliberation should allow the *possibility* of change as the 'good' deliberative citizen will be open minded, but the realization of policy change is not necessary; for instance, it is quite possible for deliberation to strengthen the existing stances held by certain participants (Bächtiger and Gerber 2013) or to have little impact on opinion change (Baccaro et al., 2016).
15. The results are available from the authors.
16. While there were 29 Irish parliament members, inevitably the actual number who participated was greater due to the need for members to be substituted when not available. Throughout the lifetime of the Convention, there were a total of 52 members from the Irish parliament who attended its meetings, 31 of whom responded to the survey – a response rate of 59.6%. The response rate of the citizen members was also strong: 49 responded out of a total pool of 75 members (i.e. just under two-thirds of the total).

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