

# David and Goliath: The citizen's position towards the constitutionally entrenched institutions of representation

## David y Goliath: La posición del ciudadano frente a la constitucionalidad protegida en instituciones representativas

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*«Si hubiera una nación de dioses, éstos se gobernarían democráticamente;  
pero un gobierno tan perfecto no es adecuado para los hombres»*  
Jean Jacques Rousseau

### ABSTRACT

Given the direction of deliberative democracy seems to be followed by the Greek political system, this article studies the proposal of Professor James Fishkin called deliberative polling, in order to investigate whether it is in harmony with the Greek constitution as their conditions and consequences for the functioning of the traditional institutions of representation.

### KEY WORDS

Constitution, democracy, postmodernity, political system.

### RESUMEN

Dada la dirección hacia la democracia deliberativa que parece ser seguida por el sistema político griego, este artículo estudia la propuesta del profesor James Fishkin denominada encuesta deliberativa, con el objetivo de investigar si ésta se encuentra en armonía con la Constitución griega al igual que sus condiciones y consecuencias para el funcionamiento de las instituciones tradicionales de representación.

### PALABRAS CLAVE

Constitución, democracia, postmodernidad, sistema político.

### INTRODUCTION

It seems that in times of post-modernity the citizen is gradually transformed to a guarantee of the democratic constitution. However, the question arises: is it as a consultant or as a significant player of the political game?

In Greece, the emergence of demand for citizens' direct participation has been caused both by the absence of hedging instruments in cases of divergence of public opinion and government choices, and by the so called 'representative deficit'. Furthermore, the decline of traditional institutions of representation pushes citizens into seeking ways of direct communication as tools for exerting political pressure and expressing their political views. As far as the Greek political system is concerned, it seems that it is more favourably disposed towards

deliberative procedures, as opposed to participative processes that might cause restriction in parliamentary powers. For instance, in the last few decades, the constitutional provision of referendum has remained inactive, while the online public consultation is running continuously since 2009.

Many voices support deliberative procedures because of its functionality properties associated with the liberal representative system, of which the participatory processes lack. It is true, though, that both of these processes are able to substitute political parties, creating a new problem for the Greek constitution. In any case, strengthening the role of citizens is inevitable, and so the goal is to find a way for effective participation in the political system. In particular, deliberative polling was proposed by James Fishkin as an institution that gathers positive features of both of them. In brief, Fishkin introduces a participation model of an enhanced deliberative process with features of participatory democracy, which increases the political cost of governmental decisions even if it is not legally binding.

## 1. THE ELEMENT OF COLLECTIVITY IN DEMOCRACY

It is true that collectivity is a feature of democracy. In Direct Democracy, people that constituted the citizenry, concentrated in popular assemblies in order to take the final decisions. In Representative Democracy, the final decisions are made by the representatives who assemble into a multimember institution and who have the decision-making power. Despite the fact that Parliament is entrusted with the power of decision-making, citizens are not excluded completely from the stage of final decision-making. The citizenry, as electorate, namely the supreme body of the state, is granted by Constitution the power of decision-making, concerning key political issues, through the institution of referendum. In such cases, the citizenry substitutes the representatives, in representative democracy (Voloudakis, 1995). It becomes clear, then, that both in the case of the ordinary legislative competence of the Parliament, and in the case of the exceptional and limited form of legislation by the electorate, the final decision comes from a collective body (Bobbio, 1987).

With regards to the usual law-making process, the element of collectivity is not only found in the stage of final decision-making, but also during the preceding stages; such as those lying in the field of decision formation. The participation in the stage of decision formation, which is placed before the voting of bills from the parliament, does not produce a legally binding force, given that it does

not involve institutions with decision-making power and, therefore, is primarily a political process. In this framework, the absence of decisive competence of citizens is counterbalanced by their collective participation, which may in effect exert substantial influence over the final decision. This collective political participation is mainly expressed through the institution of the political parties, and allows citizens to exert considerable pressure and shape decisions even if in legally binding terms citizens are outside the center of political decision-making.

### 1.1. The citizens mediated participation in the political life of the country

The form of political participation through the political party is often presented as a citizens participation form that is not direct, but mediated (Kamtsidou, 2011:147). The institution of the party, however, is not the only institution that acts as a link between the citizens and the state (Kelsen, 2013). The Press, is also functioning as link between the citizens and the state, aiming to inform and express the political views of citizens. On the other side, citizens can exert political pressure through the Press, which is equally effective as their participation in the political parties, in order to shape policy decisions. So, citizens' presence in the political game is not achieved only through their representatives, but also through the political parties and the Press.

The significant contribution of political parties and the Press in the function of Democracy (Dahl, 2000) also comes from the fact that both of them are

constitutionally protected. In other words, the fact that citizens take political decisions which are legally binding, during the elections – or exceptionally through the institution of the referendum – does not mean that are excluded from the political game during any other point in time. On the contrary, through the constitutionally guaranteed institutions, citizens ensure not only their lasting, but also their strong presence in politics. Through them they are not granted decisive competence, but they are far from mere consultants: the rights of collective action and political expression may intensify the gravity of their actions, sometimes even surpassing the constitutionally entrenched powers of.

### 1.2. The Parliament and Government

According to Article 82 of the Greek Constitution, the government shall define and direct the general policy of the country. Furthermore, according to Article 73 of the Constitution, the right to introduce Bills belongs to the Parliament and Government. At the same time, pursuant to Article 26 of the Constitution, the legislative powers shall be exercised by the Parliament and the President of the Republic. Finally, in accordance with Article 84 of the Constitution, the Government must enjoy the confidence of Parliament.

In practice, Bills are not often introduced by the Parliament. The usual procedure is as follows. The Government introduces the Bills, submitting them for voting in Parliament. In this way, the Government is taking the initiative and the political decisions, which then pass through the filter of Parliament, in order to become binding rules of law. The Parliament is discussing the submitted Bills and approves them as such or with modifications. Besides, a possible rejection of submitted Bills would mean that the Government has now lost the confidence of Parliament.

Since, as mentioned above, the Government enjoys the confidence of the House, the proposed Bills do receive the support of the parliamentary majority, legitimizing the governmental decisions. On the other hand, Parliament controls the governmental activity

and, when necessary, submits the Government to the process of accountability.

Thus, the representatives receive the final decisions (Bobbio, 1987) usually initiated by the Government, which is entitled for this, while, it is subjected to public scrutiny.

### 1.3. The political parties

As mentioned, the final decisions are taken by the parliamentary majority. However, this does not mean that the parliamentary minority remains inactive. Opposition parties, with the help of their electoral base, have the ability to exercise significant influence in shaping decisions, thereby changing the content of the final decisions.

Although the supreme moment of representative democracy is the election of representatives, this does not mean that citizens are on the sidelines, throughout the period of the four-year term of Parliament (Pararas, 2002). Citizens can ensure their lasting presence in the political process and act effectively by participating in political parties, belonging either to the ruling party or to the opposition.

In other words, although the decision-making power belongs to the Parliament and in particular to the parliamentary majority, the political parties and particularly those of the opposition can exert strong pressure inside and outside of the Parliament. Pressure which may even lead to withdrawal of the proposed bill. Indeed, when political pressures are of such magnitude in terms of effectiveness, then one can say that the political parties exceed the powers which enjoy other institutions of the state under the Constitution.

### 1.4. The Press

Press can also exert effective influence over the governmental decisions. As Condorcet says: «a single free newspaper would destroy the most powerful tyranny» (Schmitt, 1985:38). It is true that the Press contributes to Democracy by controlling the Government. The widespread publicity that

ensures and the intensity of the control exercised, acts decisively in shaping public opinion and government policy (Habermas, 1991). Furthermore, the views of citizens expressed through the Press are becoming strong and are converted into an instrument of policy pressure. In other words, the Press contributes to public debate not only between citizens but also between citizens and the state, enhancing the political views of citizens to the extent that it is sometimes difficult for the government not to take them into consideration.

## **2. THE PROBLEM OF SUB-REPRESENTATION: THE INADEQUACY OF TRADITIONAL INSTITUTIONS AND THE FEELING OF THE INEFFECTIVE INFLUENCE**

All the above are based on theoretical grounds. In practice, the reality appears quite diversified. The press, the political parties, even the Parliament, all seem to become weakened in front of the governmental will.

First of all, Parliament is unable to exercise intensive control and to effectively influence the decisions of the Government. This is due to the concentration of power in a single center, this of the ruling party, which is operatively connected to the parliamentary majority and to the Government (Manesis, 1988:79). Therefore, the Government's decisions are approved by the Parliament without any severe pressure. Neither from the majority, because of the imposition of party discipline, nor from the minority, since it lacks any institutionalized counterbalance competence in order to buffer the power of the ruling party (Svolos, 1972). This problem is intensified when the ruling party loses the support of the popular majority (Manesis, 1988). In other words, even when the parliamentary majority ceases to be identified with the popular majority – and despite the reactions of the opposition parties – the Government can continue undisturbed its governmental work, citing the legitimacy which it receives from the political party holding the majority of seats in the Parliament. In this way, a significant deficit of representation is caused, which alienates citizens from the main institution of their representation.

This deficit is not covered neither by citizens participation in the parties nor by the media. As for the political parties, citizens are alienated from both of them because they feel that their participation cannot exercise effective influence. Since they feel that their views are not expressed sufficiently, because of the parties' oligarchic formation and the strict discipline in their internal function (Weber, 2001). On the other hand, the same problem concerning the expression of political views appears in the Press. It however seems to be biased.

The alienation of parties from their electoral base, as well as the suspicion against the Press, weakens the participation of citizens in the political process. Citizens are no longer able to exert significant pressure (Habermas, 1991). Although, both of these institutions were used to give the citizens ground to be present and become strong players of the political game. Nowadays they give the impression of excluding them from the political landscape (Macpherson, 1977). As a result of the decline of these institutions, the big winner is inevitably the government, which can now act free from the two forces that previously had the power to intervene and shape its decisions.

This has a further consequence, the alienation of citizens from the concept of collectivity and collective action in general. Citizens cannot exercise strong political pressure through the institution of political parties. Neither can they take decisive role as an electorate, since the option of referendum provided for in Article 44 § 2 of the Greek Constitution requires in all cases the approval of the parliamentary majority and, as expected, such an option has never been implemented.

## **3. THE CITIZENS POLITICAL INDEPENDENCE FROM THE TRADITIONAL INSTITUTIONS OF REPRESENTATION: THE INTERNET**

Due to the inadequate representation and the ineffective participation in the traditional institutions, citizens started seeking ways in order to express their political views and possibly affect the final decisions (Burklin, Dalton, Drummond, 2001). This

tendency led citizens to make use of the Internet. This use started spreading about that time. The internet provided citizens access to information, expression and exchange of political views. Furthermore, the Internet created a space in which citizens were able to join in groups and exercise political pressure (Noveck, 2010); though not always effectively.

On the other hand, Governments that detected losses in their legitimacy as a result of the citizens' alienation from the traditional representative institutions, attempted to introduce the use of the Internet in the governmental function in an effort to regain lost ground.

Regarding government activity, the internet is used both as a means for providing information, supplementing the traditional form of the Press and as a means for communication between the state and the citizens. As a means for information, it has been designed to meet the transparency of government policy, through the publication of governmental actions. As a means for communication, it establishes a direct link between the rulers and the ruled, as an alternative choice between the traditional forms of participation. Such political aspect of the Internet seems to have been accepted –at least partly– by the citizens, because they are given the opportunity to achieve their political participation without the “Procrustean” mediation of political parties or the journalists' guided thinking. It could be said that this individual participation appears to have the properties and characteristics of traditional institutions. In addition, it cannot be overruled that it has not brought about a serious blow to their functioning.

Both the direct communication and the direct political expression, as well as the possibility of immediate information and of wide publicity, formed the impression that the Internet has created a new public sphere of control and accountability available to any citizen.

From one perspective this approach sounds correct, however it should not be forgotten that the action of any single citizen is individual, hence weakened. At this point, the main question arises: does this form

of direct participation mean more or less meaningful participation in terms of effective influence (Gould, 1988)? Yet the fact that the distance between rulers and ruled is reduced, does not necessarily mean that citizens are moving closer to the center of political decision-making.

### 3.1. The direct participation through the Internet in Greece

In Greece, the initiatives concerning the government's use of the Internet are in chronological order the program of open government ([www.opengov.gr](http://www.opengov.gr)) and the program of transparency ([www.et.diavgeia.gov.gr](http://www.et.diavgeia.gov.gr)). Both initiatives followed the example set by the European Union in 2001, when adopted a series of deliberative processes to strengthen public dialogue and complement traditional institutions of representation with the publication of the White Paper on European Governance

The online public consultation process, which operates through the internet platform of open government, came into force in 2009 as provisioned by law 4048/2012. The proposed bills, among others, are posted to online deliberation before being submitted to Parliament. As far as the website of transparency implemented by Law 3861/2010 is concerned, this is used as a platform where the majority of important governmental and administrative actions are posted in order to achieve widespread publicity of governmental activity.

These two websites differ in that the former provides the possibility of both access to information and citizens' participation, while the latter operates only for informational purposes. Indisputably, what both sites have in common is the fact that they allow individualized participation. In other words, through these websites, the information and the participation is up to the complete discretion and initiative of every citizen.

### 3.2. The online deliberation process

Regarding the process of online deliberation, this is part of a process in shaping political decision

making, it is placed before the enactment of Bills and in effect takes place at an early stage of the law-making process.

In particular, the online deliberation involves the process under which the proposed bills are posted for comments on the relevant website as already mentioned. In fact, the posting of any proposed Bill is in principle compulsory, unless said Bill is labeled as urgent. The duration of the online deliberation of each Bill, according to law, may be between two and five weeks depending on the case. Although, as stated in the law, the time limits may be shortened or lengthened by decision of the competent Minister.

During the online deliberation, citizens have the opportunity to submit their comments, usually on specific provisions. The comments are subject to the prior approval of the Ministry before being posted, in order to avoid publishing offensive texts or texts that serve promotional purposes. On the other hand, as far as the participation of government is concerned, under the aforementioned website it is stated that “it is important that the Ministry participates actively and formally responds [...] as well as publishes any relevant material, in order to achieve a creative consultation feedback.”

At the end of the online deliberation the responsible consultation group as defined by the Ministry compiles the comments in order to record and identify common themes. Then, the pertinent group prepares a report, which contains indicatively: summary of common topics, reference to a comment of each topic and annex with all comments.

For an online deliberation to be considered closed, the Ministry has to publish the final version of the proposed Bill and the report on its online deliberation, which inter alia, includes a documented reference on whether the citizens’ recommendations were incorporated into the final plan or not and why. According to the website, “the political leadership of the Ministry should consider the comments and take them into account in case of a possible modification in accordance with them.”

### 3.3. The government’s position

As it is clear from the wording of texts referred to the online deliberation, but also by the very nature of the process, the Government enjoys broad discretion both as to whether it will carry out the process, and as to whether it will participate by answering or by taking into consideration the comments.

Although said procedure is provisioned not only by the relevant law, but also by the House Rules, the Government has the option to bypass its implementation, in urgent cases. The existence itself of urgency is not controlled by the Parliament or any other institution whatsoever. Which in effect means that it comes to the discretion of the Government whether and in which specific Bills it shall provide a forum for citizens to express their views thereon. Moreover, as it is evident, citizens themselves have not the potential to initiate the procedure.

With regards to the process itself, the Government is neither obliged to take part in the online debate nor to respond to submitted comments. There was the ambition that this new means of consultation would create a new communication channel between the rulers and the ruled. However, in reality it seems that it cannot be guaranteed that this communication is bi-directional, rendering thereby useless the political participation of citizens.

The same –or even more extended– use of discretion on the part of the government is observed, at the stage of drawing the report of deliberation, which shall take place at the end of the process. The Government has absolutely no obligation to take into account the received comments or any suggested modifications, it bears no obligation whatsoever to a reasoned response to its relevant actions.

The absence of a documented reference, on which of the citizens’ proposals have been incorporated or not in the final version of the proposed Bill, produces no legal effect, and this is the reason why –in practice– it is most often omitted.

Yet, could things be completely different? In other words, should the Government be obliged to respond

to these comments? Or should the Government be obliged to take into consideration the proposed changes, and to answer to them in a documented manner? Such questions shall be examined not only from the perspective of legal obligation, but also from the perspective of political commitment.

Finally, does citizens' participation in online deliberation produce the necessary political pressure to compel the Government to take into consideration the comments received and to answer to them?

### 3.4. The ineffective political pressure

There is no doubt that the online deliberation process constitutes an implementation of paragraph 1 of Article 5 of the Greek Constitution, according to which everyone is entitled to participate in political life. This process gives the opportunity to any citizen to take part and to freely express his views on a particular issue (Noveck, 2010:63). It is clear however, that this process does not have the potential to exert effective influence over decisions and does not enjoy the overall support of the society in order to play such an influential role, the reason being the absence of its legitimacy.

This is not only attributed to the fact that the participants are not members of an institutional body and that they do not form an opinion collectively, but mainly because they are unknown (Ackerman, Fishkin, 2003). In the sense that they have the ability to keep their identity secret, without being subjected to the rules of publicity, undermining in that way the reliability of the process. Moreover, the fact that citizens participate individually and probably only when the issue concerns them directly, namely for the sake of their personal interest, prevents them from winning the support of society. It also prevents them from exerting adequate pressure, because of the fragmentary nature of their participation. In this light, it is only reasonable that they cannot shape the governmental decisions, since otherwise it would be like enabling "strangers" and extra-institutional factors to intervene in the legally binding decisions, bypassing not only the official and legitimate

institutions, but maybe even the majority principle as well.

On the other hand, any views expressed by a single citizen may be considered as public, i.e. open, and hence not individual, in the sense that it is potentially accessible to the general public via the internet. The same holds despite the fact that they do not enjoy wide publicity, given that they are not transmitted by the media and therefore the general public is not in its majority informed for the emerging issues and questions raised in these views. Citizens, however, who do not participate in the deliberation process are rarely informed about the proposed Bills and the expressed views (Reich, 2010:135). Thus, the opinions expressed, as well as the criticism, do not gather adequate momentum in order to influence the decisions of the government and hence do not bear a political cost for the Government when the latter ignores them. Since they give the impression of dispersed opinions, which do not reflect any particular portion of society. In this way, the Government, even if the proposed provisions receive strong criticism, has the discretion –and does not feel at the least obliged– to introduce them in Parliament at the end of the online deliberation or subsequently.

Indisputably, the absence of the mediation of Press raises another concern. Admittedly, this is the first time that the political opinions are both expressed and submitted directly and individually to the political leadership. Until now, the criticism addressed to the Government was exercised either directly, but through collective mechanisms, or individually, but through publication in the media. Hence, the main concern in the case of the deliberation process remains that the views expressed therein are submitted directly to the Government, which processes them without any guarantee of impartiality and objectivity.

More specifically, the opinions expressed in the online deliberation become subject to interpretation and processing during the drafting of the report which is divided into three parts. In the first part, an overall conclusion is extracted, which consists in evaluating

the overall attitude of the participants, positive or negative. In the second part, the comments are grouped around specific provisions or into issues. In other words, the points which were subjected to comments and consequently caused the interest of the participants are duly noticed. In the third part, it is indicated in the report which of the comments, as codified in the previous section, are adopted or not in the final version of the Bill and why. It is obvious that the last part of the report is reasonably subject to the discretion of the Ministry. However, the first two parts of the report, as well, consist in the interpretation of the comments received. The issue of interpretation constitutes a very crucial element for the quality and validity of the process, mainly because it can be used as a tool of legitimacy – of government choices.

Therefore, the fact that the Government has the immediate possession of these comments without the mediation of another institution and mainly without the formal involvement of the traditional institutions of representation, strengthens its position and grants it a greater degree of flexibility, depriving at the same time the citizens from the opportunity of substantial participation. Citizens' participation is limited to the mere expression of their opinion without major impact on the dynamics of influence in shaping the final decisions.

As mentioned above, this is due to the particular characteristics of this deliberative process. In other words, the individualized and fragmented citizen participation, the lack of publicity, the lack of institutional guarantees are some of the main causes of this phenomenon. This does not mean, however, that each model of deliberative process presents the same problems. On the contrary, depending on its particular characteristics, it is possible that such deliberative process takes a different position in the political system.

#### 4. THE DELIBERATIVE POLL

The deliberative poll was proposed by James Fishkin as a method which allows us to see what

people would think if they were adequately informed about important political issues (Ackerman, Fishkin, 2003). The process aims to motivate the passive citizens to be interested and informed on the critical political issues. It is a deliberative procedure that was firstly introduced in 1987 and since 1994 has been applied over more than 30 times at local and national level and in at least 10 countries around the world (Fishkin, 2003). Examples of this deliberative process include among other the recent deliberative poll which was held in August 2010 in Denmark on the state's currency, as well as those held in Texas on the use of green energy (Dryzek, Goodin, 2006).

The process, as described with emphasis to its most critical points, is as follows. Initially, a randomly representative sample of all citizens is selected (Fishkin, 2003). Citizens are invited to take part in the process. For their attendance they receive a minimum amount of compensation.

On the day of the deliberation, participants arrive at a specified location and are divided into smaller sub-groups of usually 20–25 people. After having been informed on the issue which is to be discussed, they deliberate on it and choose what questions to pose on the politicians and on other interest groups. After that, they come to the plenary session, where politicians from all stages, technical advisors and private interest groups interested in the issue are present. At this point, participants submit the selected questions and take answers from all the parts. At the end, they withdraw to their groups in order to evaluate the answers and exchange their views.

At the end of the process, participants fill a questionnaire without having to reach an agreement or common conclusion. It should be noted that the completion of the questionnaire, as described in the procedure, can be replaced by the free expression of opinion, as it happens in online deliberation. After all, the main aim is to attain a procedure which provides the grounds for a substantial public debate and publicity (Habermas, 1991) and carries political weight.



#### 4.1. The Government's position

The deliberative polling is not a form of direct communication between rulers and ruled, but a form of direct participation of citizens with the parallel presence of traditional institutions of representation. As mentioned, during the procedure all the political parties and the interest groups are present. As a result, the Government has the obligation to take part in the process and to support its position both towards the opposition, as well to the citizens. The presence of all parties obliges Government to provide justified answers both during the procedure and at its conclusion, namely at the stage of final decision. In this way, the Government's position is not disproportionately strengthened as seems to be happening in the online deliberation.

At this point, a question is raised with regards to the initiative for the procedure. It is obvious that a process that does not put the Government in a privileged position is likely to become inactive if left only on Government's discretion, as has already happened with the referendum. For this reason the set up should belong both to the parliamentary minority and to the citizens through the collection of signatures.

#### 4.2. The issue of the effective influence

As already mentioned, in a deliberative poll participants are randomly selected and constitute a scientific representative sample of citizens (Fishkin, 2003). This mini-public which is formed (Goodin, 2008) reintegrates citizens in a new form of collectivity. Although citizens participate individually, in the sense that they do not belong to an institutionalized body, the quality and context of their position is different. Besides, in most of the deliberative polls conducted up to this point, the majority of the participants responded that during the process they had the sense of representing the citizens that could not participate. This means that the participants themselves perceive the procedure in a different and more serious way.

The most important thing is that this mini-public constitutes a diverse group of individuals

composed of citizens with no particular personal interest –possibly– with respect to the issue to be discussed, in contrast with online deliberation. In this way, citizens are encouraged to actively participate regardless of their personal benefit, and for this reason it is more likely that they receive the support of society. This does not mean that interest groups and individuals are excluded from the process, but simply that they are not placed at the center.

Aside from the fact that this process encourages passive citizens to participate, it is also important that it provides wide publicity and informs public opinion, given that all the meetings are broadcasted by the media (Ackerman B., Fishkin J., 2003). Such publicity will promote and strengthen the opinion of the participants, while the fact that secrecy will be respected as to who expresses what opinion, such secrecy will not cost to the validity and credibility of the process, because the faces of the participants themselves will become public.

Finally, once again at this point the problem of the treatment or else interpretation of the views expressed is raised. On the one hand, since all forces will take part in the process, it is obvious that these views will not be processed only on behalf of the Government. On the other hand, the best protection for the citizens' opinion would be the enactment of an independent or cross-party institution entrusted with the responsibility to gather the opinions and make the final report.

#### 4.3. A new form of participation

The deliberative poll, like any deliberative process, is limited and cannot produce legally binding results. This collective body, gathered by citizens, is not a constitutionally entrenched institution and therefore does not have decision-making power (Chrysosgonos, 2003). The fact that it involves a representative sample of citizenry should not lead to the conclusion that this is a limited form of "referendum". In that sense, the deliberative polling cannot replace the referendum neither from a practical nor from a theoretical point of view. The fact that the opinions expressed, however, are not legally

binding does not mean that has no political weight. The deliberative poll is able to exercise effective political influence (Ackerman, Fishkin, 2010), at least to a greater extent compared to online deliberation, given that it introduces a process involving all parties, the meetings are covered by publicity, citizens are provided with spherical information and the results are not subject to processing by the Government.

On the other hand, compared with the participation in political parties per se, the influence that can be exercised is possibly lesser. Since deliberative polling does not constitute a form of collective action. It is, however, a new form of collective participation which can mitigate the discomfort from the part of the citizens when faced with the problem of sub-representation. Although this deliberative process, as any deliberative process, must address the problem of legitimacy. It is, however, more likely to win the support of society, since it is surrounded with more guarantees of impartiality and publicity.

In all cases, the deliberative poll is a process that allows citizens to participate without leaving them exposed because of direct participation. In practice, there are many times that deliberative polls have influenced policy making. Although there are not so many times that they have been carried out with the initiative of the political leadership. It is evident, however, that this is a promising process, at least among those who have already proposed (Allum, Roberts, Sturgis, 2005)

#### **4.4. On the implementation**

It is clear that the deliberative poll is a process more complicated and expensive compared to the online deliberation. That is one reason why it is not widely recommended to replace online deliberation, but its adoption is limited to cases where it is absolutely necessary, namely for critical issues, such as when the proposed bills raise significant reactions. The initiative, as aforesaid, should belong to all the institutions involved, including the citizens themselves through popular initiative. Furthermore, it shall be noted that such a process may be directly

provisioned by law without prior constitutional provision, as it constitutes a political process which does not produce legally binding decisions.

The implementation of this procedure into the political system is particularly important. The online deliberation gave voice to active –and even inactive – citizens to express their views, but unfortunately did not prove so effective in influencing policy making. Yet, deliberative polling has the potential to encourage all citizens to be interested in public issues and also offers them the opportunity to participate actively and effectively in policy-making through a new form of collective participation.

#### **CONCLUSION**

It is true that the representative system needs strong representative institutions (Vlachopoulos, 2012). The element of collectivity in democracy both in cases of making final decisions and in cases of policy making is irreplaceable. The individual citizen, by definition, is not in the same position with the Government, and thus its personalized participation may not be effective (Kelsen, 2013). In fact, the best solution would be the well-functioning of political parties and the impartial role of the Press. It is obvious that as a remedy for the pathogenesis of these two institutions the need for new participation procedures becomes imperative. In any case, caution shall be placed in creating new forms of participation through procedures, that not only protect, but also enhance the citizens' position vis-a-vis the Government. The best incorporation of such a goal is expressed by the deliberative polling.

Although deliberative polling is not a process of open access, meaning that the restriction of random selection applies, the fact that participants are randomly selected based on the rules of statistics ensures that the views which will be heard will substantially reflect the various sections of society. What is more, participants are citizens who are getting involved not because they are driven by personal interests, but simply because they are citizens.

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