

RESEARCH ARTICLE

The Manifestations and Trajectories of Deliberative Constitution-Making: An Analysis of the ConstDelib Country Reports

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Deliberative democratic theorists and practitioners have increasingly taken constitution-making as an object of study and a target for action. Yet they most often lack a comprehensive picture of the variety of, and narratives about, constitutional deliberative events. I therefore undertake a systematic inventory of what I call the manifestations and trajectories of deliberative constitution-making. First, I conduct a literature review to defend my claim that deliberative constitutionalists have not yet provided an adequate event-typology. I also identify three institutional design features – connectivity, complementarity, cyclicity – to which event organizers should be particularly sensitive. Second, I explain my methodology and case-selection from the ConstDelib country reports and identify three variables which track the similarities and differences in constitutional deliberative events: the sequencing of the event in a constitution-making timeline; the anticipated event output; whether constitution-making actors have a duty of response to the output. Third, I explain how the interaction between these variables yields four manifestations of constitutional deliberative events: depending on the convener, these may manifest as “inside” or “outside” versions of “constitutional convention”, “quality control”, “value mapping”, or “institutional experiment”. Fourth, I suggest that narratives about a polity’s practice of deliberative constitution-making may be framed in terms of three broad trajectories: quasi-institution; ad hocery; facade. Fifth, I put forward a menu of four general recommendations and four type-specific standards to improve event outcomes and align events and public expectations. All together, these resources contribute to the formation of a critical theory of deliberative constitution-making.

Keywords: constitution-making; comparative study; Europe; taxonomy

Introduction

Public and civil society actors across Europe have increasingly incorporated deliberative democratic innovations into constitution-making: constitutional reforms incorporating citizens’ assemblies; minipublics about specific constitutional articles; deliberative polls about democratic institutions or state-wide issues with constitutional fallout. I use the term ‘constitutional deliberative event’ to mean a temporary structured environment where public or civil society actors gather citizens in a face-to-face, online or hybrid format (1) to engage in collective deliberation about subjects related to the relatively unitary body of higher law ‘regulat[ing] the most fundamental aspects of political life’ (Elster 1998: 97) and (2) to deliver a collective output (e.g. articles, recommendations, principles) related to the revision of that body of law.

Even with accumulated experiments and case-studies, we lack an overarching picture of constitutional deliberative events and their relevant similarities and differences. Deliberative democrats must better describe the forms and paths which these events take towards different outcomes. Describing these forms may foreground the strengths and weaknesses of event processes, and the opportunities and threats for event outcomes; describing these paths may aid the reflexive task of framing and evaluating narratives about differences in the direction and aftermath of structurally similar events in different contexts. This may yield explicit theoretical claims to inform and focus future empirical inquiry. Hence, there are several compelling reasons to seek a deeper understanding of types and trends in deliberative constitution-making.

This article begins the systematic work just described by presenting, somewhat speculatively, a picture of the manifestations and trajectories of deliberative constitution-making. By “manifestation”, I mean the types of processes on which conveners and organizers frequently converge when translating the abstract

notion of constitutional deliberative events into concrete temporary structured environments for deliberating and delivering outcomes. By ‘trajectory’, I mean the kinds of narratives which emerge from elite and public discourse about the direction of deliberative constitution-making in a specific political context. These narratives represent the paths which events follow under the influence of various constitutional, political, and social actors and learning processes.

When events manifest in a specific form, this may impact the trajectory of deliberative constitution-making in a polity. Different manifestations may warrant contrary judgments about the intentions of public and civil society actors for ongoing and future events. When one trajectory prevails over another in the public imagination, this may constrain the forms under which events manifest. Differing perceptions of trajectory may variously impact the trust-relationships and capacity-building key to short- and long-term event outcomes. An account of these manifestations and trajectories provides descriptive resources for an event-typology and critical resources for reflecting on the narratives about constitutional deliberative events and politics. It may help deliberative constitutionalists reframe their comparative work by selecting and examining cases in accordance with type, for purposes of scientific validity, methodological fairness, conspicuous contrast, or public-facing communication.

My account proceeds in five stages. First, I conduct a literature review of existing systematic work on constitutional deliberative events, which also reveals three key institutional design features for such events: connectivity; complementarity; cyclicity. Second, I explain my methodology and describe three explanatory variables of event processes and outcomes: the event’s sequencing in constitution-making processes; its anticipated output; whether constitution-making actors must respond to that output. Third, I suggest that four main manifestations emerge from these variables: events may manifest as ‘constitutional convention’, ‘quality control’, ‘value mapping’, or ‘institutional experiment’ in inside or outside subtypes, depending on the convener. Fourth, I contend that narratives about a polity’s practice of deliberative constitution-making may be framed in terms of three broad trajectories: quasi-institution, ad hocery, and facade. Fifth, I provide four general recommendations and four manifestation-specific recommendations for deliberative constitution-making.

Literature Review

I begin with a literature review of typologies of democratic innovations relevant to constitutional deliberative events. This review also reveals key institutional design features.

Event-typologies

Elstub and Escobar (2019) analyze four types of democratic innovations in terms of ineliminable, quasi-contingent, and contextual features: minipublics, participatory budgeting, referenda and citizens’ initiatives, and collaborative governance. Their typology is instructive though unspecific to deliberative constitution-making.

Three types – minipublics, referenda and citizens’ initiatives, and collaborative governance – include constitutional reform under their policy area, but only minipublics include deliberation as an ineliminable feature, so this typology cannot simply be transposed into deliberative constitution-making.

Levy’s typology (2019) identifies three democratic processes of constitutional reform: assemblies (randomly selected, elected, appointed), consultations (public, crowd-sourced), and referenda (preliminary instruction, scaled referenda, preliminary values questioning, integrated referenda, amongst others). Each subtype has specific democratic strengths and weaknesses which it trades off. Though more specific to constitution-making, this typology does not translate into a neat division of constitutional deliberative events. The events from my dataset principally fall into Levy’s category of randomly selected assemblies, so more detail is necessary to characterize their variety.

Welp and Soto (2020) come closer to developing a typology of constitutional deliberative events. They review 29 cases of constitutional replacement across 27 countries and identify two classes of minimum democratic criteria for deliberative constituent processes to satisfy: mechanisms of the deliberative process itself (information, duration, inclusion, pluralism), and methods used for processing event content and outputs (established methodology, previous communication, traceable reports, process incidence). Using these criteria, they slot each case into five types: symbolic (no desirable mechanisms or methods), prejudiced (minimal levels of desirable mechanisms but no desirable methods), participatory overflow (middling levels of desirable mechanisms but minimal desirable methods), constituent opening (high levels of desirable mechanisms but middling desirable methods), and constituent participation (high levels of desirable mechanisms and methods).

Yet their cases mostly involve consultations without collective deliberative outputs which do not qualify as constitutional deliberative events in my sense. Relatedly, this typology characterizes ‘formally convened’ participatory constituent processes aimed at constitutional replacement, not revision (Welp & Soto 2020: 2, 18). These processes were initiated by directly empowered constitutional actors (government, parliament, etc.) to create a new constitution. Their typology is not designed for cases where outside actors initiate constituent processes or whose processes also concern high-level institutional or policy issues. Focusing on government-led initiatives may obscure the context wherein actual constitutional deliberative events emerge and frustrate efforts to articulate their constitutional-deliberative versus democratic credentials.

Like Welp and Soto, Geissel and Gherghina (2016: 78) seek evaluative criteria for popular consultation processes, treating inclusive participation, deliberative quality, and political impact ‘as functional equivalents to input, throughput and output legitimacy.’ Applying this framework to well-known deliberative events, the authors judge that these events satisfy the evaluative criteria

of input and throughput legitimacy but not output legitimacy. They then identify a 'clear research gap' for studies 'compar[ing] the effects of democratic innovations taking place at different political levels and in different contexts' (Geissel & Gherghina 2016: 87). This suggests normative, conceptual, and empirical questions whereby future research might clarify the relative strengths and weaknesses of democratic innovations and the constitutional impact of deliberative events. This research gap certainly highlights the need for a typology with greater comparative resources, but the authors' evaluative criteria do not prefigure one.

Research at the intersection of deliberative democracy and constitution-making also advances explanatory variables or normative models of deliberative constitution-making. For Elster (1998), constituent assemblies may realize deliberative democracy in two ways: using deliberation to create a constitutional framework for political decisions (Elster's focus), and creating a constitutional framework wherein officials use deliberation to decide political matters. Four variables – size, publicity, threat of force, and actor interests – explain why communication functions as arguing or bargaining (Elster 1998: 107). The author identifies seven normative recommendations regarding 'the optimal design of the constitution-making process' (Elster 1998: 116) to: deploy specially convened assemblies, preclude institutional self-dealing, combine publicity and secrecy, utilize proportional representation, avoid possible confrontations, seek popular ratification, and take delayed effect.

Elster's explanatory variables and normative recommendations anticipate but differ markedly from recent work. First, they focus on formally institutionalized drafting bodies, not complementary events. Second, they (understandably) focus on traditional constituent assemblies, not recent institutional experiments which may make new variables salient. Third, Elster is less interested in a typology of constitution-making processes than in normative lessons from empirical analysis of one event-type. The same holds broadly true for Elster and coauthors' (2018) work on constituent assemblies where few case-studies involve democratic innovations or broad participatory processes.

In contrast, Fossum and Menéndez (2005) elaborate a normative model of deliberative constitution-making including upstream and downstream processes. In their view, constitutional norms are legitimate because the constitution-making process can be 'constructed as a series of increasingly demanding examinations' and 'reconstructed around five main phases: signalling; initial deliberation; drafting; agenda-settled deliberation; ratification' (Fossum & Menéndez 2005: 385). The deliberative process foregrounds communicative interaction: each phase confronts constitutional actors with questions which they should answer to the satisfaction of strong and weak publics. Although this articulated model could underpin an event-typology, one cannot simply transpose its phases into a five-part typology because the constitutional deliberative events

which I discuss in this article are clustered in the model's third and fourth phases. If the goal is to characterize the specific features of actual events, these five phases may be more heterogeneous in content than suggested, making the model less sensitive to key differences.

Institutional design features

Beyond the lack of a fit-to-purpose typology, this review reveals several important considerations about the institutional design of constitutional deliberative events. I systematize these under three headings: connectivity, complementarity, and cyclicity. If it is desirable that events include these features, they may also function as evaluative standards. I should clarify two points. First, while connectivity, complementarity, and cyclicity are common to constitutional and non-constitutional deliberative events, they are especially important in high-stakes constitutional politics. Lacking these features, constitutional deliberative events can easily generate suboptimal or perverse outcomes. Second, these features do not exhaust constitutionally relevant design features; they are simply the most salient in my analysis.

Connectivity corresponds to the relation between the event, its processes, and constitution-making actors. Whatever the processes and actors involved, they should be effectively connected with one another. If the event is too indirectly connected with the draft constitution's content, constitution-making actors may exercise arbitrary discretion over event outputs. If it is too directly connected, they may unduly influence those outputs. Hence, organizers should foster meaningful communication and critical distance between the actors involved in agenda-setting, deliberative, and decisional processes.

The need for connectivity is well-established. It partly overlaps with output legitimacy criteria emphasizing connections to constitution-making actors (impact on new constitution) and the media (improved citizen enlightenment) (Geissel & Gherghina 2016: 80). It recalls Welp and Soto's (2020: 6) discussion of the 'connection with the constituent process' (the degree of government control over event outputs). Connectivity in my sense is more concerned with the quality of communication between convener, participants, and constituent body (how responsive actors are to one another), less with measuring post-event institutional or attitudinal change or the locus of output control.

Complementarity concerns each actor's contribution to constitution-making. Events should institute a division of labor which fruitfully combines processes in accordance with constitution-making actors' objectives. If actors cannot cede agenda-setting or deliberative powers over the draft document to a constitutional deliberative event, they might convene upstream and downstream events to elicit feedback on provisional agenda items or draft articles. If they can cede those powers, they might also support civil society efforts to involve the public in generating inputs and ratifying outputs. Civil society actors convening events should heed complementarity

by considering sequencing and fit with the constitution-making context. They may initially conduct experiments to build capacity and rapport with political actors while remaining sensitive to the distinctive sources of actor legitimacy in the constitution-making sequence.

Complementarity is also well-documented. Smith (2009: 189–190) discusses ‘institutional complementarity’ or how ‘combining democratic devices [...] might enhance the realisation of goods of democratic institutions.’ Mansbridge and coauthors (2012: 3) evoke ‘relationships of complementarity’: ‘Two venues, both with deliberative deficiencies, can each make up for the deficiencies of the other’. Though resonant with mine, these notions do not highlight how different event-types may enhance constitutional deliberation. Even when complementarity is linked to hybrid constitution-making models, the ‘complementary strengths’ specific to event-types may remain unidentified (Levy 2019: 345).

Cyclicity concerns each actor’s capacity for learning from deliberative constitution-making. Event processes can be improved by post-event review to foster learning outcomes and by iterative deliberation to improve event outputs. Post-event review can improve processes, cultivate reflexive thinking, and enhance stakeholders’ understanding of deliberative constitution-making. Otherwise, events may be structured iteratively: expected outputs – draft constitutions, articles, recommendations – are broken into phases and delivered progressively, not merely at the conclusion. This may allow participants and constitutional actors to refine event outputs through multiple cycles of drafting and feedback. The Icelandic Constitutional Assembly/Council used iterative deliberation for its draft constitution, but there remains room for improvement (Bergmann 2021: 3–4). Cyclicity may support a ‘dialectical’ view of deliberation and constitutional practice (Levy & Kong 2018: 6).

Cyclicity is also familiar from the literature. Geissel and Gherghina (2016: 80) evoke learning when discussing how ‘successful deliberative experiments serve as reference points for similar processes and the passage of time favours this’. Event organizers frequently highlight opportunities for learning (Baburoglu & Goker 2014: 389; Bell et al. 2012: 96–98; Convention on the Constitution 2014: 3–4; We the Citizens 2011: 6). Nonetheless, stakeholders may not capitalize on these opportunities. Researchers from Ireland’s citizens’ assemblies affirm that conveners should undertake ‘a review of international good practices’ (Suiter et al. 2021: 42) or revisit certain ‘suboptimal’ path-dependent event-processes (Farrell 2022). Stakeholders may also ignore lessons from failed democratic innovations (Spada & Ryan 2017) or constructive criticism of gold-standard events (Boswell 2021). Thompson (2008: 515) notably discusses ‘iterated deliberation’ where policy develops in a loop which ‘continue[s] through multiple phases and may be expanded to include other institutions’ to leverage their different capacities. Similarly, Levy (2013: 572–574) examines ‘integrated referenda’ which iterate drafting,

deliberation, and voting stages, but his emphasis is on more deliberative voting, not on better event design.

Together, the lack of a satisfactory event-typology and uneven attention to these design features mean that deliberative constitutionalists have work to do. Though these initial reflections about typologies and features are helpful, a deeper understanding of deliberative constitution-making requires sustained analysis of real-world constitution-making events.

Methods and Cases

I now briefly summarize the methodology underlying my analysis, including my dataset and case-selection criteria. I then explain the key variables in my event-typology and how these are operationalized.

The ConstDelib country reports

I constructed a dataset from 21 ‘country reports’ prepared by the COST Action ‘Constitution-making and deliberative democracy’ (ConstDelib). As representatives of their country, each report’s authors described any deliberative events involved in formal or incremental constitutional change. Events were defined as ‘instance[s] of collective deliberation leading to a collective output.’ This excluded merely participatory or informational events or collective deliberation with merely individual outputs; it included deliberative events which were not formally institutionalized or embedded. The author guidelines highlighted three constitutionally relevant forms of deliberative democracy: constitutional reforms incorporating deliberative democratic innovations, minipublics about specific constitutional articles, and events about democratic institutions and culture or existential state-wide issues. I call these ‘deliberative constitutional reforms’, ‘constitutional minipublics’, and ‘foundational deliberative instances’ respectively.

Using these three forms as provisional criteria, I selected 14 events with deliberative processes from eight countries for 2009–2022: Belgium’s 2010–2011 “G1000” (BE10-11), France’s 2018–2019 “Great National Debate” (*Grand Débat National*) (FR18-19) and 2019–2020 “Citizens’ Convention on Climate” (*Convention Citoyenne pour le Climat*) (FR19-20), Ireland’s 2011 “We the Citizens Pilot Citizens’ Assembly” (IE11), 2012–2014 “Convention on the Constitution” (IE12-14), 2016–2018 “Citizens’ Assembly” (IE16-18), and 2019–2021 “Citizens’ Assembly on Gender Equality” (IE19-21), Iceland’s “National Assembly” (*þjóðfundur*) (IS09) and 2010 “National Forum” (*þjóðfundur*) and 2011 “Constitutional Assembly/Council” (*Stjórnlagaráð*) (IS10-13), Luxembourg’s 2014 “CIVILEX” (LU14) and 2016 “CONSTITULUX” (LU16), Portugal’s 2017 “Citizens’ Forum” (*Fórum dos Cidadãos*) (PT16-17), Romania’s 2013–2014 Romanian “Constitutional Forum” (*Forumul constituțional*) (RO13-14), and Turkey’s 2012–2013 “Polling Conferences” (*Tarama Konferansı*) (TR12-13). I initially categorized them according to the three forms (**Table 1**).

To assess whether this initial categorization sufficed for a satisfactory typology, I examined event similarities

Table 1: Constitutionally relevant forms of deliberative democracy.

Form	Cases
Deliberative constitutional reforms	FR19-20, IE12-14, IE16-18, IE19-21, IS10-13, RO13-14, TR12-13
Constitutional minipublics	LU14, LU16
Foundational deliberative instances	BE10-11, FR18-19, IE11, IS09, PT16-17

Source: author.

and differences within the rows and columns. Ultimately, I opted for a new typology on three grounds. First, each row diverges internally in terms of outputs and conveners, so no form captures a cogent event-type. The category ‘deliberative constitutional reforms’ includes events which produced outputs ranging from non-binding high-level constitutional values (TR12-13) to draft constitutional provisions (RO13-14), even within the selfsame event (IS10-13). Similarly, the category ‘foundational deliberative instances’ includes both formally institutionalized events (FR18-19) and independently organized events (BE10-11). Second, important cross-category convergences indicate that they may overemphasize contextual differences and underemphasize similarities of content and process. For instance, though convened by different actors, cases like IS09, TR12-13, and IS10-13’s National Forum Phase exhibit similar functions, processes, and outputs. Likewise, this provisional categorization suggests that IE11 is a fundamentally different event-type from IE12-14, IE16-18, and IE19-21 (for which it was the pilot) because it was not involved in official constitutional reform. Third, ‘constitutional minipublics’ forms a cogent type but does not isolate these cases’ most interesting aspect (LU14, LU16): evaluating draft material proposed by constitution-makers.

Operationalization of variables

In developing a new typology, I privileged three explanatory variables: 1.) sequencing in the constitution-making process (at what point does the event intervene?), 2.) anticipated output (what content emerges from the event?), and 3.) actors’ duty of response (is uptake of the output required or expected?). These variables are closely linked to the institutional design features above.

Sequencing includes elements of connectivity, complementarity, and cyclicity. Regarding connectivity, it determines the constitution-making actors (e.g. parliamentary committee, parliamentary chamber, voting public) to which event participants direct their deliberative outputs. Regarding complementarity, sequencing constrains the relative contributions which participants make, with certain outputs only available or generated at particular points in the constitution-making process. Regarding cyclicity, it determines what opportunities exist for feedback between participants, organizers, and officeholders.

Event output relates to complementarity: it concerns the precise nature of participants’ contribution to the constitution-making process and the fit between their and others’ contributions. The duty of response is, however,

more closely related to connectivity and cyclicity. It sets the tenor of communication between actors and the reception of event outputs. It may also make possible learning and iteration between the organizers, participants, and audience.

I operationalized these variables as follows. For sequencing, I identified three temporal categories. When the event occurred before a working draft document was prepared by constitution-making actors, I coded this ‘before drafting’. When the event occurred after this document was prepared, I coded this ‘after drafting’. When the event occurred at a time when no document was envisaged by actors, I coded this ‘null’.

For the anticipated output, I identified four categories. When event participants drafted a new replacement constitution, I coded this ‘draft constitution’. When participants suggested new constitutional content, I coded this ‘revision recommendations’. When participants identified political values to guide constitution-making, I coded this ‘normative recommendations’. When participants deliberated on the nature of democracy or existential state-wide matters like institutional reform or climate action, I coded this ‘issue recommendations’. When participants produced several categories of output, I coded the output closest to ‘draft constitution’.

For duty of response, I identified four levels of precommitment from constitution-making actors. When legislation, decree, or communiqué made explicit that actors would reply to each output with supporting reasons, I coded this ‘motivated reply required’. When such a document made explicit that they would discuss the outputs at least once in open or closed session, I coded this ‘discussion required’. When no such document made explicit that a constitution-making actor would discuss the outputs and when the convener or participants had compelling reason to expect some engagement, I coded this ‘discussion expected’. When no such document made explicit that actors would discuss the recommendations and when the convener or participants had little reason to expect it, I coded this ‘discussion not expected’. Finally, when I could not locate an official document specifying the duty of response, I relied on the reports and secondary literature for guidance.

Manifestations of Deliberative Constitution-Making

Since the events are described elsewhere (Burks 2022), I merely summarize the four manifestations. Recall that a constitutional deliberative event is a temporary structured

environment where public or civil society actors gather citizens to engage in collective deliberation about the body of higher law 'regulat[ing] the most fundamental aspects of political life' (Elster 1998: 97) and to deliver a collective output related to its revision. A manifestation refers to the types of processes on which conveners and organizers converge when translating this abstract notion into concrete environments for deliberating and delivering outcomes.

Specific events or processes form roughly coherent clusters around four combinations of the explanatory variables, suggesting four manifestations: constitutional convention, quality control, value mapping, and institutional experiment. These manifestation-types can be further subdivided by the convening body: formal or institutionalized political actors may be involved to differing degrees. When the executive or legislative power is mainly responsible for convening the event, I label the manifestation an 'inside' constitutional convention, and so on. When some non-state actor (e.g. academic research unit, participation consultancy, grassroots group) is mainly responsible, I label the manifestation an 'outside' constitutional convention, and so on.

The manifestation-types and inside/outside subtypes are represented in **Table 2**'s rows; the variables of sequencing, output, and response and the associated values are represented in its columns. The link between manifestations and values is somewhat loose. Duty of response is especially variable due to different political and constitution-making traditions. When a particular

variable takes multiple values, I indicate which cases take which values.

Inside Constitutional Convention

When the event is convened by government, tasked with producing constitutional material like a draft constitution or revision recommendations, and is guaranteed motivated reply or discussion, it manifests as inside constitutional convention. Like a constitutional convention, the event plays a formal role as constitution-maker. This role need not be strictly equal, nor need participants draft the constitutional text themselves. Their produced content must, however, be directly relevant for the draft document. They must therefore intervene before a draft constitution is formalized. Inside constitutional conventions manifest in institutionally embedded contexts of open constitutional reform. Given this formal role, event outputs will be treated by other constitution-making actors or sidelined when opportune.

Outside Constitutional Convention

When the event is convened by civil society, tasked with producing a draft constitution or revision recommendations, and comes with only an expectation of discussion, it manifests as outside constitutional convention. It resembles a constitutional convention because conveners and organizers claim an informal role as constitution-making partner. They model a process with many trappings of inside constitutional conventions: the event's democratic credentials warrant the attention of constitutional actors; its content bears directly on

Table 2: Manifestations of deliberative constitution-making.

Manifestation-type & subtype		Cases	Sequencing	Output	Response
Constitutional convention	Inside	FR19-20 IE12-14 IE16-18 IE19-21 IS10-13 RO13-14	Before drafting	Draft constitution (IS10-13) or revision recommendations (FR19-20, IE12-14, IE16-18, IE19-21, RO13-14)	Motivated reply required (IE12-14, IE16-18, IE19-21, IS10-13) or discussion required (FR19-20, RO13-14)
	Outside	IE11	Before drafting	Revision recommendations	Discussion expected
Quality control	Inside	LU14 LU16	After drafting	Revision recommendations	Discussion expected
	Outside	-	After drafting	Revision recommendations	Discussion not expected
Value mapping	Inside	IS10-13 TR12-13	Before drafting	Normative recommendations	Discussion required (IS10-13) or discussion expected (TR12-13)
	Outside	IS09	Before drafting	Normative recommendations	Discussion expected
Institutional experiment	Inside	FR18-19	Null	Issue recommendations	Discussion required
	Outside	BE10-11 PT16-17	Null	Issue recommendations	Discussion not expected

Source: author.

constitutional matters. Hence, outside constitutional conventions also intervene before a draft document is finalized. They manifest in institutionally unembedded or disruptive contexts of political crisis or open constitutional reform. Being informal, event outputs may carry little weight with constitution-making actors. Yet conveners and organizers can be proactive towards officeholders and incentivize them to include deliberative exercises in electoral platforms or programs of government.

Inside Quality Control

When the event is convened and tasked by government with producing revision recommendations, and discussion is informally expected, the event manifests as inside quality control. Like quality control, it double-checks the draft document's contents after they are formally prepared by constitution-making actors. This role is of secondary importance since the event participants provide feedback on the drafters' work, rather than producing constitutional content. Inside quality control manifests in institutionally controlled contexts of ongoing constitutional reform, but event outputs may generate little uptake as the reform's outlines have been set after stakeholder buy-in.

Outside Quality Control

When civil society convenes the event and tasks it with producing revision recommendations amid little expectation of discussion from constitutional actors, the event manifests as outside quality control. Like its inside counterpart, outside quality control plays the role of evaluating the draft document. Participants engage all or some contents and provide feedback. Unlike its counterpart, this role is informal because the event is unsanctioned by constitutional actors: it manifests in institutionally unembedded or disruptive contexts around a formal constitution-making sequence. Without official sanction, these events can expect at most informal discussion by officeholders. This is the only manifestation for which the country reports offer no examples.

Inside Value Mapping

When the constitutional deliberative event is convened and tasked by government with producing normative recommendations and discussion is formally required or informally expected, the event manifests as inside value mapping. It plays the formal role of identifying political values and providing a value-ordering to orient the new constitutional content. Value mapping ordinarily precedes drafting. Its role is tertiary since event participants do not directly engage the document's contents but provide a list of open-texture values informing the sense of individual articles or the entire constitution. Inside value mapping occurs in institutionally controlled contexts of ongoing reform with considerable discretion for constitution-making actors. Despite this formal role, event outputs have unclear impact on constitution-making because the recommended values do not necessitate specific provisions.

Outside Value Mapping

When civil society convenes the event and tasks it with producing normative recommendations and discussion by constitutional actors is at most informally expected, the event manifests as outside value mapping. Like its inside counterpart, outside value mapping presents constitutional values as normative recommendations for the draft constitution. These events may occur in institutionally unembedded or disruptive contexts of political crisis or anticipated reform. Since this role is unsanctioned by constitution-makers, actors are not formally bound by the normative recommendations. Officeholders retain full control over constitutional content. Nonetheless, exceptional popular support or unrest may render them materially bound to heed those recommendations or seek greater public input. Even if value mapping precedes drafting, its output may receive little formal uptake.

Inside Institutional Experiment

When the event is convened and tasked by government with producing issue recommendations, and discussion is formally required, the event manifests as an inside institutional experiment. It plays the formal role of proof-of-concept for some institutional innovation or public outreach and the material role of novel inputs for existing decision procedures. These events typically occur in a political context without ongoing constitutional reform. They therefore have indirect relevance for constitution-making mechanisms as event participants provide recommendations for institutional reform or state policy with constitutional fallout. They infrequently generate uptake: their one-off status lowers the costs of non-engagement for constitutional actors.

Outside Institutional Experiment

When the event is convened and tasked by civil society with producing issue recommendations, and discussion is not expected from constitution-making actors, the event manifests as outside institutional experiment. The event plays two roles: formally, illustrating for officeholders new participatory ideas of co-governance and possible deliberative events, and materially, changing the nature of democracy or state-wide policy. These events emerge in contexts of democratic frustration, absent constitutional revision, often going unremarked by constitution-making actors. If outside institutional experiments infrequently generate political uptake, civil society may incentivize uptake by partnering with esteemed collaborators or advertising democratic quality.

Trajectories of Deliberative Constitution-Making

The previous section offered a descriptive overview of deliberative constitution-making manifestations, i.e. types of processes on which conveners and organizers converge when creating concrete environments for deliberating and delivering outcomes. Manifestations are linked in important ways with the trajectories of deliberative constitution-making, i.e. typical narratives

which emerge in elite and public discourse about the direction of deliberative constitution-making in a specific political context. Trajectories tell a story about the path which events follow under the influence of constitutional, political, and social actors.

When constitutional deliberative events manifest in one form rather than another, this can impact the trajectory of deliberative constitution-making in two ways. First, different manifestations may support different perceptions of actor intentions and plans for ongoing and future events. If one trajectory prevails in public discourse, this may constrain the forms under which future events manifest. Second, differing perceptions of trajectory may impact the trust relationships and capacity-building key to short- and long-term event outcomes.

I now elaborate three trajectories of deliberative constitution-making – ad hocery, quasi-institution, and facade – and illustrate how narratives may coalesce around and influence events. What follows is largely speculative without refined attitudinal measurements for specific events or detailed contextual analysis of constitution-making traditions. I cannot provide a satisfactory causal analysis of events in this space. Nevertheless, confronting theoretical construct and real-world example remains an instructive, albeit incomplete, aid to reflexive examination of how actors and observers understand and communicate deliberative constitution-making's theory and practice.

Quasi-institution, ad hocery, facade

Three trajectories – narratives about deliberative constitution-making – can be extrapolated from this dataset: ad hocery, quasi-institution, and facade. Ad hocery seems predominant in polities holding constitutional deliberative events for the first time. Events are convened for a particular political purpose (e.g. public outreach, participatory trendsetting). Their organization may be impromptu, depending on timelines and availability of experienced civil servants, civil society groups, or participatory consultancies. Events may be unconnected with similar events, the agenda-setting or decisional stages of constitution-making, or ongoing reform efforts. Conveners may not commit to responding, and they may trade off opportunities for institutional learning or scientific validity for political advantages like novel inputs or crisis management. Ad hocery prevails when events appear to be conducted without due regard for political follow-up, best practices, or lessons learned.

Elite and popular perceptions of deliberative constitution-making can depart from ad hocery in at least two ways. First, narratives may portray deliberative events as a quasi-institution and emphasize how officeholder buy-in, public support, or learning processes reinforce their emergence as popular constitution-making norm. As officeholders' perceived incentives evolve, the rules and expectations structuring their option-sets also evolve. These events increasingly resemble other constitution-making processes. Their normalization and formalization are, however, pursued unevenly: events still occur at constitution-makers' discretion. Though deliberative constitutionalists need not regard institutionalization

as the end-goal (Bussu et al. 2022), it may sometimes be desirable as a way to ensure formal uptake.

Second, narratives may foreground officeholder resistance, public disinterest, and unsuccessful learning or capacity-building. These elements suggest that events are a facade for meaningful constitutional change. Ill-intentioned actors might use events to obscure the real sites of constitutional decision-making (smokescreen) or to incorporate popular but minor revision recommendations (window-dressing). Even well-intentioned actors committed to fostering popular participation and engaging event outputs may be portrayed as renegeing on that commitment due to endogenous or exogenous events (change of government, economic crisis, etc.). Alternatively, they may not act due to perceptions that the inciting incident is over and inaction comes with no costs. Thus, a constitutional deliberative event becomes a political non-event in public discourse.

Trajectories illustrated

I now tentatively compare these narratives with examples from Ireland, France, and Luxembourg which experienced several related events. I cannot provide a definitive account of how specific actors or events altered the direction of deliberative constitution-making, but I can prompt reflection about the mutual influence of event-types and perceptions of deliberative practice. This may help frame a menu of recommendations for realigning the reality and public perception of specific events or deliberative constitution-making.

Narratives about events in Ireland, France, and Luxembourg indicate broadly similar beginnings as ad hocery. With Ireland's 2011 'We the Citizens Pilot Citizens' Assembly' (outside constitutional convention), a civil society organization modeled the popular constitution-making to which political parties committed in their electoral platforms and plan for government. Though excluded from this dataset, France's 2014–2016 'Digital Ambition' event anticipated later events by providing novel political inputs (Courant & Wojcik 2021). With Luxembourg's 2014 'CIVILEX' (inside quality control), parliament collected evidence on making constitutional reform more participatory and deliberative. In all three narratives, conveners apparently start fresh in the absence of national deliberative constitution-making traditions. These events were portrayed not as the genesis of a long-term transformative project, but as short-term, stand-alone events for a particular purpose.

Yet their trajectories soon diverged. With officeholder buy-in, civil society pressure, and public support, deliberative constitution-making in Ireland began to appear as a quasi-institution with the 2012–2014 Convention on the Constitution and 2016–2018 Citizens' Assembly (inside constitutional conventions) (Harris et al. 2020). After two iterations, such events may have seemed a viable vehicle for popular constitution-making. Constitutional actors perceived incentives to convene further events – notably the Citizens' Assembly on Gender Equality (inside constitutional convention) – though not to elevate them to formal constitution-making

status (Farrell et al. 2020). This trajectory may, however, disincentivize exploration of more adequate conditions for effective deliberative constitution-making. Changing public discourse about these events may underline the path-dependence of the so-called Irish model and motivate comparison with international best practices (Farrell 2022; Suiter et al. 2021: 40).

France and Luxembourg bring out the dynamic, ambiguous character of trajectories. French deliberative constitution-making only appeared to resume after social unrest and the 2018–19 Great National Debate (inside institutional experiment), whose components were of uneven deliberative quality and frequently portrayed as political theater (Courant & Wojcik 2021). As popular pressure abated and official response to the regional citizens' conferences remained unclear, public discourse increasingly presented the Debate as political non-event or facade.

Perhaps to combat this narrative, France's executive power convened a sequel event, the 2019–20 "Citizens' Convention on Climate" (inside constitutional convention), with more agenda-setting and deliberative powers. Although the Convention's recommendations – especially its revision recommendations – met resistance from officeholders (Courant & Wojcik 2021), it may have temporarily reshaped elite and popular expectations about constitution-making.

By contrast, Luxembourg apparently doubled down on deliberative constitution-making after CIVILEX and the 2014 referendum setback. The government convened the 2015–16 'Your Recommendation' (not included here) and 2016 'CONSTITULUX' (inside quality control) to honor its commitment to popular involvement (Burks & Kies 2021). CONSTITULUX was presented as a model for the planned referendum campaign on constitutional replacement. Thus, there was a diffuse sense that deliberative constitution-making might become quasi-institution.

Yet that narrative quickly changed. The upcoming 2018 general election and the government's nonexistent duty of response meant that deliberative constitution-making fell out of public view (Burks & Kies 2021). Whereas elites had portrayed such events as scaffolding for the referendum campaign, Luxembourg's constitution-makers subsequently focused on securing elite support for a partial revision. No follow-up and elite signaling may support public perception of deliberative constitution-making as facade.

Overall, the interaction between manifestations (event-types) and trajectories (narratives) captures something important about the direction of deliberative constitution-making in these cases. Still, the question remains whether this analysis of manifestations and trajectories provides stakeholders critical and constructive resources which inform the choice of event-type and the accurate representation of deliberative constitution-making practice. Hence, I return to the three institutional design features – connectivity, complementarity, cyclicity – which may orient the process of convening events and communicating their outputs.

Menu of Recommendations and Standards

Connectivity (stakeholder relations), complementarity (distinct contributions), and cyclicity (learning opportunities) can also frame more specific lessons for deliberative constitution-making. Canvassing these features, manifestations, and trajectories, I propose a menu of institutional recommendations and standards which may help conveners and organizers select those events or processes most suitable for their constitution-making context. Like menu items, events may be prepared with different components according to different methods to yield outcomes of varying quality. Simply, conveners and organizers must grapple with how design choices help or hurt event objectives and representation in public discourse. This institutional menu includes general recommendations for deliberative constitution-making as well as manifestation-specific standards.

General recommendations for deliberative constitution-making

First, in accordance with cyclicity, constitutional deliberative events can benefit from more flexible timelines relative to issue-scope. If the issue is complex and the time too short, event participants may fail to grasp its intricacies or formulate adequate recommendations (Bell et al. 2012: 104–106; Bergmann 2021: 3; Convention on the Constitution 2014: 3; Harris et al. 2020: 2; Mişcoiu & Pârnu 2021: 2; Ólafsson 2016: 264; We the Citizens 2011: 17, 51; Zirh et al. 2021: 3). If the agenda is varied and the time too long, participants may develop an insider mentality or resent the time-commitment, such that the event could be disaggregated into multiple shorter events (Citizens' Assembly 2018: 100; Farrell, Suiter & Harris 2019: 117; Farrell et al. 2020: 69). Constitutional actors could also extend agenda-setting, deliberative, and decisional stages to allow civil society actors to conduct effective public campaigns (Chambers 2019: 1127).

Second, tailored agendas may improve complementarity by preempting scope-creep and promoting meaningful deliberation on substantive issues. Participants may be tasked with studying too many unrelated issues (Bell et al. 2012: 104–105; Harris et al. 2020: 2). Other times, they may be assigned overly narrow or technical items (Citizens' Assembly 2018: 112; Citizens' Assembly 2021: 90–91; Convention on the Constitution 2014: 3; Farrell, Suiter & Harris 2019: 114; Farrell et al. 2020: 70). This can be exacerbated when conveners allow participants to expand the event's remit (Convention on the Constitution 2014: 13–14). The upshot is not that conveners must permanently fix remits or participants should not contribute to agenda-setting. Rather, when appropriate, conveners could allow organizers and participants to choose the issue but restrict the event's scope to that single issue (White 2017: 327). When inappropriate, conveners might limit the agenda to ensure that participants can revisit their outputs to refine their recommendations.

Third, a convener-specified duty of response can benefit connectivity for inside events. If government actors are prepared to convene an event, they should be ready to commit to a motivated response to event outputs. Absent

this duty, inside events can frustrate participants and puzzle the public (Burks & Kies 2021: 11; Convention Citoyenne pour le Climat 2021: 7; Res publica & Missions publiques 2019: 85; We the Citizens 2011: 11). Even when so committed, constitutional actors may be slow or reluctant to take up outputs (Citizens' Assembly 2018: 117; Citizens' Assembly 2021: 11; Convention on the Constitution 2014: 3; Farrell, Suiter & Harris 2019: 119; Harris et al. 2020: 10). If constitution-making actors or elites are already unsupportive of deliberative methods and aims, they will likely resist the duty of response that makes these events minimally worthwhile, making other institutional measures of popular control necessary (Levy 2018).

Fourth, concerted civil society efforts to link up with constitutional actors can improve connectivity for outside events. If civil society actors devote resources to organizing an event, they should also expect to devote them to securing a hearing from constitution-makers. Civil society can illustrate how support for outside events may advance constitutional actors' interests. If these interests include avoiding electoral instability, enhancing their own legitimacy, reforming institutions along democratic ideals, or leaving no-win decisions to another party, and civil society actors can point to other successful outside events, constitutional actors may be more receptive to event outputs (Bell et al. 2012: 96, 104–106; Burks & Kies 2019: 263). Outside conveners could also examine factors which prompted other constitutional actors to support permanent democratic innovations (Macq & Jacquet 2023: 158–159; Niessen & Reuchamps 2022: 141–142) or institutionalized deliberative constitution-making (Ólafsson 2016: 263).

Manifestation-specific standards

These design features also reveal four manifestation-specific standards which events may need to satisfy in order to constitute a desirable instance of that type. First, for complementarity, constitutional convention events could be better structured to promote a sense of *non-rivalry* between participants and constitution-makers who may suspect that these events aim to displace formal constitution-making procedures and supplant elected officials with selected citizens (Bell et al. 2012: 97–98). Such tensions marked Iceland's Constitutional Assembly/Council and France's Citizens' Convention on Climate (Bergmann 2021: 4; Convention Citoyenne pour le Climat 2021: 2; Courant & Wojcik 2021; Ólafsson 2016: 253, 263). In contrast, Ireland's 2012–2014 Convention on the Constitution sought to foster partnership between participants and officeholders by including the latter in a blended event (Convention on the Constitution 2014: 13; Harris et al. 2020: 3–4). Even if organizers prefer a non-blended event (e.g. to avoid partisan contamination), officeholders must be made receptive to event outputs. This may involve highlighting that event participants play a distinct but limited role (Citizens' Assembly 2018: 99; Citizens' Assembly 2021: 86–87, 95) and that engaging event outputs (draft constitution, revision

recommendations) can advance officeholders' interests (Macq & Jacquet 2023: 169).

Second, connectivity and cyclicity suggest that quality control events should be structured to foster *responsiveness* and avoid lock-in. Since event participants only engage with the draft constitution after the main drafting phase, its outlines are largely determined and stakeholders have bought in. Conveners should ensure that constitution-making actors are receptive to revision recommendations. Conveners might help conduct outreach campaigns to alter actor incentives or iterate participant-actor interactions in several rounds of recommendation and motivated response rather than one-off participant reports (Bergmann 2021: 3–4; Thompson 2008: 515).

Third, for reasons of connectivity, value mapping events could better promote *traceability*. Whereas Welp and Soto (2020: 6) understand traceability as whether the event contents were published and discussed, I mean whether the normative recommendations are reflected in the resulting constitution. Since value mapping provides an ordering of constitutional values, it does not make specific constitutional content obligatory. It is always an open question whether participants' normative recommendations influenced draft documents (Bergmann 2021: 2; Ólafsson 2016: 256, 265). There are two obvious ways to enhance traceability. Conveners might require constitution-making actors to give an account of how the recommendations influenced the draft constitution; they might require participants to reconvene after the drafting phase to assess whether the document captures their normative recommendations. Either way, conveners should ask whether the draft constitution would have looked different without the event and tell a story about the link between the values and constitution.

Fourth, in accordance with connectivity, institutional experiment events should be structured to enhance *salience*. As with experiments, conveners and organizers assess the internal and external validity of deliberative exercises and the prospects for novel political inputs (Bell et al. 2012: 97; Convention on the Constitution 2014: 27; Fórum dos Cidadãos 2017: 32; Res publica & Missions publiques 2019: 85). Since institutional experiments demonstrate proof-of-concept, they are typically unconnected with a constitution-making timeline, making constitutional actors unreceptive to issue recommendations. Conveners must be cognizant that isolated events are unlikely to generate uptake without long-term strategic planning and topics which seize the public imagination (Carolan 2015: 738). Just as impactful research programs involve more than one experiment or study, impactful deliberative constitution-making efforts may include more than single institutional experiments. Conveners and organizers should undertake an articulated power-analysis identifying stakeholders' strengths and weaknesses and current political opportunities and threats. They could then more carefully allocate finite planning resources to gain limited stakeholder attention. Though a sound strategic plan may help uptake, it is naturally no guarantee.

Collectively, these general recommendations and manifestation-specific standards form an institutional menu which deliberative constitutionalists may consult to help all parties reach more satisfying outcomes. Combining negative recommendations and positive values, this menu is a significant building-block in a critical theory of deliberative constitution-making. It is difficult to affirm whether an event is productive, successful or desirable without a clearer sense of what it should produce, what counts as success, or what qualities make it desirable. It is also difficult to determine whether an event promotes autonomy and emancipation and dispels illusions as a critical theory should (Hammond 2019). One must guard against the illusions that involving ordinary citizens eliminates a legitimacy deficit or deliberation is always democratically meaningful (Carolan 2015: 746–747). Such illusions may be partly dispelled by the constructive and critical resources presented here, which better position deliberative constitution-making's proponents and opponents to distinguish democratically virtuous or emancipatory events from the vicious or oppressive.

Conclusion

Using the ConstDelib country reports, I offered a picture of the various forms which constitutional deliberative events regularly take and frequent narratives about the different paths which they follow towards their outcomes. My literature review defended the claim that deliberative constitutionalists have not yet provided an adequate event-typology, and it identified three institutional design features – connectivity, complementarity, cyclicity – to which event organizers should be particularly sensitive. Focusing on variables like sequencing, event output, and duty of response, I next associated 14 cases with four manifestations of deliberative constitution-making: constitutional convention, quality control, value mapping, institutional experiment, in inside or outside subtypes. Studying how manifestations can impact elite and public perceptions of the practice of deliberative constitution-making, I then elaborated three trajectories or narratives about the relation between constitutional deliberative events and other political and social forces: ad hocery; quasi-institution; facade. Finally, I assembled a menu of general recommendations and manifestation-specific standards for deliberative constitution-making. Together, these elements move us closer to a critical theory of deliberative constitution-making.

A critical theory is not possible without comparative studies like the present. Though still incomplete and sometimes speculative, this article is a step towards formulating explicit theoretical claims for further study. Comparative studies refuse to treat each case as *sui generis*, lest this preclude systematic theories of politics entirely. They enhance our general understanding of how political phenomena like constitutional deliberative events manifest and how public discourse influences those manifestations. Certainly, comparative studies have their costs. They may flatten important differences in political and social context, distort participants' understandings of

events, or prompt improper focus from activists. They also require sample verification in order to avoid overfitting. Nevertheless, these costs may be outweighed by opportunities to learn from others and glimpse, however imperfectly, possible constitution-making futures.

Competing Interests

The author has no competing interests to declare.

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How to cite this article: Burks, D. (2024). The Manifestations and Trajectories of Deliberative Constitution-Making: An Analysis of the ConstDelib Country Reports. *Journal of Deliberative Democracy*, 20(1), pp.1–13. DOI: <https://doi.org/10.16997/jdd.1405>

Submitted: 21 December 2022

Accepted: 23 October 2023

Published: 29 January 2024

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