

Exiting the European Union Committee

Oral evidence: The progress of the UK's negotiations on EU withdrawal, HC 372

Wednesday 24 July 2019

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Members present: Hilary Benn (Chair); Joanna Cherry; Stephen Crabb; Mr Jonathan Djanogly; Peter Grant; Wera Hobhouse; Stephen Kinnock; Jeremy Lefroy; Pat McFadden; Seema Malhotra; Stephen Timms.

Questions 4876 - 4951

Witnesses

I: Sarah Allan, Head of Engagement, Involve; Professor David Farrell, Project lead of The Irish Citizens' Assembly Project, University College Dublin; Dr Alan Renwick, Deputy Director of the Constitution Unit, University College London.

II: Professor John Curtice, Professor of Politics, University of Strathclyde; Professor Bobby Duffy, Director of The Policy Institute, King's College London; Professor Meg Russell, Director of the Constitution Unit, University College London; Dr Alan Renwick, Deputy Director of the Constitution Unit, University College London.

Examination of witnesses

Witnesses: Sarah Allan, Professor David Farrell and Dr Alan Renwick.

Q4876 Chair: On behalf of the Select Committee, I extend a very warm welcome to the first of two panels of witnesses we have before us this morning, in particular Dr Alan Renwick, deputy director of the Constitution Unit at UCL; Sarah Allan, head of engagement with Involve; and Professor David Farrell of the School of Politics and International Relations, University College Dublin. We are very grateful to you for giving up your valuable time to be with us. We have a lot of ground to cover. Colleagues, succinct questions and answers would be helpful, because we have two panels to get through. Do not feel that you all have to answer every question.

To begin, we are looking at the question of citizens' assemblies. I will start with a brief philosophical question: is Parliament not the citizens' assembly? What can Parliament not do that a citizens' assembly can?

Professor Farrell: This is such a familiar question, if you will forgive me. It is the question we faced in Ireland when we endeavoured to introduce this idea back in 2011. Our national Parliament is our citizens' assembly and of course Parliament is a version of a citizens' assembly, but when we use the term "citizens' assembly" we are talking about a particular genre. We are talking about what we refer to as a mini-public, which involves a random selection of regular citizens from across the country, who come together for calm, reflective, deliberative discussion and debate, at the request of the Parliament, with a view to try to help Parliament come to tough decisions. They are there to advise and help Parliament, and then give it back for Parliament to take the ultimate decision on the matter.

Q4877 Chair: In a way, Parliaments throughout the world, including here, sometimes outsource the consideration of tricky, difficult or big policy questions to royal commissions and committees of inquiry. They are chaired, and you have another group of people doing that. What is different? Is it that the group is randomly chosen?

Sarah Allan: Yes, and it is representative of the wider population. In citizens' assemblies, the participants are usually demographically representative and often attitudinally representative of the wider population, in terms of things such as age, gender, social class, place of residence, level of education and that kind of thing. On a relevant attitudinal question, if you were looking at Brexit in a citizens' assembly, you would look at how people voted in the 2016 referendum. That is what makes it different from a royal commission. You are looking at the informed judgment of the wider public and public opinion, if you like.



Professor Farrell: The thing is experts are still engaged in this. It is not just a bunch of regular citizens in a room coming up with fancy ideas. The job for a process like this to be run properly is to bring in the experts and bring those citizens up to speed so that, by the end of the process, if it is well run, those citizens have incredible expertise on the topic on which they have been asked to come up with some views.

Dr Renwick: In addition to what has been said, it is worth thinking about why you might create a citizens' assembly. Often they have been established because there is a difficult issue, on which there is strong agreement that something needs to be done, but it is difficult to find exactly what should be done. Look, for example, at the social care citizens' assembly that took place last year. That was an issue where there was wide agreement that the current system was not working satisfactorily, but Parliament had found it difficult to make progress in finding a solution. That is partly because any solution is going to impose costs on people and it is difficult to impose costs. A citizens' assembly can be very useful if you need to show that there is public support for measures that are in everyone's long-term interests but might be difficult in the short term. It can be a useful way of doing that.

Q4878 **Chair:** Clearly the difference between social care and Brexit is that just about everyone has a view on Brexit. Everyone has a view on social care, but in a different way. This is the last question I want to ask before bringing in colleagues. You talked, Professor Farrell, about experts coming in to inform, answer questions and so on. Is part of the trouble with Brexit not that every fact is bitterly contested? Therefore, if one were to have a citizens' assembly on Brexit, both sides of the argument would be scrutinising incredibly carefully who had come as an expert to offer an opinion. They would say, "Ah, but they were a remainer", or, "No, that is a known Brexiteer". How do you get over that in trying to bring people in, in a carefully choreographed and structured process? I understand that is the key to making citizens' assemblies work well. How would one deal with the politics of those who were not randomly chosen? Did you have any of that in the Irish experience?

Professor Farrell: As you will be aware, in the Irish case they discussed abortion, which is a pretty difficult topic in a country like mine, as you can imagine. The organisers had to carefully set up a process that was as open and transparent as possible, including an expert advisory group whose credentials were as unimpeachable as possible in the circumstances. The job of that group was to find experts. For example, when they discussed when life begins, they had two ethicists, one who said life begins immediately and one who said it is more complex than that. It was a debate between two experts with very different views; it was quite a remarkable debate, I have to say. The live stream is available for people to see. There was a degree of respect. It was a very tough debate but very respectful debate—very different from Question Time—which brought the citizens up to speed. They could judge, as individual



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citizens, which of the two arguments had the greater merits in trying to persuade them.

Q4879 **Chair:** You think you found a way around that successfully.

Professor Farrell: You put expert against expert.

Q4880 **Chair:** Are there any other quick comments on this?

Dr Renwick: As you will be aware, Sarah and I ran the citizens' assembly on Brexit in 2017. With that, we took a similar approach. For the most part, we were not seeking entirely neutral experts; rather we had witnesses with a range of perspectives and we sought balance in those perspectives. We also had an advisory board that looked at that selection of experts and assured us that it was balanced. Our advisory board included neutral people and people from both sides.

Q4881 **Chair:** You think that structuring it in that way was important in giving confidence and credibility to the process.

Dr Renwick: It was absolutely vital.

Chair: That is very helpful.

Q4882 **Joanna Cherry:** On that particular point, looking at your report on the citizens' assembly on Brexit, I noticed that participants were also informed where there was an imbalance in the number of adherents to different perspectives. For example, it was pointed out to them that most, but not all, economists think that staying in or close to the single market would be better for the economy than having a looser relationship. Can you elaborate on that?

Sarah Allan: This is the idea of what constitutes balance, which is always a thorny issue. We wanted to make that explicit to participants and let them draw their own conclusions about that. We said, "We are letting you hear from all the different perspectives. You should be aware that not all of them are equally supported. It is, of course, possible that the perspective that is not supported as well is right. We cannot guarantee you that the smaller one is wrong. You need to think about whether the fact that these perspectives are differently supported is an important factor to you in how they think about this".

Q4883 **Joanna Cherry:** You will be aware of some controversy recently about the issue of balance on the "Today" programme, for example discussing climate change. You would have somebody talking about climate change from a scientific perspective and then somebody on the other side saying there is no such thing as climate change and it is a lot of nonsense, without any explanation as to where the balance or weight of opinion lies. You were explaining that the preponderance of expert opinion is that it is better to stay in or close to the single market, but that there are people who say otherwise, and here they are.



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Sarah Allan: Where this was a factor, we let them hear all the perspectives and noted the balance of opinion. We noted again that, just because the majority of people think something, it does not necessarily mean it is right. We opened up that whole question and let participants take their own view.

Q4884 **Joanna Cherry:** Were people receptive to that?

Sarah Allan: Yes, they were.

Q4885 **Joanna Cherry:** How did people on the assembly respond to that?

Sarah Allan: They responded really well. In general, the feedback we got from the assembly was that people valued the chance to hear all the information, question the experts, not to be given the easy answer but to have it all fully opened up and explained to support them to make their own decision.

Q4886 **Joanna Cherry:** I will just ask a couple of questions about how you selected the citizens for the citizens' assembly on Brexit. I know that there were 50 randomly selected members and that it took place in Manchester. Was that done by the process of sortition?

Sarah Allan: That one was not, but others we have done were. Maybe you explain how we did that one and I will explain what sortition is.

Dr Renwick: It was done by a process of random selection. If by sortition you mean random selection, yes, but there is a narrower definition of sortition that Sarah is appealing to. This was an academic project; it was not a citizens' assembly. It had a limited budget. Therefore, we did not use the kind of selection process that you would ideally use for an official citizens' assembly. We recruited from the ICM internet panel. It has several hundred thousand people on the panel. We sent a survey to 5,000 of them; more than 1,000 came back saying they were interested in taking part in the citizens' assembly. We randomly selected people from various categories within those 1,000 people to ensure that there was appropriate representation in terms of sex, age, ethnicity, where people lived, social class and how people had voted in the referendum.

Q4887 **Joanna Cherry:** Were people from Scotland and Northern Ireland included?

Dr Renwick: Yes.

Q4888 **Joanna Cherry:** 50 is a small group. How many were from Scotland and Northern Ireland in that group of 50?

Dr Renwick: We slightly overrepresented Scotland, Northern Ireland and Wales. We had three from Northern Ireland. If I remember correctly, we had five or six from Scotland, and I do not remember the number from Wales; I think it was three or four, or something like that.

Q4889 **Joanna Cherry:** Sarah, you were going to talk about the process of



sortition and explain how it is different. I know that all the three of you are involved in commenting on the citizens' assembly that has been set up in Scotland, at the moment. That has been done by a process of sortition. Can you explain the difference between that and what was done for your citizens' assembly on Brexit?

Sarah Allan: There is not a huge difference. Much of the process works the same, but it is about who you start with. In the case of the citizens' assembly on Brexit that we ran, with a limited budget and so on, we started with the ICM panel. For a purer sortition process, you use something called a civic lottery. You randomly select households from, in the case of the UK, the postcode database. You send thousands and thousands of letters, which we have just done for the National Assembly for Wales. We were looking for 60 participants from Wales and we sent letters to 10,000 households in Wales that were randomly selected. You then get people replying by text or online saying that they are willing to take part, then you do what Alan said and stratify from there to make sure you have a representative sample of the population. It is just about the pool of people you start with.

Q4890 **Joanna Cherry:** The citizens' assembly in Ireland is the one that most of us in Britain know most about. It was set up by the two Houses of the Irish Parliament. Is that correct?

Professor Farrell: It was formally, but in fact it was the Department of the Prime Minister.

Q4891 **Joanna Cherry:** Is it correct there was a vote of both Houses?

Professor Farrell: Yes.

Q4892 **Joanna Cherry:** The one in Scotland is being set up by the Scottish Government. Of those we are talking about today, the citizens' assemblies on Brexit and on social care, the social care one was set up by select committees of this House. As you said, Alan, the citizens' assembly on Brexit was an academic experiment. David, I am interested in asking you about issues of legitimacy of a citizens' assembly. How important is it to be set up by a Parliament or Government body?

Professor Farrell: It is very important. There are a few examples around the world of citizens' assemblies that do not have the legitimacy attached to them as the Irish processes did, simply because, as you said correctly, the Irish processes were set up through Parliament, but on the initiative of the Prime Minister and run out of the Department of the Prime Minister, with a high degree of cross-party buy-in. There is a strong need for cross-party buy-in. If you do not have that, it will not work very well because, if its output is going to have the legitimacy required, there needs to be an understanding from the beginning that all parties have a degree of acceptance of the process.

Q4893 **Joanna Cherry:** You have talked in your writing about how the constitutional convention and the citizens' assemblies that followed were



set up at a time of crisis in Ireland, after the financial crisis. Arguably, some would say that Britain is in a state of crisis at the moment because of Brexit, and Scotland, which I am particularly interested in, is in a state of crisis because of Brexit, which we did not vote for, and also there is our democratic deficit and the ongoing independence question. I do not want to ask about the independence question today, because that is being dealt with in Scotland, but, looking at Brexit and where we are now, is there any role for a citizens' assembly with cross-party buy-in to assist us moving forward?

Dr Renwick: Cross-party buy-in is really important. If there is cross-party buy-in for a citizens' assembly and sufficient time for it to do its work, there is potential for a citizens' assembly to do a useful job. It is clearly the case that there is a difficult choice. Parliament has been stuck on this issue for quite some time. It is possible that a citizens' assembly could help with that process and it is also possible that it would not achieve much. It is an extremely difficult question to try to address with a citizens' assembly because, as Mr Benn said at the start, of the degree to which there is already polarisation and people have clear views already. If there were political buy-in across the spectrum and a sufficient degree of willingness to give the thing space and take its recommendations seriously, it could play a useful role.

Sarah Allan: There is a potential for a citizens' assembly to look at two different things. There is potential for a citizens' assembly to look at the future relationship with Europe and what shape that should take, which would be immensely valuable. There is also clearly more time for that to happen. As Alan said, given Parliament has got so stuck on the immediate question, a citizens' assembly would be legitimate to use on that as well. The time for that is shorter. There is still time for it, but it would have to be moved on very quickly now, if you wanted to do that as well as one on the future relationship.

Q4894 **Joanna Cherry:** The findings of the citizens' assembly on Brexit, which was carried out as an academic experiment, were quite interesting. I see that their recommendations showed very little public appetite for a no-deal Brexit. Presumably the majority of the 50 people were people who had voted leave, if it was representative of the UK, but they showed very little public appetite for a no-deal Brexit. I noticed that they also said that, if a bespoke trade deal proved impossible, they would prefer the UK to stay in the single market rather than to leave the EU with no deal.

Sarah Allan: They did.

Q4895 **Joanna Cherry:** Members preferred the UK to stay in the customs union rather than to leave the EU with no deal.

Sarah Allan: Similarly, they said that, if a bespoke customs arrangement were achievable, they would rather have that but, if it were not, they would rather stay in the customs union than leave without a deal.

Q4896 **Joanna Cherry:** This was a group of 50 people, the majority of whom



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were leave voters, but who heard evidence in the way that we have already described.

Sarah Allan: Yes, and Mr Benn alluded before to the polarisation of views you can get and whether that presents a challenge for people to participate. Often, citizens' assemblies go into a level of depth on issues that goes beyond whether people want to leave or remain. People can unpack that and be more specific about what they want.

Q4897 **Joanna Cherry:** That is what happened with abortion in Northern Ireland, is it not, David?

Professor Farrell: It is. People came into the room with all sorts of views and would readily admit that their views shifted. In some cases, they shifted towards a more extreme side of the scale. Some people came in with a sense of being somewhat pro-choice and became much more pro-choice by the end of the process. Equally, some people came into the room who were pro-life at the start and, by the end, had shifted. It is becoming informed, becoming educated and being open to the idea that your mood and your mind might shift, but it does not have to.

Q4898 **Joanna Cherry:** Am I right that the balance of views on the citizens' assembly on abortion in Ireland closely correlated with the outcome of the referendum that was held?

Professor Farrell: Absolutely, and this was a considerable surprise to many people. When the citizens' assembly voted in the way it did, in favour of recommending abortion, people were stunned. They thought this group of citizens was so out of touch and had been far too extreme in their views on abortion. In the end, at the referendum that occurred last summer, virtually exactly the same vote, two-thirds of Irish citizens, in a very high turnout, voted for liberalisation of abortion.

Q4899 **Wera Hobhouse:** Would you say that one of the primary functions of a citizens' assembly is good information?

Professor Farrell: The way I try to argue this, and I am sure my colleagues agree, is that a large part of the role of a citizens' assembly is to educate the political and media classes. That is what we found in the Irish case. Politicians and journalists, some of whom were very cynical or critical at the beginning of the process, readily admit that, having witnessed the proceedings, dipped in and out of the live stream, read the paperwork, heard what the expert witnesses had to say in this calm, non-party-political process, became informed in a way that they had not been before.

Q4900 **Wera Hobhouse:** So not necessarily the public but political decision-makers became informed through the process of citizens' assemblies. That is very interesting. You alluded earlier to how, once an issue has polarised people like Brexit, it is possibly quite difficult to do a citizens' assembly, where this polarisation has already happened.



Sarah Allan: I slightly disagree with that. We did not face any problems at all with the citizens' assembly on Brexit. People had an entirely respectful and calm discussion, and reached conclusions. They agreed to disagree, if you see what I mean, when they could not reach agreement, and that was for a number of reasons. As I said before, a citizens' assembly asks people for a detailed level of outputs. They might be guidelines that underpin a decision and ranking preferences between options. Usually, people have not gone into that level of detail on the issue before. They might have said remain or leave, but not have got as far as which option they would prefer if we are leaving, so you immediately go beyond that initial polarisation.

You also tend to start citizens' assemblies with an exercise that gets at what people have in common. We started the citizens' assembly on Brexit with an exercise about what people most valued about the UK and also what they would most like to value about it in the future. What people found from that and fed back was that they had much more in common with people who seemed very different from them, and had a different view on Brexit, than they thought. It started from a place where people felt much warmer to each other than they might have done if we had gone straight in. There are other techniques that you can use to make sure it is respectful and polite, and to get beyond polarisation.

Q4901 **Wera Hobhouse:** Would you say there is never really an occasion when or a reason why citizens' assembly should not be used?

Sarah Allan: There are several reasons why they should not be used. The first is if you are not looking at public judgment in the wider sense, but looking at getting at the lived experience of part of the population. If the question we had looked at on social care was, "Are social care services working or not?" you would not want to ask the whole population that, or a representative sample of it, because not all of them would use social care services. You would ask people who were using social care services and front-line staff. Do you see what I mean? Citizens' assemblies look at wider public judgment, when you want to talk to a representative sample of the population.

They are also not a good idea if you do not have sufficient time. There is no point in holding a citizens' assembly if you have to make a decision before it is going to have reported. Also, as Alan alluded to earlier, they are not a good idea if they do not have sufficient support. You need sufficient cross-spectrum support going into it, whether that is the Brexit spectrum or the party-political spectrum.

Dr Renwick: That is where polarisation can be problematic. I agree with Sarah that all the evidence that we have suggests that citizens' assemblies, by themselves, can deal with polarisation. With excellent facilitation and structuring of the process, it is possible to have really good-quality listening discussions. The difficulties come when the citizens' assembly reports back to Parliament. If MPs are not willing to listen to



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the view of the citizens, because MPs already have a clear position, the point of the exercise is less clear.

Sarah Allan: It is a political problem, rather than a problem with the participants.

Q4902 **Wera Hobhouse:** You are saying that you need political buy-in from decision-makers afterwards, which is the biggest problem. Polarisation itself can be overcome.

Sarah Allan: Yes, it can within the public.

Q4903 **Wera Hobhouse:** You said earlier that it might be useful for particular parts of the Brexit discussions but, otherwise, do you think it is too late for a citizens' assembly on Brexit?

Sarah Allan: On the bit that Parliament is stuck on now, no, but it is getting very close to being too late. If you want a decision by the October deadline, you have to move to get things going within the next one or two weeks; otherwise it will be too late, because we could not get the participants in time and so on.

Q4904 **Wera Hobhouse:** Do you have an ideal timeframe in mind for what it takes to do a good citizens' assembly?

Dr Renwick: An ideal citizens' assembly for something like this would itself have five or six weekends to deliberate, to really get into the topic, to hear from lots of witnesses with different perspectives and then to deliberate in depth among themselves. Five or six weekends would be appropriate. Ideally those weekends would be spaced out, so people can get on with the rest of their lives. If you tried to have five or six consecutive weekends, you will get an odd bunch of people agreeing to take part—people who happen to be free for five or six consecutive weekends. Ideally, you spread those weekends out, normally at three or four-week intervals. That all takes quite some time. Then you ideally have three or four months to prepare the process. Is that too much?

Sarah Allan: To add to what Alan said, he is right that a greater number of weekends Brexit would be ideal. The ideal would be to have a lot of weekends to go into a lot of detail, but you could do something that is meaningful and provides guidance in fewer weekends than that, if that is where we have got to. If you had three or four weekends, you could do something meaningful, and we could squish them, if you will excuse the non-technical phrase, given the timescale in this case and the public profile of the issue.

You could prepare it in two months, but you would need very quick sign-off from the other side. We could do it in two months, but it would require a very efficient sufficient process from Parliament to sign it off and so on. It would require the relevant experts to support the preparation to be free at short notice. That does not include the procurement process, if you need one.



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Professor Farrell: The Irish process on abortion is an example. It took two to three months to set up. It took five months to deliberate and then another three months or so for a special all-party parliamentary committee to deliberate on the outcome of the citizens' assembly. You are talking more like eight to nine months.

Sarah Allan: The citizens' assembly on social care was much quicker, for example.

Q4905 **Wera Hobhouse:** I have one last quick thing. We touched on the sample of people who are participating. There is often a criticism that you do not get people from very disadvantaged backgrounds, because they do not have the time or inclination. How do you respond to it being a bit of a white middle-class exercise?

Sarah Allan: It is not at all, because it is stratified across the population in terms of social class, ethnicity and all the other factors we have mentioned. It is representative in those terms. Does that make sense? If you had included level of educational qualification, as we just did for the National Assembly for Wales, or measures of social class, it is representative in those terms too. We have not had problems getting that representative range of people.

There are things you do. For example, we paid participants for their time. That is fair enough, given how hard they work over weekends, but another reason you do that is that, if you just had people who felt like giving up two weekends because they would find the process interesting, it would not be a representative sample of the population. Some people do it for the money; some people do it for a nice weekend away from the kids in a hotel. That is fine, and that is how you get a representative sample.

Q4906 **Wera Hobhouse:** Would there still be barriers for people who think they would not be able to participate? There will be an overwhelming amount of information that they would feel frightened by and, for that reason, they would never even consider putting themselves forward.

Sarah Allan: Once we are touch with them, we try to reassure them about that. We explain that they are there as them, not because we think they are experts, and the information is not too much. We are very careful about how we present it to people. We offer other support as well; for example, we will pay for childcare and respite care to enable people to attend. It is hard to know whether there are some people who just get an invite and think, "I am not sure".

Q4907 **Mr Djanogly:** I want to just go back to the Irish citizens' assemblies, Professor Farrell. There has been a lot of talk of buying into the process during the conversation so far. How did you secure politicians' buy-in in to the process in Ireland?

Professor Farrell: One of my colleagues alluded to this; I cannot remember which. It was a moment of crisis. Our economy was on its



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knees in 2009 and 2010, and the United Kingdom was one of the countries that helped us at that moment of need. It was a good time for politicians to be receptive. A couple of us were making the case, and we had even run our own experimental citizens' assembly in 2011 to demonstrate that it could work in Ireland. We had meetings with the Prime Minister, the Deputy Prime Minister and the leaders of all the parties to try to persuade them: "Why not try this now, in our moment of crisis?" It required courage, frankly, from the Prime Minister of Ireland, Enda Kenny, to decide to go into the unknown and see if this is going to work. He gave it a punt in 2012.

Q4908 **Mr Djanogly:** Did opinions of both politicians and members of the public, in terms of buy-in, change over the assemblies?

Professor Farrell: Absolutely. You had a high degree of cynicism, as I mentioned in one of my first remarks. There was a sense that this was ridiculous and a waste of taxpayers' money: "We have our Parliament; why are we wasting time and valuable resource on something like this?" You found over time, particularly among those who took the effort to look at it, that opinions began to shift. The politicians had to look at it, because they had to read the reports that were coming back to Parliament. Certain of the media elite made the effort to attend sessions, observe them and write up about them. Certainly by the time we had our second process, there was much more understanding and appreciation of what it can do.

Q4909 **Mr Djanogly:** Was there any review of the impact of live streaming on public perception of what was happening and the willingness of participants to join in, in the first place?

Professor Farrell: The willingness of participants was something Sarah was talking about. There is a job to do in any process like this to make sure that recruitment is done as well as possible, and that is the job of whatever professional agency is tasked with doing it. We do not have the sorts of resources, in the political science community in Ireland, to do the research we would really love to, but we surveyed a representative sample of Irish voters on polling day during the abortion referendum. They were asked a series of factual questions about the citizens' assembly and its involvement in the abortion topic that they were voting on. Anything between two-thirds and three-quarters of citizens showed that they were aware of the role of citizens' assemblies. For us, that is an indicator that the wider public were aware. Now, I cannot pretend that they were aware all the way through, but it very much depends on how hot the topic is. There is no doubt Brexit is a hot topic, so the wider public in this country would certainly be aware of it but, if you were dealing with a topic that would not so high on the Richter scale, I do not imagine there would be as much awareness.

Sarah Allan: It is possible to give participants a choice about whether they are seen on the live stream or not. It is possible, for example, to stream what the speakers say to the assembly and the evidence they



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give, but not to show participants or not to show participants who have not given their consent for that. You could seat them further to the back, for example. As well as live streaming for wider public engagement, I would also live stream for transparency, so that people can see if they want to and check the evidence that people have heard.

Q4910 Mr Djanogly: There were a number of recommendations coming out of the Irish experience that were not acted on. Are there any lessons to be learned from that? Did it go beyond its remit? Should it be contained in a better way than it was?

Professor Farrell: I do not have the time to go into the details here, but there is a lot to be critical of in the Irish experience. I would present it as being an experiment in the use of citizens' assemblies, but there are ways to improve it. One of the big weaknesses of both Irish processes was that the agenda was too broad. After the discussion on climate change in the most recent one, they then discussed ageing. They discussed abortion, ageing, climate change, fixed-term parliaments and how to run referendums. That is far too eclectic a mix. I would argue that, if you are going to set something up here, focus it on one issue or perhaps, as Sarah suggested, two related issues, but no more than that.

Q4911 Mr Djanogly: I was trying to think of an English equivalent and I went back to the 1647 Putney Debates, which shocked the establishment, first because they were infiltrated by Levellers, who started talking about dangerous things, such as one man, one vote—and regicide for that matter. They also clearly started leading into places that the established had not considered the debates to have been set up for. I have the same concerns: how can we be sure that these fora will not be infiltrated and that they will be more representative than elected people; and, secondly, they do not lead to places that are off on a tangent from what they were set up for?

Professor Farrell: I will quickly comment on the Irish case, before my colleagues talk about what could happen here. In both cases, the Prime Minister's office was very careful about how it selected the chair. For the most recent citizens' assembly, it was a Supreme Court judge with a senior civil servant sitting next to her all the way through the process. One of the key jobs of the chair was to keep it on track, and regularly she would say in the proceedings, "Members, we are not going down that route. That is not what we are here about". She would constantly bring it back to the main agenda.

Sarah Allan: I would answer that slightly differently, partly because we use a different process. First, the random selection means you cannot apply to take part, so a mass lobby group cannot apply. It is randomly selected. In terms of keeping on topic, all our processes are professionally designed and facilitated. People have quite set things that they are doing. They hear about four options and then discuss on tables the pros and cons of those options. It is not that you hear the evidence and then there is a free-for-all about what you discussed. It is a carefully



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structured process, partly so people do not get overwhelmed, but also so they stick to topic, which takes from the point of hearing that evidence through to making their final decision. The facilitators will make sure that people do not go off on complete tangents.

Q4912 **Mr Djanogly:** Were your people allowed to receive lobbying papers during the process?

Sarah Allan: No.

Q4913 **Mr Djanogly:** It is like being a juror, in effect.

Sarah Allan: It is like being a juror. You get to hear the evidence. I have done jury service. Unlike being a juror, you get to extensively question the experts and then sit down and have a real discussion with people about what you think, and that is structured. We sometimes have something at the end of the process—we just had this with the National Assembly for Wales and I think we did it with the Brexit one as well—where there is half an hour or something to say, “Is there anything else you would like to tell Parliament about this issue?” We sometimes have boards up, so that you can use Post-its to stick up other things you would like to cover or talk about, or points you would like to make that are not directly related. People get a chance to express that and it goes into the back section of the report, but the meat of the discussion is carefully facilitated to be on topic.

Q4914 **Mr Djanogly:** Could they use evidence that was not presented by the witnesses?

Sarah Allan: They are obviously going to use their own personal opinion.

Q4915 **Mr Djanogly:** They can go online.

Sarah Allan: People do not have phones and computers during the assembly process, but you participate as you. If you come in with knowledge and values, and look stuff up between the weekends, you can express that.

Professor Farrell: The Irish process allowed advocates. Anyone who wanted to could upload any views on the website. On the topic of abortion, there were over 12,000 submissions on the website from regular members of the public, Church leaders and advocates from either side. A representative group of advocates was brought into the room as advocates—it was made very clear—to present to the citizens’ assembly members, so there is a way of incorporating that.

Q4916 **Mr McFadden:** Professor Farrell, I want to ask about how Ireland’s written constitution and ways of making decisions might have affected this. I shared a platform the other day with Professor Ronan McCrea from UCL, who made the point that, if you had a situation in which Ireland was having a referendum to leave the European Union, for example, the written constitution would require the change in the situation to have a written, specific legal form before that decision could be made, which is



very different from what happened here. We took an in-principle decision to leave or remain and have been arguing about the form of leaving ever since. What is your reflection on that, given that the citizens' assemblies you are talking about in Ireland were taking an in-principle question—equal marriage, abortion or whatever—and then trying to give it a very specific form before asking the people for their opinion on it in a referendum?

Professor Farrell: That is an important question, so thank you for asking. The example I often give is abortion. I could talk about marriage equality and it would be somewhat similar. When we voted last summer in the referendum on whether to change our constitution on abortion, all of us as voters knew what legislation would follow if we voted to liberalise our abortion regime, because the heads of Bills had already been published by the Government, so in effect the draft legislation. Indeed, exactly that legislation was enacted after the vote. We knew what the question was—that is the way I would put it—whereas, patently, if you will forgive me, many people who voted on Brexit back in 2016 did not know what the question was, because it was not clear. One of the benefits of a citizens' assembly process is that it allows for this moment not just to discuss the referendum question that might follow, but the wider context that would flow from the outcome of that vote.

Q4917 **Mr McFadden:** To take abortion as an example, you were not just having a referendum on whether abortion should be legalised or not. For example, the 12-week limit had been hammered out and decided as a specific proposal.

Professor Farrell: That is exactly right. If you think about it, our constitution said that the right to life of the unborn was equal to the right to life of the mother, which in effect meant no abortion. About 20 to 25 abortions were possible a year. The referendum question in 2018 was to get rid of that clause and replace it with a clause for the Parliament to legislate for abortion. That is what the constitution now says. That then required a body of work as to the kind of legislation for 12 weeks unrestricted, cases of foetal abnormality or threat to the life, including the suicide of the woman. All of that had to be carefully and painfully, in some ways, discussed in some detail. It was quite a traumatic process for those 99 citizens to go through over those five months.

Q4918 **Mr McFadden:** To then go to the context of leaving the EU, in this scenario, if there was an Irish proposal, all these questions we have been dealing with—to stay part of the single market or not, to stay part of the customs union or not, how important an independent trade policy is and so on—with the written constitution that Ireland has, would have to be given a draft legal form and decided on before any such referendum. Would that be the way that works?

Professor Farrell: I would not go so far as to suggest they would have to be. I am trying to suggest it was helpful with the abortion vote. When Irish citizens vote on a referendum, it is to change the constitution. It is



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then for the draftspeople working for the Government to work out how that constitution will be changed and what legislation might flow. A citizens' assembly can help to inform that debate, but it is not a requirement for them to go through, line by line, every detail that might be required, particularly for the complex technical matters that Brexit might involve.

Q4919 **Mr McFadden:** Finally on this, do you see any problems or a specific challenge from taking your experience of doing this in Ireland for these various issues and using that model in a political system that does not have a written constitution, where these things are really thrashed out in Parliament?

Professor Farrell: I personally do not. It is not a requirement of citizens' assemblies that they are considering the possibility of a referendum. One of the big topics that the Irish processes discussed was parliamentary reform, which did not require a referendum or even legislation. It was just a change of Standing Orders in the Parliament. I would not say you necessarily have to have something that results in a public vote; it just happens to be the situation in the cases we are talking about. I do not want to comment too much on the British case; I am not fully up to speed on it.

Dr Renwick: We are in danger of mixing up several things. The question you are asking is really about how you conduct a referendum. We have done a lot of work in the Constitution Unit, including with the Independent Commission on Referendums, of which Seema Malhotra was a member, looking at the conduct of referendums. One of the conclusions was that, while sometimes it is necessary to hold a referendum on a point of principle rather than a detailed worked-out plan, ideally, when you are holding a referendum, you are doing it on a precise, detailed proposal.

If you have to hold a referendum on a principle, as was clearly necessary with Brexit, it would be much better to bake in a double referendum process. You plan from the start to have a referendum first on the principle and then a later referendum, once the details have been worked out. You can hold a citizens' assembly in advance of either of those referendums. My view is that there absolutely should have been a citizens' assembly before the first referendum. That citizens' assembly would have looked at our relationship with the EU. It might have recommended a referendum on leaving. It might have recommended something else. It might have recommended that we reform the relationship with the EU without going to a referendum.

If it had recommended a referendum and the referendum had the outcome that it did, ideally, in my view, there should have been a citizens' assembly involved in the process of thinking about what we should then do. Ideally, the citizens' assembly before the first referendum would have looked through a lot of these details and thought about what leaving the EU would actually mean: what process would be involved? What kind of outcome would we seek to achieve? Ideally a lot of that



work would have been done before a first referendum, but then you could have held a further citizens' assembly to help guide that process, leading to a second referendum.

Q4920 **Jeremy Lefroy:** I apologise for not being here at the beginning. What, in your experience, both in Ireland and in the UK, has been the reaction to experts giving evidence in these citizens' assemblies?

Sarah Allan: In the UK it has been massively positive. People have loved to learn much more about the issues, not least in the Brexit one. They found it fascinating. They like the fact that someone like them is getting to question these experts. It was an amazing experience. We often do our questions and answers so that the speakers spend 10 minutes each at each table to get quizzed by the participants directly. They loved that; it is always one of the favourite bits of the assembly for the participants, getting to talk to the experts like that.

Professor Farrell: I completely agree. Going back to something I was saying earlier, politicians also value this. We found with the special parliamentary committee that followed the deliberations of the citizens' assembly on abortion, and in a similar process that followed the deliberation on climate change, that Parliament was calling much the same experts who, in some cases, they may not have been aware of, in terms of a potential angle they had not considered before. It not only benefited the citizens involved; it also benefited the political class.

Dr Renwick: We should avoid giving the impression that the whole process is too expert-driven. It is better to speak of witnesses than experts. In the abortion case, for example, some of the witnesses were people with very personal experience of being affected by the existing Irish provisions on abortion. In addition, members learn a huge amount from each other. I found, as someone who had used a lot of energy trying to plan a citizens' assembly and getting all these experts in the room, when I was speaking to members during the breaks, a lot of what they were talking about was, "Golly, I met this person. I have never had that kind of conversation with that kind of person before. I came to understand their perspective on it". There is a wide variety of different kinds of learning going on.

Sarah Allan: I do not know exactly how the Irish one worked, but the original citizens' assembly on social care and Brexit were both two-weekend processes. The witnesses all spoke and were questioned on the first weekend, then the whole of the second weekend was just the participants mulling it over with each other. That gives you an idea of the split.

Q4921 **Jeremy Lefroy:** Finally, a typical characterisation of any group of people is that maybe one-quarter to one-third, at each end, are set in their views. They are not going to change whatever they hear. It is the 30% to 50% in the middle who are open to discussion and to potentially changing their mind. Is that a fair characterisation, or would you have said that



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everybody who attended was open to changing their minds at some point?

Sarah Allan: It depends on what they are open to change on. They would possibly not be on whether to leave or remain, but that is not what we asked. We asked what shape Brexit should take on trade and people's opinions there were less firm to start with, because it was a new level of detail for many of them, though not all of them. Also, it was a new level of detail in getting them to rank their preferences, rather than just think of their most preferred option.

Professor Farrell: I agree with that. The most important thing about a process like this is that people go in with an open mind. They may not change their minds, but they are open to the idea of another argument. The job of the facilitators at each of the roundtables is to make sure that everyone has an equal voice. Were there to be people in there with strong views, showing no sign, for whatever reason, that they are going to shift, they can make their point but they cannot dominate the proceedings.

Q4922 **Stephen Timms:** Is it a good idea for parliamentary select committees to organise citizens' assemblies on contentious issues?

Dr Renwick: Select committees have a number of useful attributes for organising citizens' assemblies. One is that they are cross-party and, therefore, that buy-in that we have talked about is, hopefully, more likely than if, for example, the citizens' assembly was organised by Government without the Government making sure that there was support from other parties. Select committees are also clearly more plugged into the political process than we are, for example. In comparison to a university running a citizens' assembly, the possibility of feeding into actual decision-making is greater.

Sarah Allan: There are a number of advantages to select committees from running these processes. It enhances select committees' representative and scrutiny roles, because it gives you a clear perspective of what a representative range of the public think and then allows you to hold Government to account against that. People who take part in these processes also tend to move towards a more positive attitude to the commissioning institution, so there are a number of advantages to doing it for select committees.

Q4923 **Stephen Timms:** In the citizens' assemblies in which you have been involved, what was the role of the select committees?

Sarah Allan: In the citizens' assembly on social care, all the decisions were going backwards and forwards to the committees in advance about exactly what the assembly was considering. On the actual weekend, the two chairs of the committees, Dr Sarah Wollaston and Clive Betts, came to the assembly and spoke to it over dinner on Saturday about why they were holding it and why they thought the views of the public were important. They then took questions from assembly members about it.



That opportunity was open to other members of the Committees, but they did not take it on that occasion. It is very possible for people to come and observe and interact with assembly members if they wanted to.

Q4924 Stephen Timms: Can you tell us a little more about the social care citizens' assembly? How many weekends was it?

Sarah Allan: It was two weekends with 50 people. They happened two or three weeks apart. It looked at the question of how social care in England should be funded in the long term. The committees were quite clear that there were facing a number of important trade-offs that they were facing in terms of their wider inquiry on which they wanted the public view. They wanted the public view on whether and to what extent social care should be paid for through the state or by private individuals—the person needing the care. If it was going to be paid for through the state, they then wanted to know how that should be done. If it was going to be paid for by private individuals, to an extent, they wanted to know things such as whether people's houses should be counted as assets, if there should be a cap or a floor and at what levels those should be set. There were a number of key issues coming out of written evidence on which they wanted the public's view, and that was their focus.

Q4925 Stephen Timms: Did it reach a definitive answer to those various questions?

Sarah Allan: Yes, it did. It was not completely unanimous—that is not possible—but it reached a very clear steer.

Q4926 Stephen Timms: Given we are clearly interested in doing something along those lines in the future, about Brexit, are there lessons from that specific experience that could be drawn for a future exercise, if there were to be one?

Sarah Allan: Yes, I would say so. There were so many things that worked well and that did not work well. I would note that the participants enjoyed the first weekend so much that, despite the second weekend clashing with the royal wedding and the FA Cup final, they all came back for the second weekend, which we were slightly nervous about. The more specific committees are about the key trade-offs they want people to examine, the more we can tailor the process. The fact that the committees were quite specific about what they wanted to know made sure that we could get answers for them on that.

Q4927 Stephen Timms: My final question is looking specifically at that social care assembly. You said a definitive result was reached. Was that result influential on the committees and is there any evidence that it has been influential on the Government?

Sarah Allan: The process was designed to be influential on the committees and, yes, it was exceptionally influential on them. I would say that around 80% of the proposals that came out of the assembly are



reflected in the committees' reports, including the key thrusts of the proposals. The committees also said, in the independent evaluation—which anonymously interviewed the chairs and the clerks, so I do not know exactly who said what—that it helped them to reach a unanimous report. When there were disagreements among committee members, people referred back to what the public had said, which helped them to reach a conclusion. They led on it when they presented back to the Commons as well. They went through the fact that they had held a citizens' assembly and at which places their report reflected what it said, so it had a big impact on the committees.

In terms of the impact on Government of the Committees' report, the Government floated a couple of the key recommendations from the citizens' assembly on television, as people do. They have not published their social care Green Paper yet, so we do not know. It is not that they have published something else; they just have not published it at all, at the moment.

Q4928 Seema Malhotra: I will also just mention the Independent Commission on Referendums, of which I was a member, along with cross-party colleagues and those who voted leave and remain. I thank the Constitution Unit for that work as well. I want to ask a couple of quick questions. The first is just a point of clarification to Professor Farrell. I assume that all the same people were involved in the five topics that were deliberated on in Ireland, all the way through the whole period.

Professor Farrell: There are two ways of answering that question. Yes, in short. It was about 11 months, so it was the same citizens' assembly all the way through, which, frankly, was a mistake. They had to recruit new members along the way, because of that. Of the 99 members who were originally recruited, from memory, they had to recruit an additional 55 by the end of the process.

Q4929 Seema Malhotra: That is very helpful; thank you. I was interested in the story of the citizens' assembly that was held on Brexit and what the benefits were for the participants. There has been some talk about how it was interesting to be involved in that sort of discussion, and to be able to talk to people who had different views and hear evidence. Had those who took part been sceptical at the beginning about what would come from it? Did their view about its value change?

Dr Renwick: There were a range of views going in. Some people, when they turned up, said that they thought the whole thing was a hoax and their partners had been trying to persuade them, "Don't go to this thing; it is all a hoax". They were very sceptical before they arrived that the thing was real at all but, as Sarah said earlier, they really engaged with and enjoyed the process. Some 51 people came to the first weekend. One of those was ill and could not come for the second weekend but, essentially, we had 100% turnout at both weekends. They left enormously energised, feeling that they had had a fantastic opportunity to get into depth on a really important issue.



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Of course, they also wanted their discussions to have impact and for us to be able to show that MPs and Government were listening to them. That has happened to some extent. It was an academic exercise so it did not have the kind of connection that an official assembly would. They have kept up with the process since the assembly met.

Sarah Allan: The two things that participants always enjoy most about it are the chance to learn about the issue and the chance to meet each other. Never, in the normal course of your life, would you meet that range of people.

I have a quick anecdote. I was held in the street by a member of the citizens' assembly on Brexit, very randomly, a few weeks ago. They proceeded to talk to me in quite a lot of detail about the extent to which the citizens' assembly's recommendations had and had not been reflected in what had happened since. I would not have said, when they turned up at the assembly, they were particularly following it; that is my judgment. Since the assembly, they had clearly followed it in more detail.

Q4930 **Seema Malhotra:** It seems that some of the recommendations—for example, the majority being against no deal and how they want to see Brexit happen—reflect a lot of the debate in Parliament. Where did the report go? How did you feed it into Government?

Dr Renwick: We presented it at a launch event here in Parliament, at which a number of MPs were present. We presented some of the findings to a number of committees. I spoke to the Home Affairs Committee and we both spoke to the EU Committee in the Lords. We sent the report to Government but did not have much in the way of actual interaction with Government.

Q4931 **Seema Malhotra:** Is that because meetings were refused? What happened?

Dr Renwick: We did not get any pick-up directly from Government.

Sarah Allan: As David was touching on earlier, these things tend to have more impact when they are directly commissioned by the people who are going to make the decision on them. That is why.

Q4932 **Seema Malhotra:** I am assuming that the report went to the Brexit Secretary, and possibly the Prime Minister and other Departments. This leads to my next question, which is about the extent to which commissioning makes a difference and how you see any citizens' assembly in relation to the deadlock that we currently have. It is about how we do not deal just with the policy question but help bring the country back together through conversation. How do you see us needing to secure some conditions for success from such an assembly, whereby the recommendations would feed into something more clearly?

Sarah Allan: It needs to be commissioned by Government or Parliament somehow, whether by a committee, from a wider vote in the Chamber or



by Government. That is very important. It is also very important to have broad support for it happening across different parts of the Brexit spectrum, or at least not outright opposition to it. To bring the country with it, it is also important to have a high media profile and for the assembly to be conducted transparently, so that all the evidence was made available to people, for them to look at, reach their own conclusions and engage with. The whole report obviously has to be made completely transparent at the end.

Professor Farrell: It is also important to be clear from the beginning about what will happen to the output of the citizens' assembly. In the Irish case on abortion, it was clear, as I said earlier, that it would go to a special committee with members from all the parties represented in Parliament. It would be given sufficient time for that committee to consider the report. There was no requirement for the report to be agreed with, but at least it would not be ignored.

Sarah Allan: That made me think that it is also important to have clarity from the beginning on what the question is and the parameters of the question that the assembly would be looking at.

Q4933 **Seema Malhotra:** I have a final question on confidentiality. Have the assemblies been run more like a jury, so that the detail of the debate and deliberations are confidential? In the climate that we have now, we would want confidence that pressure was not being put on people and that they were not being influenced. What would you recommend for the confidentiality and security around that, in terms of a safe place for people to deliberate?

Professor Farrell: In the Irish case, abortion was an extremely difficult topic, so among the 99 who were selected were some extremely nervous citizens, who did not want their identities revealed. One of the first acts, in a private session of the members, at the beginning, was a discussion about what we were going to reveal. We did not want it to get out there that this was some sort of closed operation, and people could not really see what was going on. They agreed to have their names and counties revealed, and then a statement went out from the chair of the citizens' assembly. It was made very public that, on no account, should anyone attempt to interfere with the members of the citizens' assembly, and nobody did.

Sarah Allan: We have not even gone that far. We have done two different things. In some cases, we published the first names and rough areas; in some cases, we have not published that at all. We have published the full demographic breakdown of assembly members, so you can see that. Capturing the discussions that happen in the assembly is done anonymously. For example, this weekend for the National Assembly for Wales, we recorded all the pros and cons members had for the different options they were considering in that citizens' assembly. We will publish those, but not attribute them to any particular individual.



Dr Renwick: If a citizens' assembly on Brexit were to happen, in the UK political and media culture, it would be more serious than for any previous citizens' assembly for this to be thought about carefully. We have discussed whether you would want to extend the kinds of protections given to jurors to members of citizens' assemblies in order to ensure that they are not subject to Twitter trolling and tabloid interference. Protection of the members of a citizens' assembly on Brexit would be a very important consideration.

Chair: That is an interesting point and a very sad reflection on the current state of our politics. This has been a fascinating session and we are grateful to you for coming. Of course, the people sitting around this table have accountability and the only people to whom those on a citizens' assembly have to be accountable is themselves and the topic. It has been interesting, so thank you for coming.

Examination of witnesses

Witnesses: Professor John Curtice, Professor Bobby Duffy, Professor Meg Russell and Dr Alan Renwick.

Q4934 **Chair:** We now move on to our second panel. Welcome back, although you never left, Dr Alan Renwick, deputy director from the Constitution Unit at UCL. Welcome to Professor John Curtice, professor of politics at the University of Strathclyde and senior research fellow at the National Centre for Social Research; Professor Meg Russell, director of the Constitution Unit at UCL; and Bobby Duffy, professor of public policy and director of the Policy Institute at King's College London. You are all very welcome. The same rules apply about there being lots of ground to cover, so succinct answers would help.

Given the raging argument there has been in British politics for the last three years over what leave meant in the referendum in 2016, when it comes to our future political and economic relationship with the European Union, was the question put in the last referendum adequate?

Professor Curtice: Can I suggest that that is the wrong problem? The difficulty with the EU referendum, which can be contrasted with the AV referendum—and this partly comes back to some of the discussion you had in the previous discussion—is that the British public were being asked to vote on something that the state alone could not deliver, i.e. what leave would mean would depend on the outcome of negotiations between this country and the European Union. In contrast, in the referendum that we had on the alternative vote, the legislation had already been passed; it was simply a question of whether the public was going to vote yes or no to a piece of legislation that had already gone



through both Houses. It lay within the ability of the state to deliver what was promised.

Arguably, even if the leave side had come up with a document that was equivalent to the 680 pages that were provided by the Scottish Government for the Scottish independence referendum, we would still not necessarily know what leave would mean, because it is not within the purview of the state to deliver. Arguably, the same issue would also have arisen if Scotland had voted yes; there would have been negotiations between the UK and Scottish Government. We knew from the referendum that there were disagreements between them about what Scottish independence would mean. This is inherent in any attempt to hold a referendum on a subject where the state is not necessarily in control of the outcome.

Q4935 **Chair:** Do I take it from that that the proposition was not properly set out or structured?

Professor Curtice: No, not necessarily, because it depends what you think a referendum can resolve. This is a subject on which I suspect some of my colleagues will disagree. I take the view that there are two classes of decision whereby, in a modern state, you probably have to refer to the people. One is about how a legislature is elected. That is on the grounds that I do not trust politicians to write their own rules. The idea of having a referendum on an alternative vote was therefore legitimate.

The second is questions about who should have the right to govern. Who should have the right to set the rules by which we live? The issue that faced Scotland in 2014 was whether or not Scotland was willing to continue to remain part of the United Kingdom and thereby to some degree accept the rules and obligations that came with membership of the UK state. Equally, the question that faced us in 2016 was whether or not the British public were willing to accept that the United Kingdom should pool its sovereignty through the framework of the European Union. These raise questions of identity. At the end of the day, the willingness of us to share common resources and legal obligations across states rests on a common sense of identity—that we are all part of the same ship and therefore are willing to share these things. The broad issue of principle was entirely appropriate for a referendum, but the difficulty we faced in both referendums is that exactly what it means to change the status quo is not something we necessarily know at the point the decision is made.

Professor Russell: Of course John Curtice is completely right about the difficulty of asking a question that Government themselves cannot alone deliver. This is connected to the conversation that Alan Renwick was having with Pat McFadden earlier about clarity of questions. As we have heard, Seema Malhotra sat on the Independent Commission on Referendum; it also had leave supporters on it, most notably Cheryl Gillan and Gisela Stuart. It made a unanimous report and its recommendation 17 said: "It is of utmost importance for the proposals



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put to a referendum to be clear and for voters to know what will happen in the event of a vote for change". The report quoted, perhaps mischievously, David Davis in a Commons debate saying, "We should not ask people to vote on a blank piece of paper and tell them to trust us to fill in the details afterwards".

There is a connection: Cheryl Gillan is of course a member of PACAC, chaired by Bernard Jenkin, and that committee's report on the referendum was quite critical, despite the support of a lot of members of that committee for the principle of leaving. They described the referendum as a "bluff-call" referendum, because the point of the referendum from the view of the Government, or certainly the Prime Minister at the time, was not to get a vote for change, but to see off those people who wanted change. As a consequence, the Government did not take seriously fleshing out what the change option would look like. Indeed, we understand civil servants were prevented from fleshing out the change option, and were subject to the constraints that John Curtice referred to.

Professor Curtice: Even then, all the UK Government could do was indicate what their negotiating position might be. We would still not know what the outcome would be. I remind the Committee that, before the 2014 referendum, the UK Government were insistent they certainly were not going to provide anybody with helpful detail about the stance they might take in negotiations. In an ideal world, the United Kingdom would say to the European Union, "We are thinking of having this referendum. By the way, could we have some negotiations to decide what the terms of withdrawal would be should the public vote in favour of yes?" I suggest that the European Union would politely say to us, "We are not going to do that". That is the problem. For this kind of issue, it is impossible to give people the kinds of knowledge you might want ideally to give them.

Professor Russell: There was a tremendous lack of clarity even on the process. To puff us a little bit, Alan put a post on the Constitution Unit blog just before the referendum asking what would happen if we voted for Brexit. To a large extent it was about process. That has been our highest-ever-hitting blog, because it was one of the few places that people could go to find out about this mysterious thing called the Article 50 process, for example. We had not really even heard about that before the outcome, so there was a lot of lack of clarity about process as well as substance.

Professor Duffy: I do not have much to add to John's point. The commission broke it down into being clearer on what the question is and then knowing what would happen as a result of the response. That is very difficult to meet in these circumstances. John also raised the key point of identity and the extent to which the technical specification and clarity of this question are tied up with other identity and emotionally driven things, which we may come back to in other questions. They are more



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vital in this context than the technical precision of the question and the process.

Dr Renwick: It is because of the problem that John has talked about that the Independent Commission on Referendums recommended a two-referendum process; if you have to have a referendum on principle, then you have a further referendum on the detail once it has been worked out. If the process is going to be properly democratic, it is crucial that that is set out before the first referendum. Trying to retrofit something halfway through the process is far from ideal.

Professor Curtice: The difficulty, however, is that very often one or both sides in the debate decide that they would prefer to play poker with one referendum, rather than two. That was clearly the case with the Scottish independence referendum. Both the UK and Scottish Governments decided it was in their interests to have one referendum only, rather than two. The trouble is political interest is crucial in shaping the decision-making process. Unless we can rewrite the PPRA to make it clear that two referendums is the norm, political considerations will always get in the way.

Q4936 **Chair:** The second question I want to ask is how a second referendum on Brexit could have legitimacy. Is there a route to that? Will it never be legitimate for some people and wholly legitimate for others?

Professor Curtice: The problem we face is this. Essentially, the idea of a second referendum has primarily been promoted as a remainers' project. The people in the People's Vote campaign have spent a lot of time trying to persuade the Labour Party that, actually, people have changed their minds. People inside the Labour Party in particular are keen on having a second referendum and, "By the way, the outcome of a second referendum would be that we change their minds. Therefore, it is all a jolly good idea". The outcome of that has been to make the idea quite popular among those who voted remain. It depends on the question you ask, but typically two-thirds of remain voters think this sounds like a good idea.

The problem is that, because of that legacy—it does not matter which poll you ask—leave voters are not keen on that idea. Although we sometimes promote the idea of a referendum as a neutral process to break the impasse, that is not where it stands as far as public opinion is concerned at the moment. It is understandable; leave voters have voted: "We were told we were going to leave. Why are we not just leaving? We do not need a second referendum".

If the politics of the last few months had been played differently and the message had been conveyed that the House of Commons is blocking Brexit and will not allow it to go through, so we need to put it back to the people to decide whether or not they want to back Mrs May's deal. The language of the Kyle-Wilson amendment, with the idea of a confirmatory vote, was moving us in that direction. In other words, somebody needed



to sell this project to leave voters as being in their interests. In the absence of any great attempt to do this so far, and certainly in the absence of any success from doing it, the honest truth is that a second referendum is popular with remain voters and unpopular with leave voters. There is no easy way to get by that.

Having said that, bear in mind that exactly the same objections can be put to leaving without a deal. It is popular with leave voters and deeply unpopular with remain voters. One of the problems we now face with this process is that public opinion is deeply polarised. The two most popular options are a second referendum or leaving without a deal. So far, nobody has managed to come up with a compromise in between those options that has got much purchase with the general public, so we have a U-shaped curve with the public at the two extremes. As a result, the challenge at the moment is to come up with any outcome to the Brexit process that will get wide buy-in. This is a very considerable political challenge.

Chair: Indeed, it is why we are sitting here this morning. Are there any other comments on that before I bring in colleagues?

Professor Duffy: In some ways, the legitimacy will be determined by the result. It depends what comes out in the end. One of the most remarkable features about the polling and research more generally on this is the stability of the even split in people's views over this lengthy period. It has just not moved, so the most likely outcome is a fairly close vote either way. Whether it is a close vote to remain or a close vote to leave will do a lot for how legitimate a second referendum is seen.

YouGov did a second preference poll last week, in which remain got 50%, leave with a deal got 17% and leave without a deal got 33%. The second preference switched it to 55% remain, 45% leave with no deal. If you get into that situation, the legitimacy of that result, in the end, will be tough for a big chunk of the population to take, and that is quite a high-probability outcome from a second referendum. The process would be important—how we go about it and how we set it up for legitimacy—but, in the end, it is in a context of highly polarised identities.

I would argue this is an effective polarisation around identity, not an issue polarisation, for many people. This is more about identification, differentiation and then perceptual biases that come with that effective attachment to a cause. Actually, we see in the deliberations and from the previous session that, when you get down to the detail of what people prefer in the individual elements of the outcome, there is not a big gap between people as you might think. The legitimacy of the process is driven by that emotional response.

Professor Russell: Everybody on this panel and probably in this room agrees that legitimacy is enormously important and is contested in this context. I imagine we will come on to talk about what we wrote in our report on the mechanics of a possible further referendum on Brexit,



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which was not advocating such a thing but was looking at the process decisions that would have to be taken, in terms of timing, question, franchise, et cetera. One of the themes running through that report was the importance of keeping legitimacy and, as much as possible, maximising the legitimacy of the process when taking those decisions about what kind of referendum to have, if you go ahead and have one. That is important and we will probably come back to that.

Q4937 Wera Hobhouse: What I am hearing, particularly when put together with the previous panel, is that we would ideally have some time, because people need time to talk. I always say that democracy needs time to talk, but that is a privilege that we do not have, because the European Union has not given us this time. We are sort of stuck. I wonder whether there could be anything in going back to the European Union to say, "We need this time in order to get a good outcome". Who is going to make that plea to the European Union? It is probably relatively unrealistic, but this is my reflection on what has been said. I am generally wondering whether you think the way we have set out the rules on referendums in this country is fit for purpose.

Dr Renwick: No. I would distinguish between two parts of that for the purposes of thinking about a second referendum on Brexit. Some rules are simply not doing what they were intended to do, and then there are some rules where what they were intended to do was 20 years behind the curve in terms of democratic practice. If we were to hold another referendum on Brexit, for legitimacy reasons, as Meg was hinting a moment ago, it would be important to run a referendum on the same broad process as the 2016 referendum. Any perception that a referendum had been won by the other side, as a result of changing the rules, for example on the franchise, would further harm the legitimacy of the process. I would not try to change much about it.

Where the rules were seen not to do what was intended of them in 2016, it would be important to update them before any further referendum. That includes rules around digital campaigning. Everyone now agrees that there should be imprints for digital as well as printed campaign materials. Everyone agrees that, somehow, there should be some form of control over the kinds of political advertising archives that Twitter, Facebook and so on now operate to ensure that they follow democratic standards. First, there need to be some updates around digital.

Secondly, there need to be some updates around transparency of reporting spending. Currently, reports take a very long time to produce. Big campaigners have six months after the referendum to produce their spending reports, and those reports do not contain a lot of the useful information that the Electoral Commission needs in order to investigate properly. There is a good case to speed up that process a great deal.

Thirdly, it is clear that the rules on joint campaigning were not clear enough, which has led to a number of contested cases that we could discuss. Fourthly, the role of Government was not adequately controlled.



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The Government famously were able to spend £9 million on a leaflet that went out not only before the four-week period that is regulated for Government publications, but also just before the 10-week period that is regulated for everyone else. In fact, the campaign had already begun and, therefore, it was a clear violation of the principle in Section 125 of PPERA that the Government should not campaign on either side. Those sorts of changes ought to be in place before any further referendum happens.

Professor Curtice: I particularly reinforce the point about digital imprints. This institution has been far too lax and slow in dealing with this issue. It has long been a basic issue of British electoral campaigning that “printed and published by” is there. It should not take anybody very long to be able to put something on the statute book. It is rather amazing that it has not happened.

Wera Hobhouse: That would be for any process.

Professor Curtice: Exactly; it is something much broader for the whole democratic process—referendums, parliamentary elections, European elections, local elections, Scottish Parliament elections. All of them need this sorting.

Professor Duffy: On that point, the challenges on digital are very significant. You can have the imprint, which is good. You can have a database, but getting that real-time machine learning and open access is not just a lack of transparency through complexity. There is a real risk in this. Putting these things in place is necessary, but not sufficient, particularly since there is such a messy information environment out there. Official political ad campaigning is only a small part of the overall issue of information disorder, so they will not solve it all. They are required and urgent—and UCL and others have done a good in pushing for them—but they are not sufficient to have a clean, tidy communications campaign in this sort of environment. We should not have too high expectations for that sorting this out.

Q4938 **Peter Grant:** Good morning, everyone. Can I first go back to one of the things that came out of the citizens’ assembly that we heard about earlier? During the process of the citizens’ assembly, there was a slight shift in view of assembly members. They started off reflecting the decision of the referendum as closely as possible, which was a slight leave majority. By the end of the process, there was a slight remain majority. No doubt, if others were here, they would point to all sorts of reasons that does not tell us anything and that the process could have been biased. Does any other evidence suggest that, if people spend a lot of time getting informed about the issues—Professor Duffy mentioned that people tended to go with identity and so on—they are more likely to take a view on whether we should leave or remain?

Professor Russell: This is primarily a question for others, but I will add a comment to the thing you have picked up from the report. It is to



emphasise that our citizens' assembly on Brexit did not ask people to consider the question of leave versus remain. I think that, if there were a citizens' assembly now—again using the “I” word—it would not be considered legitimate by a lot of people if remain were kept off the agenda. Our start point at the time was, “There has been a vote. We are leaving. How should we leave?” That has been so contested since that I do not think that you could do that again, but it is worth saying that we were not asking people to consider the leave/remain question.

Q4939 Peter Grant: Does that not make it more interesting? They spent a couple of weekends in intense discussion, learning about the issues, and were told at the start that they were not going to be asked whether they want to leave or remain but how they want to leave. In spite of that, a small but, on a 52:48 vote, potentially significant number within that group, having spent two weekends not talking about staying in the European Union, changed their minds at the end and thought we should stay in the European Union. Is that just something that happened through the process or is there a lesson there that we need to think about?

Professor Curtice: I hate to knock your confidence on this. Colleagues ran something similar to a citizens' assembly the last time this part of the UK was melting in the sunshine, at the end of June. It was a deliberative poll, which is a similar but slightly different process. Deliberation was being used as a research tool, rather than to try to come up with a report or set of recommendations. Again, we were not talking about whether people should be for or against Brexit. We were asking them to consider issues of post-Brexit public policy, so what UK immigration policy or consumer regulation should be post Brexit. What should we do about agriculture and food policy post Brexit? Like the citizens' assembly, we were not talking directly about the issue, but dealing with some of the consequences. We asked them at the beginning and at the end for their views about Brexit, and there was basically no net shift—so maybe; maybe not. We had other shifts on the subjects we were asking about, but we did not have shifts on that.

I am responding slightly to Wera Hobhouse. We spent three years arguing about this and discussing the terms and conditions, and 85% of the people who voted in 2016 have not changed their views, for many of the reasons that Bobby Duffy has already explained. We are looking at this through a perceptual lens. Leave voters think we have a bad deal and the UK Government have made a mess of the negotiations, but these arguments about process do not change voters' views about the merits of Brexit.

I have been tracking attitudes towards Brexit throughout the process and I have found that you can only begin to change views if you begin to change people's views about some of the arguments that we had back in 2016, such as, and above all, the economic consequences of Brexit. If you voted leave but have now come to the view that Brexit would be



economically disadvantageous, there is only 50% chance that you would vote leave again, but not many leave voters have come to that conclusion. To that extent, I am doubtful that much of what we have discussed in the last three years about the detailed terms and conditions makes a difference. In the end, it is people's judgments about sovereignty, immigration and the economic consequences, which we had arguments about three years ago, that are crucial.

Professor Russell: What we are both saying is that this has not been tested in a deliberative forum. There have been two deliberative forums that have asked people their views on Brexit at the beginning and the end, but they have not asked them to deliberate on whether Brexit should happen. It is a question that we simply do not know the answer to. All we have is opinion-polling of people who have not deliberated.

Professor Curtice: Absolutely, yes. All we know is with the general public debating. The interesting question, if you run a citizens' assembly, is not whether it changed the views of those who participate but what, if any, impact it would have on wider public opinion. That has to be a big unknown.

There is potentially a contrast here between what happened in Ireland and where we are with Brexit. In the case of Ireland, quite a lot of what happened there is about a society suddenly learning something about itself and the way in which it had changed, which it was not entirely aware of. The citizens' assembly showed, "You know what? When people talk about this, they are not quite sure we are in the right place". I am not sure we are in the same context on this issue. We have been arguing about this for a long time. Many people have formed quite firm views. That does not mean to say there is not some potential for shifting opinion, but we know a lot about our views about ourselves and about Brexit already; Ireland perhaps did not know what it thought about abortion and equal marriage.

Q4940 **Peter Grant:** There was some evidence before the referendum—I think it was a Europe-wide survey that was done—that suggested that UK citizens were among the worst informed in the whole EU about what the EU was. That begs the question of why we were the ones that asked the people to take part in a referendum. Is there any evidence as to how genuinely well informed the public at large are now? Related to that—and remember a number of Government Ministers have since admitted that they misunderstood what was going to be involved—if we have a public who have gaps in their understanding as to basics such as when the EU makes the rules and when the United Kingdom makes the rules, does that then mean that the danger of fake news, dark social media campaigning, misinformation and so on increases the risk that, even if we had another referendum just now, the public are vulnerable to misinformation in the way that some people would argue happened last time?



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Professor Curtice: The best evidence I know about this—maybe you should get them to come in to talk about it—is a project led by Anthony Heath at Nuffield College, which was part of the UK in a Changing Europe programme, in which they compared the levels of knowledge of remain and leave voters about various aspects of the European Union. They came to the conclusion there was no significant difference between remain and leave voters in terms of their knowledge. You can argue about the questions they used or if you were able to test the surface knowledge, et cetera, but that is the one serious academic attempt that I am aware of to try to get at this question.

Professor Duffy: Your general point is correct: that when knowledge and information is less well known among people, the gap for misinformation and identity-driven responses is higher. That is the right place to start at, but it is also slightly the wrong way to look at it. This is not about mutual knowledge provision and information provision because it is so tied up with identity, how people see themselves and see Britain in the world. The kind of information provision element is not the crux of this. It is an important thing to have but it is not going to be sufficient to change things.

In terms of lack of knowledge—this is more about the deal or about what the decisions are—there was quite an eye-catching poll that apparently showed that a quarter of people thought that no deal meant staying. That then turned out to be a bit of a misrepresentation, which was really important. Even the much better work by Rob Ford still showed quite a significant misunderstanding or lack of knowledge at either end. It was not so many people; it was only something like 6%.

Professor Curtice: It was 4%.

Professor Duffy: He did it twice. One was 6% and one was 4%.

Professor Curtice: Yes, the second one was 4%.

Professor Duffy: There were two polls around that, but there is quite a lot of people who just do not know what no deal means. It is important to recognise that there is that lack of knowledge, as you would expect among the public, about this very complicated issue.

Q4941 **Peter Grant:** Can I finish with a nice easy question? If I want to have a position in a year's time or 18 months' time where, whether we are in the EU, out with a deal or out without a deal, I want at least half of the people who voted for something different to accept that it is the decision and we are going with it, how do we get there? How do we get from where we are now, where essentially most people will question the validity and legitimacy of a result they disagree with, to a position where a substantial majority of people will accept the result, even if they strongly disagree with it?



Professor Curtice: Persuading leave voters is a good idea. That is my answer to your question. I refer you to the answer earlier. You need to try to reach a situation whereby leave and remain voters both decide to agree that this is the legitimate way of delivering a final outcome. As I said earlier, the problem is that you are now operating against a backdrop where the principal attempt to sell this idea has been very intimately wrapped up with arguments in favour of changing the decision.

Professor Russell: Let me throw in a slight wildcard here, because this is something I was hoping to say at some time and it might fit with this conversation. To connect these two panels, if you are thinking about questions on which you might hold a citizens' assembly and you are thinking about whether you should hold a referendum, John has outlined how views on whether we should have a referendum are polarised to a significant extent along the leave/remain divide, but of course anything in an opinion poll is a fairly superficial view. Parliament may, now or in the future, be grappling with the idea of whether we should hold a referendum.

We heard from the previous panel that citizens' assemblies can be useful for Parliaments in resolving questions that they are struggling with. One simple question to put to people in a citizens' assembly would be whether we should hold a referendum; it would be quite interesting. It sounds a bit circular but it is a serious suggestion. It is a relatively simple question; it is obviously connected to the bigger questions of whether we should exit and what form the exit should take and so on. It is quite a narrow question in one sense and it might get beneath the polarised opinions that John is describing. It would be interesting to see if out of that series of weekends, let us assume, came a shift of opinion amongst leave voters that a second referendum was a good idea.

Professor Curtice: Or of remain voters deciding it is a jolly bad idea.

Professor Russell: Exactly. Of course, yes.

Professor Curtice: Of course, you are still going to raise the question of how you persuade leave voters, who have just been told by the person who is going to become Prime Minister in the next few hours that we are leaving on 31 October come what may, that all of a sudden we are going to have a few happy weekends deliberating about the subject. This is the problem about the backdrop. You would have to be very careful. If I was going to launch this idea, this Committee is known to consist of people from both ends of the spectrum. You would have to get this Committee to be unanimous in backing the idea of a citizens' assembly if you are going to have any chance of being able to persuade people that this is not some remain conspiracy.

Chair: Miracles are slightly in short supply at the moment.

Q4942 **Seema Malhotra:** Thank you for the evidence today. What has been interesting is the change from some leave-supporting Members of



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Parliament to the idea of a referendum or some other intervention to bring the people back in as part of a way of resolving the social tensions in the crisis that we have. What is interesting is that, with the new Prime Minister, uniting the country is one objective, and how you would unite the country is an important question.

I have one specific question I am very keen to take a bit further. Professor Curtice, you were saying that what could be interesting coming from a citizens' assembly could be the impact on wider public opinion, or indeed on politicians' deliberations. How would you see, in process terms, a citizens' assembly that may involve 100 citizens being able to have an impact on wider public opinion?

Professor Curtice: I will let Alan give much more detail because he knows more about this, but the honest truth is, as was suggested in the previous session, within the constraints of maintaining the confidentiality of the participants that has been talked about, you would certainly want to see broadcast the plenary sessions in which you are talking to experts. You would want to see them being covered by the media so that, insofar as those sessions have an educative effect, they may have a much broader educative effect on society.

The question would, in the end, depend on what the citizens' assembly came up with. If the citizens' assembly started off being 50/50 on Meg's idea and ended up being 50/50 on Meg's idea, you are no further forward. If, on the other hand, a significant proportion of people did change their minds in either direction, maybe you would end up persuading people that the arguments have changed. If it is going to have a wider educative impact, to be honest, the arguments that are deployed within the assembly have to reach a wider public beyond the assembly and/or people have to accept that this assembly is talking sense.

Dr Renwick: There are two primary mechanisms. One is the media point that John has just made and the other is that the assembly needs to be set up by Parliament or Government, and Parliament needs to commit to taking seriously what it says, so there is an ongoing process.

Joanna Cherry: I am a little puzzled by some of the answers that you gave my colleague, Peter Grant, about opinion not changing in your deliberative Parliament exercise. In the earlier panel this morning, we heard that in the citizens' assembly run by the Constitution Unit, after evidence was heard, with the balance being explained—"Yes, there are so many experts who think this and so many experts who think that; the predominant view is X but that does not necessarily mean that Y is wrong"—the citizens' assembly came out with some recommendations that perhaps run counter to the debate we are having at the moment.

It showed very little public appetite for a no-deal Brexit; it said that if a bespoke trade deal proved impossible, it would prefer the UK to stay in the single market rather than leave the EU with no deal; and it said that,



if an arrangement was not possible whereby the UK could conduct its own international trade policy but also maintain frictionless borders with the EU, the members of the citizens' assembly would prefer to stay in a customs union. Also, most members of that citizens' assembly wanted the UK to maintain freedom of movement of labour with the European Union. It seems to my mind that those results, bearing in mind it was a group of 50 randomly selected to reflect opinion across the UK, which of course was pro-leave in the referendum, show some significant change in opinion once expert evidence has been heard.

Professor Russell: I am not sure I agree with that. I would be interested to hear what Alan says. We are allowed to disagree with each other. I am not sure that shows necessarily any change of opinion. It shows a development of understanding of detail. The recommendations that they came up with, prefaced with what I said before—that they were not asked to revisit the question of whether we should Brexit or not—were for a form of Brexit. They were a group the majority of whom had voted for Brexit. I do not see a contradiction. Alan might put it differently.

Q4943 **Joanna Cherry:** I suppose what I was saying is that they said if they could not get this idealised form of Brexit, which some may say does not exist—that it is impossible to conduct your own international trade policy while maintaining a frictionless UK/EU border—they preferred the status quo to no deal. What I am suggesting to you is that in the predominant debate in the media over the last couple of months, particularly given the position of both Tory leadership candidates, there has been a suggestion from those who are advocating leave that no deal has wide popular support. This outcome of the citizens' assembly tends to suggest that is not true.

Professor Russell: It is all extremely interesting but it is definitely an interesting outcome of that citizens' assembly that they came out quite firmly against no deal. Backing up what I just said, if you asked most people in September 2017, when we carried out that exercise, what no deal was, they would not have known. These were thoughts and opinions that developed over two very intense weekends of consideration of the options, and it was two years ago now. The debate has been on different things. It was a development of opinion rather than a switch of opinion. The way you frame the question rather suggests that you think when people voted in 2016 they were voting for no deal.

Q4944 **Joanna Cherry:** No, that is not what I have said. What I am suggesting is that there is evidence—and this was what was said to us on the previous panel; I think some of you were in the room when I asked questions about this—that members of the public deliberate, having heard the evidence with a form of balance that is not what passes for balance on the BBC now. I gave the example of climate change. We get a scientist talking about climate change and then we get some climate change denier, without any explanation that the preponderance of opinion favours the scientific evidential approach. As explained on the



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earlier panel, in the citizens' assembly it was explained to people that the majority of economists think it is better to stay in or close to the single market but there are those who disagree. That is the way the balance was presented. What I am suggesting to you is that when ordinary members of the public get to hear the evidence in a balanced way and get to interact with the experts, the benefit is that they reach an informed view that is perhaps different to the discourse that we are currently having in the public domain in the United Kingdom.

Professor Duffy: I will qualify that a bit. We have done a very quantitative study, called a discrete choice experiment, where you do not use labels; you do not tell people, "This is a no-deal scenario, this is a Norway model or whatever". You break it down into different elements and you get people to choose pairwise: "Which choice do you prefer out of these two?" You get them to choose loads of paired choices, and then the model tells you what the preferred scenario is. When you do those types of things, you end up in a very similar balanced position to yours. That is not about information provision; that is not about experts and listening to them. That is about breaking the issue down away from an identity-driven approach.

I think you are misconnecting a bit. This is not about the deliberation process changing people; it is actually changing the nature of the question we are asking people. We are asking people what they want from this selection of stuff rather than them having to pick this or that thing. That is really important to understand. That distinction seems quite fine, but it is very important to understand in terms of what you do next and what the important features are of the things you would want to put in place.

Going to the point about deliberation and its effect on wider public opinion, that is really tough to translate out of those types of fora. You would love to have everyone in a room for a weekend or a succession of weekends. That is what you would want to do. There are serious suggestions from the US about national deliberation days around bigger decisions, from James Fishkin and others, which is not quite the same thing as we are talking about here. Scaling this from a small group, to change the way people think about it, is not the issue, because it is not about balance or having a balanced view here; it is more about breaking it down and the time that you have with people in order to break it down.

Professor Curtice: Can I just make two points? To clarify what I said to Mr Grant, he was asking whether there was any other evidence out there that, when you ask people to deliberate on issues relevant to Brexit, they necessarily become more or less supportive of remain. I was very clear to say that we were not asking people to deliberate about the principle of Brexit. It was about some of the decisions that the UK Government will be able to make if and when we leave the European Union. It so happened we were tracking their views about Brexit and, while their



views did change on some of the subjects we were talking about, they did not change their views on the principle of Brexit.

The second thing to say, given you have referred to it, is that we do have polling about how popular no deal is and how popular a second referendum is. All these things depend on how you word the question. When you simply ask people whether they are for or against having a referendum with remain on the ballot paper, people tend to be against. If you ask people whether they are for or against leaving without a deal, they tend to be against. At the end of the day, the support for each of these propositions is so clearly located with one half of the population that you struggle to get majority support.

Q4945 **Stephen Kinnock:** I want to go back to this issue of legitimacy and link it to what question could be on the ballot paper in a possible further referendum. In the recent European Parliament elections, the Brexit Party won convincingly on the basis of an explicit commitment to a no-deal Brexit. It is clear from other polling that you have mentioned that support for a no-deal Brexit across the electorate is quite strong and is running quite high. Do you think that a second referendum that did not offer a no-deal option would be a legitimate democratic process?

Professor Russell: I am not sure I want to tackle your question head on but I will allow the other panellists to get their heads together. This is something that we considered in our report on the mechanics of a second referendum. This is simple. We concluded that there were three options that might be put to the people in a referendum: remain, a deal and no deal. We then looked at, first, how viable it was to present those options and, secondly, how they might be combined pairwise or in threes. We expressed some concerns that the difficulty with leaving no deal off the ballot paper was that some people would say that this legitimate option had been left out. That is an argument on one side.

I think there are arguments on the other side as well. Thinking about this today, those arguments are quite strong. MPs are thinking about this question; you are obviously thinking about the question of no deal a great deal at the moment. If you move on to thinking about a referendum, it is a really serious question for you to consider whether no deal should be on the ballot paper at a referendum. There are three things to consider in thinking about that alongside the legitimacy question, which rather bears on the other side.

One is the question of clarity. I go back to the point I made earlier, about the very firm recommendation from the Independent Commission on Referendums and the comment from David Davis about not asking people to vote for a blank piece of paper and leaving the politicians to fill in the details afterwards, which has been shown to be somewhat wise after the event of the 2016 referendum, given the difficulties we have had. What no deal would mean on the other side of that event having happened, if you see no deal as an event, is very unclear. Most people agree that we do not really know what kind of negotiating environment we would be in



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and how those negotiations would go, et cetera. You have a clarity problem in explaining what the outcome actually means in the long term for the public.

There is clearly a difficulty that many MPs, partly for those reasons, have a lot of concern about a no-deal outcome. There is a question for MPs. If parliamentarians—of course, this includes the Lords as well—put an option on a ballot paper, it has to be an option that they think is a viable one to deliver on and that they are comfortable with, because anything that you put on a ballot paper might be voted for, of course.

The third consideration, which is a rather more techy one, which we might go into in future questions, is what it does to the question structure. Of course there is one two-option ballot that you could have, which is remain versus no deal. If a deal has disappeared completely from the landscape, I suppose that has to be considered viable. If there is a deal in play and you are looking at putting together a three-option referendum between remain, a deal and no deal, it does begin to get quite complicated. We might want to move on to that. I know it was mentioned briefly in the session with the Electoral Commission yesterday. There are various reasons why that is complicated and would be more contentious in Parliament, take longer to organise and be more difficult for the public as well.

Professor Curtice: As Meg has quite eloquently indicated, arguably there are potentially two separate questions here. One is whether we should have a three-option or multi-option referendum; the other is whether no deal should be on the ballot paper. If the new UK Government were to come to the conclusion that there was no deal that it could negotiate with the European Union, the obvious referendum to have would indeed be between no deal and remain, because those would apparently be the only policy options that were available before us. If, on the other hand, we do have a negotiated revision of the deal, then the question becomes whether we go for a multi-option referendum.

I fear the answer to you, Mr Kinnock, is that you will be damned if you do and damned if you do not. If you do, the leave side will complain you are splitting their resources because you are going to have two leave campaigns that are arguing against each other whereas all the resources on the remain side are behind one campaign. If you do not, some leave voters who dislike the deal—unless the Government can come up with a deal that is more popular with leave voters than the current one—will complain and simply say that we should just get out. I fear that there is no simple answer.

For what it is worth, in terms of such polling has been done on this, unsurprisingly, the idea of a referendum on a deal versus no deal is a bit less popular than the idea of a referendum on a deal versus remain. That, of course, is because, for remain voters, a referendum on a deal versus no deal is no choice at all.



Q4946 **Stephen Kinnock:** What about the implications for turnout? I guess it is legitimate to assume that a further referendum that had a substantially lower turnout than the 2016 referendum would be substantially less legitimate than the 2016 referendum. I would be interested in your thoughts on the relationship between turnout and legitimacy in relative terms. It is probably also safe to assume that if no deal is not on the ballot paper, politicians such as Nigel Farage would lead a campaign to boycott a further referendum. There is a high chance that if no deal is not on the ballot paper, turnout could drop quite dramatically. I would be interested in your thoughts on that, in terms of the legitimacy question.

Professor Curtice: There is no doubt that when you look at polling on what people say they would do if they were faced with a choice between remain and the current Prime Minister's deal, you get a disproportionate expression of "Don't know" or "I would not vote" amongst those people who are leave voters. Yes, there is a risk that, because the option is not on the ballot paper, they decide not to participate. You would just have to decide what you think would happen and whether or not you think, in the end, that is what they would do or whether, at the end of the day, given the chance to at least vote to leave, that impetus becomes more important. It is a tough call.

Equally, if you go for the three-option referendum, you would probably discover that no single option gets more than 50% of the vote and you are relying on second preferences. You would then get in an almighty argument about whether or not this is legitimate.

Again, I am sorry to pour cold water on a lot of these ideas, but I am reminded of the fact that we had a referendum in 1975; by 1983, we had an opposition party that was campaigning to get out of the European Union without a referendum. In terms of the extent to which even the referendum in 1975, which came up with a two-thirds majority, actually managed to resolve the issue, I am not sure it did. That is why we are still sitting here arguing about it 50 years down the track.

Q4947 **Stephen Kinnock:** I have one final question. Professor Russell made some very interesting points there about clarity and the lack of clarity around what no deal actually means. Of course, there is actually a real lack of clarity about what a deal is as well, because all you would have is the withdrawal agreement and the outline of a political declaration on the future relationship, which is very far from being finalised and very unclear. It would be another leap in the dark; it would be perhaps a little less dark than 2016, but definitely the lights are on dimmer switch, turned down pretty low.

Professor Russell: If you look at the three options, it is pretty clear. You can get into discussions about remain and reform, of course, but if you look at the three options, remain is relatively clear, with the deal there are some concerns about clarity, and no deal is the least clear of the options.



Professor Curtice: There is no doubt to me that Alan's ideal scenario is that we would hold a referendum when not only had we negotiated the withdrawal treaty but we had also negotiated the trade relationship. The problem is, of course, that the sequencing rules of the European Union do not give us that option. Again, politics trumps the ability of us to deliver what we might otherwise regard as the ideal outcome.

Q4948 **Stephen Kinnock:** If we are looking at that legitimacy question through the prism of clarity, the only referendum that really has clarity about what leave means is a referendum at the end of negotiating the long-term future relationship. That is actually a referendum on re-joining the European Union.

Professor Curtice: Exactly. That is the problem. That is not the referendum that anybody wants. We want to be able to have a referendum before, because at that point we will not be able to execute remain because we will be reapplying. That is the problem. The politics and the structure of the negotiations make it impossible for us to deliver what we might manage to agree would be the ideal process so far as British domestic politics are concerned.

Q4949 **Mr McFadden:** Professor Curtice, I want to ask you one thing about the drivers of the vote. You have said to us this morning, and I think elsewhere, that there has not really been much change in the leave and remain camps; 85% of people have stayed more or less where they are. I represent Wolverhampton in the West Midlands. Certainly in that part of the world, a big driver of the vote was free movement of people, immigration and so on. It was very salient in people's reasoning for supporting leave. Could you tell us a little bit about where you think the salience of the immigration and free movement issue is in the public mind today?

Professor Curtice: There are various things to bear in mind. One thing is that there is fairly regular evidence, which has come from Ipsos MORI and British Social Attitudes, that we now take a rather more benign attitude towards the consequences of immigration than we were doing immediately before the 2016 referendum and we are more inclined to think that it is economically and even culturally beneficial.

That said, when I ask questions that ask people whether or not European Union citizens who wish to come to the UK should have to come to apply to do so in exactly the same way as everybody else, I still get majorities in favour and I still get majorities in favour of that even after deliberation. Therefore, my reading of what we know about the evidence on public attitudes towards immigration is that the crucial issue at the end of the day is not so much numbers but control.

The difficulty that many sections of the public had before 2016 was that, yes, rather a lot of people are coming here and rather a high number of people are coming here relative to the UK's historical experience, but also that is against the backdrop that they had been told in 2005 and 2010



that they would not come. Therefore, there was this sense that this was a subject that was out of control. Of course, the freedom of movement provisions of the European Union limit our ability to deliver control. That is the issue that has to be, in the end, addressed. I take the view—this is not necessarily particularly an expert opinion—that the European Union made a fundamental mistake in the February Council in not giving us more on freedom of movement. As we say in English, a stitch in time might well have saved nine on that particular issue.

Professor Duffy: I agree with all of that. There is a very steep decline in salience, which may be a slight displacement effect from Brexit, because when you are talking about the most important issues facing the country, it is Brexit that people are talking about, and that is wrapped up in their minds. There is a definite, continued move to a more positive view of immigration overall.

We did some work that tried to unpick the extent to which this is due to what I would characterise as regret—“Now I have thought about it, immigration is not that bad and there are a lot of benefits to it”—or the extent to which it is reassurance about control now that we are moving to an environment where we are going to have more control. It was about half and half in terms of people’s assessment of it. Some people are more positive about immigration because they realise the benefits more clearly now. Some people are more positive because they think it is under greater control or is going to be under greater control in the future. Both of those things are true.

The thing that I would say, though, is that because it is less salient, less in people’s minds and you have had that positive shift, this is a really useful environment for a more considered, less emotive debate about what our immigration policy and approach is for Britain overall. There is a very clear window where we could have a conversation and discussion with people on this, in a way that we could not have when it was really high up the salience levels, with no sense of movement in public opinion.

Q4950 **Chair:** Before we conclude, going back to what you said in answer to my very first question and talking about no deal as a question on a future referendum ballot paper, does the same problem not apply to that because we do not determine what no deal actually means?

Professor Curtice: Yes.

Chair: That is a very clear answer.

Professor Curtice: It simply means that we are going to leave the European Union without having negotiated a withdrawal treaty under Article 50, does it not? What happens thereafter? We might then be negotiating a trade deal under different articles of the Treaty of Lisbon and we will still be trying to work out what future relationship we will have. In a sense, no deal is a technical legal thing about whether or not



you have managed to agree a withdrawal treaty under the particular provisions of the Lisbon Treaty.

Q4951 **Chair:** If there were to be a three-question referendum, or a decision-making process with three questions, to put it like that, would it be better to stick them all on one ballot paper—you would then have to decide whether you were counting by first past the post or some preference system—or to hold a referendum in two parts? If it was in two parts, which question goes in the first part and which question is in the second?

Professor Russell: That is one for Alan.

Chair: Dr Renwick, everyone is pointing at you.

Dr Renwick: The problem is that any three-option referendum creates tactical-voting problems for some voters. You cannot devise a system that avoids all tactical voting problems. Some versions of a two-question process create tactical voting problems for huge numbers of voters. For example, last summer Dominic Grieve proposed a process in which you have a first question of whether you accept or do not accept the deal. If people say they do not accept a deal then you have a question of whether you want to remain or leave. That leaves all sorts of problems for people trying to think about what is going to come out of the second question, such as, "Am I safer just accepting the deal because my even less preferred outcome is going to come in the second question?"

A version of the two-question approach that probably produces fewer problems for fewer people is one proposed by Vernon Bogdanor. You would have, in the first question, remain versus leave, and then, in the second question, if leave gets the support, you have a choice between two versions of leave: deal or no deal. That still creates problems for those voters who prefer leaving with a deal, then remaining, rather than leaving without a deal, or indeed the other way around. I noticed that Bobby had some numbers earlier on in the session that suggested there is a significant number of such voters who do have that mixed preference structure.

The alternative is to have a preferential ballot in one question. If you have one question you definitely do not go for first past the post among three options because, as John said, it is quite likely that nothing gets a majority. You need to have a preferential ballot where you take account of second preferences. That still produces problems of tactical voting for some people but the calculation is a bit more complicated and a bit harder than in the case of the two separate-question processes.

The conclusion that we came to was that you are likely to cause fewer problems with tactical voting and people having to make tactical calculations if you go for a preferential ballot with three options on one paper than if you go for any of the two-question options.

Professor Russell: However—there is a lot of exploration of this in the report—there are different ways of counting people's express preferences



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in a preferential ballot. The most obvious one is the one you will be most familiar with, AV, where people express their preferences and the lowest preference gets knocked out on the first round and then people's second preferences are reallocated. The likely outcome of that is the deal is the thing that is knocked out because it is not many people's first preference, which means that you have knocked out the compromise option on round one and you are left with a very polarised vote between the other two options.

You can choose a different voting system that weights people's preferences or ask them to do what Bobby did—a pairwise comparison between all of the pairs. That is likely to give you completely the opposite outcome because that encourages compromise and pushes people towards the deal. This is a serious problem.

In order to have a referendum, we need to have legislation. That legislation has to be agreed by the House of Commons and probably be rubberstamped by the House of Lords, if the House of Commons has dealt with all of the worst dilemmas and not left something that is really questionable. It has to at least get through the House of Commons. Essentially, the voting system that you choose in a three-option referendum is very likely to determine what the outcome of that referendum is, so the voting system becomes a highly politicised process that you are very unlikely to get agreement on.

Professor Curtice: It is worth remembering that, under the alternative vote, the outcome could depend on what does manage to come second. If that is close, it could make a difference. This is a subject that was also briefly the subject of a furious debate in Scotland at the time when we thought the 2014 referendum would not only be about independence but also about so-called devo-max. We had exactly the same arguments and exactly the same inconclusive outcome.

Chair: I think on those closing words, "exactly the same arguments", that brings this session to a close. It has been really helpful and absolutely fascinating. We are extremely grateful to you for giving up your time. There are one or two other things happening today, which explains the attendance. We will finish on that note. Thanks very much indeed.