

The Vision of Citizen Participation in Constitutional Reform

Chen Chun-hung

In the wake of the March 2014 Sunflower Movement, the Civic Alliance to Promote Constitutional Reform, an organization formed by the collective efforts of over twenty civic groups to advocate for bottom-up, comprehensive constitutional reform, issued an island-wide call for civic engagement in a democratic experiment of deliberation and constitutional reform. Since the November 2014 local elections, the call for constitutional reform has sounded in every corner of Taiwan. On January 9, 2015, the Civic Alliance released its statement on the procedures to reform the constitution. The Alliance suggested that constitutional reform proceed on the basis of four general principles, namely, a bottom-up approach, comprehensive change, lowering of the threshold for constitutional revision, and a two-step strategy. It also put forward a concrete, two-step process for comprehensive reform. The Alliance hopes that after the conclusion of a “national affairs conference, where political parties and civil society can first achieve a high degree of consensus on issues such as the necessity of lowering the threshold for constitutional revision and the need to lower the election threshold for seat allocation to political parties in the proportional representation system, it will be possible, prior to June 2015, to then proceed to the next stage of deliberation by civic constitutional conferences, allowing for a referendum to be held in conjunction with the 2016 presidential election. Matters pertaining to the central government system, cross-strait relations, and the economy, which require further discussion, should be deferred to the second stage and put to the voters in the 2018 local elections.

The call for comprehensive constitutional reform is based on the idea that the relationship between the executive and the legislature lies at the core of constitutional workings. However, even under an identical executive-legislative system, factors such as electoral systems, political party systems and constitutional culture can lead to different results. These factors must be taken into consideration when evaluating the pros and cons of constitutional systems in order to render a fair analysis and assessment. By breaking free of the model that gives control over the agenda and content to elites, it becomes possible to shift to a model based on civic participation, where the people as a whole consider the scope of constitutional reform, diagnose issues, discuss the principles of and prescription for reform, and with their own hands draft the national blueprint for the future.

Civic groups promote a bottom-up approach to constitutional reform based on the understanding that a constitutional reform procedure capable of deepening democracy requires the substantial participation of the people. A constitution is more than a mere legal document; it is also a text that confirms the common ideals and values of a nation. Public participation in the shaping of the constitution would establish the relationship of the people to the state. Over time, the gap that has emerged between the current constitution and the people has contributed to the present controversy over identity within our political community. The bottom-up approach to constitutional reform emphasized by civic groups is aimed at mending this broken link between the current constitution

and the people. Through communication and dialogue among the people, the bottom-up approach can bring about the coalescence of a country united in spirit and affirm our community.

In recent years, the global trend of constitutional reform has seen more and more countries value the participation of citizens. In its effort to break free from the bitter history of apartheid, South Africa included a massive public participation program in its constitutional drafting process. The program succeeded in building a sense of identification with and ownership of the constitution among the South African people, and laid a firm foundation for the establishment of a new rainbow nation. In Canada, the provinces of British Columbia and Ontario each established a democratic deliberation process of electoral reform that included a citizens' assembly. In Europe, citizen participation in substantive constitutional revision has also experienced important developments in the past several years, particularly in Ireland, the Netherlands, and Belgium. Iceland even went so far as to have a twenty-five-member constitutional commission composed entirely of citizens employ crowdsourcing to conduct consultations and amass public views in its drafting of a new constitution.

Although there are differences among these countries in terms of the design of democratic deliberative procedures, the selection of citizen delegates, and the delimitation of issues for discussion, they share a common high regard for citizen participation in constitutional reform procedures. In the face of the current high threshold for referendums, the government is duty-bound to supply both ways and means to promote informed discussion and participation

among the public. A process of constitutional reform that emphasizes public discussion and democratic values not only legitimizes the reforms, but also increases public identification with and sense of ownership of the resulting constitution. Such a process in itself also provides a democratic learning process around which to build consensus.

There are those who doubt the benefit of involving citizens, pointing to the high degree of professionalism involved in constitutional reform. In their view, it is better to seize this "constitutional moment" and force political party leaders to accept certain reform initiatives than to involve civic groups in lengthy deliberations. Ultimately, the success of constitutional reform does not hinge solely on a final outcome; the process is just as important as the result. Providing citizens with a channel through which to participate in constitutional reform not only allows the process to escape the oft-vilified clutch of closed-door negotiations, but it also helps ameliorate the shortcomings of representative democracy through open discussion of deliberative democracy. It can also enhance the public's political literacy, increase political efficacy and trust, raise constitutional consciousness, and lay down roots for Taiwan's constitutional culture. The emphasis on a bottom-up, participatory democratic procedure for constitutional reform will allow Taiwanese to see possibilities beyond representative democracy. The birth of a new constitution at the hands of the people is the very embodiment of national sovereignty. **BT**

Chen Chun-hung is Associate Professor at the Department of Political Science, Soochow University, Taiwan.