

RESEARCH ARTICLE

Deliberative constitutionalism in non-state contexts: Deliberation to, from and through constitutional reform

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Abstract

This article examines the relevance of ‘deliberative’ constitutionalism – the idea that democratic deliberation ought to inform our expectations of constitutional law and processes – to constitutional moments in non-state contexts. More specifically, it explores the ways in which extending a deliberative constitutional lens to non-state spaces can both enrich our understanding of the legal-political dynamics within these spaces and, in turn, inform the field of deliberative constitutionalism itself. To do this, it takes an empirical approach to interpret and analyse a constitutional process through which a university student union reinvented its own democratic structures, in significant part through a ‘deliberative mini-public’ of everyday members. Drawing on interviews, observations and records, it demonstrates that a deliberative constitutional lens maps onto and usefully interprets the democratic process in this context while also offering empirical insight into an underexplored dimension of deliberative constitutionalism: that is, connections between deliberative approaches ‘to’ constitutional reform and the resulting constitutional features ‘from’ which subsequent political deliberation flows. It shows how the former carries ‘through’ into the latter by way of the internalization of deliberative norms resulting from both direct and indirect experience with deliberative approaches.

Keywords: deliberative constitutionalism; legal pluralism; mini-publics; non-state context; reform

Introduction

Constitutions govern the fundamentals of collective life, including by setting the basic terms on which we interact politically (Elster 1995; Kong 2015). To the extent that they thereby constitute who we are as a political community (Mills 2016), the ideals that we have for political and democratic life are crucial in thinking through how constitutions are created and what role they play in governing political life under them thereafter. In this spirit, the field of deliberative constitutionalism has explored the implications for constitutions of deliberative democratic ideals – the expectation that shared decisions emerge

out of inclusive processes of reasoned exchange and reflection oriented towards a common good (see, e.g., Cohen 1989; Guiffre 2023). This has included exploring both deliberative approaches *to* constitution-making as well as how constitutional features can enhance deliberation – that is, mechanisms by which deliberation emerges *from* constitutions (Levy and Kong 2018).

The field has focused primarily on the nation-state as a site of application and study; however, neither deliberative democracy nor constitutionalism is limited to state contexts. Deliberative democratic ideals have been connected to, for instance, business firms, cooperatives, labour unions and universities (Felicetti 2018; Kennedy and Pek 2023; Pek 2019, 2023), while constitutions are found across different models of association, including Indigenous communities, international rule-making bodies, political parties, corporations and so on (Alcantara and Whitfield 2010; Dziedzic and McMillan 2016; Farkhondeh and Müller 2021; Mills 2021; Panke, Hohlstein and Polat 2019; Pollman 2021, 2022). Accordingly, scholars are increasingly exploring the intersections of deliberation and constitutionalism in non-state contexts as well, ushering in the beginnings of a more pluralist vein of deliberative constitutionalism (Ahlhaus 2025; Blanc 2023; Borrows 2010; Panke et al. 2019).

Even so, little is known about the relationship between deliberative constitutionalism and practice in non-state contexts, and the ways in which it might be mutually enriching. Contributing to this new vein, this article explores the relevance of deliberative constitutionalist thinking to an exceptional process of constitutional reform within a university – that is, a process in which recognizably foundational political norms of the community were changed. That process, taking place at the London School of Economics in 2022, involved a ‘Democracy Review’ process in which the student body revisited and recreated its own democratic structures, in significant part through a deliberative ‘mini-public’ – an initiative through which a broadly representative sample of the population learns about the issues, deliberates and crafts recommendations for reform (Smith and Setälä 2018). Drawing on interviews, observations and documentation for empirical insights, we demonstrate how extending the deliberative constitutionalism lens to such processes in non-state contexts not only contributes to our understanding of these other legal spaces but also enriches the wider field of deliberative constitutionalism.

In this way, the framework of deliberative constitutionalism is shown to map onto non-state contexts – here, a voluntary association – in a way that helps interpret the nature and significance of the democratic processes involved. This is evidenced by tracing the ways in which the Democracy Review employed a deliberative approach ‘to’ its constitutional reform process – that is, through the mini-public as a constituent assembly – as well as the ways in which the resulting reforms – that is, the constituted order – were designed to ensure deliberation subsequently flowed ‘from’ the constitution. Beyond interpretive or explanatory power, the paper establishes that non-state contexts can also take guidance from deliberative constitutionalism, allowing its ideals to inform the design of uniquely important instances of collective governance going forward. This finding might, therefore, prompt scholars to recognize and develop the potential pluralism latent in the framework and explore new spaces and levels of application.

This exploration should, of course, offer valuable insights relevant to whatever particular context is being examined. However, the present study suggests that the exploration of any given non-state context might also contribute to the wider field of deliberative constitutionalism by speaking to empirical and theoretical gaps in the literature. Non-state contexts may well use similar processes as states to address constitutional matters, with parallels in both contexts – for instance, using mini-publics to address institutions responsible for rule-making. Of course, there are important differences between processes of constitutional

reform in different contexts – whether between two distinct non-state contexts or between state (e.g., national) and non-state (e.g., university) contexts. Whether and to what extent empirical findings from one context can apply to another must be assessed on a case-by-case basis. However, even where empirical findings are not directly transferable, pluralist explorations are still of wider import. Non-state case studies can, just like other constitutional case studies, offer a ‘source of inspiration’ to ‘motivate researchers and shape theory’ (Ginsburg, Elkins and Blount 2009, 202; see also Elstub and Pomatto 2022). Accordingly, work at the intersections of legal pluralism and deliberative constitutionalism can help develop theory and inspire empirical research of phenomena in contexts that *are* more transferable.

Beyond unpacking the deliberative approach ‘to’ constitution-making and the constitutional features ‘from’ which deliberation emanates, a key contribution of the present article in this respect is the insight the case study gives into possible *connections* between these phenomena. Across our analysis, there are apparent connections between the approach and resulting constitution such that the deliberative approach carries ‘through’ the constitutional process into constitutional outputs. In this respect, our analysis demonstrates that the deliberative mini-public approach to constitutional reform resulted in the internalization of deliberative norms among both mini-public participants and union officials such that those ideals were then reproduced in their work, resulting in constitutional features that were themselves intentionally deliberation-enhancing. In other words, direct and indirect involvement in the deliberative reform process led to changes in key actors’ beliefs and orientations towards deliberation – changes that then influenced their inclination to develop deliberation-enhancing features within the new constitutional arrangement.

This article might, therefore, prompt thinking about and testing of analogous phenomena in other constitutional contexts, whether in other non-state contexts or at various levels of the state. While deliberative constitutionalists have recognized the need to explore the relationship between deliberative approach and outcome in national contexts, for instance, understanding of the dynamic is nascent, potentially hindered by disciplinary divisions, and trails constitutional scholarship on non-deliberative features. Accordingly, even while not directly transferable, the insights drawn from this study might inform future work in this area while also developing a deeper understanding of constitutionalism in non-state contexts.

To explore this, Part 2 examines deliberative constitutionalism and its attentiveness to deliberative approaches, deliberation-enhancing features and the potential connections between them, highlighting the need for further research about the latter. Part 3 sets out the methods of the empirical study. Part 4 introduces the democracy review as *constitutional* reform before demonstrating its *deliberative* credentials. This includes examining, first, the mini-public as a deliberative approach and, second, two resulting recommendations that serve as deliberation-enhancing features of the constitution. Part 5 explores the ways in which participants’ experiences of the mini-public influenced their recommendations as well as the ways in which elected officials and staff, through their own indirect involvement, adopted their own deliberative norms and enriched the ultimate constitutional outcome. Part 6 concludes.

Deliberative constitutionalism and carry-through

Deliberative democracy holds that inclusive processes of deliberation – that is, the exchange of reasons aimed at justifying decisions in a way that others could accept – are central to the

legitimacy of public decision-making (Cohen 1989; Dryzek et al. 2019). The implications of this normative ideal for constitutional governance have been made central following a ‘constitutional turn’ in deliberative democracy (Suiter and Reuchamps 2016) and ‘deliberative turn’ in constitutionalism (Doyle and Walsh 2022). The resulting field of deliberative constitutionalism places deliberation ‘front and center’ in conceiving of the nature, legitimacy and roles of constitutions and constitutional law (Kong and Levy 2018). While the interactions between deliberative ideals and constitutionalism are complex, Ron Levy and Hoi Kong highlight two key dimensions of the relationship between these two phenomena: first, the influence of deliberation on constitutions and, second, constitutions’ influence on deliberation within the society governed by that constitution (Levy and Kong 2018).

On the one hand, then, the process for creating or reforming constitutions ought to reflect deliberative ideals (Reuchamps and Welp 2023). Indeed, deliberation and its implications for both legitimacy and decisional quality are considered even more important in constitution-making and reform than in ordinary legislation or policy-making (Elster 1998). Scholars have, therefore, highlighted a variety of different deliberative approaches to constitutional change, with varying degrees of public participation or deliberative quality. For example, one might point to small-group discussions among founding elites or constitutional lawyers (Fishkin 2011), certain instances of judicial interpretation (Kong 2015), popular initiative and referendum mechanisms (Barrientos, Suárez and Alemparte 2026; Levy 2017) or potential holidays in which widespread public deliberation is organized (Levy 2019). Perhaps the most notable trend in deliberative constitutional practice, however, is the use of ‘deliberative mini-publics’ (Seubert 2024; Suteu and Tierney 2018). While varying in their specifics, the core of these processes includes a randomly selected sample of ordinary citizens who learn about the relevant constitutional question(s), engage with relevant experts and then deliberate with support from independent facilitators before making recommendations.

Deliberative mini-publics have been used in a variety of constitutional processes. Ireland, for instance, has used them as a precursor to potential constitutional reform on three occasions, reflecting, for some, a ‘systematization’ of constitutional deliberation through mini-publics (Blokker and Gül 2023; Farrell et al. 2020; Farrell, Suiter and Harris 2019). There, citizens grappled with issues like same-sex marriage, abortion and gender equality, with some recommendations leading to constitutional amendments (see, e.g., Elkind et al. 2017; Farrell et al. 2023), while other jurisdictions, like Canada and the Netherlands, have used them on issues of electoral reform (see, e.g., Caluwaerts and Reuchamps 2016; Warren and Pearse 2008). Similarly, deliberative polling has been used on constitutional questions like the shift from a constitutional monarchy to a republic in Australia (Fishkin, Luskin and Jowell 2000) and is now legally required before any constitutional amendment in Mongolia (Sintomer 2018). Other formats – like the use of a mini-public in the preliminary stages of creating an elite-led constitution-writing process in Iceland – round out this trend (Landemore 2015).

Beyond the requirement that approaches to constitutional change be deliberative, deliberative constitutionalism is also focused on the significant impact that constitutions have on public decision-making thereafter. Here, aspirations build upon the recognition that law ‘shapes, enables or constrains deliberation’ (Levy and Orr 2016, 195; see also Valentini 2023) – even more so in the case of constitutional law (Levy and Kong 2018). Accordingly, it is also the case that what emanates *from* constitutions ought to be deliberative. In other words, constitutions themselves ought to be constructed (and interpreted) in a way that enhances deliberative governance, broadly understood, under that constitution. As Levy and Kong suggest, ‘a constitution ought to be principally a

vehicle for deliberation' and 'inject a distinctive, rationalist and flexible methodology into the collective decision-making system of a democracy' (Levy and Kong 2018, 7).

Constitutionalism, or certain constitutional features, can enhance deliberation in a variety of ways. The presence of (open-textured) rights and constitutional rules *per se* can prompt legislators and judges to deliberate about their application to legislation (Appleby and Olijnyk 2018), while certain rights and their guarantees may force more deliberative approaches on some matters (Kennedy 2020). Constitutional guarantees of 'due process' can similarly require reason-giving in legal and administrative decisions (Mashaw 2018). The creation of specific institutions can also support deliberation in ongoing governance. For example, the creation of a body dedicated to scrutinizing proposed legislation against human rights might induce deliberation both within the executive and the legislature more generally (Reynolds, Hall and Williams 2020). Moreover, constitutionally guaranteeing a role for impartial, everyday people working towards (near-)consensus within a jury can facilitate deliberation in both criminal justice decisions and more broadly as a result of the civic learning occurring within juries (Gastil and Hale 2018). In addition to the institutions themselves, the separation of powers and related features like judicial independence from electoral pressures support deliberation within and across institutions (Zurn 2007).

These two dimensions of deliberative constitutionalism – deliberative approaches to constitutions, and deliberation-enhancing features of constitutions – may not be entirely independent. Rather, a full account of deliberative constitutionalism must consider, as Kong and Levy characterize, 'the reciprocal influence of...deliberation that generates legitimate constitutional law and...constitutional practice that enhances democratic deliberation' (Kong and Levy 2018, 627). One possible dimension of this reciprocal influence is, chronologically, the influence that a deliberative approach to constitution-making has on the deliberation-enhancing quality of the resulting constitution. In other words, the issue is whether and in what ways the deliberative approach *carries through* into the deliberation-enhancing nature of the constitution's substance.

To date, this is not a question that has received sustained theoretical or empirical attention within deliberative constitutionalism. One reason for this might be that political and legal scholarship may each manifest a more singular focus on *either* constitutional approaches *or* impacts (Levy and Kong 2018). Outside of deliberative constitutionalism, however, there has been some attention to how features of the constitution-making process might affect the substance of the resulting constitution – though even there understanding is in its early development, grappling with distinct contexts, factors, frameworks and concepts (Fruhstorfer and Hudson 2022; Hudson 2021).

In one thread of this work, Jon Elster and others have argued that *who* the constitution-making process involves would influence the kind of constitutional provisions that result. Notably, one avenue of suspected influence comes through 'institutional self-dealing' or the replication of 'institutional interests' wherein participants have an interest in advancing the role of their own particular institution, or prospective institution, in the forthcoming constitution (Elster 1995; Ginsburg et al. 2009; Raudla 2010). For example, scholars have speculated – with limited empirical support – that change instituted *by the legislature* would result in a constitution *empowering the legislature*, whereas the executive would likewise empower the executive, and so on (Hayo and Voigt 2013). On this basis, some hypothesize that the 'structure of the constitution will mirror the structure of the constitutional assembly' that created it (Voigt 2016, 216). To the contrary, scholars posit that those who are not seeking or able to hold public office would craft a constitution emphasizing the public good rather than one furthering their own interests (Elster 1995, 1998; Voigt 2016).

Institutional focuses aside, it may be that democratic approaches could also carry through, with Elster positing that the more democratic a constitution-creation process is, ‘the more democratic the substance of the constitution’ (Elster 1997, 125). Here, there is still disagreement about the extent and nature of the impact of public involvement on the kind of constitutional text that results (Fruhstorfer and Hudson 2022). Conclusions are also complicated by the fact that references to public ‘participation’ in constitution-making are often ambiguous and encompass widely disparate forms of involvement, like different forms of consultation or ratification by vote. With that caveat, there is some evidence that public participation corresponds to an increased prevalence of democratic features like political equality, free elections, rights protections, referenda and a public role in future constitutional amendments (Fruhstorfer and Hudson 2022; Ginsburg et al. 2009; Samuels 2005).

Beyond a focus on who is involved, scholars have posited that decision rules and conditions are also likely to be consequential (Ginsburg et al. 2009). With respect to documenting the qualitative impacts of deliberative approaches to constitution-making – a question that goes beyond *whether* deliberation affected the result, to *how* it affected the result (see, e.g., Hudson 2018) – there is little analysis. This is surprising given the growth of deliberative conceptions of democracy generally, and the development of deliberative constitutionalism specifically. Moreover, to our knowledge, there is no focused analysis of the impacts of deliberative approaches on deliberation-enhancing features of the resulting constitution. Hélène Landemore’s analysis of religious rights within the Icelandic constitution-drafting process did demonstrate that inclusive deliberation resulted in a more sophisticated and liberal constitutional text in that respect; here, however, there was a comparative focus on the *inclusivity* of the process rather than deliberation *per se* (Hélène Landemore 2017). Similarly, although with an arguably loose conception of deliberation, Maboudi (2020, 782) finds that a deliberative approach in the Tunisian context corresponded with increased content regarding a broad umbrella of ‘individual and collective rights and freedoms’.¹ While some rights, interpreted and engaged with in particular ways, certainly can be deliberation-enhancing features of constitutions, without further analysis along those lines, this finding falls short of the insights discussed here.

In all, then, deliberative constitutionalism has mapped and unpacked a multitude of ways in which deliberation can be mobilized in approaches *to* constitutional change and can likewise emanate *from* constitutions. Less attention, both theoretical and empirical, has been paid to the potential connections between these deliberative pathways, even while some more general scholarship has pointed towards the possibility of interests or values being carried *through* from approach to constitutional substance. By exploring these connections in an analysis of constitutional reform within a university, the following offers insights for further theorizing and research in deliberative constitutionalism and demonstrates the value of the framework within legal pluralist analyses.

In exploring connections and carry-through, the discussion tracks particular possibilities within the ‘to’ and ‘from’ veins of literature, and thus speaks most directly to the connections between those focuses. In the former, the discussion focuses on the use of a deliberative mini-public, and one with an open mandate to craft potentially wide-ranging recommendations for constitutional change. In the latter, it ultimately focuses on the role

¹ Although Maboudi and Nadi (2016) discuss ‘deliberative’ approaches in the Egyptian context, this seemingly involved thinner, more aggregative ‘like’/‘dislike’ online feedback for an elected and appointed assembly. Absent more information, we do not consider this to be deliberative for the purposes of this study.

constitutions have in crafting institutions designed to support and prompt deliberative approaches with respect to legislative and executive action, rather than on, for example, constitutionalism with a focus on the interpretation and effects of human rights. In the non-state context, where the approach to rights and jurisprudence of state courts might not be reproduced to the same extent, this emphasis on institutional organization of power and participation may be of especial importance.

Methods

This study arose out of a broader research project in which the authors, in collaboration with a non-profit organization specializing in democratic process, responded to a student union's public call for tenders in relation to their intended 'democracy review'. This process was expected to deliver a review of its student democracy model and propose improvements to address issues like low engagement, transparency, accountability and representativeness. The joint proposal, accepted by the union, was that the organization would deliver a process in which members of the student body themselves would provide direction for change, while the authors would research the process and provide limited, unpaid technical and process advice. Accordingly, while the purpose of the process from the student union's perspective was to deliver direction for its democracy, the project offered the authors an opportunity to study the unique implementation of a democratic process in a university context (Cunningham and Muyomba-Tamale 2022).

Our data for the research project were drawn from three separate sources. Most importantly, we conducted semi-structured interviews with a diverse set of individuals involved in the process: 14 student participants; six of the union's executives, encompassing both officers and trustees; six of the union's staff, including both contractors and employees; two process leads from the non-profit organization; and two interviews with students who participated in consultations before the changes were approved. Of these 30 participants, five of the student participants and three of the staff were interviewed twice, resulting in a total of 38 interviews. The interviews explored a variety of questions related to interviewees' experiences, perceptions of the process and rationales for action. They were all recorded and subsequently transcribed with the participants' consent, and participants were provided with 15 British pounds as a token of appreciation for each interview. These interviews were complemented by extensive field notes of various stages of planning meetings and execution of the process. Lastly, we collected documents relevant to all stages of the process, its background and outputs.

These data were analysed in an iterative process involving several steps. The second author began with a process of 'structural coding' in which interview and field note data were coded into broader analytic categories to facilitate further analysis (Saldaña 2016). These categories encapsulated the main themes covered in the interviews, such as interviewees' perceptions of the quality of the facilitation and information provided, potential ways we may have influenced the process given our roles in the process, and, particularly relevant for this study, the various ways deliberation was invoked or inferred at various stages of the Democracy Review. The second author then undertook a process of open coding, carefully parsing individual data fragments to discern meaning within individual data fragments and across them, to gain a more nuanced and grounded understanding of several of the analytic categories (Holton 2010).

After an initial round of coding, the first author reviewed the initial framework to offer feedback and supplement the coding, prompting the recategorization of some data and

codes. The authors then reflected on which research questions our dataset was best suited to explore, resulting in two distinct studies with their own targeted data analysis. The first, reported in (Pek and Kennedy 2025), focused on analysing the internal and external quality of the Democracy Summit, which was at the core of the democracy review. The second, which is the focus of this paper, focused on the ways in which the Democracy Review reflected the ideals and processes of deliberative constitutionalism.

Based on the coding to that point, the first author focused more specifically on data that appeared relevant to deliberative constitutional frameworks, including data about the structural roles of deliberation in the Democracy Review and interviewees' own invocations of constitutional or legal dimensions. Further analysis and mapping of data were informed by pre-existing familiarity with deliberative constitutionalism, such as that corresponding to the 'to' and 'from' dynamics discussed below, though it took on a more explicitly inductive approach in exploring data that corresponded to theoretical and empirical gaps in this framework, including possible connections 'through' these dimensions. Additional research into deliberative constitutionalism and constitutionalism more generally allowed for further interpretation of the data and its significance after this study's initial analysis.

Reviewing democracy: Deliberative constitutionalism 'to' and 'from'

The democracy review as constitutional reform

In the Spring of 2022, the students' union at the London School of Economics (LSESU) initiated a 'Democracy Review'. Simply put, such reviews are processes in which student unions evaluate the state of their internal democracy and, as warranted, make changes to their political structures and practices. With closer attention to their legal context and functions, however, such processes may be more fully understood as entailing potentially significant moments of *constitutional* reform, and subject to evaluation through the lens of deliberative constitutionalism.

Foundationally, scholars have argued that universities are polities governing university 'publics' and thus subject to democratic theory (Kennedy and Pek 2023). Among similar bodies with institutionalized systems of rules, universities and other voluntary associations have likewise been pointed to as spaces constituting their own legal systems since early writing on legal pluralism (Galanter 1981; MacDonald 1990). Marc Galanter thus spoke of 'concrete patterns of social ordering to be found in a variety of institutional settings – in universities, sports leagues, housing developments, hospitals, etc' (Galanter 1981, 17–18). Likewise, Joseph Raz concluded that 'both the rules of the Roman Republic and those of the University of Wales... just as the rules of the United States and of Columbia University, are legal systems' (Raz 2017, 143). In other words, thinking of non-state spaces like these as constituting their own legal system is not unfamiliar to legal scholars.

Within the university context, student unions likewise reflect the kinds of patterns of rule-based social ordering that can readily be explored through the lens of legal pluralism (see Oza [forthcoming](#)). Student unions like the LSESU use defined procedures to enact rules that govern their operation and assign power within their membership; they adopt policies on matters like health and safety or gender considerations, receive and adjudicate grievances, discipline their members, provide a variety of services, make decisions about collective resources and represent members' interests to other bodies, like university administrations (LSESU [n.d.](#); see also Bégin-Caouette and Jones 2014; Bangs 2018).

Seen through this lens of legal pluralism, such systems might likewise be seen as having a constitutional character, in light of which reform processes like the Democracy Review can be more fully appreciated. Generally speaking, constitutions are sets of norms that are frequently not only given special recognition *as* constitutional and subject to heightened protection, but ones that ‘regulate matters...more fundamental than others’ (Elster 1995, 366), setting the ‘basic terms of political interaction’ (Kong 2015, 108). In addition to individual rights and limits on state power, constitutions establish the institutions of government and their functions, including locating the source of the power to legislate (Appleby and Olijnyk 2018; Geissel and Gherghina 2016; Přibáň 2018). Accordingly, reforms to laws that establish the basic rules of electoral or voting systems and consequently distribute legislative power are regularly considered constitutional (see, e.g., Blokker and Gül 2023; Elster 1995; Suteu and Tierney 2018).

At the same time, constitutions are not always entrenched or explicitly labelled, and they may take different forms – for instance, being written or unwritten (Elster 1995). In the context of non-state organizations or associations, where structures, culture and language can likewise vary, scholars should similarly look to substance and function over formality when identifying the constitutional. While more systematic theorizing of constitutionalism in non-state contexts is beyond the present scope, what is at the heart of constitutionality in this context for us is the fact of regulating the fundamental character of political life – that is, engaging norms and structures that play a foundational role in constituting a political community as such, whether in terms of individual rights or mechanisms by which members can influence collective decision-making. While operating on a different scale than the state, organizations, associations and other communities have these foundational practices and norms, often explicitly (see, e.g., Clemens 2006, 209). Structures of foundational significance are likely to be recognized as such, though that is not to say that members, for example, should be expected to understand these processes as legal or political scholars do, nor use the language of constitutionalism, even while they might.

Democracy Reviews go to the heart of student unions – necessarily democratic associations in which students pursue collective interests and regulate behaviour accordingly (Education Act 1994). As one LSESU trustee explained, ‘the LSESU, by virtue of being a union, which is fundamental to its existence, is and should be a democratic organization’. While substantial changes are not obligatory, Democracy Reviews do give rise to the possibility of significant, even radical, reform. Indeed, with a wide mandate for reform, the Democracy Review at LSESU engaged with and ultimately reformed its foundational democratic structures. This included, as explored below, the creation of a novel institution with policy-making powers that participants and elected officials spoke of as ‘legislative’ in nature (Interview L). Such a change could only be made with final approval in a student-wide meeting or referendum (Bye Laws 2022).

The special significance of this and other changes at issue were, in fact, occasionally characterized as amending ‘part of LSE’s current constitution’ and ‘contributing to what LSE is *as a political entity*’ (Interview 4, emphasis ours). The Review, therefore, represented, and was often felt to represent, a constitutional process, occurring beyond and beneath the state-based focus of traditional constitutionalism (see also Anderson 2012; Duval 2018). That Democracy Reviews are usually infrequent, if not extraordinary events, also informs the significance of the phenomenon. At LSE, for instance, no review had taken place in at least the previous 10 years (Abbas 2022) – several generations of student cohorts and governments. To be sure, constitutional change in non-state contexts like student unions might not always occur through exceptional, highly publicized events like Democracy Reviews, but instead through quieter or gradual decision-making by

administrators. Certainly, both warrant specific attention, as the dynamics of more uneventful processes are likely to differ from more momentous, participatory instances like that explored here.

The mechanisms giving rise to more momentous instances of reforms in non-state contexts will surely vary. In the context of student unions, for instance, more intensive constitutional changes might follow from the creation of a student union for a new university, or from crises that result in dissolution and replacement (see, e.g., Gergyek and Saud 2018). Alternatively, special moments of reform might be driven organically by democratic expectations amid backsliding or dramatic population changes (UWS Students' Union 2024). At LSE, there were no formal requirements to hold a Democracy Review, though such reviews are known across a sector legally required to be democratic, and elected officials wished to address democratic shortcomings. That at least one official successfully campaigned on the need to review democratic processes might also suggest that the need for democratic renewal was felt more widely among the student body.

The Democracy Review was, therefore, an exceptional moment in the democratic life of the student body. Understood in a constitutional light, it can also be assessed against the aspirations of *deliberative* constitutionalism more specifically. While developed primarily with state-based democracy, deliberative democratic ideals clearly apply beyond that context. Scholars have, for example, shown their relevance to legal governance and political decision-making in corporations, cooperatives, labour unions and universities (Felicetti 2018; Kennedy and Pek 2023; Pek 2019, 2023). Here, too, then, can deliberative aspirations be used to assess approaches to constitutional reform as well as resulting constitutions? In exploring the Democracy Review, it is clear that both process and outcome map onto these deliberative constitutionalist ideals.

A student mini-public as a deliberative approach 'to' constitutional reform

The Democracy Review process overall reflected a kind of wide–narrow–wide format of participation that Elster theorized as being an ideal constitution-making process (Elstubb and Pomatto 2022). The initial wide stage was one in which the broader student body's views and experiences of LSESU democracy could be collected, organized and funnelled into the reform-crafting process. This included two aspects: first, a survey put out to all LSE students, which received 640 responses and, second, a set of seven small focus groups with historically marginalized or disengaged populations, such as racialized or international students. The final wide stage of the Democracy Review process was likewise open to the entire student body. Here, proposed reforms in formal (by)law form were put to a vote open to all students at a general meeting, where they were ultimately accepted.

While both of these wider brackets were significant, the focus of this article is on the middle, narrow portion within which the substantive reforms were crafted. This centred on the use of a deliberative mini-public – the Democracy Summit – to consider the state of LSESU democracy and make recommendations for change. In doing so, mini-public participants were to consider the information they received and draw on their own perspectives and experiences in addressing an intentionally flexible constitutional question: 'How can we reimagine and strengthen the future of LSESU democracy so it can work better for everyone?' The ultimate recommendations would be refined and formulated by LSESU officials into concrete (by)laws that would be voted on by the student body.

The mini-public at the heart of the Review, therefore, anchored a deliberative approach to constitutional reform. While taking place within a university, the design

features of the process mirrored those used in analogous initiatives in the public sphere to optimize its deliberative function. A democratic lottery (Flanigan et al. 2021) involving stratified random selection was used to select 24 LSE students who were ‘descriptively’ representative of the student body, based on criteria such as gender, ethnicity, level of study and previous engagement with the union (Farrell and Stone 2020). The lottery process thus helped ensure a diversity of perspectives, as students were expected to bring their own views to deliberative discussion, as well as avoid close-mindedness that can accompany other political selection mechanisms like elections (see, e.g., Landemore 2018). By mirroring the wider student body and developing a sense of its best interests through deliberative processes, the expectation, therefore, was that participants would be well-positioned to craft recommendations, whatever they be, that were both reflective of the wider student body’s interests and sufficiently reasoned to warrant their approval in the vote.

Over the course of several weeks, those selected went through a process of learning about the issues and their context to support informed ideation and scrutiny. This involved a variety of plenary presentations from relevant experts and stakeholders, as well as a summary of information previously collected from the wider student body. The students also went through a progressive process of deliberation in small groups and plenary, supported by trained external facilitators who both led the process overall and supported individual tables. They were likewise supported by ‘conversational guidelines’ agreed to by participants that encouraged, for example, reasoned explanation and a willingness to change one’s mind (Archival documents). Ultimately, the group produced and collectively approved a variety of recommendations for the reform of the student union’s democratic structures as well as changes to specific strategies.

Beyond the design features theoretically linked to deliberation, interview and observational data both suggest that the process was, in fact, deliberative. While standards for deliberation in constitutional contexts may be tied to strict forms of public reasoning like those thought to be employed by courts (Rawls 2005), we define it for the purposes of this analysis to correspond more generally to a process of exchange in which participants give, listen to and reflect on reasoned justifications for different options, all with a view towards persuading and being open to being persuaded about the best course (see, e.g., Gutmann and Thompson 2004). This is not to say that consensus on decisions is a necessary part of deliberation (Niemeyer and Dryzek 2007), though the ‘deliberative stance’ or ethical mode participants take up in this exchange is oriented towards agreement (Owen and Smith 2015, 228). The near-unanimous results of the final vote among mini-public participants to approve the various recommendations also suggest that participants were oriented towards arriving at directions that the whole group could support, even if for different reasons – what Roberto Gargarella would call a ‘synthetic’ agreement (Gargarella 2018). Of the 15 recommendations, all but two had an approval rate of between 91% and 100% or higher, and the lowest two were approved by 87% of voters (Archival documents).

While not without reporting of occasional flaws, such as limited instances of stubbornness or off-focus discussion, data on actual exchanges leading to recommendations presents a very positive deliberative picture. Observations noted good communication and scrutiny of options while participants recounted point-making, ‘justifying’ their proposals (Interview P), and ‘weighing things up’ (Interview D). At the same time, they reported that discussions were inclusive and respectful, and involved the free expression of ideas, with participants being open-minded and ‘willing to listen’ (Interview Q). Accordingly, descriptions of disagreement and scrutiny were often paired with commentary on open-minded, reflective dispositions. In this way, one participant noted the way this led to a focus on a shared good:

there were so many recommendations that I was putting forward, but then somebody else was completely against that, and I thought “Why would you be...?” But then I feel like having that conversation really made me understand another person’s perspective as well. So, it’s really important to weigh the pros and cons effectively, because everything that works for me may not work for everyone else. (Interview V)

Similarly, another reflected that

There were a lot of different views and sorts of interactions where we’d, like, improve on each other’s answers... [W]e also weren’t afraid to say that we don’t think that the idea is particularly helpful... But it wasn’t in a critical, sort of rude way... It was very much everyone was open to hearing different things and thoughts. (Interview F)

As with the deliberative constitutionalism’s aspirations for approaches to constitution-making, the central mechanism of constitutional reform at LSESU reflected deliberative ideals of reasoned exchange, listening, scrutiny and weighing of trade-offs.

Deliberation-enhancing constitutional features, or deliberation ‘from’ the constitution

In addition to using a deliberative process to decide what recommendations to make, mini-public participants also indicated clearly that they ultimately intended to enhance deliberative democracy at LSE by way of those recommendations – that is, by way of new constitutional features or institutions. Although a few participants expressed uncertainty about whether deliberation was a direct or significant aim of the proposals, many participants were clear in indicating that proposals represented an ‘attempt to make democracy more deliberative’ (Interview Q2). More than one participant explained this was the ‘main’ objective (Interview F), with one explaining: ‘I mean, it was the point, in my opinion – the Student Union should be more deliberative... I would hope, with these changes, there would be more deliberation here’ (Interview E2). Indeed, the text of the recommendations made this ‘deliberative’ intent explicit.

The constitutional recommendations emerging from the mini-public, therefore, included reforms that worked to support this. These came among a wider set of recommendations spanning a variety of different issues, including incentives for participation, idea collection and communication strategies, voting accessibility measures and changes to elected representative positions. However, in indicating how they intended to further deliberation, participants pointed to two interrelated changes that might be seen as creating the institutional infrastructure for more deliberative politics – that is, creating institutions that better enable or support deliberative approaches to decision-making. These included two reforms in which ordinary members of the student body would be randomly selected to serve and, like the Democracy Summit, bring their views to bear on what is best for the student body. The first of these was the creation of an indicatively named ‘Chamber of Deliberation’ that would serve as LSESU’s primary policy-making body. The second was a ‘Scrutiny Board’ that would be focused on enhancing feedback and accountability in relation to elected officials’ decision-making.

The proposed Chamber of Deliberation was the reform pointed to most often by mini-public participants as the means of institutionalizing deliberative democracy. For instance, one participant noted how the Chamber ‘would indeed promote deliberative democracy in the sense that it would encourage students to get involved and directly share

their views and reach decisions together as a community' (Interview Q2). Likewise, a staff member described the reform's effect, in contrast to the previous all-student voting process, as 'making it conversational and consensus based rather than you need to get 250 votes on something' (Interview J). While the Chamber serves as a forum for deliberative policy-making, one staff member highlighted the potentially wider deliberation-enhancing effects of cumulative participation in it. They shared, 'I think that hopefully in the long run that will create a *culture* of students who are aware of what the Student Union is and how it could be improved, and then ultimately improve the deliberative process *throughout campus*' (Interview X, emphasis ours).

While interviews tended to focus on the deliberation-enhancing role of the policy chamber, both it and the Scrutiny Board were framed in the mini-public recommendations as a way to make 'the deliberative process constant'. The deliberative nature of the latter was best captured by a staff member in noting that the Scrutiny Board would be 'like a deliberative accountability mechanism' and work to 'make sure that [elected officials are] justifying their decisions', unlike the prior reality in which it was easy for them to evade scrutiny (Interview L). While this direct impact on deliberative governance is clearest, it is worth noting the potential knock-on effects as well. In an observed meeting among staff and officials after they received the recommendations, contributors indeed spoke about the potential for this new feature to *model* accountability in a way that would help build a more participatory, question-asking culture in the student body more broadly (Field Notes).

Together, these recommendations crafted by participants, therefore, set out the general contours of new, deliberation-enhancing features of the constitutional framework. As will be explored below, these contours would ultimately be filled out and complemented by more specific deliberation-enhancing rules developed by the union officials responsible for translating these recommendations into actionable (by)laws. While all of this collectively represents the deliberation-enhancing nature of the resulting constitution, the process of officials developing those more specific features is perhaps most usefully explored as evidence of the carry-through between the deliberative approach and deliberative result.

The connection between deliberative approaches and deliberation-enhancing results

Both the deliberative approach 'to' constitutional reform, and the ways in which those reforms promised deliberation emerging 'from' the new constitution, exemplified established veins of deliberative constitutionalist aspiration. Less developed in that field, however, is knowledge around potential causal connections between the approach and resulting constitutional order – that is, the mechanisms by which the former carries 'through' into the latter. In this respect, an open reform mandate meant that no *rules* required the resulting constitutional reforms to be the kind that enhance deliberation. Accordingly, while the deliberative approaches to reform and the deliberation that flows from the constitution are rooted in institutions and rules, the main mechanism for carry-through would appear to be individual, cognitive or – in collective terms – cultural in nature. Indeed, data suggest that individuals' direct and indirect involvement in the deliberative reform process contributed to a central mechanism of this kind: what we consider the *internalization of deliberative norms* – that is, the endorsement of supportive beliefs about deliberative ideals and approaches (see, e.g., Borgida et al. 2008) – that then shaped the way in which those individuals crafted constitutional outputs to be deliberation-enhancing.

Briefly, this kind of internalization may flow from a number of cumulative features of respective experiences. One of these is simply the exposure to, and education about, deliberative norms – whether that came through participation or, for officials, organization in tandem with process experts. Participatory constitutional processes offer educational opportunities regarding constitutional ideals generally (see, e.g., Suteu 2017), and it seems clear that experiences in this instance would cultivate (greater) awareness of deliberative ideals specifically. At the same time, education is a necessary but not sufficient element of endorsement, and data suggest that positive experiences of the deliberative approach, and possibly the implicit signalling of the desirability of deliberative approaches stemming from the process itself, played important roles in the internalization and subsequent replication of deliberative ideals.

In unpacking the ways in which deliberative norms were internalized in the present case, it is useful to organize the analysis along the two different avenues of carry-through that operated. The first of these comes by way of the recommendations developed by the mini-public participants, and the impact of direct experience in the mini-public on how those recommendations were developed; the second comes by way of the roles elected officials and staff had in both supporting and translating recommendations into law, and the impacts of their indirect experience on the ways in which they performed those roles. Originating the deliberation-enhancing constitutional features, the former was the most significant; however, the latter was crucial not in sustaining, concretizing and enriching the deliberation-enhancing intentions. In both respects, relevant actors internalized deliberative norms and acted accordingly.

Mini-public participants: Direct experience of the deliberative approach and the crafting of reforms

Interviews with mini-public participants revealed clear connections between the ‘to’ and ‘from’ of deliberative constitutionalism. In this respect, participants explained how their direct experience of the mini-public process influenced the direction of their recommendations, not just in the sense that their recommendations were crafted through deliberation, but in the sense that their experience of the mini-public shaped the *kind* of democracy they sought to create through their recommendations. In other words, the nature of the experience was felt to carry through into the substance of their recommendations, with participants expressing that they sought to recreate the mini-public’s key features within future democratic structures.

As one participant recounted, emphasizing a widespread sentiment echoed in the interview data and observations, ‘I think just people really resonated with their experience in the democracy summit, and then wanted to recommend something like that’ (Interview M). One participant relayed, ‘We thought, well, you know, how far can we take this concept? How far can we go with this?’ (Interview F). Another drew a direct line to the student panels, explaining that the ‘chamber of deliberation is fundamentally a replication of that Summit’ (Interview I). That is not to say, however, that participants’ ideas were based *only* on their experience, as several references to ‘jury duty’ as a way of explaining ideas about participation in the Chamber of Deliberation suggest they also drew on familiarity with other deliberative institutions populated by random selection (Field Notes).

Nonetheless, participants’ experiences of a deliberative mini-public, and ultimately their positive evaluations of that approach, were central to explaining their desire to carry

deliberative approaches forward through their reforms. In this way, the internalization of deliberative ideals was the result of more than just newfound familiarity with deliberative ideals. Indeed, replication of the Summit was not characterized as automatic duplication but instead the result of critical reflection on the core features of that process, all things considered. One participant explained accordingly that:

through...being involved in that Summit, I was able to see the positives of it. And because of that, my proposals tried to reflect the positive aspects of that summit. That's also why one of the recommendations was [Chamber of Deliberation], because we did see that it was impactful and effective for democracy. I think if we didn't see it as useful, I don't think we would have just said "Yeah we should do democracy like this." (Interview F)

One of the LSESU staff who saw the process unfold expressed something similar, theorizing that 'I wouldn't necessarily have said that they went into it going, "we want deliberation" – they wanted something engaged, it didn't necessarily need to be deliberative. I think they've now seen the value of that through the process that they went through' (Interview W).

Indeed, participants' accounts of this value and their stated rationales for creating deliberation-enhancing institutions – complemented by positive perceptions of the Summit process overall, including with respect to the quality of conversations, facilitation and so on – are revealing of an endorsement of deliberative ideals. This was expressed in different ways. A number of participants expressed that deliberation offered a more inclusive approach to politics, with one emphasizing the way it spreads power more widely, and another the way it avoids the worst of politics, like bullying, lying and a lack of focus on the issues. Others focused on the epistemic benefits of deliberation, particularly inclusive deliberation. One explained this in terms of both capitalizing on good ideas that might otherwise go 'to waste' and the way it leads to better decisions through informed judgement (Interview C). Another put this directly, saying 'democracy without deliberation doesn't allow for the sort of refinement process', and noted that '[w]e imagined that a lot of LSE's problems could just be fixed with this model' (Interview G). Finally, one framed similar thoughts in terms of legitimacy, expressing that elections alone are not enough for democracy; rather, they are 'barely' democratic and 'way more should... happen for us to actually talk about "democracy"' (Interview E). In sum, then, participants spoke of the deliberation they were seeking to create as not only a way to include the diversity of ideas and perspectives within the student body, but to cultivate reasoned and refined versions of those ideas and perspectives.

Influence beyond education and experience?

On the basis of the above, participants' internalization of deliberative norms arose out of exposure to and evaluation of those norms in practice. As one of the Lead Facilitators reflected, participants' involvement in the Summit thereby served as a prolonged 'case study' of a model into which they got the most insight (Interview B). To the extent that they got the most insight into a *particular* model of democracy, this fact might be seen as a factor beyond simple exposure to and evaluation of that model's merits. One participant traced the influential role of the process on their thinking to the fact that direct participation allowed them to see 'the pros and cons of deliberative democracy', but

added that ‘because it was more pronounced, because it was more visible. That’s where I sort of focused my attention’ (Interview D). Noticing the parallels between process and outcome, a non-participant student also speculated that the process’s novelty may have added to this.

In this respect, the adoption of a deliberative process for constitutional reform might be seen as implicitly ‘signalling’ deliberative ideals over others and thereby influencing participants in a way independent from merit (see, e.g., Khosravani 2024), and thereby constituting another factor in norm internalization. Ultimately, this kind of effect is unavoidable, as the need to use *some* kind of procedure for reform processes precludes the ability to be completely neutral among various possibilities. However, it is not obvious that this is problematic. From the perspective of deliberative constitutionalism, it may well be welcome, but in any case, a deliberative procedure that invites open and thoughtful reflection may well be the optimal way of ensuring that various possibilities get due consideration.

This latter defence would, however, require a certain degree of diversity of ideas within deliberation as well as facilitation that remains neutral with respect to those ideas. Even while participants took ownership of their decisions and recounted thinking them through, each of these factors might be considered for ancillary influences on carry-through. The first of these relates to the information mini-public participants received. Not dissimilar to the prominence given to certain democratic processes by virtue of the Democracy Summit format, it may be that participatory and/or deliberative processes were given particular attention across expert presentations. This kind of possible influence, interrelated with a finite timeframe, was pointed to by a non-participating student who focused on the parallels of random selection in process and output: ‘only having a [short period] to talk about it...you can’t talk about the way that student unions are run in every place in the world... But I think the point is that the idea of sortition would come out of a process that’s done by sortition, because not all processes, and not all ways of reforming are being considered’ (Interview Z).

An assessment along these lines requires taking the information provided as a whole. In the majority of cases, participants perceived speakers and the information they received to be of good quality, diverse and sufficient for their task. However, some concerns about diversity or breadth of information were also evidenced in the data. Two distinct 10-minute presentations emphasized participatory and deliberative ideas, either in terms of conceptualizing them or highlighting specific initiatives like Participatory Budgeting or Citizens’ Assemblies. These presentations either did not cover more aggregative or electoral democratic processes or mentioned them only in contrast or to highlight their limitations.

Although voting models were touched on briefly in discussing the SU’s model, no parallel, direct presentation on electoral reform or referenda was offered. Indeed, one participant spoke to the impact they thought this had on outcomes, suggesting that the limited engagement with voting systems was the consequence of a lack of information being provided on them. Some, although a minority, of experts who served as ‘idea-testers’ – interlocutors to whom mini-public participants could go to discuss their ideas – also had clear links to organizations or roles focused on deliberative forms of democratic processes. The overall focus of the Democracy Summit, which emphasized ‘re-imagining’ democracy as one of its two focuses, may have shaped this arrangement.

On the other hand, electoral processes were either an implicit or explicit backdrop of most other presentations. Presenters from other student unions focused on elected representatives and possible changes to their mandates, numbers and engagement strategies,

while then-current elected officials participated in a question period about their views of the system. This complemented the information provided on students' experiences of the then-current system, collected through a student-wide survey and focus groups. In another respect, specific explanations of deliberative and participatory processes were only necessary because the then-status quo focused instead on elections and student-wide votes. The default reality in this respect was noted by a staff member in explaining:

We're quite top-down, we don't have assemblies... I guess, even compared to other SUs, we're quite hierarchical, quite a lot of responsibility falls on the officers... [W]e've got a clearly very specific view of democracy at the SU, which benefits the people who want to be the spokespeople and the elected representatives, but there are obviously so many other forms of politics and ways to channel democracy.... (Interview L)

The second ancillary factor is the role played by independent facilitators, who were tasked with facilitating deliberation between participants at the tables by balancing speaking time in an inclusive way, keeping participants on task, asking relevant questions and taking notes. These facilitators are, therefore, neutral figures who do not intervene with their own opinions or arguments. One participant, however, had at least a vague sense that more 'participatory' recommendations were reacted to more positively because those aligned with the kinds of values or processes facilitators were using for the Democracy Summit. They speculated accordingly that the facilitator might have reacted less positively if the recommendation was, for example, emphasizing more electoral-representative forms of democracy, noting that

it's hard to say whether they were just being enthusiastic because they were being enthusiastic about everything or...specifically about this. I would say the latter but, yeah, they were being enthusiastic and nice about everything in general – they really wanted us to be motivated. So, maybe I'm not interpreting in the best way. But yeah, I got the ideas...that participatory democracy was something that they were in favour of from the start... But yeah, I might be mistaken. (Interview E)

A similar observation was affirmed by one of the Lead Facilitators, suggesting that

I think some ideas got more energy from the table facilitators than perhaps other ones did. Not across the board, but I spotted it in a couple of places... I think there was something around creativity that seemed to get quite a lot of non-verbal cues, or perhaps even verbal cues of interest. So, things that were perhaps a little bit more innovative, and playful and fun, I think got a little bit more attention. (Interview N)

Without discounting the potential influence this may have had on participants, it is important to note that participants overwhelmingly praised the facilitators for their neutrality. Among the variety of participants doing so, one participant characterized them as '100% neutral' (Interview O), and another said they were '[s]uper neutral. They were avoiding, if anything, leaning any particular way' (Interview M). Another noted them holding back their own views to avoid swaying those deliberating, saying 'They don't put their own opinion on it, they weren't biased, or anything, or influencing our opinion' (Interview U). Nonetheless, it may well be that, by virtue of the fact that facilitators are by definition supporters of participatory and deliberative processes, they might be understood as more in favour of such processes.

Ultimately, and despite the focus here on deliberation-enhancing reforms, it is important to note that recommendations did include election-related reforms – not just participatory or deliberative ones. Accordingly, the presence of recommendations related to election timing, the nature of roles, the number of representatives and voting access – in addition to leaving in place the key roles of elected officials – offer some evidence that mini-public participants were not deterred from thinking in terms of other electoral processes.

Union officials: Indirect experience and the sustaining and concretizing of deliberation-enhancing reforms

While the recommendations produced by the participants of the Democracy Summit were the most significant feature in the carry-through of a deliberative approach into a deliberation-enhancing constitutional framework, the mini-public was not the sole creative process shaping the ultimate outcomes of the broader review process. Importantly, the mini-public recommendations still needed to be accepted by LSESU leadership and, if so, converted into formalized (by)laws that would then need to be adopted in a student-wide vote. This initial process, led by elected officials and LSESU staff, was termed the ‘motion development process’.

Insofar as recommendations are accepted by LSESU leadership, such a process might be conceived of as simply sustaining or giving effect to the deliberation-enhancing constitutional features reflected in the recommendations; however, the motion development process went further in giving these features concrete form. Notably, this was the process by which specific rules were developed to not only create the envisioned institutions but also define and ensure their internal deliberative practice. Indeed, because of the generality with which recommendations were put forward by the mini-public, there remained significant scope to undermine, maintain or amplify deliberation-enhancing functions within the actual resulting constitutional reforms. Because of this, and other observations explored below, it appears unlikely that officials’ roles in this respect were simply a matter of path dependence following from their decision to launch a mini-public process.

This scope for variation, tied to the thinking and behaviour of LSESU leadership, thereby opens up another avenue through which the deliberative approach to constitutional reform – that is, the Democracy Summit mini-public – might influence the substantive deliberation-enhancing quality of the resulting constitution. This dynamic can be explored by looking at the thinking and behaviour that drove the motion development process and the developed, concrete forms that the LSESU gave to deliberative constitutional features. In doing this, there is indeed reason to think that the initial deliberative process carried through to have an impact on the deliberation-enhancing quality of the ultimate constitutional framework.

Foundational to elected officials sustaining the deliberative intentions contained in the recommendations was their desire to remain faithful to the mini-public’s outputs generally. This fidelity was expressed by staff involved in indicating their desire to stick as closely as possible to the recommendations. Decisions to derogate from recommendations would, therefore, not be made lightly. As one staff member shared, ‘if we’re not doing something that the summit recommendations... we need to be able to justify why we’re not doing this, it can’t just be like “we don’t like this”’ (Interview I). This was also evident in our observations of meetings. In one of our field notes on a working group

meeting, we noted a participant ‘mentioning that a key thing they want to avoid is to go against the recommendations of the Panel’.

The commitment to protecting the specifically *deliberative* nature of the proposed institutions, and not just their nominal existence, was evidenced in observing these meetings as well. In one exchange in which someone spoke of implementing the basic structure of the proposed institution – a randomly selected chamber for policy-making – without a plan for supporting deliberation, there was pushback. Without a system whereby policy was discussed collaboratively and scrutinized, the point was perceived to be missed. Another in the meeting argued that the ‘deliberative function should be emphasized more than anything’ to multiple replies of ‘Agreed’ (Field Notes).

How officials would ensure deliberation was not always apparent. In one observed meeting, the person responsible for drafting the bylaw text explained to the officials and staff that a bylaw could not ensure students deliberate, and that implementational support would be required: ‘It is your job to ensure that they are trained and empowered to deliberate’ (Field Notes). Any such steps aside, however, the (by)laws that officials used to enact the two proposed institutions – renamed as a termly ‘Student Panel’ and an ‘Accountability Board’ – did indeed employ rules to support a deliberative dynamic within them. In addition to basic design features that support inclusive deliberation, procedural rules focused on creating informed exchanges oriented towards consensus and the common good (Bye Laws 2022 ss.212–227) – something that reflected the synthetic orientation within the initial mini-public process.

This is evidenced first with respect to the Student Panel – the body empowered to hear proposed changes to LSESU policy, suggest amendments and ultimately approve or reject them. The Panel must be composed of 18–48 randomly selected members of the student body, explicitly independent of the preferences of the broader student body or constituencies therein. The bylaws require that the panel ‘encourage open and accessible discussion’, ‘consider the diversity of students at LSE’, ‘seek to resolve conflicts wherever possible as part of the discussions’ and ‘seek to do what they believe is best for the students of LSE’. Proposed policy must also be presented ‘in such a manner that allows for open and discursive debate’, and an oversight ‘Democracy Committee’ will invite ‘suitable experts and those with [relevant] lived experience’ to present their views and answer questions. A vote on proposals only occurs after that committee is satisfied that ‘enough discussion has occurred’. As with the Democracy Summit process, then, this reflects the notion that members of the Student Panel, by bringing their own perspectives into deliberation, serve to reflect or descriptively represent the diversity of the student body while working towards a shared understanding of the student body’s best interests.

Similar efforts occurred with respect to the Accountability Board, which is tasked with ensuring the accountability of elected officers between elections.² The Board of 12 – again, randomly selected and independent – receives reports from elected officials about their ongoing work, makes recommendations for prioritization and leads ‘accountability discussion’ on that work in the student body-wide ‘Town Hall’. Within this mandate, they are also subject to the procedural requirements noted above. Interestingly, further seemingly deliberative-minded references and rules – like requiring enough discussion such that voters are sufficiently informed of reports before voting – were added to other areas of governance falling outside the recommendations made by the mini-public.³

²LSESU Bye Laws, ss.230–236.

³See, for example, LSESU Bye Laws, s.240.

The implementation of these deliberative reforms may just be the result of conscientious commitment to executing the letter and spirit of the mini-public outputs, or enthusiasm for novel or innovative ways forward (Vrydagh and Caluwaerts 2023). However, there is reason to believe that elected officials and staff, and the ultimate substantive reforms through their work, were influenced by the deliberative nature of the Summit process as well, with officials internalizing deliberative norms. To be sure, in interviews, officials provided less explicit insight into why they took on a deliberation-furthering role than participants did; however, more indirect references and observations offer insight into underlying impacts flowing from their involvement in planning and observing the Democracy Summit process. In other words, even while union officials were not directly involved in the deliberations, their indirect experience with the deliberative process seems to have been impactful.

For one, it was evident in both the substantive product and in observed discussions that officials had *learned* a considerable amount about deliberative approaches, how they might interact with broader dynamics and what is required to support them. This learning, *per se*, was likewise accompanied by positive views of the process overall and the quality of the ideas it produced. Officials, therefore, not only learned about deliberative processes but also witnessed their value. Certainly, this learning and experience of the mini-public differed from that of direct participants, being less participatory and possibly more technical, theoretical and observational in nature, but it was clear in this way that the process offered officials their own ‘case study’.

Ultimately, it appeared that officials internalized deliberative norms in the sense that deliberative approaches to decision-making became seen as normal or more desirable. For example, elected officials and staff often characterized the process and dynamics that they themselves adopted in translating recommendations into by(laws) in deliberative terms. One staff member thus shared: ‘we’ve been working through trade-offs, almost doing a deliberative process ourselves, trying to do the trade-offs and finding a consensus’ (Interview I). Likewise, after working through a particularly challenging issue and moving to a break, one member of the team celebrated their work and the virtues of their approach, saying, ‘We’ve smashed it! Making a good case for deliberation’ (Field Notes).

External perspectives likewise substantiated their self-characterizations. Observation notes remark upon a deliberative approach within the meeting. More broadly, a member of the delivery team shared their view that a deliberative ‘culture’ had been developed among the team (Interview N). In recounting their view of this change, and what they observed in elected officials’ presentation and defence of the ultimate reforms to others, a member of the delivery team noted the following:

I think what came out of it, and the process, both for the people who took part, the students, but also the Student Union itself, what they saw what they observed, is something that I don’t think they’ll want to lose. And certainly, you know, so far everything that they’ve sought to put through and how they’ve taken those recommendations and what they’re doing with them, is building that into their way of work... to be able to see them articulate with not just credibility, but with conviction, ...why deliberation was good, how different voices were used, you know, it’s like they really know it. You know, I’ve not primed them, I’ve not given them FAQs, they literally have absorbed it. (Interview N)

In this way, while staff and officials had spoken to the potential deliberation-modelling impacts of the Student Panels and Accountability Board that emerged from the mini-

public, it may be that they themselves were influenced by the mini-public as a model for collective decision-making in a way that led them to work to enhance the deliberation-supporting nature of the constitutional framework they were playing a key role in crafting.

Discussion

This article has demonstrated that LSESU's Democracy Review process can be understood as a rich, multi-faceted site of deliberative constitutionalism. Analysis showed that the mini-public that anchored the reform process offered a deliberative means of constitution-making, both in design and in the eyes of participants and observers execution. Moreover, the analysis demonstrated that the mini-public's recommendations included two new, deliberation-enhancing institutions for the constitutional landscape. Both of these observations map onto key veins of the deliberation-constitution connection – what, in a re-working of Kong and Levy's directional account of influence (Kong and Levy 2018), has been framed here as using a deliberative approach 'to' the constitution and having a deliberative approach flow 'from' the constitution.

Through this, the analysis showed the utility of the deliberative constitutionalist framework for organizing and making sense of this democratic exercise in a way that other lenses would not. It should, therefore, encourage scholars to note and inquire into the instances of constitutional change around them – including in the variety of institutions in which they live and work – which not only warrant the application of deliberative values but also shape daily political interactions thereafter. Put differently, as the recognition of constitutional pluralism grows, so too ought the recognition that deliberative constitutionalism can apply to and inform a wider variety of political and legal contexts and processes beyond the state. Accordingly, those interested in the political and legal realities of spaces like universities or other organizations can also draw on deliberative constitutionalist writing and experience to inform their own arrangements.

Beyond the value of illuminating a new space in deliberative constitutionalist light, this study's insight into mechanisms by which deliberation to and from constitutions may be intertwined suggests value going the other way as well. Just as a deliberative constitutionalist lens can enhance understanding of constitutional processes in non-state contexts, then, explorations of deliberative constitutionalism within non-state contexts can also yield insights into dynamics that can enhance understanding of deliberative constitutionalism generally. This is so in this study, with findings revealing how deliberative approaches to constitution-making influenced the deliberation-enhancing quality of resulting constitutional features, arising from different actors' endorsement or internalization of deliberative norms. This arose, first, in the connection between participants' experiences within the deliberative processes and their substantive recommendations and, second, in the connection between the organizational and observational experience of elected officials and staff, on the one hand, and their subsequent furthering of deliberation-enhancing features on the other.

With respect to the first of these, interview and observational data made clear that the mini-public participants not only intended to further deliberation through their recommendations but did so because of their experience with the deliberative mini-public as a model for democratic decision-making. In this way, the results affirm and demonstrate the constitutional significance of research demonstrating that mini-public participants, both in university and public spheres, support the future use of the process to address other issues (see, e.g., Christensen, Himmelroos and Grönlund 2017; Font and

Blanco 2007; Kennedy 2023). The findings, therefore, suggest that, at the level of individual experience, deliberative approaches to constitutional reform can – where the mandate permits – lead to deliberation-enhancing reforms because those involved are able to see its merits and internalize its values.

Though accounts overwhelmingly indicated that this choice emerged as a result of reasoned exchange, some did speculate about possible alternative, extra-reasoned influences. Any informational bias in terms of expert and stakeholder presentation certainly affirms the need for balanced information in constitution-making processes. A less avoidable influence concerns the way in which, because deliberative mini-publics are facilitated by deliberative democracy experts or professionals, those surrounding participants are likely to be those in favour of deliberative democracy. While the worst of influence can be avoided by unwavering neutrality from facilitators in substantive discussions, it seems more difficult to avoid the *ambient* influence of professionals, tasked with organizing mini-publics, including those on constitutional reform, whose very adoption of those roles implies a commitment to deliberative ideals as a starting point. However, potential bias in this respect may be mitigated or negated by the effects of an otherwise self-aware deliberative process that sufficiently scrutinizes proposals.

But in any case, the Democracy Review analysis does show another instance of the institutional or value reproduction theorized in constitutional scholarship more generally, where *democratic* approaches perpetuate *democracy*, and *legislatures* emphasize *legislatures'* constitutional roles. Unlike other processes, though, it is more difficult here to attribute this phenomenon to individual, self-serving interests. While it may be that mini-public participants identify with their institution and therefore want to further it for that reason alone (Elster 1995) – an explanation likely diminished by the lessened significance of self-selection compared to other institutions – the randomly selected nature of the deliberative institutions used and reproduced in this case means that participants were not furthering their *own* chances at power by reproducing that institution. Despite the mirroring effect of approach and result, then, it may well be that, freed from opportunity to further their own ends, reformers emphasized the public good as constitutional scholars expect (Elster 1995, 1998; Voigt 2016).

Distinct from mini-public participants' decision-making was the second, knock-on mechanism by which deliberation to and from constitutions may be intertwined. Here, analysis showed how elected officials and related staff not only sustained the deliberation-enhancing proposals but developed them further while translating recommendations into legal form. One explanation of why this was the case may just be that they felt committed to sustaining recommendations generally. However, and especially taking the enriched, legalized version of the recommendations into consideration, data suggested that the creation of these deliberation-enhancing features may at least in part be attributable to the fact that these actors not only learned a considerable amount about deliberation, but also internalized and manifested deliberative norms in their own work.

That the deliberation-enhancing reforms were sustained by elected officials and enriched in their concrete form is especially notable given trends in which the outputs of independent deliberative mechanisms are subsequently politically 'sidelined' (Suteu and Tierney 2018, 283). However, the point here is not that mini-public outputs were taken up by elected officials *per se*, even while such findings may be of interest to those exploring the conditions in which mini-public recommendations are taken up in policy (Carolan and Glennon 2024; Dean, Boswell and Smith 2020; Hendriks 2016; Lang 2007). Rather, it is that the specifically deliberative character of the recommendations was supported and enhanced by elected officials because of how those officials' own

experiences with the deliberative process led to their internalization of deliberative norms. At least in the context of decision-making processes in which deliberation-enhancing recommendations are possible, then, these results may add nuance to research showing the importance of the impact of having policy gatekeepers involved throughout the process (Dean et al. 2020; Hendriks 2016). This may not only be important for ensuring that mini-public outputs are accepted, but also for ensuring that procedural values intentionally imbued in particular moments of reform are able to see take-up more broadly.

In assessing deliberative approaches and deliberation-enhancing outcomes, and unpacking these two mechanisms by which they are joined, this article shows the value of extending deliberative constitutionalism to new sites of exploration beyond state politics. Its mapping of the Democracy Review process in deliberative constitutionalist terms shows that this extension is possible and is useful for understanding political and legal life in a variety of spaces. It also shows that this extension can prompt thinking about deliberative dynamics more generally. Indeed, while constitutional scholars have suspected that how we create constitutions matters for the substance of those constitutions, this article illustrates at least some ways in which this dynamic might play out, and the factors at play, when deliberation is placed at the heart of constitution-making. As researchers and governments become increasingly interested in processes in which mini-publics of everyday citizens – rather than traditional constitutional actors – deliberate about constitutional futures, these insights are ever more necessary.

Of course, whether and how far these insights can go in informing other constitutional processes may vary with different dynamics and features at play. There may be good reason to think carefully about the transferability of insights from within a university context to state – and particularly national – constitutional processes, even while analogous features exist across these distinctions. For example, the lower stakes in a student union context – both in terms of subject matter and the time-limited nature of personal implications – might allow stakeholders to be less conservative in their efforts to further deliberative ideals, while the higher levels of disillusionment among students (Patrick, Patrick and Zahreba 2024) might make them more prone to changes. There might also be more barriers to change in state contexts that would either require a much higher commitment among elected stewards or undermine their success. In the state context, more complex constitutional amendment processes, a comparatively more engaged polity and more organized forms of partisan protest or lobbying might all present additional obstacles to realizing change. Nonetheless, even if the ultimate *results* differ, this is not to say that the *mechanisms* of change, like the internalization of norms that inform constitutional decision-making, identified here, would not also occur in state contexts. They may, and only take on a different weighting or causality in contexts with different conditions. Accordingly, even with potential differences, insights drawn from more local experience should not be too readily dismissed, and at the very least can prompt constitutional scholars to investigate these insights in state contexts.

However, given that neither deliberative ideals nor constitutionalism are limited to state contexts, a better understanding of deliberative constitutionalism and its dynamics within non-state contexts should also be developed so as to support the realization of deliberative ideals in all relevant spaces. In this respect, this study offers unique insight into the ways that this might occur and, accordingly, serves as an important building block for a more pluralist deliberative constitutionalism. Insofar as deliberative scholars are increasingly interested in more systemic evaluations that consider how different spaces and processes interact in upholding a deliberative whole (Mansbridge et al. 2012),

this study and similar ones that follow might contribute to a richer understanding of deliberative democracy's constitutive parts.

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