

DEMOS

COMBINED CHOICE

A MODERN METHOD OF
DEMOCRATIC DECISION
MAKING

JON NASH

NOVEMBER 2020

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FOREWORD

The ideals and principles of liberal democracy are under threat from two sides: populists who object to the compromises of cohabitation with other citizens and pragmatists who say our problems are too big to wait for public opinion. In the pages below, I will argue that the only way to protect and promote democracy, and the basic fundamentals on which it is based, is to reform it. The stagnant institutions and bureaucratic processes established in the 19th and early 20th century are no longer fit for purpose in our fast changing world.

This paper is part of Demos' work to build a different kind of democracy: an everyday democracy in which people are involved in the democratic process regularly and deeply, not once every few years with an x in a box. A democracy that is grounded in communities, organisations, and decisions that are fully connected to our daily lives.

Does democracy still work?

The fitness of liberal democracy for the 21st century may not be the biggest question posed by the outbreak of Covid-19 around the world. And yet it has reared its head again and again as the year has gone by: we have seen many liberal democracies struggle to suppress the disease while many more authoritarian governments, more willing to set aside the liberties of their citizens, beat it more swiftly into submission. There are notable exceptions on either side, of course, but those governments which prized individual freedom over collective health found that freedom came at the cost of tens of thousands of lives.

It is not the first time people have questioned the merits of the liberal democratic model. Long gone is the comfortable assumption that it was the "end of history" as Francis Fukuyama put it in his seminal book, or the "End of Politics" as Demos' own less famous pamphlet suggested in 1997. Western democracies are facing collective crises on a scale that democracy has arguably never had to deal with before.

We need fundamental transformation in our economy, from the way we generate energy to how we eat, if we are to prevent catastrophic climate change. And yet not one democratic government has a popular mandate for a detailed pathway to net zero carbon emissions.

Demographic change is sweeping the West. We have an ageing population, increasing demand on public services while the taxbase of working age people reduces. People ask for better, while showing deep reluctance to pay any more in tax. Do democracies just lead to impossible demands?

Vast, global companies - which have grown far faster than any predecessors - are stretching our understanding of the relationship between state and corporation, and of the social contract. Access

to information has in one sense been radically democratised by the internet, but has brought with it fake news, radicalisation, outrage and a new platform for international information warfare. Individual nation states - especially liberal democracies - seem feeble when acting against these global platforms, and yet no-one has found a way to secure real democratic legitimacy for supra-national bodies like the European Union.

No-one ever claimed democracy was a perfect system of government. Winston Churchill famously described it as the worst system, apart from all the others which have been tried. And yet the case for it seems more fragile now than at any point in my lifetime. An increasing number of political thinkers, frightened by the rise of populism, are exploring anti-democratic sentiments.

Garrett Jones, an American academic, makes a robust case for "10% Less Democracy" in his book of that name. Charles Clarke wrote a book about policy problems that always ended up in the "Too Difficult Box" because public opinion made it impossible to do the thing he thinks is obviously best for them. You can't go far in Westminster without hearing from technocrats, think tankers

or business leaders who want to “take” their policy problem “out of politics”. The argument, essentially, is that politicians are too craven - they listen to the people. And people are, it is said, weak minded, visceral, trapped by their own cognitive biases and incapable of making good decisions on their own behalf let alone in the interests of the community, future generations, or people who look or behave differently.

So we face a choice. Do we give up on democracy because of our growing struggles to make it work? Or do we reform democracy to make it work for the flesh and blood humans who inhabit the real world?

Reimagining democracy

At Demos, we accept that people are indeed complex, confusing, and capable of acting against their own interests. Ask the average person in the UK how many Muslims live in their country, chances are they will overestimate by 10 or even 15 times. Ask them how many women experience sexual harassment and they'll underestimate by half. We are indeed hamstrung by our cognitive biases. We are naive and foolish and prejudiced. We live in stories, not facts. But we're also a source of extraordinary compassion, bravery, understanding and innovation. Flesh and blood humans, with all our faults, are the

source of all our joy and purpose in living.

So to give up - to reduce individual citizens' power - is to surrender to the weaknesses of our species instead of trying to build on our strengths. Instead of blaming the people for a system that isn't working for them we need to start blaming the system - and finding ways to change it. Our political system has failed to keep pace with the economic and social changes that are transforming people's lives. While the industrial revolution helped bring about the birth of modern liberal democracy across the west, our political systems have yet to see any substantial change in the 21st century, despite vast and accelerating technological change. What possible reason is there for us to still operate through 19th and 20th century systems and bureaucracies?

Remember, there is no one system that is democracy. Certainly our Westminster system has no particular claim to perfection or any eternal right to exist in its current state. The measure of a democracy in the 21st century will be its agility. We need a system that builds on the best, instead of the worst, of human capability: in fact, a system that develops and enhances our capability over time.

In “On Liberty”, John Stuart Mill wrote that “A state which dwarfs

its men ... even for beneficial purposes, will find that with small men no great thing can really be accomplished." For generations, we have had a democratic system that has dwarfed its men - and women. It took responsibility away and put it all into the hands of distant representative politicians, hidden in complex and unresponsive institutions. They wrote legislation that no-one could understand. Took decisions based on cost-benefit analyses that bore no relationship to what people wanted or preferred to happen in their place.

People have been denied the opportunity to learn from the process of democracy - from being part of decision making in local, responsive organisations connected to their everyday lives. It is no surprise that sometimes people ask for the impossible when they have had no opportunity to learn about the possible.

If we are to have a hope of restoring trust between citizens and the institutions which should serve them, and so renew our democracy's defences against populism, we need a new model of democratic engagement: we need an everyday democracy.

Everyday Democracy

The phrase was coined in 2005 by Tom Bentley, then Director of Demos. It is worth quoting him at

length, because his analysis is even truer now, and his prescriptions form the heart of how Demos seeks to influence the world in 2020 and beyond.

He explained the urgency of the crisis:

"Without renewing democracy at every level, our capacity to succeed as societies, and then as individuals within them, will drain away. Without new forms of democratic sovereignty, innovative and creative changes to our current model of political economy will not emerge. Without the mass exercise of citizenship many of our public traditions and institutions will atrophy. Without a new level of direct citizen participation the legitimacy of our political institutions will continue to decline. Without new cultures of dialogue, exchange and learning, our social differences will overwhelm us. That is why democratising the relationships between people, institutions and public authority is the central challenge of our age."

He explained how democracy, at its heart, is about compromise between individuals, not individual self-interest, and therefore requires us to learn and develop as democratic citizens if we are to

share a common space and build a common identity:

“We need to renegotiate the basis on which we share responsibility for this public realm – the wider context in which ordinary lives are lived out. Democracy is the only set of principles that can allow us to do this – enjoying personal rights demands collective responsibilities, which in turn require new rules of governance. The question is how this set of principles can be given tangible expression through institutions that connect with people’s daily lives, rather than being imprisoned within cultures and institutions that are viewed only through the long-distance lens of the media. Only if democracy is anchored in everyday experience will it be possible to legitimise shared rules that restrict people’s freedom some of the time. For that to happen, people must share in both power and responsibility.”

And Tom set out practical principles for reconnecting citizens and the democratic institutions so that those institutions can be of value in mediating between interest groups:

“Democracy should be a way to balance personal rights and shared responsibilities, with political institutions mediating between individual and group interests. But political institutions seem irrelevant to people’s daily lives, so their ability to mediate is reduced when we need them most. The solution is to reconnect democratic choices with people’s direct experience of everyday life, and to extend democratic principles to everyday situations and organisations.”

The paper concluded with four principles for everyday democracy:

- Develop public services and local governance as platforms of self-governing communities.
- Recognise membership and campaigning organisations that can play a clearer role in mobilising political issues and mass participation.
- Support institutions that can enable cultural learning and collaboration between cultures.
- Spread institutional power more widely and seek to align power, initiative and responsibility more closely.

New democratic tools

Demos is not just a think tank. We're also an innovation charity: we design and deploy new technology to help improve the process of democracy, public consultation, and policy making. We've built software, in partnership with the University of Sussex, to analyse large scale natural language datasets - like social media feeds, or customer contact transcripts - to help organisations understand public opinion and lived experience more deeply. We're pioneering the use of an interactive survey tool, Polis, in the UK, which allows us to crowdsource ideas and - crucially - identify points of consensus between groups with different points of view. We build tools and games to help people understand complex policy issues - like a tax calculator where any citizen can play at being chancellor. We house these tools, along with public opinion polling, in our Public Participation Lab, a centre of excellence for involving the public in policy and decision making.

We do this because we recognise that it is not easy for institutions to take on the kind of radical democratic transformations for which Demos advocates. We have to build and deploy tools to allow local and national decision makers to try out these new ideas and processes. We also recognise

that there is no one single tool that a democracy needs. Too many democratic reformers are champions of silver bullets: if only we fixed the voting system, everything would work, they say. Or if we capped political donations. Or if we put all legislation on Github and let people just edit it. Or if our part of the country was independent. At Demos, some of us believe in each of these ideas, and some of us believe in them all. But we all recognise that no single reform will be the solution. To be agile, democracies need a whole toolbox of ways to involve citizens in the decisions that affect their lives.

It needs representative democracy, at national and sub-national level. It needs formal pathways for consultation and for judicial oversight. It needs transparency of information and of processes. It needs voting: sometimes for representatives, and sometimes for individual decisions, too, in the form of referenda. But it also needs innovations. Citizens juries. Open policy making. New kinds of voting. New kinds of decision making.

At Demos we will continue to advocate for those innovations. But we will also build them, try them, and improve them as we learn. That is where Combined Choice fits in the Demos story: as a new tool for the Everyday Democracy toolbox.

Combined Choice

Combined choice is a simple yet radical tool to create a new kind of voting system. Normally, when you go into the voting booth, the ballot paper is already printed. You have to choose from the options before you. That's entirely reasonable when it comes to choosing an elected representative, though I've always had a soft spot for write-in candidates and the idea of a "re-open nominations" option.

But around the world, we see that referendums on specific decisions can often go wrong. They go wrong when the proposition on the ballot paper is poorly expressed, and even those campaigning for it cannot agree on what it means: that is, after all, why we have spent four and a half years arguing about what Brexit meant. But referendums also go wrong in places where they are extremely common. New propositions are put before the people that make sense individually but add up to the impossible: the state of California struggles to balance its budget because it is locked up in so many incompatible referendum-required tax cuts and budget allocations.

Combined Choice is designed as an alternative to referendums because it tackles both of these problems. It gives the voter themselves the right of initiative - the opportunity to put forward their own proposals. And

it requires people to put forward "whole system" solutions rather than individual demands that may command support separately, but don't make sense together.

As this paper sets out, we see huge potential for this in improving decision making in a whole range of different fora, including representative chambers at national and local level. However, the first test bed for this will be in community decision-making, in housing, planning and community budgets. We're not starting small because it's easier, but because these decisions are where everyday democracy lives or dies. These decisions are relevant to every day of people's lives, to the most salient lived experiences of home, neighbourhood, and community. These are the decisions that matter enough for it to be worth getting involved, worth learning how to connect with your neighbours, worth learning how to campaign, and how to negotiate. The democratic skillset of relationships, collaboration and compromise is built in the community, and Combined Choice will help build it.

Will people choose wrong?

Every experiment starts with the possibility of failure. As an innovation charity we're confident to try, to test, and to learn. But we know authorities who are considering whether to deploy

Combined Choice will worry about two things: one small, and one large but less likely to be mentioned. The first is whether people will want to get involved. We can't be certain. We need to work alongside community engagement partners, community organisers, local authorities, and politicians to build a movement. It's vital that we offer people the opportunity to get involved in real decisions: after all, who wants to put in hours of planning and organising, or even register for a new voting platform, if you're going to get ignored, or that the decision doesn't lead to action. The outcome of a Combined Choice process needs to be taken seriously.

But that opens up the bigger worry. What if people choose wrong? It's the worry of technocrats across the world, and it needs to be addressed. We need to be clearer about what we mean by the idea "wrong."

There are lots of questions with a correct answer. There are far more where the only answer that matters is the one we can agree on. You can separate questions into two broad categories: Discovery - where there is a correct answer - and agreement - where the right answer is simply the one we can agree on.

If I asked you: "how many words are in this paper?" - we could guess, and discuss it between ourselves,

and you might make a better guess than I. But we could also just count the words. There's a real answer, testable with evidence. That's a discovery question.

But if I asked you: "what colour should we print it in?" - there isn't a correct answer. You need a process by which you come to a shared decision. The "right" answer is established not by fact, but by the fact that it builds consensus. These are "agreement" decisions in which it's the process that confers legitimacy.

Combined Choice will never be a tool for deciding the answer to 1+1, or whether a vaccine works, or a building is safe. It's a tool for deciding the answers to "agreement" questions, and at Demos we believe huge numbers of the decisions taken by technocrats as if they are "discovery" questions need to instead be delegated to citizens as "agreement" questions.

The age of technocracy has treated far too many decisions as "discovery" and left them to experts. This ignores the fact that the process of making decisions is something pretty vital to us as humans. Having someone else decide and hand down the answer is alienating, and it brings with it an opportunity cost, as set out above. Every citizen who is denied the opportunity to be involved in a decision is denied the opportunity

to learn, to improve their judgement, and to come to terms with the trade-offs inherent in living side by side with other people in a shared society.

About 10 years ago, my husband and I spent New Year in Bulgaria at a ski resort, in the worst hotel I have ever been to. It was full board. But the catering was so bad that even the group of 20 year old impoverished students chose to buy food elsewhere. The first night, after picking my way through spaghetti so overcooked it had turned into a single solid slab of carbohydrate, I asked my husband to go up and choose me a pudding. He brought me back an orange which had gone mouldy around the top. I was outraged.

He assured me that it was the best thing they had. Of course, I didn't believe him, so I went up to the counter only to discover that he was correct. The mouldy orange was the best thing they had.

The technocratic model has essentially been handing out mouldy oranges to people in left-behind towns and communities - and expecting them to be grateful. We assumed that people would be pleased at being 2% better off than a counterfactual they never experienced, even when they could see - in London and the South East - other people who were 100% better off.

Counterfactual is the ultimate technocrat word. There is literally no-one working outside this field of public policy who uses it. It's wonkese. A counterfactual is a thing that didn't happen. You model out what would happen if you didn't do your policy and compare it to life with your policy. And then you assume that this little model on a piece of paper seen by three people and a Minister, is enough to persuade the whole world that life is better because you did the thing you did.

In retrospect, it's astonishing that it took the Brexit vote to help us see that this wasn't going to work. People want the chance to make the decisions themselves, even if that means they might choose the 'wrong' option. There is such a thing as objective truth. But infrastructure decisions, public spending, or the question of how we balance needs and obligations in our welfare system: these aren't 1+1. They're debatable. We have to let people have that debate, for two reasons. First, because legitimacy is the most essential building block of lasting answers to the vast policy challenges we face today. And second because people can only build the skills to be a democratic citizen by being a democratic citizen.

Our systems of representative democracy, and winner takes

all government, are insufficient to deal with the challenges of the 21st century. It needs to be supplemented by deliberative democracy, new tools for decision making, new kinds of voting and a conscious attempt to build lasting consensus between people of different backgrounds, and different ideologies.

We don't need 10% less democracy, we need 100% more. Everyday democracy is the only way to enable us to face the changes the future is bringing, because it's the only way to build the capabilities of citizens to make the right choices for us all.

POLLY MACKENZIE

NOVEMBER 2020

INTRODUCTION

We are living through a period of technological and social transformation. Sources of power are shifting before our eyes and the expectations of the public on those that represent them has never seemed higher. Increased political unrest and instability, including the rise of anti-establishment political figures and movements in America, Brazil, Ecuador, England, France, Greece, Hungary, India, Lebanon, Pakistan, Poland, The Philippines, Turkey and Ukraine are seen as symptomatic of an increasing chasm between expectations and political reality.

The causes of contemporary political experiences evade simple explanation, and similarly, they are unlikely to be resolved by a single panacea. What is undeniable, however, is that technology has played a key role in shifting expectations and introducing new dynamics into politics, and currently

democracies are buckling under the weight of these expectations. The need to modernise the state in response to this change feels increasingly urgent.¹ The process of decision making is a vital element in the functioning of a democracy and though the context in which this process has operated has radically changed, the process itself remains anchored to old methods and technologies.

For hundreds of years, democratic decisions have been made by voting for or against individual proposals. In this paper, we argue that this conventional form of decision making can be improved and introduce a method that represents decisions, not as a series of proposals, but as a whole. Where these decisions result in legislation, these documents are combined in one digital file that contains all legislation. Instead of voting on each proposal, decision-makers

1 Meier, A and Teran, L. "Preface" in eDemocracy and eGovernment (ICEDEG), International Conference. 2014, p.1

can put forward an alternative version of this file by adding or removing legislation. Each decision-maker chooses one version and the file with the most support is enforced. We argue that this method produces better results by giving decision-makers the power to work with citizens, experts, or industry, unconstrained by an archaic decision-making process. In the following chapters, we argue that Combined Choice allows greater competition, accommodates innovative new approaches to the development of ideas and ensures greater transparency. We provide a detailed technical architecture and outline how this method may be implemented in practice. In the conclusion, we reflect on the implications of this proposal and explain how this modern method of democratic decision making might be adopted.

TECHNOLOGY, GOVERNMENT AND DEMOCRACY

Democratic governments have been largely caught off-guard, left confused and embarrassed, by the ubiquity of modern ICT and digital technology.² Recent advances in ICT have had a radical impact on the lives of citizens both in the public and private sphere, transforming social relations, industries, our economy and our culture, even if the full consequences and implications of these changes remain ambiguous. Democratic governance is an exception to these transformations, with modern democratic governments struggling to adapt, unable to live with such technology, yet also unable to live without it.³

Political science is in a not dissimilar position, often trying

to catch up with an ever-evolving subject. No sooner have we settled on an understanding of the field, the challenges encountered, the opportunities presented, that we find the ground has shifted. Nevertheless, we can helpfully discern general trends in how research has been organised and approached. Research concerning the role of technology in government and democracy has been broadly assigned to two categories, eGovernment and eDemocracy. eGovernment covers information and communication processes between governmental institutions and citizens to support the functioning of government.⁴ eDemocracy concerns the application of technology to support the

2 Coleman, S. *Can the Internet Strengthen Democracy?* Malden, MA: Polity Press, 2017.

3 Coleman, S. *Can the Internet Strengthen Democracy?* Malden, MA: Polity Press, 2017.

4 Meier, A and Teran, L. Preface. *eDemocracy and eGovernment (ICEDEG)*, International Conference. 2014, p.1.

functioning of democracy, empowering citizen engagement via representative democracy or, more commonly, participatory and deliberative processes.⁵ eDemocracy aims to better understand the implications and potential of technology to enhance inclusiveness, transparency and accountability in decision making. Current research trends highlight, and arguably contribute to, the challenge governments face in adapting to digital technology and embracing the opportunities offered.

Discussion on the democratic potential of digital technology has been primarily driven by dominant currents in democratic thought, principally the focus on participatory forms of citizen engagement and the deliberative turn in democratic theory. This has informed the language in which technology

is discussed and evaluated, the kind of opportunities academics are interested in, and where they are looking for innovative practice. Interest in ICT and online communication has been expressed in the language of deliberative theory and the Habermasian public sphere, for example, the expansion of the public sphere, a virtual public sphere, virtual agora, virtual town hall, or virtual coffee house.^{6 7 8 9}
^{10 11} The promise of technology is understood in terms of its capacity to support greater citizen engagement and large scale deliberation, overcoming the barriers of time, space, and logistics imposed on physical, face to face forums. As Pingree states, “the true promise of the internet lies not merely in its ability to bring large numbers of people into “one room” but in its ability to structure that room in ways that no physical room

5 Konstand, J. Keynote: Social and participatory computing lessons for E-Democracy and E-government. eDemocracy and eGovernment (ICEDEG), 2017, Fourth International Conference p.6.

6 Dahlberg, L. The internet and democratic discourse: exploring the prospects of online deliberative forums extending the public sphere. *Information, Communication and Society* 4(4), 2001, pp.615-33.

7 Koopman, C. Networked Publics: Publicity and Privacy on the Internet. Tools for Participation: Collaboration, Deliberation and Decision Support, Proceedings, June 2008, pp.26–29.

8 Papacharissi, Z. The Virtual sphere: internet as a public sphere. *New Media and Society* 4(1), 2002, pp.9-27

9 Karlsson, M and Astrom, J. The Political Blog Space: A New Arena for Political Representation?. *New Media and Society* 18(3), 2014, pp.465-483.

10 Etzioni, A. *Minerva*. *Policy Sciences* 3, 1972, pp.457-74.

11 Price, V and Capella, J N. Online Deliberation and its influence: the electronic dialogue project. *Campaign 2000 IT and Society* 1(1), 2002, pp.303-29.

could be structured".¹² As such, discussion of the potential of technology to support democracy has focused on innovations aimed at enabling large scale deliberation such as argument mapping, crowdsourcing, and natural language processing.¹³ In some cases, however, we can also observe how technological developments and practices have influenced the language and thinking of eDemocracy and inspired new directions and approaches. For example, Wikipedia is evoked as an illustration of the potential of technology to facilitate collective intelligence and has been the inspiration for practitioners looking to enable citizens to collaborate to solve political problems, for example, Climate CoLab.¹⁴ The group behind vTaiwan, one of the most successful examples of technology being used to crowdsource policy-making, g0v

describe their aim to "fork the government". As O'Flaherty explains, "Fork" is used in open source communities to describe the process of creating another version of the working software.¹⁵ This metaphor highlights the sense in which both the technology and the thinking around the technology can also inform developments in eDemocracy.

The discussions emerging from eGovernment and eDemocracy present a picture of democratic governments wasting a huge opportunity for democratic and administrative renewal. Corvalan describes the current relationship between citizens, government and public organisations as a sort of "bureaucratic purgatory", a procession of offices, papers, files, records, and physical transfer between buildings.¹⁶ Coleman describes a fundamental mismatch between the logic of

12 Pingree, R J (2009) "Decision Structure: A New Approach to Three Problems in Deliberation". T. Davies and S. P. Gangadharan (Eds.), *Online deliberation: Design, research, and practice*. Stanford, CA: CSLI Publications, 2009, pp.309-316.

13 Charalabidis, Y, Loukis, EN, Androutsopoulou, A, Karkaletsis, V, Triantafyllou, A. (2014) Passive crowdsourcing in government using social media, *Transforming Government: People, Process and Policy*, Vol. 8 Issue: 2, 2014, pp.283-308.

14 Introne, J, Laubacher, R, Olson, G, and Malone, T. *The Climate CoLab: Large Scale Model-Based Collaborative Planning*. International Conference on Collaboration Technologies and Systems, 2011.

15 O'Flaherty, K. Taiwan's revolutionary hackers are forking the government. *Wired* 2018. Available at: <https://www.wired.co.uk/article/taiwan-sunflower-revolution-audrey-tang-g0v> [Accessed 19/3/2020].

16 Corvalan, J G. Keynote: PROMETEA Artificial Intelligence to Transform Public Organisations. *eDemocracy and eGovernment (ICEDEG) Sixth International Conference*, 2019, p.15.

democratic governments and the logic emerging from modern ICT, with governments anchored to increasingly redundant and inefficient media and modes of operation.¹⁷ In seeking to contextualise and understand the potential reasons for this mismatch and the apparent reluctance of governments to grasp these opportunities it may be helpful to distinguish between a number of issues. It is helpful to note that there is a long tradition of treating new developments in technology as the solution to challenges in democracy and governance.¹⁸ Intellectuals and journalists anticipated revolutionary change to democratic processes with the arrival of the telephone and television. In some cases, the intransigence of governments can be better understood as the intransigence of fundamental structural democratic challenges. Furthermore, the aims and ideas that drive innovation and underpin academic discussion can often sit uneasily with those

of political decision-makers and elite actors. Often civic tech communities and academics approach this area with relatively radical ambitions for the political process. For example, Niessen discusses how democratic innovations and deliberative approaches can be experienced as “democratic newcomers” that sit uneasily with established institutions of representative democracy and can be seen, not necessarily unreasonably, as a risk and threat to the authority and worldview of decision-makers in government.¹⁹ In this sense, the reluctance on the part of governments might be attributable not to the novelty of the technology but because what is being proposed generates competing legitimacies that threaten their own authority and power. There is both an ideological and realpolitik dimension to this challenge, in encouraging actors, often with their own claims of democratic authority to listen to the demands of a competing and sometimes dubious source of democratic

17 Coleman, S. *Can the Internet Strengthen Democracy?* Malden MA: Polity Press, 2017.

18 Rheingold, H. *The Virtual Community: Homesteading*. Electronic Frontier Addison-Wesley. Reading MA, 1993.

19 Niessen, C. When citizen deliberation enters real politics: how politicians and stakeholders envision the place of a deliberative mini-public in political decision-making. *Policy Sci*, 2019. Available at <https://doi.org/10.1007/s11077-018-09346-8>

authority.^{20 21} The important question of how new practices are adopted, and how one navigates the competing interests of different actors involved in implementing decisions, and competing sources of democratic legitimacy, is often neglected in the literature, if not defiantly rejected in the spirit of radical critique. Beyond these considerations, the intransigence of government to adapt to new technology may be understood as simply intransigence and a wasted opportunity.

We focus on the modernisation of decision making, an issue that falls between eGovernment and eDemocracy and has been neglected by the respective directions of those literatures. While eGovernment has focused on the application of technology and techniques such as AI and big data to support the delivery of services and improve the performance of government administrative processes, there has been less focus on the more fundamental function of the legislative process. Furthermore, while eDemocracy has taken a greater interest in law-making, this has been in the service

of democratising the process. Attention is paid not to the technology of decision making, but rather to how technology can be used to realise often radical ambitions for more participatory decision making grounded in the discourse on deliberative theory and citizen engagement. In this sense, the potential for digital technology to transform the legislative process is a neglected area of study that this paper aims to address.

In the following section, we propose a method of decision making that draws on the opportunities afforded by modern technology. After outlining the basic approach, we consider the implications of this method and the potential advantages that it presents for decision-makers.

20 Vandamme, P, Jacquet, V, Niessen, C, Pitseys, J, Reuchamps, M. Intercameral Relations in a Bicameral Elected and Sortition Legislature. *Politics and Society* 46(3), 2018, pp.381- 400.

21 Lafont, C. Deliberation, Participation and Democratic Legitimacy: Should Deliberative Mini-Publics Shape Public Policy?. *The Journal of Political Philosophy* 23(1), 2015, pp.40-63.

COMBINED CHOICE

We argue that the process of democratic decision making can be improved by changing the way that decisions are recorded, proposed and accepted by decision-makers. There are four key stages to this proposal.

- All decisions are combined in one digital file
- Decision-makers can propose an alternative version of this file
- Decision-makers can choose one version
- The file with the most support is enforced

All decisions are combined in one digital file

Unlike analogue information, large amounts of digital information can be combined in one digital file. A computer's operating system is a good example of a digital file that contains a large number of rules. In code development, this may be referred to as a monorepo or mono repository and while these ideas have traditionally applied to software, a complete set of rules, regulations or laws can be combined in one digital file. This file may include links to other files along with a hash to reduce the file size.

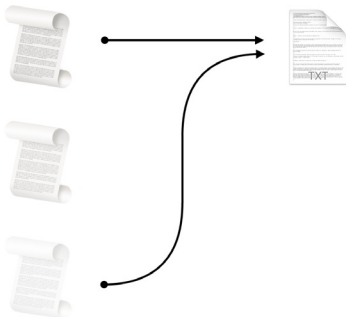


FIGURE 1
ALL DECISIONS ARE
COMBINED IN ONE DIGITAL
FILE

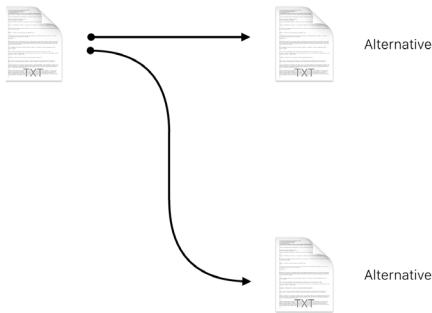


FIGURE 2
 DECISION-MAKERS CAN PROPOSE AN ALTERNATIVE VERSION OF THIS FILE

Decision-makers can propose an alternative version of this file

This can be done by copying and editing or 'forking' an existing file. Decision-makers can edit this file as much as they like but changes, no matter how small, are presented as an alternative version, rather than as individual proposals.

Decision-makers can choose one version

Instead of voting on individual proposals, decision-makers can choose one version. This isn't a one-off decision between two options, but rather an ongoing choice between a chosen file, and any number of alternatives. Decision-makers can change their decision at any time and switch their support from one file to another.

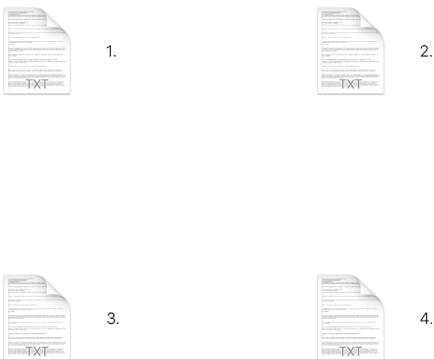


FIGURE 3
 DECISION-MAKERS CAN SUPPORT ONE VERSION



FIGURE 4
THE FILE WITH THE MOST SUPPORT IS ENFORCED

The file with the most support is enforced

While this method tells us which file has the most support it places no other restrictions on the decision-making process which allows decision-makers to use whichever approach they think will produce the best results.

This method of democratic decision making was made possible by advances in digital technology, before these developments, it was impossible to represent such a large amount of information in one file or edit that file effectively. The following section outlines the changes that this method presents to current practice and the advantages and opportunities that it affords.

THE LEGISLATIVE PROCESS

Elected representatives can propose, scrutinise and vote on legislation, yet there are a

number of procedural barriers that limit this behaviour.

Opportunities to propose legislation are limited and opportunities to scrutinise and revise legislation are constrained by the formal stages through which proposals must pass before they become law. The Combined Choice method would remove these limitations allowing representatives to propose and support a file that contains any number of changes, giving representatives the power to pass sweeping reforms (for example, addressing complex cross-sectoral issues such as climate change). Using this method, the hurdle that a new file must cross isn't the legislative process, but the challenge of persuading enough representatives to support this file over all others. As support for a new file increased, its contents would be scrutinised by representatives, media organisations and the general

public.

The Combined Choice method allows representatives to propose any number of changes, yet in practice, it would disincentivize a proliferation of different options as this would fragment support. Instead, representatives would be incentivised to collaborate and compromise to increase support. While the option developed by the government would likely have the most support, opposition parties would develop their own options which could become law if they received enough support.

In this sense, representatives are restrained by their fellow representatives who scrutinise proposed legislation before changing their decision. Yet in other respects, the method offers greater freedom. It widens the scope of who can propose legislation and accommodates the various tools, systems and processes that representatives may use to design better legislation. These may include input from public engagement processes, digital platforms or research and advocacy groups and this freedom would enable constructive competition between and within political parties to improve their proposed option.

DECISION MAKING

While conventional methods

of decision making enforce proposals that receive a majority of votes, the Combined Choice method enforces the option with the most support. This option may have the support of a majority of decision-makers, but it could have less than fifty per cent if decision-makers were divided into multiple factions.

We argue that with multiple, competing options, this ensures that the option with the most support is always enforced and compromise is encouraged and rewarded. The advantages of this approach were illustrated by the case of the Indicative Votes on Britain Leaving the EU during Spring 2019. No motion gained a majority, yet most motions, including a confirmatory vote and remaining in the customs union, had significantly more support than the default option of a no-deal exit. As a result of being unable to secure a majority, Parliament was faced with one of the least popular options. The Combined Choice method would avoid such a scenario and ensure that the motion with the most support is enforced.

Furthermore, under the conditions of the Combined Choice method, decisions would be enforced not because decision-makers once voted for them, but because a sufficient

number support an option that includes that decision. This shift would arguably give decision-makers a greater sense of responsibility and culpability. The popularity of each option would be constantly updated and decision-makers could choose an alternative option easily, at any time. It would be up to them to decide if and when they changed their chosen file and this cadence would likely reflect the needs of citizens. The most popular option could change every week in times of crisis or every few months under normal circumstances. Ultimately decision-makers would decide when to publish a new file and how many changes to include. Too many and it may be rejected as too radical and too few it may be seen as insignificant. The scale and frequency of change would be up to decision-makers, delivering a process that empowers decision-makers but also ensures full accountability and transparency.

Decision-makers would always be working on the next update and deciding what to include and what to leave out, yet there would be flexibility to make an immediate change whenever circumstances demanded it. This method of designing, proposing and accepting changes can be seen as analogous to the process of updating software. For

example, when Apple decides to update the iOS operating system on the iPhone they publish a new version of the software and encourage people to install it. This happens every few months but occasionally a problem is discovered and an urgent update is needed. Of course, there are significant differences in the conditions under which organisations develop software and decision-makers develop legislation. The Combined Choice method introduces a democratic component to this decision, by enforcing the option with the most support while utilising an otherwise similar process.

THE RELATIONSHIP BETWEEN CITIZENS AND REPRESENTATIVES

If Combined Choice was used by elected representatives it would change the way that legislation was recorded, proposed and accepted, yet in some key respects, the representative system would remain unchanged. The process of party discipline, whipping and consensus-building would still function in the same way. Parties would make options that their members would support and representatives would compromise to increase their support.

Today, elected representatives only reveal their true preferences

when voting on individual proposals so the picture we get of their political commitments is obscured. Using the Combined Choice method representatives would support a complete body of legislation on an ongoing basis. This choice would be public, so citizens would know what each decision-maker supports at any given time.

Furthermore, the Combined Choice method encourages clarity at stages where the process has suffered from vagueness. In the run-up to an election or referendum, there's little incentive for candidates to elaborate on their campaign promises as their proposals still have to go through the legislative process. This lack of clarity can obscure important details, trade-offs and choices that need to be made. Whether such ambiguity is an unfortunate effect of the system or deliberate cynicism on the part of candidates, the result damages the credibility of representatives and the democratic process.

Instead, the Combined Choice method allows representatives to support one complete body of legislation, rather than voting on individual proposals. Political parties would develop their own body of legislation and when elections took place this

legislation would already be available. Parties could then highlight the virtues of this legislation and the public could scrutinise proposals that have been expressed as complete, concrete legislation rather than vague commitments. These conditions would help to minimise confusion and the perception, fair or unfair, that politicians mislead the public to win elections. In this sense, the Combined Choice method introduces clarity and transparency to the political process and enables a more focused and honest debate.

ADVANTAGES OF THE COMBINED CHOICE METHOD

The primary advantage of this method lies in choosing a defined outcome, instead of defining a process that we hope will produce the right outcome. The Combined Choice method can accommodate the various tools, systems and processes that decision-makers may wish to use. We don't know what these might be, as it is up to decision-makers to experiment and decide, but we suggest that in an advanced, complex, diverse society, the idea that one process can be used to solve all problems is probably naive.

If we ask elected representatives today whether they support all

current legislation, few are likely to say yes. While they have the authority to change the law, the legislative process moves so slowly that vast swathes of legislation remain inadequate or outdated. Combined Choice gives representatives a more direct, less procedural method of decision making and allows them to fully represent their position with a single decision. One way of approaching this is from the perspective of the law. Using the Combined Choice method, the law would always be what most representatives want it to be, and they would be limited only by their ability to develop legislation and persuade others to support it.

Open: Decision-makers may aggregate legislation from various sources, such as citizens assemblies, academic institutions, think tanks or experts, and simply package it together. Using this method, the demand for better results can be supplied by any organisation or group. This can be described as a two-side network as decision-makers have the freedom to propose as well as choose. While the freedom to choose tells us which of the available options is best, the freedom to propose increases the

quality and variety of available options. Competition between decision-makers, each working on their own versions would increase the quality of available options. While to some extent this already happens, the Combined Choice method would increase the quality and clarity of competing ideas.

These different approaches would coexist and compete, as the method cares more about the resulting option and the support that it gains than the process that produced the result. This method presents an opportunity to improve the coordination of knowledge in decision making and accommodate developments in contemporary democratic theory and practice around democratic innovations. For example, there is increasing interest in the use of deliberative mini-publics such as citizens' assemblies, citizen juries, and consensus conferences, to increase the public's voice in decision making and the diversity of views heard by decision-makers. An unresolved issue in these debates is the relationship these processes ought to have with decision making authorities.²² In opening the process this method provides

22 Lafont, C. Deliberation, Participation and Democratic Legitimacy: Should Deliberative Mini-Publics Shape Public Policy? *The Journal of Political Philosophy* 23(1), 2015, pp.40-63.

one potential link between these innovative processes and the role of decision-makers.

Combined Choice would increase the capacity of decision-makers without challenging their role as representatives. This increased capacity would give decision-makers the power to work in ways that reflect the complexity or nuance of our various social, political and economic problems. If elected representatives could develop ideas in new ways, the quality and complexity of legislation could increase to match the demand instead of being capped by the capacity and pace of the legislative process.

Efficient: On the subject of efficiency there is an important distinction to make between what have been described as meaningful inefficiencies, the valuable inefficiencies of democratic decision making, and the unnecessary inefficiencies that arise from limitations in process design.²³ The enforcement of checks and balances on power, the need to secure support from decision-makers, and the

process of engaging multiple stakeholders and deliberating across differences. These can all be considered valuable obstacles to decision making that strengthen the legitimacy and epistemological quality of decisions. Yet we can also observe inefficiencies in the current system that do not add value or strengthen the quality of outcomes, but rather inhibit, stifle and weaken the process. "The rules of the legislative procedure in all Anglo-Saxon countries still retain many features which are survivals of arrangements originally adopted to ensure deliberation, but which have now become only instruments of delay".²⁴

The Combined Choice method has the advantage of being both democratic and efficient as it establishes consensus among decision-makers without limiting who can propose alternative options or how many changes these contain. This simplifies the process and enables faster and more flexible, remote decision making. For example, decision-makers wouldn't have to vote on each proposal but would

23 Gordon, E and Walter, S. Meaningful inefficiencies: Resisting the logic of technological efficiency in the design of civic systems. *The Playful Citizen: Civic Engagement in a Mediatized Culture*. Glas, Lammes, de Lange, Raessens, Vries (eds). Amsterdam University Press, 2019.

24 Lloyd Jones, C. "The Improvement of Legislative Methods and Procedure" in *Proceedings of the American Political Science Association* (10) Tenth Annual Meeting, 1913, pp.191-214.

click a button on their phone to support a new option. This would allow decision-makers to spend more time in their community and adapt to disruptions such as terrorist incidents, natural disasters or global pandemics.

ADOPTION AND TECHNICAL ARCHITECTURE

The previous section outlined the key elements of the Combined Choice method and the main advantages and implications it has for the process of decision making. In this section, we consider the practical process of transitioning to the Combined Choice method and the technical architecture that supports this form of decision making.

ADOPTION

When this method is introduced the existing process is treated as the default option. Decision-makers would acknowledge the option with the most support but in the beginning, this would simply grant authority back to the existing process and the system would continue as normal. When a new file was proposed, it would appear as an alternative option and decision-makers could switch their support from the default to this new option. As they did so, support for the default would drop and support for the new

option would rise, until one overtook the other and this new option was enforced.

Treating the existing process as a default option that must be surpassed ensures a smooth transition from one method to another. In theory, if no option gained enough support the existing process would continue indefinitely. This is an elegant way to transition from a fixed process to a desired outcome that gives decision-makers complete control.

TECHNICAL ARCHITECTURE

The Combined Choice method has four key elements.

- File Format
- Secure Servers
- Vote Application
- Ballot Program

File Format

The “Combined Choice Option File” is a proposed format for organising rules, regulations or legislation in a single digital file. PDF and JPEG are examples of file formats that display information in ways that different programs can read. In a separate document, we describe this proposed file format.

To reduce the file size, this file may link to other files and display a hash value so that files can not be changed after it came into force. A hash is a standardised mathematical process that turns a large data object into a short string of numbers. If the data is altered, even slightly and the process is repeated, the numbers would be different. Technology companies often publish a hash with new software so that users can check the authenticity of the file.

Secure Servers

Each decision-maker would keep a copy of their chosen option at a different location. These locations would be secure servers in different data centres controlled by the authority that issues decision maker with their IP address and login credentials.

Distributing these locations across hundreds of different

secure servers would reduce the attack surface and make it incredibly hard for an attacker to disrupt the system. It may be worth noting that the internet has never gone down due to its decentralised architecture. In addition, decision-makers would support an option on an ongoing basis, so an attacker would have to launch a sustained attack not simply disrupt a single vote. Snyder argues that paper ballots should be used to ensure security and while he’s right in a traditional sense, digital technologies allow us to change the structure of the system in ways that ensure its integrity, rather than simply digitising the existing system.

Vote Application

Decision-makers would use a simple smartphone application to choose one of the proposed options. These options would be listed in order of popularity with a percentage and the option with the most support would be enforced. When a decision-maker chooses a new option, a digital file would be transferred to their allocated server and would replace the file that was there before. This option would have their support until they chose a different option and the file would be replaced again. Decision-makers would use this

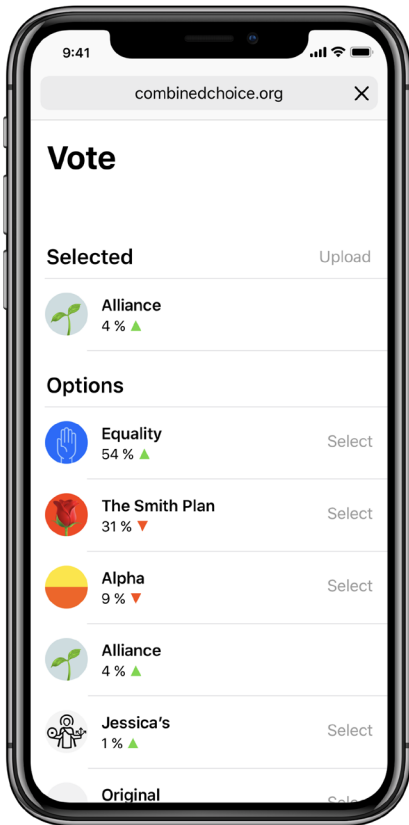


FIGURE 5
MOCKUP OF THE VOTE
APPLICATION

application to connect directly to their secure server and no other party would have access.

Ballot Program

The allocated IP addresses and the decision-makers' names would be entered into the ballot program. This program would constantly query these addresses and calculate the popularity of each option. If a decision-maker selects an alternative option,

the percentage of their previous choice would drop slightly and the percentage of the new choice would rise slightly. The popularity of each option, the choice of each decision-maker and the historical changes in support would be displayed online and could be viewed in real-time. News organisations would chart the fluctuating support for various options and explain the different features to their audiences. For example, "Strong

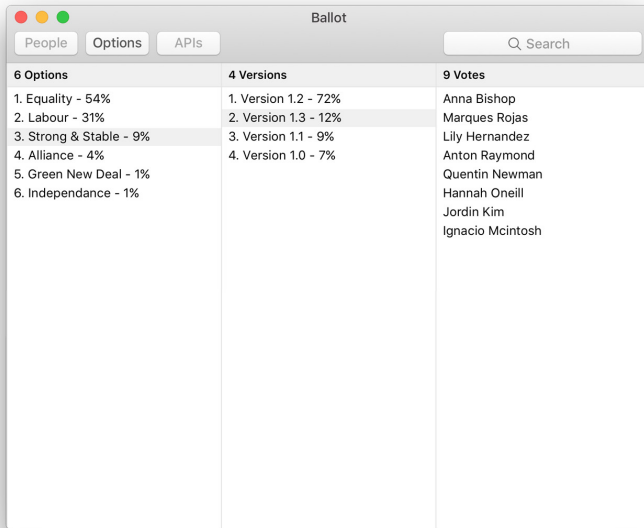


FIGURE 6
 MOCKUP OF THE BALLOT
 PROGRAM

& Stable version 24.1 rose today by 6% and looks set to come into force next week, meanwhile Alliance version 4.7 fell by 8% as a rift emerged between party members.”

CONCLUSIONS

In this paper, we introduce Combined Choice and argue that democratic decision-making can be modernised. This method combines all decisions in one digital file, decision-makers can propose an alternative version of this file, each decision-maker can choose one version, and the file with the most support is enforced. While this method changes the process of decision making it doesn't challenge the authority of decision-makers, revise their responsibilities or introduce a radical alternative conception of democratic legitimacy.

Instead, Combined Choice updates an archaic process and gives decision-makers the power to use diverse sources and innovative processes to develop ideas. Furthermore, the increased transparency and clarity of this method offers an opportunity to build trust and have focused honest conversations. In this sense, rather than challenging decision-makers, the Combined Choice

method is better understood as supporting the work that they do and the relationship they have with citizens.

We began this discussion by reflecting on the challenges that governments face under circumstances of rapid social and technological transformation. Arguably the demands facing governments have never been more complex, the expectation to act quickly, efficiently, and do the right thing in supporting citizens and businesses has never felt higher. The system that decision-makers use to respond to these demands has remained the same for centuries and we should be open to the idea that methods of decision making can change. We can already observe calls for change of various sorts; in political discourse in the media and academia, amongst the voting public, and amongst representatives themselves. In the face of crisis and uncertainty, the solutions that are prescribed can vary greatly in respect to both the interpretation of the problem

and the nature and extremity of the remedy. What we propose is not a panacea, and it is not a radical reorganisation of power or principle. Rather, Combined Choice can be understood as a modern innovation that supports decision-makers in their work, increasing their capacity to find solutions, draw on expertise, and build trust with citizens.

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