Advice Not Taken: Canadian Citizen Assemblies and Subsequent Referendums

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Abstract

The citizen assembly in the province of British Columbia (2004) has drawn enthusiastic attention from proponents of deliberative democracy. Its recommendation in favour of a more proportional electoral system was approved by a majority of voters in 2005, but by less than the required margin. However, subsequent efforts to pass the recommendation, as well as a similar attempt in Ontario, all lost decisively. Similar efforts in the province of Prince Edward Island also failed. Most scholarship has attributed the referendum losses primarily to lack of information among the voters. Using surveys and official vote returns, however, we show that partisanship played the decisive role. Minor-party voters would have benefited from electoral reform and they generally supported it, while major-party voters, who would have been harmed, largely opposed it and drove it to defeat. Thus, the electorate behaved in ways very familiar from empirical studies of voting but quite different from their assigned role in models of the citizen assembly process. In consequence, the Canadian evidence raises major questions about the intellectual foundations of deliberative democratic theory.

Introduction

Among the most important developments in political theory in recent decades is the "deliberative turn." Dissatisfied with the performance of both legislatures and direct democracy, theorists have promoted open, respectful communication and egalitarian reasoning together as an alternative. The modern theoretical work stems from Habermas (1984), and empirical studies begin with Mansbridge (1980). The literature has rapidly become far too extensive to cite here. "No subject has been more discussed in political theory in the last two decades than deliberative democracy" (Gutmann and Thompson 2004, vii). Dryzek (2010) gives a broad-ranging, laudatory overview. The discussion continues, exemplified by the Summer, 2017 issue of *Daedalus*, the 948-page volume, *Oxford Handbook of Deliberative Democracy* (Bächtiger 2018), and the recent review by Bua and Bussu (2023).

To institutionalize deliberation in political life, theorists have proposed a variety of procedures, including deliberative polling (Fishkin 2018). In addition, a great many local governments and organizations have organized formal or informal deliberations among citizen groups to get advice on public decisions or to advise the citizenry on forthcoming ballot measures (OECD 2020). However, the longest-lasting and most formalized deliberative institution is the citizen assembly, a group of ordinary citizens meant to be representative of the population at large.¹ After meeting repeatedly over a period of months, advised by experts, they make recommendations on an issue of public policy and convey their reasoning to the public in a formal report. A popular referendum often follows, sometimes binding on the government, in which citizens are meant to have the assembly's detailed, thoughtful, unbiased advice, coming

¹ These deliberative bodies are variously called "citizen assemblies," "citizens assemblies," and "citizens' assemblies." Following Fournier et al. (2011) and for the sake of simplicity, we have chosen the first option except when the assembly's official title differs or when we are quoting an author who uses another term.

from people like themselves, as a guide to their votes (Warren and Gastil 2015). By eliminating the influence of political parties and the legislature, better policy decisions are expected to result.

Citizen assemblies were pioneered in Canada in the early 2000s, dedicated to assessing the need to change provincial voting systems in British Columbia (BC), Ontario, and Prince Edward Island (PEI). The assemblies have received widespread favourable attention from both theorists and governments around the world, especially the first one, the 2004 British Columbia Citizen' Assembly. (Among many examples of favourable international interest, see Goodin and Dryzek 2006; Pettit 2010, 431; Setälä and Smith 2018, 308; OECD 2020, 36.) Yet, the results have been quite disappointing. In BC, three different popular votes on electoral reform have occurred. In the first, the proposal of the citizen assembly received a majority, but less than the 60% required by the province. In a subsequent referendum on the same topic in 2009, the proposal of the citizen assembly was soundly rejected by 61% of the electorate. A closely related referendum in 2018 was also beaten 61-39 (Pilon 2010, 86; CBC News 2018). In Ontario, the proposal from their 2006-2007 citizen assembly lost 63-37, and in Prince Edward Island, three separate votes have resulted in derisory turnout, or a loss for the assembly's proposal, or both. In all three provinces, no provincial electoral rules have changed.²

In this paper, we study the dreary record of referendums on Canadian citizen assembly recommendations. To do so, we gathered evidence from various sources, including (1) the public opinion surveys done by Fournier et al. (2012) and Crête et al. (2007) in connection with the referendums, (2) electoral and referendum returns at the polling station level for a twenty year period as reported by the respective provincial election agencies, and (3) elite interviews

² Initial steps toward electoral reform were also undertaken in Quebec and New Brunswick, but no referendums have occurred, and the electoral system remains unchanged in them as well (L'Écuyer and Lemay 2006; Commission on Legislative Democracy 2016, 5).

with an informal sample of current and former party leaders active during the referendums in BC and Ontario.

As we will show, the standard scholarly view is that the voters should have adopted the admirable proposals from the citizen assemblies, but they were too poorly informed to do so. By contrast, we argue that the voters are not much like their image in deliberative democratic theory. Instead, most voters understood their partisan interests perfectly well and voted accordingly, as voters generally do. Voters who supported major parties, which stood to lose legislative seats under the citizen assembly proposals, drove electoral reform to defeat.

The result is a quite different history of the Canadian citizen assembly process, one in which group interests play a substantial role. That presents a challenge to the assumptions that underlie the use of citizen assemblies. We begin by setting out the history of the BC, Ontario, and PEI citizen assemblies and the subsequent referendums. Subsequently, we review past explanations, discuss their shortcomings, and present our argument that voter partisanship underlies the failure of electoral reform in Canada.

British Columbia

In the 1996 general election in British Columbia, the Liberal Party outperformed the New Democratic Party (NDP) 42% to 39% in the province-wide popular vote. However, plurality rule in local constituencies awarded just 33 seats to the Liberal Party, while the NDP achieved a parliamentary majority with 39 seats. Five years later, after an "increasingly turbulent" term in office (MacDonald 2005, 1), the NDP was beaten badly at the polls and reduced to just two seats in the 79-seat provincial parliament in spite of having garnered 22% of the vote. The Liberals controlled the other 77 seats.

These two elections, one with a "wrong winner" and the other with a too-powerful majority party, provided impetus for reform. The two main parties, each with a recent grievance against the electoral system, were open to change. The Green Party, which had gotten 12% of the vote in 2001 but no seats, was even more enthusiastic. The Liberal government's proposal to create a citizen assembly to study the problem passed the legislature unanimously. A budget of \$5.5 million was allocated (Warren and Pearse 2008, 9).

The citizen assembly was duly constituted. It met for nearly all of 2004, with initial study, then presentations by experts, followed by public consultations. It ended with a deliberation and decision phase. The single transferable vote system (STV), the electoral rule used in Ireland and Malta, rose to the top as the best alternative. In the end, the assembly voted 142 to 11 to replace plurality rule with STV. A report was written, with a summary sent to every household in the province (Citizen's Assembly on Electoral Reform 2004a, 2004b; Fournier et al. 2011, 7-8, 44, 128; Ratner 2004, 2005). All parties were officially neutral (Fournier et al. 2011, 131). However, as noted earlier, the ensuing 2005 referendum failed to attain the 60% threshold needed to pass.

Before the 2005 referendum, the provincial government sent each voter an informational brochure, but did nothing more. No provincial funds were allocated to inform the voters. Some individual politicians expressed themselves, but the parties took no position, nor did other prominent British Columbia organizations. "The dominant impression was of *silence*" (Cutler et al. 2008, 169; italics in original). The voters were left with little information and few cues about how to vote. Ironically, it is this first BC referendum, conducted in an informational desert with public communication nearly absent, that is most praised by deliberation theorists. In it, the citizen assembly's recommendations came close to passage. The subsequent referendums in BC

and Ontario, with more provincial funds for publicity, a better-informed citizenry, and more public deliberation, but with the electorate decisively rejecting the recommendations of the citizen assembly, often go unmentioned (for example, Pettit 2010, 430; Fishkin 2018, 174; and Landemore 2020, 175, fn. 35).³

Two subsequent BC votes were held in 2009 and 2018. To improve public understanding, half a million dollars in provincial funds were allocated to each side for publicity both times. In each year, the BC government also funded a "Referendum Information Office" with a website and a call centre, which distributed a pamphlet to everyone and placed advertisements across the province on how to vote in the referendum (Ministry of Attorney General 2008; Elections BC 2018). In 2009, the Liberals and NDP were again officially neutral; the Greens shifted to supporting the referendum (Fournier et al. 2011, 131). The outcome was just 39% support for the referendum.

After the 2017 election, an NDP-Green coalition government took power with a very narrow majority in the legislature. Under a proportional system, those two parties would have had a dominant majority of seats. Seeing that opportunity, the new government in BC held another electoral reform referendum in 2018, lowering the winning threshold to 50% (Palmer 2018). Along with the Green Party, they explicitly supported electoral change; the Liberals were opposed (McElroy 2018). Following Lea's (2006) suggestion, voters were first asked whether they favored a more proportional system or the status quo, then they voted on which proportional system they favored. This framework maximized the "yes" vote by allowing voters who favored

³ Some of the same authors also often complain that the 60% threshold was unreasonable. However, when an unattractive outcome like Brexit occurs with a tiny majority, deliberation theorists have been known to make the opposite argument: "Holding referenda with a 50 percent majority on important substantive policy issues with substantial yet unknown long-term results is a misguided remedy to the ills of liberal democracy" (Offe 2017, unpaginated online). Similarly, Canada's 2000 federal Clarity Act requires a supermajority for future sovereignty votes in Quebec (Taylor 2019).

some sort of electoral proportionality to support that position even if they disagreed with the particular proportional rule that the citizen assembly favored. As in 2009, however, the proposal to change the status quo was beaten badly, again with only 39% support, making the outcome of the second vote on choice of proportional rule irrelevant (Fournier et al. 2011, 39-40; MacLeod 2018; Electoral Reform Referendum 2018 Act; Chief Electoral Officer 2019, 1).

Ontario

The Ontario citizen assembly proceeded in much the same way as the British Columbia assembly before it. Prior electoral anomalies led to the establishment of a citizen assembly by the provincial parliament. It met from September 2006 to April 2007, with learning, consultation, deliberation, and decision phases (Ontario Citizens' Assembly Secretariat 2007). By a vote of 86-16, it decided on a mixed-member proportional (MMP) system to replace plurality rule (Citizens' Assembly on Electoral Reform 2007; Fournier et al. 2011, 45).

The recommendation was transmitted to the voters for a binding referendum in October 2007, again with a 60% majority required for passage. Elections Ontario, the provincial election administration agency, was allocated \$6.8 million as a publicity budget (Perella et al. 2008). The Liberals were officially neutral, while the Progressive Conservative (PC) party opposed, and the NDP and Greens supported the referendum proposal (Stephenson & Tanguay 2009b, p. 14). In their editorial coverage, the *Globe and Mail* and the *Toronto Star* emphasized the standard arguments against proportional systems like MMP (LeDuc et al. 2008, LeDuc 2009). In the end, the voters decisively rejected MMP 63%-37% (Fournier et al. 2011, 6, 128; *Ottawa Citizen* 2007). No subsequent referendums on electoral reform have been held in the province.

Prince Edward Island

Nearly all the discussion of citizen assemblies in Canada has focused on British Columbia and Ontario. However, the province of Prince Edward Island, having also experienced disproportionate seats-votes ratios (Cousins 2002-2003), appointed a former provincial Chief Supreme Court justice in 2003 to recommend a new electoral system. At the end of that year (before the British Columbia or Ontario citizen assemblies), he proposed MMP, to be studied by a citizen assembly (Carruthers 2003). In a very small, homogeneous province with a limited budget, a group of just eight citizens were appointed.⁴ They held discussions around the island and fleshed out a referendum proposal. The two dominant parties (Liberals and Conservatives), who had jointly received 97% of the vote in the most recent provincial election, were both opposed to the referendum (Elections Prince Edward Island 2003; McKenna 2006). The PEI electorate voted in a November 28, 2005 referendum, six months after the British Columbia referendum. Publicity was only modest (Lea 2006). Turnout was a depressing 33% in a province where provincial election turnouts almost invariably exceed 75%. The switch to MMP attained only 36% support (Special Committee on Democratic Renewal 2015, 5, 7-8).

In 2016, the province decided not to hold another direct referendum on the citizen assembly proposal and instead asked voters which of five electoral systems they would prefer. This time the province spent nearly \$1 million on publicity (Desserud and Collins 2017). Alternative vote (ranked choice) was used. MMP trailed plurality rule in the first four rounds, but then bested it by 52%-43% in the fifth and final round of counting, with some ballots

⁴ Some have argued that eight members are too few to constitute a genuinely representative citizen assembly. They are free to ignore the PEI experience; Islanders are accustomed to that. We ourselves are reluctant to confine citizen assemblies to big, rich jurisdictions that can afford larger deliberative bodies, and we note that the PEI assembly arrived at exactly the same recommendation as the larger and more opulently funded Ontario version that followed it.

discarded due to their ranked alternatives having already lost. In this informationally demanding referendum, more than 20% of the voters listed only their first choice, defeating the purpose of ranked voting. Average turnout was again dramatically low (36%), though higher in the capital of Charlottetown, which favored MMP, and as low as 25% in the rural districts, which favored the current plurality system (Elections Prince Edward Island 2016, 21, 22). The result was set aside by the government (Sinclair 2016).

In the 2017 provincial election, the Liberals won two thirds of the 27 seats with just 41% of the vote. The minor parties had grown much stronger electorally, but the Greens got one seat with 11% of the vote, and the NDP, also with 11%, was shut out. The disproportionality led to five members of the legislature being appointed in 2019 to revisit electoral reform. Though not a citizen assembly, they again consulted experts and held extensive public hearings (Special Committee on Democratic Renewal 2015, 8-14). Another referendum followed later in the year, held in conjunction with the provincial election to get voters to cast ballots on the referendum. This referendum copied the recommendation of the citizen assembly in 2005: it pitted MMP against the current system. The province allocated \$75,000 to each side for publicity, and an information office was established similar to the one in British Columbia. The Liberals were officially neutral, while the Greens and NDP predictably supported a yes vote. The major-party Tories, perhaps unhappy about their seat share in the 2017 election, also supported reform (Desserud 2019-2020, 137). Turnout was 78%, close to equal across the island, but just slightly higher in rural areas as usual. As one would expect from the 2016 referendum results, with more equal turnout MMP narrowly lost by 52%-48% (Referendum Commissioner 2019; Elections Prince Edward Island 2019).

Why Did All the Referendums Fail to Change Policy?

The reasons for all these referendum failures are complex, as electoral causation always is. (Pilon 2010 reviews the extant literature.) However, a general consensus has developed. Most studies of the referendums in BC and Ontario have concluded that voter ignorance was the principal cause (Cutler and Fournier 2007; LeDuc et al. 2008, 41-46; Pilon 2010, 85; Fournier et al. 2011, 136; but see Stephenson and Tanguay 2009). Surveys have shown that voters better informed about the citizen assembly tended to vote for it in both provinces, while those less informed were opposed. Local observers have suggested that similar forces were at work in PEI (McKenna 2006).

The strongest evidence for this view is laid out by Fournier et al. (2011). They interviewed most of the participants in both the BC and Ontario citizen assemblies. They also conducted pre-referendum surveys of the vote-eligible population in both provinces, once in Ontario and once before each of the first two referendums in BC. Thus, they could observe the evolution in the thinking of assembly participants and then track the reception of the assembly's arguments by ordinary citizens. They also studied media coverage of the referendums. This impressive, far-ranging research project has few recent equivalents in any other country. This paper would have been impossible if Fournier et al. (2011) had not set the intellectual agenda, conducted an enormous data-gathering exercise, and then generously shared their data with us. Our respect for their achievement is immense.

After mentioning other causes of the referendum failures, Fournier et al. (2011, 153) remark, "In Canada, the central impediments to electoral reform stemmed from low levels of

information among the electorate." The same point is stressed throughout the book. They summarize their statistical simulations by saying:

"a lack of information remains a central explanation for the referendum failures....If all voters had behaved like those who knew something about MMP/STV and the assembly—not the perfectly informed, just those who were somewhat knowledgeable about the proposal and its source—then the votes in favour of change would have averaged an extra 21 percentage points in the three referendums." (Fournier et al. 2011, 136).

Hence, they conclude: "We would argue that much more information needs to be provided to the electorate both before and during the campaign. This extra information should increase the probability of a thoughtful public vote" (Fournier et al. 2011, 155). Many other scholars have adopted the same view.

Knowledge about the Referendums: The Tesla Problem

The evidence in Fournier et al. (2011) that in both provinces more information about the citizen assembly and its proposal was correlated with support for electoral reform is overwhelming and beyond dispute. However, we are uncertain whether the correlation is also causation. The inferential challenge here is what we will call The Tesla Problem.

Suppose that we survey people who do not own any of the electric vehicles manufactured by the Tesla corporation. We find that most people know very little about Teslas. However, some people know a moderate amount, and a few know a great deal. Then we interview the same people a year later, asking them whether they have purchased a Tesla. Of course, Tesla purchases will be strongly correlated with respondents' information levels of a year earlier. People who know nothing about Teslas are unlikely to buy one, while those already highly

interested and informed will be more likely to purchase the vehicle. Early adopters come disproportionately from the ranks of the informed. As Rogers (2003, 172) noted in his famous study of adoption of innovations, faced with a new product, interested people engage in "an information-seeking and information-processing activity, where an individual...is motivated to reduce uncertainty about the advantages and disadvantages of an innovation." If we estimate a statistical model, high prior information will predict buying a Tesla. But it by no means follows that giving everyone the same level of information will cause them to buy the same car. At least in part, the desire to purchase the vehicle causes the information level, not vice-versa.

The Tesla Problem raises concerns about the evidence in Fournier et al. (2011) on information and support for the citizen assembly proposals. Early adopters of a proposal like proportional representation will know more about it than most people, simply because they are motivated to learn more. Thus, information levels will statistically predict support for electoral reform. Fournier et al.'s (2011) statistical simulation of support for reform in a better-informed environment simply divides the population into covariate subgroups, and then within each one, it applies the results from the currently well-informed to the less-informed remainder of the group. However, subgroup by subgroup, that is the same approach as assuming that if everyone became as well-informed as Tesla purchasers, more people would buy one. The result of such a simulation will be an exaggeration of the potential support for electoral reform in a betterinformed electorate, potentially a rather large upward bias.

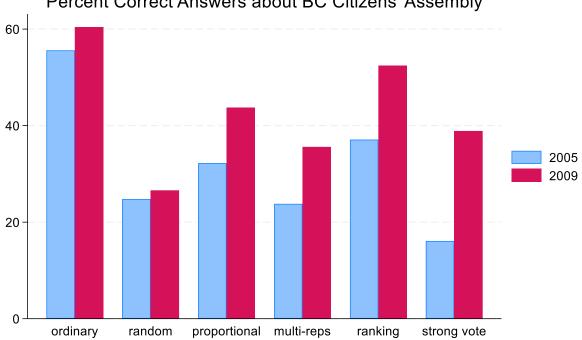
The technical problem here is that information about the citizen assembly and its proposals is not randomized. Instead, people *choose* their level of information, partly in response to their enthusiasm for changing the electoral rules. Hence, information is endogenous. One does not get the right value of its causal effect by entering it into a regression as an

explanatory factor, nor in using it to forecast electoral outcomes under other conditions. The problem is noted in a footnote by Stephenson and Tanguay (2009, 24, fn. 31, and 34), whose simulations of a well-informed electorate produced a loss for the Ontario referendum--the opposite outcome from that of Fournier et al. (2011).

If the best prior evidence connecting information levels to referendum outcomes is unpersuasive, as we suggest, then how can we assess the impact of information levels in these referendums? The critical step is to compare whole populations, not self-selected subgroups who differ in their chosen information levels. Happily, Fournier et al. (2011) surveyed British Columbia twice, once before each of the 2005 and 2009 referendums. Thus, we have a time series of two cross-sections, and we can compare overall information levels with outcomes, a very simple difference-in-differences design. Here and throughout this paper, we use the survey weights supplied. The listed sample sizes are the unweighted Ns. All survey variable definitions are given in supplemental appendix 1.

Crucially, it turns out that BC citizens were *better* informed about the assembly and its recommendations in 2009 than in 2005, as one would expect from the greater expenditures on publicity. Fournier et al. (2011) asked numerous identical questions of their survey respondents before each of the two BC referendums. Six of those questions were purely factual: Were the assembly members ordinary citizens? Was the choice of assembly members random? Would the new system lead to more proportional outcomes? Would voters be represented by more than one person under the new electoral system? Would voters have to rank candidates under the new system? And was the vote in the citizen assembly favouring the new system a strong majority? The proportion of all respondents answering these questions correctly at each of the two time periods is shown in figure 1, in the same order as listed here. On all six questions, people were

more knowledgeable in 2009 than in 2005, often dramatically so. If greater information about the proposed reform had produced greater support, then all else equal, the 2009 referendum should have soared above the 58% support it received in 2005 and passed easily. Instead, it was soundly beaten.



Percent Correct Answers about BC Citizens' Assembly

Figure 1. Knowledge levels about the referendum in British Columbia in 2005 (N=2643) and 2009 (N=1038). Don't know and refused counted as wrong answers. Each of the six individual year differences significant at .05 except "random." Seemingly unrelated regressions test that all six year differences equal zero: significant at .001. Data source: Fournier et al. (2011).

Why did greater information not produce greater support? It turns out that in each of these two years, better-informed citizens continued to be more likely to favour the reform proposal than those who were not as well informed. How much of the effect is due to information causing support and how much to the Tesla Problem is impossible to say with available evidence, but the correlation is clear. Define information level as the number of correct answers to the questions shown in figure 1 (a range of 0-6). Then, figure 2 shows that support for reform in 2009 dropped almost uniformly from 2005 across information levels. Voters were

better informed about the referendum in 2009, but high information about it did not generate the same level of support for reform that it had in 2005. Some other consideration had clearly emerged in voters' minds. The result is that the reform proposal took a beating.

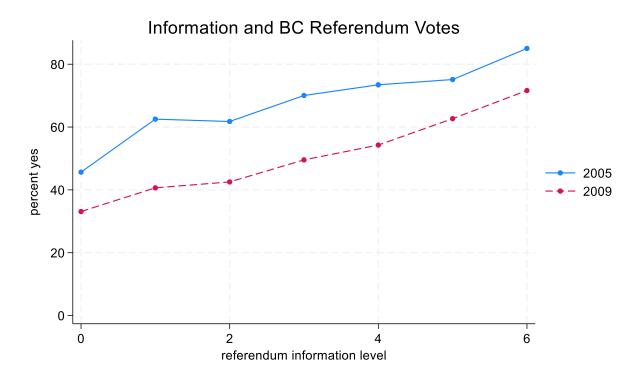


Figure 2. Vote for the electoral reform proposal by information levels about it, British Columbia 2005 and 2009. Undecided, refused, abstaining votes omitted. Ns for information levels for 2005 (left to right) are 250, 274, 155, 194, 225, 169, 128 (total = 1395) and for 2009, they are 100, 137, 102, 119, 119, 84, 52 (total = 713). In regression or probit analysis, each with or without parallel-slopes, the dummy variable for the year difference is significant at .001 (N = 2108). Data source: Fournier et al. (2011).

Other Proposed Causes

Reasons other than low information have also been proposed as the cause of shrunken support for electoral reform in BC in 2009. Reasoning within the deliberative-theory framework supporting citizen assemblies, observers have supposed that lower support in 2009 must mean that the assembly "was no longer in the public's consciousness," and that voters had forgotten all about it and its recommendations (Setälä and Smith 2018, 309). Similarly, Pal (2012, 280) states that by 2009, "public interest in reform had already waned. Whatever trust voters had in the deliberations of the Assembly in 2004 was gone by 2009." Relatedly, Dryzek (2010) notes that in 2009, the referendum question on the ballot did not explicitly mention the Citizen Assembly. Hence, he supposes: "With less reason to trust the STV campaigners, only 41 (*sic*) percent of the voters supported STV this time around."

Pal (2012) and Dryzek (2010) list no evidence or citations for their assertions. Setälä and Smith (2018, 309) give two citations, one of which was published a year before the 2009 referendum and thus does not speak to 2009 information levels. The other reference is to Warren and Gastil (2015), whose only evidence on the point is a citation to Carty et al. (2009), who show that information about the assembly and interest in the referendum both *rose* in 2009.⁵

Similarly, the argument that a decline in trust in the citizen assembly caused the drop in support for electoral reform in 2009 is best assessed by comparing trust levels between 2005 and 2009 in BC. It turns out that, contrary to the critics' suppositions, the percent trusting the assembly actually rose slightly, from 40% to 42%. But the more important point is that trust is endogenous in the same way that information level is. A simple way to decide whether I trust a group is to see whether they agree with my interests on the issue. If yes, then, of course, I trust them. And if not, then, no, I do not trust such a misguided group.⁶ Hence, to honestly assess the impact of trust, we must look at changes in trust from 2005 to 2009 by partisan group. If trust in the citizen assembly was lower in all partisan groups, then a secular decline in trust occurred, as

⁵ Setälä and Smith's factual misjudgment may have arisen from Carty et al.'s (2009) remark: "In 2009, the influence of the Citizens' Assembly all but evaporated. Decisions were primarily determined by views on the substance of STV." However, "influence" is a reference to the regression coefficient for the impact of citizen knowledge on the vote (see Fournier et al. 2011, 136), which is irrelevant to the claim that voters were less informed, less interested, or less trusting of the citizen assembly in 2009 than they had been in 2005. In fact, the opposite is the case. This error in statistical interpretation is the only backing for Pal (2012) and Setälä and Smith (2018) on this point.

⁶ Said more technically, in a cross-sectional survey, trust is a post-treatment variable, assessed after the citizen assembly recommendation is known. Used in a regression equation, therefore, its coefficient will be biased—upward in this case.

Pal (2012, 280) supposes. But if changes in trust differ considerably by partisan group, then trust is likely caused by partisan interest.

Figure 3 displays the result. Partisans were statistically indistinguishable from each other in 2005, but by 2009, supporters of the parties that stood to gain seats in the provincial legislature were *more* trusting of the citizen assembly, while those whose parties stood to lose seats were *less* trusting. The resulting 2009 party differences become statistically significant. This is just the pattern one expects if trust was influenced by partisan self-interest, but it is far from what one would see if trust in the assembly had declined generally with the passage of time.

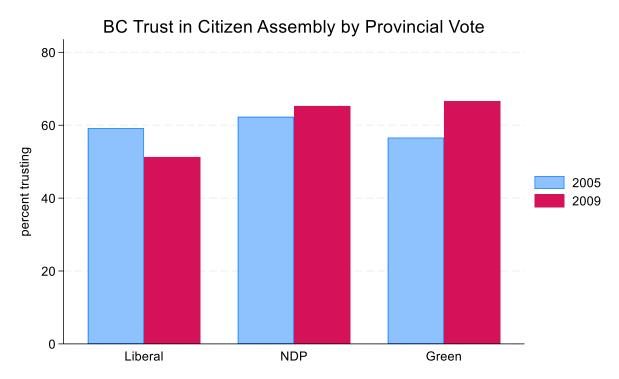


Figure 3. Change in trust in the BC citizen assembly over time (don't know and refused omitted), by provincial vote for those with a top-three party preference. Party differences in 2005 not significant in Pearson test; in 2009, the differences are significant with Pearson p < .02. (Ns left to right: 601, 255, 443, 193, 117, 59.) Data source: Fournier et al. (2011).

Only one referendum took place in Ontario, so that over-time comparisons are impossible. However, we can compare less and more politically sophisticated citizens in their trust in the citizen assembly. Our measure of sophistication is the standard one pioneered by Zaller (1992, 333-345)—the ability to answer factual questions about current politics, such as "Do you recall the name of the current leader of the federal Conservative Party?" Or "Do you recall which level of government has the PRIMARY responsibility for health, education, and social welfare?" We will refer to the number of correct answers (0-4) as our index of "general political knowledge." (Don't know and refused are counted as incorrect answers.) This measure has the advantage that it is not subject to the Tesla problem: for example, favouring or opposing provincial electoral reform does not motivate respondents to learn the name of the federal Conservative leader.

Figure 4 shows the relationship between trust in the citizen assembly and political knowledge. We display the relationship by partisanship, since after some earlier negative findings, Canadian partisanship has now been shown to have a powerful effect on voting behaviour (Bélanger and Stephenson 2014). For those with little knowledge, partisanship makes no difference: the assembly is seen favourably. As political information rises, NDP partisans continue to be favourable; after all, the citizen assembly supports their interest. But for every other partian group in Ontario, whose interests were not clearly supported by the assembly recommendation, greater sophistication about politics leads to a *decline* in their trust in the assembly. This is, of course, just the reverse of the role that additional political sophistication plays in the theory of citizen assemblies: greater informational sophistication makes it easier for voters to use their partisan interests to determine whether they should trust the assembly.

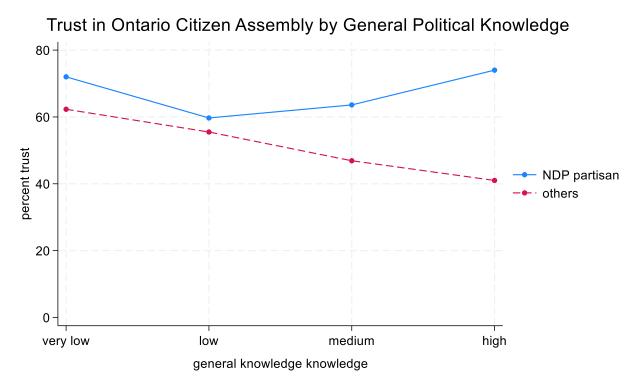


Figure 4. Trust in Ontario citizen assembly (don't know, refused omitted) by general political knowledge. Ns for NDP partisans, from left to right: 41, 34, 23, and 24. For other respondents, Ns are 324, 277, 249, and 217, respectively. Test that the two means are identical: p<.01. Test that the slope for non-NDP respondents is zero (linear fit): p < .001 using either regression or probit. Data source: Fournier et al. (2011).

In sum, figures 3 and 4 show that there was no consistent 2009 loss of trust in the citizen assembly in BC, and that among 2007 major-party voters in Ontario, the more they knew, the less they trusted the citizen assembly. These facts make it difficult to claim that a forgetful or poorly informed electorate increasingly lost trust in the citizen assembly and thus defeated the referendums. Instead, trust went up or down for different voters in a pattern consistent with their vote choices. And the more the voters knew, the stronger that relationship became.

If neither declining interest nor declining trust in the citizen assembly was the cause of the losses for electoral reform, then what was the cause? We have already suggested that partisan interests were important to the voters, and we explore that topic further in the next section.

Partisanship in the Referendum Votes

As part of this project, we interviewed several current and former prominent figures in each political party in BC and Ontario to collect their views on the referendum process in their province (see supplemental appendix 3). They were unanimous in emphasizing that the political parties had a major stake in the referendums and were highly invested in the outcome, even when they officially stood on the sidelines. One might suspect, then, that their supporters in the electorate would also feel that their interests were at stake in the referendums, and thus that partisanship would play a substantial role in their vote.

Major parties under the new electoral rules would likely have seen their legislative seat totals decline relative to their numbers under first-past-the-post rules. Thus, partisans of the major parties, the Liberals in BC and the Liberals and Progressive Conservatives (PCs) in Ontario and PEI, might understand their self-interest and vote no. By contrast, the two smaller parties in Ontario and PEI, the NDP and the Greens, had much to gain from the electoral reform, and their partisans might vote yes. As noted earlier, supporters of the BC NDP, a larger party but a frequent second-place finisher, had partisan reasons to support a proportional system, too. Hence, we include them among the minor parties, those who would benefit from proportional electoral rules.

Surprisingly, however, prior discussion of the referendums has given only cursory attention to party loyalty and partisan interests, with the important exception of Stephenson and Tanguay (2009). However, even Stephenson and Tanguay (2009, 20), who give evidence of partisan effects on the referendum vote, decide in the end: "The results in table 8 indicate that partisanship, as well as specific knowledge of the preferred outcome of a party, had little effect on the outcome of the referendum vote."

In parallel with Stephenson and Tanguay (2009), Fournier et al. (2011, 111, 141), in their discussion of the first two BC referendums and the Ontario referendum, write: "With respect to the political parties, our findings are absolutely unequivocal. The parties were strikingly absent from the whole process," and "all three Canadian referendum campaigns unfolded without the contending political parties discussing the reform proposals in any meaningful way." They extend this argument to the voters: "Citizens, like assembly members, were not swayed by partisan sentiments when it came to passing judgements on electoral systems" (Fournier et al. 2011), 132). As we have seen, these authors regard low information as the cause of the lost referendum votes, not partisanship. In this regard, they are hampered by measuring partisanship only as dichotomous membership in Ontario and by not having measured partisanship at all in their BC surveys from either 2005 or 2009.

Our view is just the reverse of Fournier et al.'s (2011) argument. We believe that the evidence for the impact of partisanship in these elections is clear and persuasive. The pioneering study is by Foster (2008), who compared the 2007 Ontario referendum vote in provincial ridings with the party share of the vote for the provincial parliament. The result was a clear relationship: The higher the vote for the minor parties (NDP, Greens, and others), the higher the vote for the referendum.

We have expanded on her work by collecting electoral and referendum returns for Ontario at a more detailed level—individual polling stations (the smallest unit for which data exist). We also collected similarly detailed returns for BC in 2005 and 2009 and for PEI in 2019. The total number of observations exceed 7,500 in the 2005 BC data, 9,500 in the 2009 BC data, 25,000 in the 2007 Ontario data, and 250 in the 2019 PEI data (reflecting the smaller size of the province and the lesser number of polling places). Each observation for these matched elections

and referendums represents a group of a few hundred voters from a given neighbourhood. For BC in 2018 (a mail-in ballot), only returns at a higher level of aggregation (electoral districts) were available. This restriction resulted in 87 observations. The first two PEI referendums had dramatically low turnout and were not held concurrently with a provincial election, so that their polling station results cannot be matched with party choice returns from the same voters. Hence they are excluded.

In all these cases, we merged referendum returns with electoral results (see supplemental appendix 2 for data sources and coding details). Hence, we can assess how the referendum vote varied with the partisan composition of neighborhoods.

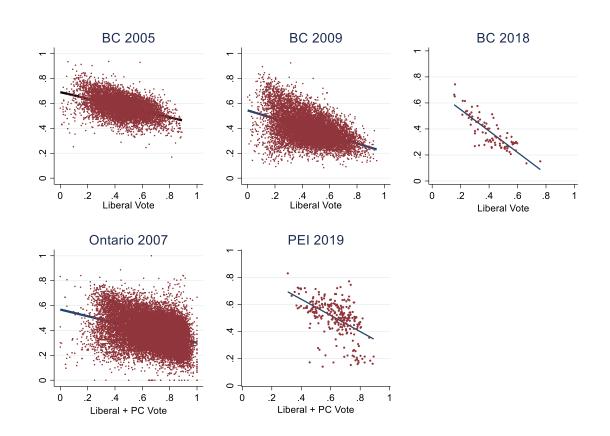


Figure 5. Fraction yes vote on electoral reform referendum as a function of total provincial vote for major parties. Ns left to right, top to bottom: 7572, 9685, 87, 26801, 267. All regression slopes significant at .001. Data source: provincial election agencies (see supplemental appendix 2).

Figure 5 displays the relationship between referendum votes and major-party provincial vote by electoral unit for the three BC referendums, the Ontario referendum, and the 2019 PEI referendum.⁷ The figure shows a remarkably consistent pattern. In each province, support for the referendum at each polling station dropped steadily as the number of major-party voters rose.⁸ These were the people likely to see their preferred party lose the most provincial legislative seats under the electoral reform proposal.⁹ Even in 2005, left on their own to sort things out, many BC Liberals had surmised that they had no stake in reducing their provincial representation.

These findings are strongly supported by the survey data collected by Fournier et al. (2011). Figure 6 shows that in the information vacuum of 2005, BC Liberals backed electoral reform, although their support was the lowest among the three major parties. By 2009, with better information, they were in open revolt against changing the electoral rules (as noted by Carty et al. 2009). Thus, what greater information in 2009 produced was not support for the citizen assembly, but rather greater support for the electoral interests of each voter's own party.¹⁰

⁷ Vote shares for these plots are taken from the provincial election held simultaneously with the referendum. The plots look virtually identical if the nearest different provincial election with the same electoral boundaries is used instead. (See the supplemental appendix 2.)

⁸ Note that we treat the PEI Tories as a major party benefiting from the current electoral system, which they are, in spite of their leader having supported the reform referendum. As noted above, party advice is not the central consideration for voters in these referendums. Indeed, treating the PEI Tories as if they had an interest in proportionality (making the Liberals the only major PEI party) reduces the correlation with the PEI referendum vote in figure 5 from .60 to .44. Note also that the string of highly negative districts at the bottom of the PEI 2019 plot all come from rural areas at the two ends of PEI, whose parliamentary representation would have been reduced under the referendum proposal.

⁹ For reasons we have laid out, the BC NDP was sympathetic to electoral reform in 2005 and 2009, though officially neutral. They explicitly supported a yes vote in the 2018 referendum.

¹⁰ Figure 6 shows the problem with another effort to explain away the 2009 result. On that argument, "wrong winner" and disproportionate results (one harming each of the parties) had occurred in BC prior to the 2005 referendum, but not since then, and so the voters lost interest in reform by 2009. A similar case is made to explain the 2005 Ontario outcome. But the figure shows that NDP and Green support dropped only a little in BC in 2009. The big drop occurred among Liberals, making partisanship the far larger effect.

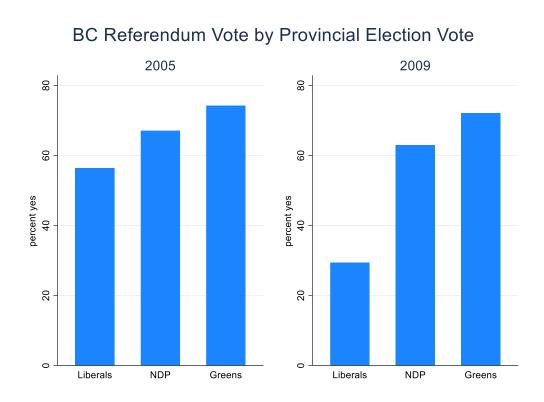


Figure 6. Support for electoral reform in British Columbia in 2005 and 2009 (undecided, refused, abstaining votes omitted) by provincial vote. Pearson test of year change in Liberal referendum vote significant at .001. (Ns left to right: 433, 314, 89, 222, 165, 47). Data source: Fournier et al. (2011).

The 2007 Ontario referendum results show an even starker effect of partisanship. A survey of that province by Crête et al. (2007) has a full partisanship measure with weak identifiers and leaners, which the Fournier et al. (2011) data do not. Crête et al. (2007) has the additional advantage that its survey is post-election, so that respondents reported their votes rather than their intentions. We display the Crête et al. results in figure 7, again using the survey weights supplied. (Variable definitions for this data set are given in appendix 1.) Whether we measure partisan self-interest by provincial vote or, more plausibly, by the longer-term interests represented by partisan affiliation, the results are the same as in British Columbia. Partisanship is powerfully related to the referendum vote.¹¹ Simply stated, if voters supported the NDP or the

¹¹ The relationship of the Ontario referendum vote to the provincial vote is quite similar in the Fournier et al. (2011) survey, though the latter have NDP voters somewhat more favorable to the electoral reform than Green voters. In addition, including leaners in figure 7 (and figure 8 below) produces the same patterns.

Greens, they were likely to back electoral reform. If they chose the Liberals or the PCs or were an Independent, they likely opposed reform.

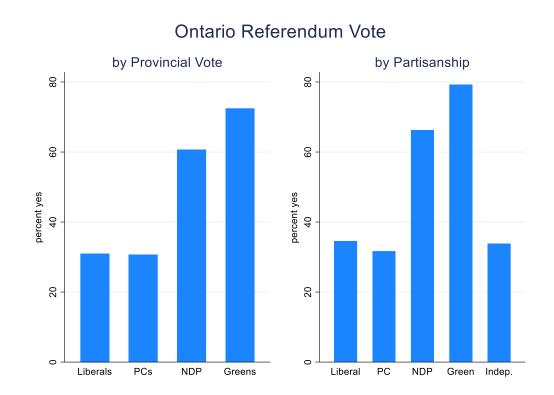


Figure 7. Ontario referendum vote by two measures of party preference. Partisanship measures exclude leaners. Ns left to right for provincial vote: 269, 165, 117, 66 (total = 617). For partisanship: 290, 168, 118, 30, 119 (total = 725). Pearson test of no difference in proportions significant at .001 in each graph. Data source: Crête et al. (2007).

The Mechanism behind the Partisan Vote

The Liberals were officially neutral during the 2005 and 2009 BC referendum campaigns, and again during the 2007 Ontario vote. Among large provincial parties in each province, only the Ontario Tories took a firm (negative) position. But did the Liberals surreptitiously pass the word? Both in the academic literature and in our interviews, suspicions have been raised:

"The Liberals cooked this up, so they had to say the process was good and just, but they didn't actually want to pass the thing.... It wouldn't be unusual to hear people say that the Liberals weren't behind electoral reform."

-John Toogood. Former Deputy Chief of Staff to the Premier of Ontario. General advisor to John Tory's 2007 election campaign. (Interview, January 2022)

A close look at the data qualifies this view. First, as we have already seen, nearly half of Liberal voters in BC in 2005 were able to assess their self-interest in a virtual public silence. Second, in Ontario, most parties took a position on the referendum. Hence, we can display the referendum votes of partisans (excluding leaners), both those who knew their party's position and those who did not (or guessed wrong). Most Ontarians did not know the party positions, not even their own party's views (Stephenson and Tanguay 2009, 15). Among those who did, however, figure 7 shows that knowing one's party's views raised self-interested voting: Major-party voters became less enthusiastic about electoral reform, minor-party voters more so.¹² But even those who did not know, and thus were left on their own to decide how to vote, largely followed their partisan self-interest. The parties did not have to tell people how to vote. Many surmised on their own whether electoral reform would be good or bad for their preferred party and voted accordingly.¹³

¹² A possible endogeneity here is that respondents may have guessed that their parties shared their own views. Hence, we focus on those who did not know their party's opinion, and we omit variables for knowing one's own party's views from the probit equations in table 1 below.

¹³ Another version of blaming elites is the claim that the Toronto newspapers, who opposed the referendum, helped cause its loss (Leduc 2009, 31-36). However, the Crête et al. (2007) survey shows that regular readers of those newspapers were a few percentage points *more* likely to vote yes in the referendum, a result that persists with controls for age, education, and partisanship (see table 1). The result is not statistically significant, so that one cannot reject the hypothesis that the newspapers had no effect at all, but there is no support for the idea that the newspapers reduced referendum support.

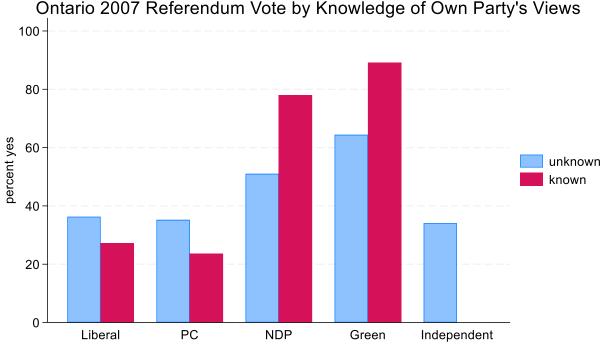


Figure 8. Ontario 2007 referendum vote by partisanship (excluding leaners), for those who knew their party's official position and those who did not. N's left to right for party view unknown: 234, 118, 55, 13, 119 (total = 539). N's for party view known: 56, 50, 63, 17 (total = 186). Data source: Crête et al. (2007).

In multiple-variable probit models of the referendum votes in BC in 2005 and 2009, as well as in Ontario in 2007, our conclusions are handsomely confirmed. (All variables are recoded to a 0-1 scale for easy comparison.) We control for education and age, using education as a proxy for the longstanding openness of the educated to "political reform" (Hofstadter 1955, chaps. 4, 5; Banfield and Wilson 1966, chap. 11), and using age as a control for the accumulated strength of prior experience with current plurality voting system, in parallel to the argument and usage in Zaller (1997, 172-180). We derive average marginal effects from the probit models for their ease of interpretation; that is the standard statistical approach recommended for models of this kind (Cameron and Trivedi 2005, 499; Wooldridge 2010, 583). Thus, each entry in the table gives the change in the probability of voting for the referendum as the corresponding independent variable changes from its lowest value to its highest.

Variable	BC 2005	BC 2009	Ontario 2007(a)	Ontario 2007(b)
education	.194**	.270**	.059	.292**
	(.068)	(.103)	(.074)	(.093)
age	.020	138	192*	343**
	(.067)	(.097)	(.089)	(.099)
political info	.013	.014	153**	NA
	(.048)	(.077)	(.052)	
info x 3 rd party	.183*	.150	.470**	NA
	(.084)	(.138)	(.137)	
Liberal vote	152***	235***		
	(.034)	(.048)		
NDP vote	131*	.035		
	(.053)	(.077)		
Green vote	031	.131		
	(.070)	(.093)		
Liberal identity	NA	NA NA	123**	
			(.042)	
PC identity	NA	NA	136**	
			(.044)	
NDP identity	NA	NA	041	
			(.083)	
Liberal PID	NA	NA	NA	074
		NA		(.074)
PC PID	NA	NA	NA	090
				(.081)
NDP PID	NA	A NA	NA	.324***
	INA	NA		(.074)
Green PID	NA	NA	NA	.584***
		INA		(.134)
read newspaper	NA]	NA	NA	.037
		INA		(.038)
Ν	1356	699	905	716
R ²	.063	.154	.117	.216

Table 1. Average marginal effects on the probability of voting for the election reforms from probit analyses. NA = variable not available in data set. The R² is the McKelvey-Zavoina version. * = significant at .05. ** = significant at .01. *** = significant at .001. Data sources: Fournier et al. (2011) for the first three columns; Crête et al. (2007) for column 4.

Table 1 includes the key explanatory variables for the two competing explanations of the referendum failures (knowledge and partisanship), giving them each a chance to statistically

account for the vote patterns. The table avoids the well-known statistical error of including endogenous explanatory variables that would inappropriately bias the findings toward information explanations or partisan explanations (such as information about the referendum, interest in it, trust in the citizen assembly, or knowing one's own party's view).

The table demonstrates that even with information and other demographics controlled, partisanship remains a powerful effect, especially in the higher-information referendums of 2007 in Ontario and 2009 in BC.¹⁴ The best overall fit occurs in column 4, using the Crête et al. (2007) Ontario data, in spite of that data set's lack of political information measures. Its full Michiganstyle party identification measures have very large effects, and they dominate.

The most important result from the table is that political information had the effect expected from deliberative theory only for third-party voters (including the BC NDP): the more sophisticated among them were more likely to vote for the referendum, which favored their partisan interests. By contrast, the information effect for major-party voters was negligible in BC and strongly negative in Ontario, the opposite of the uniformly positive impacts expected in deliberative democratic theory but in accord with their partisan interests. Thus, for major party voters, the standard deliberative argument does not get even the direction of the effect correct. Political sophistication functioned primarily to help people understand their partisan self-interest.

Age and education also matter: The young and better educated generally were more likely to support reform, all else equal, while older and less educated voters resisted. As a simple

¹⁴ Note that in the BC results, "partisanship" is measured only by intended provincial election vote. Thus, the excluded party category is those voters who had not yet made up their minds. In the two Ontario results, where a direct measure of partisanship is available, the excluded category is Independents. As usual, positive and negative effects are relative to the excluded group, so that, for example, the non-significant effects for Liberal and PC party identification for Ontario 2007(b) in the table mean that those two sets of partisans voted like Independents, that is, strongly against the referendum. Note also that in the first three columns, a calculation of NDP and Green partisanships' total effects would include the positive impact coming from the interaction of political information with third party status, making the effect of third-party partisanship even larger.

placebo test of whether the important control variables were included in the equation, we tried adding income to our analyses as Stephenson and Tanguay (2009, 16-17) did, along with gender. These variables are familiar from voting studies and the obvious candidates to test from the survey data available, but they are theoretically irrelevant here and should not matter. Indeed, when added to the probit equations in Table 1, they always had small estimated effects whose signs varied over the four samples, and none ever attained statistical significance.

In sum, more extensive analysis supports the central argument of this paper. The voters of the major parties, driven by partisan interest, defeated the referendums.

Conclusion

In the early twenty-first century, British Columbia, Ontario, and Prince Edward Island empaneled citizen assemblies to consider electoral system reform. Each assembly strongly recommended a new electoral rule—single transferable vote in BC and a mixed-member proportional system in Ontario and PEI. Seven referendums were held on these recommendations, three in BC, one in Ontario, and three in PEI. Five of these lost, three of them by landslides. The other two referendums produced a modest majority for reform. However, the first win, conducted in a low-information environment, did not reach the 60% threshold required for legal adoption, and the other, a narrow victory under a sequential voting rule that discarded many ballots, drew a turnout of less than half the normal rate and was set aside by the provincial government. Thus, after the expenditure of many millions of dollars to support the citizen assemblies and conduct the referendums, all seven referendums failed to change the law.

We have chosen to discuss all the referendums in the interest of completeness and to statistically analyze all five for which relevant data exist. However, an occasional critic has suggested to us that not all these referendums are appropriate for testing the theory. The PEI

citizen assembly was quite small, perhaps too small to be representative, and the 2018 BC referendum asked about *any* change toward electoral proportionality, not the particular one recommended by the citizen assembly, an assembly that had taken place more than a decade earlier in any case. By the same standards of theoretical relevance, we would add that the first BC referendum was conducted in an informational near-vacuum. Dropping all those referendums whose relevance someone might question leaves just two that are very difficult to set aside—2009 in BC and 2007 in Ontario.

Focusing on these two referendums does not help deliberationists, however. In both cases, the assembly proposal was lopsidedly beaten--39-61 in BC and 37-63 in Ontario. As we have shown, extensive survey data and electoral returns are available for both referendums. The consistent, powerful relationship of referendum voting to partisanship is patently clear in both years. Indeed, partisanship is a powerful force in all the Canadian referendums for which relevant data are available, much more powerful and consistent than other causes that have been suggested.

Deliberative democratic theory suggests that at least some of these Canadian assemblies should have been far more successful. Observers have blamed their failure on low information and lack of interest among the electorate. Certainly, ignorance and apathy were widespread in these referendums, as they are in virtually every election. However, we showed in this paper that as knowledge and interest rose between the first two BC referendums, the vote for electoral reform went down dramatically, not up. More sophisticated Ontario major-party voters had *less* faith in the citizen assembly than the less well informed, not more. These results raise the question of whether something else was primarily responsible for the referendum failures.

Both election returns and survey responses show that the "something else" was partisanship. The major parties would lose legislative seats under these reform proposals, and their supporters therefore mostly voted no. The minor parties would have gained seats, and so their backers disproportionately favoured the reforms. In all three provinces, there were too few minor-party adherents to pass the referendum proposals, and so they lost.

This pattern is not new. What most voters around the world have always done in referendums is to rely on group cues, often partisanship. Three years before the first citizen assembly referendum, a distinguished Canadian scholar statistically analyzed more than a dozen referendums from Europe and North America. His finding parallels ours: When party interests are known to differ, he wrote, that is "one of the strongest available information cues," and "voters with partisan predispositions are able to find their own positions on an issue fairly quickly" (LeDuc 2002, 722).

Contrary to some claims in the literature, this voting pattern does not seem to have been primarily due to the parties' telling their supporters how to vote. The Crête et al. (2007) data show that for each party, more than 60% of the Ontario electorate had no idea which side of the referendum vote their party favoured. Even more thought they knew, but were mistaken. Yet even those who did not know their own party's announced position or guessed wrong about it mostly voted in accordance with that party's interests—and their own.

Thus, to learn how to protect their own interests, the voters have no need of the stereotypically evil party elites imagined by some critics. Most voters can figure it out for themselves, as we have shown. Relative to group and partisan interests, the recommendations of citizen assemblies have only small effects.

The failure of citizen assemblies is a common pattern. In a mostly favourable review of citizen assemblies around the world, Grönlund et al. (2014, Preface, unpaginated) write that "their impact on public policy is frequently meagre or absent." The Canadian experience with citizen assemblies helps us understand why. The voters are not the socially disconnected seekers of unbiased, collaborative decisionmaking who are imagined in much deliberative democratic theory. Instead, as has long been known from electoral studies, the voters are human beings, deeply embedded in a social context, with powerful group loyalties. In our Canadian studies, the most relevant group interest was partisanship, but our point is not restricted to those cases in which party interests are involved. Voters will always look to longstanding, trusted group identities for clues as to how to vote in referendums, a perennial finding in voting studies dating to Bentley (1908, 487-492). Those loyalties primarily determine how voters decide, even in participatory contexts, as recently emphasized by Bagg (2024, chap. 3). Citizen assemblies cannot compete.

The problems of citizen assemblies are enhanced because in practice, they are inevitably far from random draws of the population. Those agreeing to serve are disproportionately well-educated. In the BC and Ontario assemblies, the college educated were over-represented by *double* their numbers in the population (Fournier et al. 2011, 55). For most voters, listening to these well-educated strangers who meet in an assembly and then announce their vision of the common good will have little impact. This was a recurrent theme in our elite interviews:

"Electoral reform was one of those things that was kind of a nice-to-have pipe dream of a leader of a third party. This would just be like a conversation that people would have in their fancy living rooms in Oak Bay or another posh area of Vancouver."

-Carlie Pochynok. Former Director of Communications and Media Relations for BC Liberal Party Caucus. (Interview, April 2022)

"The citizens' assembly is a thing of elites handing something down. In practice, I'm not sure that it works, I'm not sure that you get the buy-in and legitimacy from people."

-Bob Dewar. Special Advisor to Premier John Horgan, BC NDP. (Interview, February 2022)

Thus, the frequent calls for more money to be spent on educating the voters about the citizen assembly miss the mark. Doing so in the second BC referendum simply improved voters' grasp of their partisan self-interest. Similarly, better-informed Ontario voters were more likely to vote their partisanship, not less. Rightly or wrongly, the voters' longstanding ties to groups, especially political parties, will always be far more powerful than their ties to a citizen assembly. For the same reason, taking institutional parties out of the referendum process made little difference. In all these elections, formal party inactivity did not abolish the power of partisanship among ordinary voters. Relevant partisan and other group loyalties become activated in politics even when group leaders are sidelined.

Deliberative democratic theory has many working parts. We have focused on one of them—the need for the judgments of citizen assemblies to be validated by the electorate as a whole. In Canada, the voters have repeatedly failed to take the advice of citizen assemblies--not because they knew too little, but because the assemblies took positions that most citizens, even the most well-informed, did not share. This raises the question of whether deliberative theory needs to become more realistic about ordinary human beings at the referendum stage.

The Canadian experience also raises concerns about the citizen assemblies themselves. The assemblies followed the usual deliberative-theory practice of making their decisions in a social vacuum, with the relevant stakeholders absent. Does this cause the subsequent innocent referendums to be thrown into the political Coliseum, where the populace cheers for the hungry

lions? The failure of the Canadian citizen assemblies to change public policy raises questions of that kind for deliberative theory.

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