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## Introduction to Deliberation, democracy, and civic forums: Improving equality and publicity

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## INTRODUCTION

In 2010, a year after many U.S. Congressional representatives' "town hall meetings" on health care policy erupted in shouting matches between some legislators and conservative activists, a bipartisan commission charged by President Obama with proposing a plan to reduce the national deficit tried a different way of consulting public opinion. The commission turned to *AmericaSpeaks*, a non-partisan organization that organizes public deliberations on policy issues, called 21<sup>st</sup> Century Town Meetings. *AmericaSpeaks* held a series of innovative forums, entitled "Our Budget, Our Economy," in which citizens conferred about fiscal reform. While the 2009 health care town halls were open meetings that mainly attracted conservatives mobilized by interest groups to oppose Democrats' health care proposals, the *AmericaSpeaks* forums required participants to apply to participate and affirmatively recruited some participants, in hopes of assembling a more diverse, representative, and open-minded sample of Americans. Also in contrast to the health care meetings, the "Our Budget, Our Economy" forums primarily focused citizens on deliberating with each other, rather than in engaging in highly controlled questioning and debate with their Congressional representative.

On one day in June, over 3000 individuals in 19 communities took part in the forums. Participants read briefing materials drafted in partnership with a committee of 30 ideologically diverse budget experts, heard brief presentations from Republican and Democratic officials, and sat down to discuss the issues in small groups. Each group was asked to select from a menu of over 40 possible tax increases or budget cuts and come to agreement on a plan to reduce the federal budget deficit by half within 15 years. Each individual was then given the choice to

construct her or his own package of tax hikes and spending cuts that would accomplish the same goal.

However, even before the forums were held, some policy advocates and bloggers publicly attacked “Our Budget, Our Economy” as an illegitimate attempt to manipulate participants into supporting draconian budget cuts in the midst of a global recession, when, critics argued, fiscal stimulus was most needed. One commentator predicted that the agenda and briefing materials were so biased that they “virtually guarantee[d] that most of the participants will opt for big cuts to Social Security and Medicare. The results of this song-and-dance will then be presented to President Obama's... commission which will use it as further ammunition... to gut these programs”<sup>1</sup> Another commentator warned that “AmericaSpeaks is part of a well-coordinated media campaign” aimed at “slashing government programs.”<sup>2</sup>

Political scientists Benjamin Page and Lawrence Jacobs also wrote a pre-emptive paper critiquing the forums. Interest advocates often criticize a civic forum when they fear it will arrive at different conclusions than their own.<sup>3</sup> But when two respected political scientists who have authored important books on the value of civic deliberation raise warnings, extra attention is warranted.<sup>4</sup> Page and Jacobs expressed concern that the deliberators would not be a representative sample of Americans, which would violate the principle that all citizens’ voices should count equally in assessments of public opinion, and called on the organizers to disclose the details of how participants were selected. They worried that one sponsor of the event, the economically conservative Peter G. Peterson Foundation, would exert undue influence over the briefing materials and agenda, priming participants to prioritize deficit reduction over social

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<sup>1</sup> Baker 2010.

<sup>2</sup> Eskow 2010.

<sup>3</sup> Hendriks 2011.

<sup>4</sup> Jacobs, Cook, and Delli Carpini, 2009; Page 1996.

spending, and, especially Social Security. Jacobs and Page therefore cautioned that the forum should not be weighed as heavily in public decision making as long-term, stable support for social programs demonstrated in public opinion polls over many decades.<sup>5</sup>

On the whole, these fears were not borne out. Post-event evaluations found that “Our Budget, Our Economy” attracted a fairly representative sample of Americans, and of the communities in which the forums were held, by income, age, ethnicity, and partisan identification.<sup>6</sup> Rather than growing more supportive of cutting Social Security benefits, participants overwhelmingly opted to shore up the program through more progressive taxation of high earners.<sup>7</sup> Citizens moderated their other positions somewhat: conservatives and moderates grew much more supportive of defense cuts and liberals became more willing to agree to a five percent cut in the projected growth of health care spending. While participants’ individual budget preferences corresponded closely to their political ideology, the group agreements on deficit reduction packages were less driven by the liberal or conservative leanings of individual group members. This pattern suggests that deliberation allowed citizens to forge agreement across ideological divides, despite the highly polarized national debate at the time.<sup>8</sup> Certainly, the majority of the “Our Budget, Our Economy” deliberators found more common ground on specific steps to reduce the deficit than Congress was able to find in the coming three years, when congressional gridlock on these issues led to the downgrading of the nation’s credit rating, and, eventually, to deep across-the-board spending cuts to defense and social programs that few citizens or political leaders of either party publicly professed to want.

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<sup>5</sup> Page and Jacobs 2010.

<sup>6</sup> Esterling, Fung, and Lee 2010, 7; Lukensmeyer 2010.

<sup>7</sup> At present, Social Security taxes are only applied to the first \$106,800 dollars of an individual's income.

<sup>8</sup> Esterling, Fung, and Lee 2010, 44-46.

While reasonable people may disagree with how the participants as a whole chose to balance spending, taxation, and deficit reduction, we do not see good evidence that participants' views were manipulated or poorly-informed, especially in comparison with public opinion polls. Although forum organizers set a restrictive goal for deliberators of halving the deficit, rather than reducing it by more or less, and provided a limited menu of possible taxes or cuts, many participants showed themselves quite capable of challenging these restrictions. A majority supported more government spending in the short term to stimulate the economy even if it raised the deficit and some participants successfully demanded to add another policy option: adopting single-payer national health insurance as a way to cut healthcare spending without decreasing benefits.<sup>9</sup> Despite being primed by the briefing materials to consider the deficit an important problem, over half of the groups agreed to cut the deficit by less than 50 percent,<sup>10</sup> which suggests to us that they did not feel bound to meet the target set by the organizers, perhaps because they had higher priorities. While 89 percent of forum participants said they were dissatisfied or very dissatisfied with the quality of political discussion in the U.S., 91 percent of participants were satisfied or very satisfied with the discussions at “Our Budget, Our Economy.”<sup>11</sup> Seventy-three percent somewhat or strongly agreed the meeting was fair and unbiased and over 80 percent agreed that “decision makers should incorporate the conclusions of this town meeting into federal budget policy.”<sup>12</sup>

There are many reasons why the “Our Budget, Our Economy” forum should have been expected to enjoy widespread acceptance as one legitimate input into the policymaking process, which is all that it aimed to be. It might have appeared as an attractive way of soliciting more

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<sup>9</sup> Hickey 2010.

<sup>10</sup> Lukensmeyer 2010.

<sup>11</sup> Lukensmeyer 2010.

<sup>12</sup> Esterling, Fung, and Lee 2010, 42.

thoughtful public input on policy making than traditional ways of consulting citizens, such as the acrimonious town hall meetings on health care a year earlier, ritualized public hearings, or a blizzard of individual public comments submitted online and through the mail. The forum included a more representative sample of Americans than one would find in most public consultations or elections. This was a well-funded effort, and the sponsors included organizations not only from the right but also from the left and center (funding came also from the MacArthur and Kellogg foundations, a fact that many critics failed to note). The forum was organized by an independent organization with a good track record at convening civic deliberation on high-profile issues, such as the redevelopment of the former World Trade Center site in lower Manhattan after the September 11, 2001 attacks.<sup>13</sup> It had the ear of a Presidential commission on a high-profile issue, and therefore more potential to influence policy than many exercises in civic deliberation. Yet the forum's legitimacy was undercut before it even began.

“Our Budget, Our Economy” is just one example of the growing number of forums that aim to incorporate citizen deliberation in policy-making and that are becoming a significant feature of the global political landscape.<sup>14</sup> Deliberative civic forums have helped to shape many policy proposals and processes, including the state of Oregon's healthcare reforms, the annual budgets of Latin American cities, energy policy in Texas and Nebraska, Chicago's community policing and school boards, Danish regulations on genetically modified foods, development projects in India and Indonesia, and proposals for electoral reform in two Canadian provinces.<sup>15</sup> Some of these forums have been adopted as ongoing institutions within the political system, with

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<sup>13</sup> Lukensmeyer, Goldman, and Brigham 2005.

<sup>14</sup> Throughout this book, we use the term “citizens” broadly; we have in mind all people who are taking responsibility for public matters and for governing themselves collectively, regardless of their official citizenship status.

<sup>15</sup> Baiocchi 2005; Dryzek and Tucker 2008; Gibson and Woolcock 2008; Isaac and Heller 2003; Fishkin 2009, 152-3; Fung 2003; Fung 2004; Warren and Pearse 2008.

their own decision-making power. As experiments in civic deliberation have become more consequential, they have sparked criticisms from some officials, interest advocates, and scholars who question the legitimacy of these forums and their proper contribution to democracy.<sup>16</sup> As with “Our Budget, Our Economy,” disparagement of deliberative forums’ shortcomings, whether real or perceived, can undermine their ability to influence public opinion and policy, and their continued existence.

Our aim in this book is to explore how these new public forums might come to be seen as more legitimate aspects of our democratic system. Part of the reason the “Our Budget, Our Economy” forum and others like it have been undercut is that despite considerable effort on the part of scholars and practitioners of deliberation, there is still much uncertainty about how such forums should fit into the larger system of democratic governance. In this book, we will take on two important challenges forums tend to face.

In our view, these challenges are best understood as doubts about whether the new civic forums can practice equality and publicity, broadly defined. The first challenge has to do with whether citizens can form their preferences autonomously by participating on equal terms. Civic forums must respond to concerns about how multiple power inequalities can affect who is included, how they participate, and the influence they wield within and outside the forum. Do citizens participate fully and freely or are their views manipulated or ignored by the sponsors who commission and fund these forums; by the organizers who frame the issues and moderate the discussion; by the experts, advocates, and public officials who often provide information? Are the least powerful elements of the public able to participate as influentially as more privileged citizens?

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<sup>16</sup> For summaries of these criticisms, see Barisione 2012; Collingwood and Reedy 2012; Hendriks 2011, especially chapters 4 and 8; Levine and Nierras 2008; Parkinson 2006a, especially chapter 1; Tucker 2008.

The second challenge has to do with how organizers of civic forums practice publicity by communicating their goals, process, and conclusions to other elements of the political system. Not everyone wants, or is available, to participate in a given forum. Even if all who are affected by the issues under consideration wanted to take part, deliberation must happen in small groups to allow each member to contribute her or his views and to consider the views of others, so it is often the case that not everyone who is affected by an issue can participate.<sup>17</sup> If a civic forum aims to influence policy or public opinion legitimately, it must involve good internal deliberation, but it must also persuade those who did not take part in it of its legitimacy. How can organizers and participants hold themselves accountable for considering the perspectives, opinions, and interests of all who are affected by the issue? How can forums practice transparency about the deliberative process, the conclusions reached, and participants' reasons and evidence for those conclusions? How can other citizens and decision makers evaluate the credibility of deliberative forums and whether they should be seen as authentic expressions of public opinion or the public will? After all, deliberation must ultimately be integrated with other features of the political system, including other measures of public opinion, the claims of elected officials, and the perspectives of interest advocates and other civil society actors. How can civic deliberation establish its legitimacy in a polarized political environment in which other political actors are less willing to deliberate?

We will argue that these new civic forums can make unique and indispensable contributions to democracy. Therefore, our aim in this book will be to strengthen civic forums, not to bury them. We see them as offering an important corrective to the problems of contemporary democracies, in which citizens' voices are too often expressed through uneven electoral participation, unequal interest groups and campaign contributions, unaccountable

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<sup>17</sup> Parkinson 2006a.



political parties and leaders, unbalanced media coverage, unreflective public opinion polls, and unattended or unruly public meetings. Civic forums can help to create a healthier democracy, in which citizens develop better informed and more thoughtful political preferences and exercise greater control over the decisions that affect their lives. At the same time, we suggest that these forums can best fulfill their promise by improving how they engage the least powerful on more equal terms and by practicing publicity that better realizes the aims of deliberative democracy outside the forum.

One of our main arguments will be that political equality in the deliberative system as a whole can sometimes be served best by asking the least powerful citizens to deliberate among themselves in their own forums, or as one stage in forums that are more representative of the larger public. This runs counter to the approach of many organizers of civic forums, who often address the challenge of achieving equality by engaging representative or random samples of participants in discussion across social differences. We see deliberation as an activity that ought to be distributed across the political system, rather than as an ideal that must be perfected within a single forum. This should allow us to address some problems of inequality differently. It can free us from the strictures of trying to make every forum representative of the whole, or every small group within the forum as internally diverse as possible, in ways that enhance rather than diminish the forum's contribution to political equality. Integrating "enclave" deliberation among the least powerful participants in civic forums can motivate the marginalized to participate, develop their civic capacities, and create productive tension between identifying their shared interests and considering how these interests relate to a larger common good. This could contribute a broader range of arguments to the public sphere beyond the forum and can even be perceived as legitimate by observers. We offer recommendations for how organizers of civic

forums could make space for enclave deliberation of the disempowered while avoiding its potential pitfalls.

Our second major argument will be that deliberative forums must improve how they communicate their work publicly if they are to strengthen the role of civic deliberation across the political system. We define a set of fundamental criteria for the legitimate practice of publicity and use them to assess the final reports of a small but diverse array of civic forums. This is the first sustained examination of how these forums communicate the fruits of their labors to the public and policymakers. We find that all of the reports in our sample slight at least some important principles of deliberative publicity. In response, we show how forums can pay greater attention to reporting deliberators' conclusions as a form of public argumentation and how forums can practice greater transparency about the deliberative process. We also consider some ways of institutionalizing channels of communication between forums and other decision-making arenas.

Deepening democracy will depend on many of the communities to whom this book is addressed. We hope that it prompts academics interested in civic engagement and democratic reform to open up new lines of research that illuminate how thoughtful public opinion can better inform public policy. We hope that the book helps the growing network of practitioners of public consultation and civic engagement to discover new ways to include the least advantaged as full participants and to communicate what happens within civic forums more effectively to government agencies, political leaders, the news media, and the public. And we hope that the book assists the tens of thousands of public officials, non-profit leaders, and other private sector organizations around the world who seek more effective and legitimate ways to respond to the public's expectations that it should be consulted on matters that affect it. Each of these

communities has a critical role to play in enhancing the legitimacy of civic forums as meaningful institutions of democratic governance.

In the remainder of this introduction, we explain the growth and define the types of civic forums that are our focus. We go on to root our rationale for these forums in theory and research on civic deliberation, preparing the ground for our arguments about how equality and publicity in civic forums might be improved, and conclude with an overview of the plan of the book.

### **The Rise of Civic Forums**

The spread of civic forums has been inspired by growing interest in citizen deliberation, but also by broader efforts to boost civic engagement and participation, community organizing, and new means of public consultation more broadly.<sup>18</sup> In many cases, these forums are attempts to revive a more authentic and authoritative role for citizens than is provided by the constellation of institutions that defines democracy today. The contemporary state's large scale, the growing complexity of the issues it must address, the increasing diversity of its peoples, and the rise of supra-national institutions and actors that challenge the state's power to regulate economic and political activity all raise questions about whether it can govern effectively and responsively.<sup>19</sup> Public satisfaction with traditional democratic institutions has declined considerably, as seen in waning electoral participation, decreased willingness to identify with political parties, and plummeting trust and confidence in political leaders and institutions.<sup>20</sup> By January 2013, for example, less than 10 percent of Americans approved of Congress, which, according to one waggish poll, was less popular than head lice, cockroaches, traffic jams, root canals, and colonoscopies.<sup>21</sup> Public discontent is not necessarily unhealthy if it spurs experimentation with

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<sup>18</sup> Nabatchi 2012; Smith 2009, 4-6.

<sup>19</sup> See, e.g., Bohman 2012; Dryzek 2010, chapters 6 and 9.

<sup>20</sup> Hetherington and Husser forthcoming; Hetherington 2005; Dalton 2004.

<sup>21</sup> Public Policy Polling 2013.

new means of reconnecting citizens to political engagement and power that revivify democracy. Civic forums have been one kind of experiment in revitalization.

These experiments have been organized by a myriad of institutions for a host of reasons. Churches, schools, academic institutions, and civic organizations have convened citizens to deepen public consultation on specific issues or to help imagine how the public might be more fully engaged in democracy in general. Health care providers and social service agencies have held forums to better understand their clients' needs and how institutional and public policy might serve them better. Advocacy organizations have also organized civic forums when traditional methods of researching, lobbying, and organizing seem insufficient. While these forums frequently aim to recruit greater numbers and more diverse publics to help move advocates' issues up the policy agenda and build public support for action, there is often a good deal of room for debating competing policy preferences and strategies.<sup>22</sup> Governments at every level have organized civic forums, too. Sometimes, the aim is to gather deeper and more thoughtful citizen feedback on proposed policies, or to seek input on policy development on emerging issues, or implement policies that depend on widespread citizen compliance or efforts. Other forums are designed to help break legislative deadlocks, enlisting the public in helping to make difficult and potentially unpopular choices (such as the question of how to balance budgets in lean times). Still other forums address problems that cannot be solved by legislation alone because they require broad behavioral or cultural changes (such as improving relations between racial or ethnic groups)<sup>23</sup>

Many of these forums have been sincere attempts to improve public consultation by people who are frustrated with traditional ways of soliciting public input. As John Nalbandian,

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<sup>22</sup> Fagotto and Fung 2006; Leighninger 2012.

<sup>23</sup> This summary of governments' reasons for convening forums is indebted to Leighninger 2012.

the former mayor of Lawrence, Kansas explains, “What drove me to try structured, planned public engagement was my awful experience with unstructured, unplanned public engagement.”<sup>24</sup> Politics being politics, some conveners have also tried to use civic forums to co-opt potential critics, make symbolic gestures to listen to the public, and attempt to orchestrate citizen approval of decisions that have already been made.<sup>25</sup> But civic forums are not more vulnerable to manipulation than other means of gathering public opinion. Some public hearings suffer from efforts to pack the room with likeminded speakers, some opinion polls are “push polls” designed to lead respondents to support one side of a controversy, and some “grassroots organizations” are astro-turf groups organized by powerful political or economic interests. Any means by which the public can express its voice will attract some political ventriloquists.

In this book, we examine three broad kinds of civic forums, which have been called popular assemblies, mini-publics, and co-governance institutions. Many popular assemblies look for inspiration to ancient Athenian democracy, in which citizens chosen by lot deliberated and decided the laws that governed them, and to New England Town Meetings, open forums where citizens have debated and enacted laws on local matters and elected their town officials since the 17<sup>th</sup> century.<sup>26</sup> The limitations of both of these paradigmatic examples of deliberative democracy are well known. Most community members were denied standing as citizens and excluded from the deliberative bodies of the state, and these kinds of face-to-face popular assemblies are less well-suited to today’s large and complex societies, in which the scope of local control over

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<sup>24</sup> Quoted in Leighninger 2012, 19.

<sup>25</sup> See, e.g., Dryzek et al. 2009; Cooper and Smith 2012; Talpin 2011.

<sup>26</sup> Fishkin 2009, 11-13; Smith 2009, 30.

politics has narrowed considerably. Still, the deliberative and direct democracy of town meetings survives in some rural New England towns.<sup>27</sup>

Contemporary extensions of popular assemblies include the Citizens Assemblies that developed proposals for new electoral systems in British Columbia and Ontario, Canada, which were then put to a popular vote.<sup>28</sup> These kinds of assemblies supplement direct democracy with civic deliberation in innovative ways, assigning diverse groups of citizens to develop policy proposals that are voted on by the electorate as a whole. A more limited role is accorded to the state of Oregon's Citizens Initiative Review panels, which have been convened by the state each year since 2010 to review proposed ballot initiatives and advise the electorate on whether to support or oppose them. The panels' recommendations and their reasoning are included in official state voter pamphlets distributed to every household before Election Day, thereby promoting a deliberative citizen perspective on ballot initiatives.<sup>29</sup>

The other kinds of civic forums developed since the 1970s are attempts to recreate space for citizen deliberation that can affect politics, even if citizens do not enact policy directly or exclusively. Robert Dahl provided an influential early conception of a new type of citizen body when he proposed the creation of a representative sample of the public, or "minipopulus," which would deliberate about an issue for up to a year and offer advice to the legislature.<sup>30</sup> Others who have taken up this idea of creating representative or quasi-representative microcosms of reflective public opinion that play an advisory role have re-named them "mini-publics."<sup>31</sup> These

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<sup>27</sup> Bryan 2004; Mansbridge 1983. There are other traditions of deliberative direct democracy, including the Swiss *Landsgemeinde*, an open-air popular assembly developed in the Middle Ages, which survives in a few cantons and localities (Hansen 2008).

<sup>28</sup> Fournier et al. 2011; Warren and Pearse 2008.

<sup>29</sup> Gastil and Richards 2013; Knobloch et al. 2013.

<sup>30</sup> Dahl 1989, 340.

<sup>31</sup> E.g., Goodin and Dryzek 2006.

include National Issues Forums, Consensus Conferences, Citizens Juries, Deliberative Polls, Planning Cells, and 21<sup>st</sup> Century Town Meetings (like “Our Budget, Our Economy.”)

On a spectrum of citizen empowerment, the third model of civic forums, co-governance institutions, sits between the direct democracy exercised by the popular assemblies of Athens and New England and the new advisory mini-publics. In co-governance forums, citizens and officials develop and implement policy together.<sup>32</sup> Contemporary examples include the Participatory Budget, developed in Porto Alegre, Brazil, which involves citizens helping to determine municipal spending priorities each year, and the People’s Campaign for Decentralized Planning of Kerala, India, in which local civic forums, development experts, and officials shape regional development projects.<sup>33</sup> The city of Chicago’s community policing meetings, in which neighborhood residents and police work together to identify crime prevention priorities and strategies, provide another example.<sup>34</sup>

These three kinds of forums share a number of common features. First, each enlists people more in their capacity as lay citizens than as organized members of interest groups. Civic forums tend to draw their legitimacy more from discussion among everyday citizens than from negotiations among the most interested or expert parties on an issue. While this distinction can be blurred in practice, if we imagine a continuum from deliberation among everyday citizens to discussion among more expert and activist citizens, most civic forums are on the grassroots end of the spectrum. At the other end, one finds stakeholder mediations, which aim to craft

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<sup>32</sup> These have also been conceived of as examples of “empowered participatory governance” (Fung and Wright 2003).

<sup>33</sup> On Participatory Budgets, see Abers 2000; Baiocchi 2003; 2005; Wampler 2012. On the Kerala People’s Campaign, see Heller 2005; Isaac and Heller 2003.

<sup>34</sup> Fung 2004.

compromises among more organized competing interests, and blue ribbon commissions of leaders and experts convened by government to offer policy advice.<sup>35</sup>

Second, civic forums emphasize citizen *deliberation*. Unlike other forms of public consultation, such as public hearings, public comments solicited by administrative agencies, or most public meetings in which political representatives face their constituents, civic forums engage citizens, at least in part, in reasoning and seeking agreement among themselves, rather than exclusively in expressing their individual opinions to officials. Once again, this should be seen as a continuum rather than a sharp opposition, with mini-publics in which citizens confer mainly with each other on one side and co-governance forums in which citizens and officials collaborate to make policy on the other side.

Third, in contrast to most public consultations, citizens are often the main objects of persuasion, or share the spotlight with officials. Officials may help to shape briefing materials, testify at hearings, or be held to account for their performance, but in the civic forums that are our focus there is a greater emphasis than in most public meetings on *developing* the lay public's views, not just offering a forum for the public to express its pre-existing preferences. In addition, while most forms of public participation involve citizens petitioning their government, many civic forums involve officials consulting citizens, who offer their policy decisions or recommendations.

Fourth, unlike everyday political discussion or the typical committee meeting, most forums employ facilitators and procedures to promote participants' ability to speak on equal terms and to consider diverse views. Forums involve highly structured group deliberation.

Finally, forums typically conclude with some public report of the participants' conclusions about

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<sup>35</sup> A handful of forums integrate stakeholder and citizen involvement. For example, the Brazilian Participatory Budget includes citizens as representatives of their neighborhoods and representatives from voluntary associations in making annual city budgets.



policy issues. In this way, civic forums differ from American juries, which are asked to rule on more narrow questions about individual defendants, rather than more expansive public policy matters, and which do not publicize members' reasons for arriving at decisions.

Despite these commonalities, there is a great deal of diversity among forums. Table I.1 compares and contrasts ten forum designs. Because there is much adaptation and intermingling of designs, these should be considered as ideal types. While this list is by no means exhaustive, most of these designs are included because they are widely used and have been employed longest. We also include two kinds of forums that are rare but especially significant because they influence politics in unique ways – Citizens Assemblies and the Citizens Initiative Review panels – both of which supplement direct democracy with civic deliberation.

[Table I.1 around here]

As table I.1 indicates, forums employ different ways of including citizens. Most forums limit access to participate in order to provide opportunities for small group deliberation or to include a sample that approximates representativeness of the larger polity. While a few designs are open to all who want to deliberate, some employ voluntary associations to help recruit members of groups that would be under-represented without additional efforts, such as less-educated, lower-income, less politically interested, and younger citizens, and many forums practice some version of random sampling to include a more diverse and representative group. In addition, many organizers use quota sampling to attract members of particular groups that should be included in some critical mass, either because the issue touches especially on their interests or their participation is seen as important to the legitimacy of the forum. Although the number of participants varies dramatically in forums that include multiple groups of deliberators, all forums typically limit the size of each discussion group to allow each member to participate.

Several kinds of forums mix small group discussion with plenary sessions, in which experts testify or a synthesis of participants' comments is shared with the full group. Some designs can be as brief as 90 minutes, while others involve multiple meetings that can extend across several months.

Forums also offer deliberators different degrees of control over the agenda, decision-making processes, and political influence. Some deliberations adopt a closed agenda, restricting participants to select from among a menu of policy options determined by the organizers, often to meet demands for specific inputs from government agencies that commission the forums. Other designs have a more open agenda that allows citizens to generate their own policy preferences. Some forums put greater weight on group decision making by consensus, while most conclude with individual voting or polling on policy choices.

The output and intended influence of forums can also vary considerably.<sup>36</sup> A few are primarily educative. For example, some National Issues Forums are intended mainly to develop participants' political understanding and capacities, and secondarily to provide officials or civil society associations with a picture of public opinion that might inform policy-making.<sup>37</sup> Most forums are advisory, generating a representation of well-informed public opinion (as in most Deliberative Polls) or specific policy recommendations (as in Citizens Juries and Planning Cells) that aim to influence officials and others. Advisory forums may also aim to persuade the broader public, as the Citizens Initiative Review panel does by issuing recommendations on whether to vote for ballot initiatives. Co-governance partnerships, in which authority is shared among citizens and officials, have resulted in a range of policy outputs, including Participatory Budgets at the municipal level, but also state development plans and local crime fighting measures.

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<sup>36</sup> This typology of influence draws on Carcasson 2009; see also Fung 2003.

<sup>37</sup> Melville, Willingham, and Dedrick 2005.

Popular assemblies allow citizens alone to exert direct authority over public resources and decisions, as in New England Town Meetings, or indirect authority, as in the Canadian Citizens Assemblies, which set the electoral agenda by developing ballot initiatives on electoral reform.

### **Civic Forums in a Deliberative System**

What role should these forums play in a larger theory of democracy? While many of the new civic forums pre-date the renewal of scholarly interest in deliberative democracy since the 1990s, or have mushroomed since then without requiring much inspiration from political theory, academics and practitioners have increasingly worked together to design, evaluate, and reflect on civic forums and their contribution to building a more deliberative politics<sup>38</sup> Therefore, the development of scholarly theory and research on deliberation is also one history of civic forums. At the heart of the theory of deliberative democracy is a normative claim that politics is most legitimate when citizens come together as political equals to engage in public reasoning in a search for agreement about how to rule themselves.<sup>39</sup>

In the first phase of academic interest in deliberation, theorists focused on articulating the deliberative ideal against models of democracy variously described as “thin,”<sup>40</sup> “aggregative,”<sup>41</sup> or “adversary”<sup>42</sup> democracy. These models tend to assume and accept that citizens come to politics with preferences and interests already formed; that people are mainly self-interested and

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<sup>38</sup> Fishkin 2009; Gastil and Levine 2005; Nabatchi et al. 2012; Steiner 2012; Warren and Pearse 2008.

<sup>39</sup> Despite differences among theorists of deliberation, we see reasoning, publicity, equality, and the aim to draw conclusions about civic life as central to the major theories offered by Cohen 1989; Dryzek 2000; Gutmann and Thompson 1996; and Habermas 1996. Similarly, Mark Button and David Ryfe see the “essential meaning of democracy [as involving] free and equal citizens with an equal opportunity to participate in a shared public life and to shape decisions that affect their lives” (2005, 30). Simone Chambers writes that “Deliberation is democratic when it is undertaken by a group of equals faced with a collective decision. So the question is how do – or ought – a group of equals reason together?” (2012, 60). And, as eight leading theorists of deliberation have recently written, “[a]bove all, any conception of deliberative democracy must be organized around an ideal of political justification requiring free public reasoning of equal citizens” (Mansbridge et al. 2012, 25). We develop this definition of deliberative democracy more fully in chapter 1.

<sup>40</sup> Barber 1984, 4.

<sup>41</sup> Dryzek 2000, 1; Young 2000, 19-21.

<sup>42</sup> Mansbridge 1983, 5. On the three phases of deliberative theory and research, see Mansbridge et al. 2012, 24-6.

that their interests inevitably conflict; that the essential acts of citizenship are to join groups and parties or to cast votes that will advance one's individual preferences and interests; that political communication is mostly instrumental and strategic; and that democracy's chief purpose is to referee the competitive scrum of private interests.

In response, advocates of deliberative democracy contended that it is both possible and desirable for citizens to form their interests and preferences in reasoned discussion with other citizens and officials; for this kind of interaction to deepen participants' understanding of their views and transform them into preferences that take greater account of the facts, the future, and their fellow citizens; for citizens to resolve conflicting preferences through the give-and-take of arguments, when possible, or for deliberation to inform more authentic and fair-minded compromises or votes, if necessary; for political communication to focus on mutual justification and understanding; and for democracy's main purpose to be the forging of agreements among a public that is capable of self-rule.<sup>43</sup> Theorists devoted their attention to identifying the ideal conditions required for legitimate deliberation, such as Jürgen Habermas' ideal speech situation, an inclusive site in which all speakers are competent, free from coercion, equal in status, and rational, and Joshua Cohen's ideal deliberative procedure, which required similar elements of freedom, reasoning, equality, and consensus.<sup>44</sup> Theorists nominated a host of sectors and institutions in which deliberation might be best achieved, including legislatures,<sup>45</sup> courts,<sup>46</sup> civil society,<sup>47</sup> the media,<sup>48</sup> and, of course, civic forums.

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<sup>43</sup> Especially in its original formulations, the deliberative ideal was contrasted strongly with elite, technocratic, interest group pluralist, and social choice theories of democracy. Benhabib 1996, Bohman & Rehg 1997, Cohen 1989; Elster 1998, Fishkin & Laslett 2003, Habermas 1996; Macedo 1999; Rawls 1993.

<sup>44</sup> Cohen 1989; Habermas 1984, 25.

<sup>45</sup> Bessette 1994.

<sup>46</sup> Rawls 1993.

<sup>47</sup> Dryzek 2000; Habermas 1996.

<sup>48</sup> Page 1996.

The second phase of scholarly attention to deliberation brought theory and practice into closer contact, as scholars studied experimental deliberations, moved out into the world to study civic forums, and began organizing a few of their own. Some early exchanges between theorists and empirical researchers were fraught with misunderstandings and produced frustration on both sides. Some researchers found that deliberation did not always produce the salutary outcomes envisioned by theorists – indeed, sometimes precisely the opposite.<sup>49</sup> Theorists responded that these negative findings hardly meant that the theory as a whole had been debunked. Moreover, the theorists claimed, many of these studies treated aspirational claims about how politics *ought* to be conducted as assertions about how it *is* conducted.<sup>50</sup> This confused a normative political theory with a descriptive social scientific theory. In response, empirical researchers argued that the theory of deliberative democracy also makes empirical claims and that testable hypotheses were needed in order to evaluate those claims.<sup>51</sup>

In light of these initial challenges, a more productive line of research began to elucidate the circumstances in which political deliberation is most and least likely to be achieved. This approach does not aspire to show that the normative theory as a whole has been proven or disproven, but rather to understand better *the conditions under which* group deliberation comes closer to or departs from some of the discrete goals articulated by theorists. At its best, this work has applied theory to deepen our understanding of the contexts for legitimate civic deliberation in the world, while also reflecting on what the empirical findings suggest for practical improvements to forums and normative refinements to the theory.<sup>52</sup>

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<sup>49</sup> See, e.g., Hibbing and Theiss-Morse 2002; Jackman and Sniderman 2006.

<sup>50</sup> See, e.g., Thompson 2008, 498-99.

<sup>51</sup> See, e.g., Mutz 2008.

<sup>52</sup> Examples include Dryzek 2010; Fishkin 2009; Fung 2004; Fung and Olin Wright 2003; Gastil 2008; Hendriks 2011; Levine and Gastil 2005; Nabatchi et al. 2012; Rosenberg 2007; Smith 2009; Steiner 2012; Thompson 2008; Warren and Pearse 2008.

While the research is nascent and the findings are mixed, there is evidence that under the right conditions, well-designed civic forums can deliver some of the benefits that theorists desire. Forums can develop participants' individual civic capacities, such as political knowledge, interest, and efficacy; understanding of diverse viewpoints and experiences; consistency and coherence of opinions; and ability to withstand symbolic or manipulative political claims.<sup>53</sup> Deliberative forums can strengthen group reasoning, generating policy proposals that are seen as well-informed and convincing by experts, officials, and researchers, and leave participants feeling that they have had an equal voice in the process.<sup>54</sup> Depending on the external context, forums may also contribute positively to the larger political system, strengthening communities' capacities to address political problems by creating new institutions and revitalizing old ones, loosening political gridlock among officials, and improving citizens' perceptions of the legitimacy of political decision making.<sup>55</sup>

However, another important outcome of this research has been a greater appreciation for the difficult trade-offs between deliberation and other democratic values, and among the values prized by deliberative democrats themselves. For example, based in part on his experience in creating and studying Deliberative Polls, James Fishkin has discussed a "trilemma of democratic reform," which describes the tensions between maximizing citizen deliberation, universal political participation, and equality.<sup>56</sup> Fishkin concludes that practical constraints on all democratic institutions, including civic forums, mean that institutions that attempt to realize any two of these important values will struggle to achieve the third. He argues that Deliberative Polls

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<sup>53</sup> For summaries of the literature on civic capacities, see Dryzek 2010, 158-9; Pincock 2012; Ryfe and Stalsburg 2012.

<sup>54</sup> For relevant literature summaries, see Black 2012; Callon, Lascombes, and Barthe 2009; Collingwood and Reedy 2012; Fishkin and Luskin 2005; Mercier and Landemore 2012.

<sup>55</sup> Goodin and Dryzek 2006; Leighninger 2012; Kinney 2012.

<sup>56</sup> Fishkin 2009, 32-64.

offer especially good conditions for citizens to practice deliberation as equals, but at the price of limiting participation to a closed group of randomly-selected citizens that aims to be representative of a political unit. In contrast, forums that encourage broader participation by throwing open their doors to all comers typically do so at the cost of equality because they especially draw the most politically interested and privileged citizens. Similarly, Graham Smith's comparative study of civic forums finds that they make very different contributions to six democratic goods – inclusiveness, popular control, political judgment, transparency, efficiency, and accountability – not all of which are easily achieved in a single forum.<sup>57</sup>

The institutionalization of civic forums, and the increasingly realistic understanding of their strengths and limitations, has taken some of the sting out of the criticism that deliberative democracy is inspired by utopian dreams about citizens' virtues or quaint nostalgia for small-scale democracy. While there is much left to learn, there is ample evidence that under the right conditions citizens are indeed capable of deliberating without halos or togas. Other forms of civic expression and action – including elections, interest group participation, and social movement activism – also involve much theoretical idealism and difficult trade-offs among democratic goods and values in practice. The notions that democracy is best realized through universal participation in free and fair elections, or through the equilibrium achieved among a plurality of competitive interest groups, or through emancipatory social movement activism, are based on hopes that are often as far from standard political practice as the ideals of deliberative democracy.<sup>58</sup> Of course, we cannot imagine a thriving democracy without elections, interest

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<sup>57</sup> Recognition of these trade-offs has promoted useful thinking about further institutional reforms. See, for example, Ackerman and Fishkin 2004 and Smith 2009.

<sup>58</sup> Elections in the U.S. and around the world are routinely undermined by practices such as corruption that gives outsized influence to certain interests at the expense of others; the narrowing of the electorate due to uneven turnout and laws that exclude large swaths of the polity; and the manipulation or restriction of political information in the mass media (Bjornlund 2004; Blais 2013; Thompson 2013). Similarly, participation in interest groups is notoriously uneven, with more privileged citizens most likely to join and lead, and groups representing business and government

advocates, or social movements. But the fact that each of these institutions fails to meet ideal standards in practice means that deliberative forums should not be held to unrealistic standards either. The question is whether civic deliberation adds something valuable to the mosaic of democratic institutions.

Continuing in this pragmatic direction, the third phase of deliberative theory takes a more systemic approach. Rather than seeking out or trying to design a civic forum that can render perfectly legitimate decisions, many theorists recognize that “no single institution can meet all of the demands of deliberative democracy at once.”<sup>59</sup> Still, they maintain that we can achieve more widespread, higher quality, and more consequential civic deliberation that informs all levels of government and civil society.<sup>60</sup> Like these scholars, we do not assume that deliberation is the *only* legitimate means of practicing democracy, but we see it as a desirable and often necessary component of any democratic institution. Thus, we focus on how theory can help improve citizens’ opportunities for democratic deliberation throughout the political system, and how deliberative civic forums can communicate more effectively with the wide variety of institutions, both deliberative and non-deliberative, that are likely to be found in any diverse democracy.<sup>61</sup>

The systemic turn is both pragmatic and constitutional. It recognizes that no single element of the political system, including a civic forum, is likely to offer perfect conditions for deliberation, so the inevitable shortcomings in the deliberative quality of any one element of the

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interests far more numerous, well-resourced, and powerful than other groups (Schattschneider 1960; Schlozman, Verba, and Brady 2012). Compromises reached between interest groups are often at the expense of the interests of the unorganized and are not clearly authorized through the democratic process (Lowi 1969). Broad-based social movements thrive intermittently, face significant barriers to mobilizing collective action (such as limits to participants’ time and money, free rider problems, and the like), struggle with the dilemma of political irrelevancy or co-optation by the state, are not always internally democratic, and sometimes pursue anti-democratic goals (McVeigh 2009; Melucci 1996; Olson 1965).

<sup>59</sup> Mansbridge et al. 2010, 25.

<sup>60</sup> Dryzek, 2010, 7-8; Goodin, 2008, chapter 9; Hendriks 2006; Mansbridge, 1999; Parkinson, 2006a, 166-73.

<sup>61</sup> On the distinction between theory about democratic deliberation as one especially valuable kind of discourse within all political institutions and theory about how deliberative democracy is the most important or only source of legitimacy in politics, see Gastil 2008, chapter 10; Mansbridge 2007.



system should be checked and balanced by other elements. Similarly, the U.S. Constitution, sought “to form a more perfect Union,” rather than staking a claim to perfecting the state. The Constitution did this by establishing the separation of powers among the legislative, executive, and judicial branches, as well as the relationship of state and federal power. We see the need for similarly systemic thinking about the role of deliberation today and considering the contributions of civic forums is one small contribution to that much larger goal. In addition, as Cass Sunstein has argued persuasively, the Constitution was not merely the product of elite deliberation; many of the rights it has established over the centuries are aimed in part at allowing all citizens to deliberate in a common political structure as equals.<sup>62</sup> We think that a more deliberative politics, even if it can never be perfected, would be a more desirable politics than we have today.

Theorizing about deliberation at a systemic level opens up several promising perspectives, as described by Jane Mansbridge and her co-authors.<sup>63</sup> One advantage is that systemic thinking helps us think about how to scale deliberative forums up and out into an expanded political structure with a complex and dynamic division of deliberative labor. While the state continues to have many crucial functions, it is not the central agent to which all political discussion and opinion must be oriented. Informal or binding decisions on matters of common concern made outside the state – in social, cultural, and economic institutions, and in transnational or supranational bodies – are also part of a deliberative political system. In addition, a systemic approach draws attention to the division of labor among different elements of the system, encouraging us to think about how civic forums might complement deliberation in other locations, such as legislatures or the public sphere.. A systemic perspective also suggests the need to consider how civic forums can avoid displacing other legitimate forms of public

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<sup>62</sup> Sunstein 1993.

<sup>63</sup> Mansbridge et al. 2012.

opinion, as critics feared the “Our Budget, Our Economy” event would divert attention from long-term and widespread support for Social Security expressed in opinion polls. This approach also draws attention to how other institutions need to be reformed to be more receptive and responsive to citizen deliberation. One reason the deficit forum failed to gain a hearing is that the federal government in the U.S. has well-established channels for interest groups to influence fiscal and tax policy – especially through lobbying and campaign contributions – but no clear channels for civic deliberation to affect the issue. A more democratic political system would have redundant sites of deliberation, as well as checks and balances among them, so that no one institution is entrusted or burdened with responsibility for fostering civic or official deliberation. These sites of deliberation would be connected to many direct and indirect decision-making mechanisms (legislatures, administrative agencies, referenda, and the like).<sup>64</sup> Envisioning the role of civic forums in such a system is an increasingly important task.

### **Deliberative Equality and Publicity**

What do we mean by equality and publicity in deliberation and why are they the most important elements of the new civic forums that need strengthening? For now, let us say that in ideal terms equality means that all who are affected by a decision have an equal opportunity to be included in making it, an equal capacity to participate in deliberation, and an equal chance of influencing a collective decision based on the merits of their views.<sup>65</sup>

Publicity also has multiple meanings in the theory of deliberation. First, publicity refers to the kind of reasoning that deliberation ought to elicit. As we will see, there is much debate over how citizens should link their self-interest and the common good, but we think most

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<sup>64</sup> See also Parkinson 2012a, 168.

<sup>65</sup> While theorists have proposed multiple definitions of deliberative equality, the elements of inclusion, participation, and influence can be found in many of the major treatments of the issue, especially Bohman 1996, chapter 3; Knight and Johnson 1997; Young 2000.

theorists would accept that deliberation should challenge citizens to consider their own interests in relation to the interests of others, and to exchange arguments that are not *only* narrowly self-interested or group-interested.<sup>66</sup> Public reasoning does not demand that people, especially the least powerful, should put aside or transcend their interests, but involves translating and enlarging personal consideration into claims about justice, social goods, or truths. Publicity also encompasses the topics appropriate to democratic deliberation, which are matters of common concern, questions of politics, or “issues the public ought to discuss,” which can include the definition of what is “public” or “political” itself.<sup>67</sup> In addition, publicity can be conceived of as defining what James Bohman calls the “social space in which deliberation occurs.”<sup>68</sup> This social context sets a series of expectations for participants which, when they are met, can foster more respectful discussion, in which citizens consider one others’ needs and wants, and frame arguments in terms that others are more likely to accept.<sup>69</sup> In this sense, publicity also can hold deliberators accountable to the larger public who are not present in the forum.<sup>70</sup>

The idea of accountability suggests a fourth meaning of publicity, which concerns the way in which those inside the forum communicate to those outside it. This is the kind of publicity with which we are most concerned in this book. Practicing transparency about how forums are organized and revealing participants’ rationales for their conclusions can check potential manipulation of deliberators by organizers and sponsors, as well as unfounded suspicions that citizen participants have been dominated or co-opted. Transparency and the presentation of arguments to the public allow outsiders to make more authentic judgments about

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<sup>66</sup> On this debate, see especially Bächtiger et al. 2010; Mansbridge et al. 2010.

<sup>67</sup> Mansbridge 1999, 217. See also Mansbridge et al. 2012, 9.

<sup>68</sup> Bohman 1996, 37. One can also consider how the physical spaces in which deliberation occurs can shape power and discourse, as Parkinson (2012b, 113ff) does for committee rooms or Hannigan (2006, 188ff) does for public hearing rooms.

<sup>69</sup> Elster 1997; Gutmann and Thompson 1996, 52, 128.

<sup>70</sup> Fung and Wright 2003, 37; Levine and Nierras 2007, 6; Parkinson 2006a, 17, 119-20; Smith, 2009, 101-105, 110.

the legitimacy of a forum's process and decisions, and to decide whether or not to trust the forum's conclusions.<sup>71</sup> This meaning of publicity has been least fully considered in deliberative theory and research. It becomes ever more important to consider in imagining a deliberative system, rather than a single best forum. Aspirations for a high-functioning deliberative system depend on the quality of communication between its parts. Publicity forms the institutional channels that connect the parts and what flows through those channels.

We focus on strengthening equality and publicity in civic forums for several reasons. First, these concepts are central to the theory of deliberative democracy, and they are interdependent. Deliberation is often justified in part because it allows participants to develop fully their abilities to exercise autonomy in ways that can only be realized in concert with others. While deliberative theorists are not of one mind about how to define and prioritize conceptions of autonomy, most see it as emerging from the public exchange of reasons among equals.<sup>72</sup> As Christian Røstbøll points out, this is quite different from approaches that see autonomy primarily as “the negative liberty to live according to one's own ideas.”<sup>73</sup> In Habermas' formulation, “no one is truly free until all citizens enjoy liberties under laws that they have given themselves after a reasonable deliberation.”<sup>74</sup> We can choose preferences autonomously only if we are aware of, and have reflected on, our own and others' preferences, and the reasons that justify those preferences. We can engage in this reflection only if others treat us as equals in deliberation and

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<sup>71</sup> Transparency helps to ensure “that decisions are actually informed by and result from debate rather than being simply imposed by one or a few well-placed parties. To this end deliberative procedures rely on public contest of reasons as a way of checking power and, thereby, ensuring that participants are treated equally” (Knight and Johnson, 1997, 288, footnote omitted).

<sup>72</sup> Major statements on the role of autonomy in deliberative democracy include Elster 1983; Habermas 1996; Elstub 2008; Røstbøll 2008; and Warren 2001.

<sup>73</sup> Røstbøll 2008, 710.

<sup>74</sup> Habermas 2006, 120. Habermas recognizes that citizens in large complex democracies can and must delegate the task of lawmaking to representatives, which is legitimate as long as citizens themselves validate the laws through deliberation in the public sphere, and democratic and politically accountable legislatures recognize public opinion in “revisable majority decisions as well as compromises” (Habermas 1996, 186).

we see them as our equals. If some people or arguments are excluded or slighted, everyone's autonomy is the poorer for it. As Stephen Elstub puts it, "for the autonomy of all to be cultivated ... equal agency of all must be preserved."<sup>75</sup>

Equality and publicity are also interdependent in arguments for the epistemic advantages of deliberation. In this view, compared with individual decision making or the aggregation of individual preferences, deliberation often produces better decisions because they are informed by consideration of the widest possible array of perspectives, beliefs, values, and interests.<sup>76</sup>

Deliberation can allow individuals and groups to overcome their bounded rationality when they reason together about matters of common concern, exchanging public-minded arguments that can be understood and potentially accepted by others, including those outside the forum. Yet these epistemic benefits also depend upon each person's arguments being considered equally on the merits, rather than according to speakers' power or status. Jack Knight and James Johnson link public reasoning to equality when they argue that transparency helps to ensure that decisions are actually informed by and result from debate rather than being simply imposed by one or a few well-placed parties. To this end deliberative procedures rely on public contest of reasons as a way of checking power and, thereby, ensuring that participants are treated equally.<sup>77</sup>

The prospect of making an account of citizen deliberation to a wider public after the forum can be a powerful incentive for sponsors and organizers to ensure consideration for all within the forum and to report citizens' conclusions without fear or favor. For example, the pre-emptive criticism of the "Our Budget, Our Economy" forum may have encouraged its organizers to begin the forum by emphasizing that they were not necessarily asking citizens to prioritize long-term

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<sup>75</sup> Elstub 2008, 68.

<sup>76</sup> Estlund 1997; Martí 2006.

<sup>77</sup> Knight and Johnson 1997, 288 (footnote omitted).

deficit reduction over short-term economic stimulus, and to allow participants to add single-payer health insurance to the forum's pre-defined list of policy options for reducing the federal deficit.<sup>78</sup>

Second, we focus on strengthening equality and publicity because concerns about both stem from common sources unique to deliberative democracy. It is difficult to include all citizens in deliberation, and it is not easy for them to participate on equal terms. As we have noted, the limits to inclusion arise either from background inequalities that make the least powerful the hardest to recruit to open forums, or because numbers must be limited to construct a more representative sample of a larger population or a group small enough to deliberate effectively. In addition, critics of the first phase of deliberative theory raised important concerns about whether disempowered citizens can participate on equal terms within the forum. Historically, the marginalized have often asserted their public claims most powerfully by mobilizing themselves in large numbers to withdraw their political acquiescence, their labor, or their consumption by demonstrating, striking, or boycotting. In contrast, power in deliberation is exercised in small groups by exchanging discursive claims. Critics objected that these conditions favor the interests of the educated and privileged, who are better prepared to engage in this kind of talk, especially if the emphasis is on reaching consensus, using abstract reasoning, and excluding appeals to group interests in favor of claims oriented toward the common good, which is likely to be defined outside the forum in hegemonic terms that favor the most powerful.<sup>79</sup>

Full inclusion and participation of disempowered citizens is integral to civic forums' legitimacy, not only in theory but in practice. Recall that one of the main criticisms of the deficit forum was that it would not include all Americans' views and that it presented deficit reduction

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<sup>78</sup> Hickey 2010.

<sup>79</sup> Sanders 1997; Young 2000.

as a more important need than economic stimulus aimed at helping the poor and unemployed. As this same example suggests, potential barriers to inclusion and participation also create an urgent need for valid publicity to foster civic forums' accountability and transparency in ways that would increase their standing in the eyes of the public and decision makers who are not directly part of the deliberation. In most cases, civic forums will involve relatively few citizens speaking to a multitude outside the meeting room. If the world outside is highly polarized and suspicious of attempts to reconcile conflicting views, the forum will suffer.

Third, the changing status of the field of citizen deliberation poses new questions about practitioners' ability to practice publicity and equality. The spread of civic forums has engendered a new market for firms and organizations that conduct deliberative public consultations, especially on behalf of government agencies. As Carolyn Hendriks and Lyn Carson observe, this new professional infrastructure can enrich the field by raising standards for practitioners' training and accreditation, encouraging independent evaluations of forums, developing and sharing best practices, and establishing standards for the legitimate conduct of civic forums, including ones that preserve citizens' independence and that foster better communication to those outside the forum.<sup>80</sup> For example, through their professional associations practitioners have developed codes of conduct that advocate equal inclusion of peoples and viewpoints in forums and minimal standards for publicity.<sup>81</sup> But, as Hendriks and Carson also note, changes in the field also raise potentially troubling questions. Will professional organizers build valuable experience in practicing transparency about the deliberative process or will their commercial interest in building a client base render them less willing to challenge

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<sup>80</sup> Hendriks and Carson 2008. See also Lee 2011.

<sup>81</sup> For a discussion of these codes of practice, see Cooper and Smith 2012. For examples, see International Association for Public Participation ND; Involve and National Consumer Council 2008; National Coalition for Dialogue & Deliberation, International Association for Public Participation, and the Co-Intelligence Institute. 2009.

sponsors who want to control the outcomes of citizen deliberation? Will professionalization lead to ongoing information sharing and collective learning or to competitive hoarding of “trade secrets” and unwillingness to admit failures if this might tarnish practitioners’ brand names? Will a system in which private firms organize deliberation under contract for government agencies seek out disempowered and unpopular views and participants?

Finally, it seems to us that any form of democracy, including deliberative democracy, ought to be judged in part by how well it addresses the most important problems of the time, many of which seem, at least from the vantage point of the U.S. and at this historical moment, to stem from a system in which economic and political inequalities are widening and politicians are increasingly polarized.<sup>82</sup> The ability of those who control wealth to convert it into disproportionate political power, which has always bedeviled capitalist democracies, has grown especially entrenched in the U.S. over the past four decades.<sup>83</sup> Reversing these trends has proved extremely difficult in an age of insufficient party competition, increasingly homogeneous partisan districts, the shift to a permanent campaign mentality that rewards extreme position-taking and militates against legislative compromise, and an ever more partisan news media that allows citizens and their representatives to retreat to their own echo chambers.<sup>84</sup> As a result, American democracy seems less capable than in the past of responding to significant crises that demand timely working agreements – on federal budgets, the situation of over ten million undocumented immigrants, the growing threats posed by global warming, and the like.

Our point is not to reduce deliberation to an instrumental good in service to equality or efficiency, but it is to say that the ability of citizen deliberation to include all citizens’ perspectives and to affect political choices depends on creating more political equality within the

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<sup>82</sup> McCarty, Poole, and Rosenthal 2006.

<sup>83</sup> Bartels 2008; Jacobs and Skocpol 2005; Schlozman, Verba, and Brady 2012; Gilens 2012.

<sup>84</sup> Gutmann and Thompson 2012.



system, and building institutional and communicative channels that transform deliberative citizen opinion into political decisions. This should be a concern of anyone committed to deliberation, because the power of citizens' voices cannot circulate without better receptors in the political system.

While a single book cannot resolve all of these problems, even on paper, our goal is to redirect the conversation about them with some fresh arguments and evidence, and to suggest how civic deliberation can be better integrated into the wider landscape of political decision making. Most forums have been episodic experiments and projects. One important goal is to embed deliberative forums more firmly in governing routines, comparable to the American jury system and Brazilian Participatory Budgets.<sup>85</sup> Strengthening the design of deliberative forums through judicious incorporation of enclaves of the marginalized, and improving how all forums are communicated publicly, should help to multiply the range of forums that are incorporated within routine democratic politics, rather than existing as experiments that depend on the kindness of political strangers for acceptance. These forums could inspire greater trust among foundations, governments, and other potential sponsors, as well as among the citizens, officials, and advocacy organizations that comprise the typical audiences for forums' policy recommendations. Because they will be more equal and transparent, forums will deserve that trust. While better forums that are better communicated will not please everyone, observers will be able to make more informed judgments about how to incorporate civic deliberation in governance.

To summarize, equality and publicity lie at the heart of deliberative democracy. Achieving one of these values often depends upon achieving the other. Both can be undermined by the necessity for deliberation to occur in small groups, which requires forums to mitigate the

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<sup>85</sup> Leighninger 2012.

background inequalities that citizens bring to the table and to explain what happened there in ways that demonstrate accountability and transparency to the forum's audiences. The emerging market for professional practitioners of citizen consultation may build expertise in fostering equality and publicity, but might undermine commitments to these important values if they conflict with sponsors' demands and organizers' need to protect their brands. Growing efforts to institutionalize civic deliberation in everyday politics are at a crossroads. The success of these efforts will be judged in large part by whether they can provide better arenas for addressing conflict in unequal and divided democracies than other means by which the public has traditionally expressed itself. This demands attention to how citizens communicate within forums and to how forums communicate what participants have to say to other elements of the democratic system.

### **The Plan of the Book**

In chapter 1, we begin by working out a more complete theoretical definition of what political equality, public reasoning, and decision making should look like in civic forums. We address debates among theorists of deliberative democracy about the value of different kinds of forums, as well as criticisms of deliberative ideals as utopian, elitist, or incoherent. We are particularly attentive to the need for a practical and realistic theory of citizen deliberation. Therefore, we differentiate some basic descriptive conditions for deliberation, which are regularly met by civic forums, from ideal standards by which forums might be evaluated, which are more ambitious yet can still be observed in practice. We also identify a few illustrative empirical conditions that may affect deliberative equality and publicity in forums. This discussion establishes some grounds for our proposals later in the book.

Thereafter, our argument proceeds in two parts. In the first section, we present normative arguments and empirical evidence for the value of incorporating enclave deliberation among the least powerful citizens into the deliberative landscape. In chapter 2, we specify what we mean by enclaves of disempowered individuals and groups, who may suffer from pervasive and enduring political inequalities, or who are situationally disempowered relative to a particular issue under deliberation, or who may be disadvantaged by the act of deliberation itself. We argue that it would often advance equality in the deliberative system if these marginalized citizens had opportunities to confer among themselves in civic forums and political processes. This enclave deliberation can occur as part of a larger deliberation that takes place within representative civic forums, or between enclave forums and more representative forums, or in ongoing processes that allow enclaves of the weak to engage directly with officials who can represent the larger public. At the same time, we review evidence that suggests how forums can avoid some well-known dangers of enclave deliberation, including social pressures to conform to dominant views within groups, unreflective extremism, and sectarian pursuit of group interests.

There are few studies of enclave deliberation in civic forums, so we begin to fill this void in chapter 3. We present our own case study of a forum that convened members of social groups with least access to broadband Internet service to develop policy proposals for bridging the digital divide in Silicon Valley. In this case, an established format for cross-cutting deliberation among social groups – the Consensus Conference – was modified to foster deliberation among the disempowered about their interests. Instead of falling prey to social pressures within the group or failing to consider a broad range of arguments, participants perceived greater diversity of views among themselves the longer they deliberated, yet were still able to agree upon a long list of policy recommendations. These recommendations contributed new perspectives to the

larger policy debate, addressing issues that extended beyond the agenda outlined by conference organizers. By deliberating together, members of groups who were among the least powerful in relation to the issue were able to articulate a distinct set of values, experiences, and policy preferences about the digital divide. The participants and a panel of outside telecommunications experts in government, advocacy groups, and business perceived the deliberative process and outcomes as legitimate. Thus, the case study shows how enclave deliberation among the marginalized can contribute constructively to a larger policy debate.

In the second part of the book, we turn our attention to publicity. We argue that successfully integrating civic forums into the political system will depend in part on establishing broadly shared standards for organizing and reporting forums. While comparable institutions, such as public hearings and opinion polls, are not always conducted legitimately, there are widely accepted criteria for how these kinds of public consultation ought to be practiced and how they should be communicated to the public.

In chapter 4, we propose a set of benchmarks for assessing whether forums should be seen as more or less valid expressions of public opinion, which should help observers make good decisions about whether to trust a particular forum. We derive standards for evaluating publicity about forums by translating widely-accepted criteria for good deliberation *within* forums. One set of criteria concerns deliberative *argumentation*, which includes clarifying the group's conclusions; revealing the reasons, evidence, and norms upon which the group's conclusions are based; and discussing the opposing views considered by deliberators. Because good deliberation is expected to include each of these kinds of talk, it is important that they be shared with those outside the group to advance deliberation in the public sphere and official arenas. A second set of standards addresses *transparency* about the control, design, intended influence, and evaluation

of the deliberative process, as well as the fidelity of the publicity to the underlying deliberation. Transparency is important because the particular designs and conditions of deliberative forums can significantly affect their perceived legitimacy and policy proposals. Transparency can also hold the authors of publicity accountable to deliberators and the larger public, ensuring that the kinds of coercion that some skeptics fear can happen *within* deliberative groups are not committed *against* the group after the fact by those who report the forum.

In chapter 5, we begin to analyze an illustrative sample of final reports that emerged from a diverse sample of forums. Using quantitative content analysis and close qualitative readings of the reports, we identify their different emphases on conclusions, reasons, evidence, and other aspects of argumentation. We find that *decisional* reports emphasize deliberators' conclusions at the expense of revealing their reasoning, while *dialogic* publicity focuses on reasoning over conclusions, and other documents offer a rough balance between the two. This relationship between conclusions and reasons can be influenced by factors such as the design of the deliberative forum and its relationship to formal policymaking processes, but is not wholly reducible to these factors. Deliberative publicity can be shaped as well by several dominant genres of political discourse – policy analytic, academic, populist, and activist – that can exhibit biases toward abstract and systematic argumentation, or experiential and particularistic reasoning. Moreover, we find that across all types of reports in our sample, authors often neglect to reveal other important elements of deliberation, such as the opposing views considered by the group and the values that motivated participants' policy preferences. We find that deliberative publicity is not a mere function of other aspects of a civic forum, but an independent variable in its own right, and that authors can attend more consciously to the ways in which publicity is authentically deliberative.

Returning to our sample of final reports of civic forums in chapter 6, we explore the extent to which each report practiced transparency about important details of the deliberative process. We find that these reports devoted most attention to revealing the control, design, and intended influence of forums, yet many authors divulge these aspects of forums only partially. Very few reports include evaluation data – either a systematic assessment of how participants or others perceived the fairness of the deliberative process or an evaluation of the participants’ knowledge, attitudes, or dispositions. There is little reporting of the criteria used to decide how elements of the group’s argumentation were included in publicity, whether these criteria were agreed to by the group as a whole, or whether group members perceived the final report as an accurate expression of their views. Overall, no reports addressed all the elements of transparency in a comprehensive way. Some of the variance in transparency is rooted in similar factors as differences in argumentation, especially the forum design. Yet compared with argumentation, transparency seems more independent of the underlying deliberation, and more dependent on authorial discretion.

In chapter 7, we offer recommendations for practicing and evaluating equality and publicity in civic forums. We suggest practical steps for organizing enclave deliberation among the least powerful and linking it to discussion with other citizens, experts, and officials in ways that could reap the benefits of enclave deliberation among the marginalized, while avoiding its perils. Certain issues and forum designs may be especially optimal for this kind of deliberation among the disempowered. We also suggest principles and methods for improving the publicity of deliberative forums in ways that contribute to the larger political system. We conclude by outlining a research agenda on the effects of publicity on the perceived legitimacy and persuasiveness of deliberative groups. There is much more to be learned about how

policymakers, activists, and the public view different types of argumentation and transparency. This work could illuminate how civic forums can maximize both their independence from external power and their policy impacts by communicating well to other actors in the deliberative system.

Throughout the book, our perspectives on civic deliberation are shaped and limited by several factors. As academics, we have observed and studied deliberation in many public consultation processes and lab experiments, but we have done so at an early stage in the development of deliberative theory and practice. We are also influenced by our own experiences as citizens in the late twentieth century and early twenty-first century United States, who have attended many public meetings, some deliberative but most not, and participated in expert panels that advise officials, on the boards of voluntary associations, in demonstrations, and in union-management negotiations. We have been struck by the unequal conditions in so many of these civic processes in which we have taken part and by how much their legitimacy depended upon how they were communicated publicly. In some of them, we occupied privileged positions because of our educational training, credentials, gender or race. In others, we were marginalized because of our views, although never as much or in the same ways as the most disempowered people among us are excluded or humiliated by the political process. We also come to this work as an organizer (Raphael) and an evaluator (Karpowitz) of one of the civic forums we study in this book. This experience deepened our appreciation of the difficulty and the importance of practicing and publicizing civic deliberation under conditions of social inequality. Our admiration for the citizens who took part in this forum and our desire to learn from this experience, including from our novice mistakes, was our first inspiration to write this book. In doing so, we have tried to arrive at conclusions about deliberative democracy that take seriously

the perspectives of academics, practitioners of civic forums, advocates, and citizens. We hope that they will help to find and fill in our blind spots of theory and method, historical and geographical context, social positions and personal experiences. That is something that deliberation does best.



Table I.1: Types of Civic Forums

<b>Design</b>	<b>Access and Recruitment</b>	<b>Number of Participants</b>	<b>Length of Deliberation</b>	<b>Agenda</b>	<b>Decision Rule</b>	<b>Output and Influence</b>
National Issues Forum	<ul style="list-style-type: none"> <li>• Open or limited</li> <li>• Convenience sample</li> </ul>	10-1000+ in multiple small groups	90 minutes to one day	Closed	Synthesis by organizers, some polling	<ul style="list-style-type: none"> <li>• Representation of public opinion</li> <li>• Educative and advisory</li> </ul>
Consensus Conference	<ul style="list-style-type: none"> <li>• Limited</li> <li>• Random, quota sample</li> </ul>	12-24 in one group	3 weekends	Open	Consensus	<ul style="list-style-type: none"> <li>• Policy recommendations</li> <li>• Advisory</li> </ul>
Citizens Jury	<ul style="list-style-type: none"> <li>• Limited</li> <li>• Random, quota sample</li> </ul>	12-24 in one group	5 days	Closed	Consensus or voting	<ul style="list-style-type: none"> <li>• Policy recommendations</li> <li>• Advisory</li> </ul>
Deliberative Poll	<ul style="list-style-type: none"> <li>• Limited</li> <li>• Random or stratified random sample</li> </ul>	100-500 in small groups and plenary	Two days	Closed	Polling	<ul style="list-style-type: none"> <li>• Representation of public opinion</li> <li>• Advisory</li> </ul>
Planning Cell	<ul style="list-style-type: none"> <li>• Limited</li> <li>• Random or stratified random sample</li> </ul>	100-500 in small groups	Four days	Closed	Synthesis by organizers, some polling	<ul style="list-style-type: none"> <li>• Policy recommendations</li> <li>• Advisory</li> </ul>
21 <sup>st</sup> Century Town Meetings	<ul style="list-style-type: none"> <li>• Limited</li> <li>• Aims for stratified random sample</li> </ul>	100-1000+ in small groups and plenary	One day	Open or closed	Consensus of small groups and polling	<ul style="list-style-type: none"> <li>• Policy recommendations</li> <li>• Advisory</li> </ul>
Citizens Initiative Review Panel	<ul style="list-style-type: none"> <li>• Limited</li> <li>• Random, quota sampling</li> </ul>	18-24 in one group	Five days	Closed	Voting	<ul style="list-style-type: none"> <li>• Voting recommendations</li> <li>• Advisory</li> </ul>
Citizens Assembly	<ul style="list-style-type: none"> <li>• Limited</li> <li>• Random or stratified random sample</li> </ul>	100-200 in small groups and plenary	Several months	Open	Voting	<ul style="list-style-type: none"> <li>• Policy development</li> <li>• Ballot initiative for public referendum</li> </ul>
Participatory Budget	Open invitation and network recruiting	100-1000+ in plenary and elected small groups	Several months	Open	Voting	<ul style="list-style-type: none"> <li>• Policy development and implementation</li> <li>• Advisory or direct authority</li> </ul>
New England Town Meeting	Open invitation	100-1000+ in full group	One day	Open	Voting	<ul style="list-style-type: none"> <li>• Policy development and elections</li> <li>• Direct authority</li> </ul>