

Deliberative Impacts: The Macro-Political Uptake of Mini-Publics

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Democratic theorists often place deliberative innovations such as citizen's panels, consensus conferences, planning cells, and deliberative polls at the center of their hopes for deliberative democratization. In light of experience to date, the authors chart the ways in which such mini-publics may have an impact in the "macro" world of politics. Impact may come in the form of actually making policy, being taken up in the policy process, informing public debates, market-testing of proposals, legitimation of public policies, building confidence and constituencies for policies, popular oversight, and resisting co-option. Exposing problems and failures is all too easy. The authors highlight cases of success on each of these dimensions.

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In the 1990s, democratic theory famously took a "deliberative turn." When it did, one of the most immediate worries lay in how large groups of individuals could genuinely deliberate together.¹ Various solutions have been suggested. Some placed their hopes in conventional institutions of government such as legislatures, some in civil society, others in e-networks or mass-mediated deliberation, yet others in empathetic imaginings.²

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Still other deliberative democrats placed their hopes in “mini-publics.” These are designed to be groups small enough to be genuinely deliberative, and representative enough to be genuinely democratic (though rarely will they meet standards of statistical representativeness, and they are never representative in the electoral sense). Such mini-publics include Deliberative Polls, Consensus Conferences, Citizens’ Juries, Planning Cells, and many others (briefly described in Section I). Importantly different though all those designs are from one another, their reliance on small-group deliberations in mini-publics composed of ordinary citizens is what distinguishes them from a raft of other recent democratic innovations.³

Here is an early and influential image of a mini-public from Robert Dahl, the preeminent democratic theorist of the past generation:

Suppose an advanced democratic country were to create a “minipopulus” consisting of perhaps a thousand citizens randomly selected out of the entire demos. Its task would be to deliberate, for a year perhaps, on an issue and then to announce its choices. The members of a minipopulus could “meet” by telecommunications. One minipopulus could decide on the agenda of issues, while another might concern itself with a major issue. Thus one minipopulus could exist for each major issue on the agenda. . . . It could be attended—again by telecommunications—by an advisory committee of scholars and specialists and by an administrative staff. It could hold hearings, commission research, and engage in debate and discussion.

“In these ways,” Dahl writes, “the democratic process could be adapted once again to a world that little resembles the world in which democratic ideas and practices first came to life.”⁴ Technology has come a long way since Dahl was writing, and organization of a minipopulus online would now be quite straightforward.

Dahl envisages such a minipopulus “not as a substitute for legislative bodies but as a complement.”⁵ There are some democratic designs in which the deliberations of a mini-public, typically one chosen by lot, would literally substitute for those of an elected representative assembly.⁶ Such authoritative assemblies have hardly been seen since ancient Greece, however. The sorts of mini-publics we shall be focusing on are not normally like that. The ordinary institutions of representative democracy generally remain sovereign, such that micro-deliberative mechanisms merely provide inputs into them. Those inputs are more formal in some cases, less formal in others, but only in one limiting kind of case we will be discussing does the mini-public itself share sovereignty over the decision at hand.

Thus arises the problem at the heart of the present article: how to link the micro to the macro.⁷ By “macro,” we mean the larger political system and its need for collective decisions. When it comes to the macro-political impact of micro-political innovations, mini-publics of the sort here in view rarely themselves determine public policy (though more than direct impact on the content of public policy will turn out to be at issue, we shall be arguing). Generally they can

have real political impact only by working on, and through, the broader public sphere, ordinary institutions of representative democracy, and administrative policy making. Here we attempt to map ways in which that might happen, providing apt illustrations of each. Democratic theory now accords central roles to deliberating citizens, but large questions remain unresolved concerning how citizen deliberation can be consequential in democratic practice. We intend to begin answering such questions by cataloguing, tracing, and illustrating available paths of impact.

I. MINI-PUBLICS: A BRIEF SURVEY

Recent years have seen a burgeoning of innovative democratic techniques. In a report for the UK POWER project, Graham Smith lists fifty-seven.⁸ Some are proposals for specifically electoral reform. Others involve improved consultative procedures. Still others involve e-initiatives or expansions of familiar instruments of direct democracy, such as referenda.⁹ We shall be concentrating here, more narrowly, on mini-publics.

These are designs in which small groups of people deliberate together. (Sometimes many such small groups meet simultaneously or sequentially, at the same venue or at separate ones.) We will be focusing on mini-publics with some claim to representativeness of the public at large. Representation is something of a conceptual thicket in political theory.¹⁰ By “some claim,” we do not mean statistical representativeness—which only one design, the deliberative poll, explicitly asserts. Nor do we mean electoral representation. All “some claim to representativeness” need mean is that the diversity of social characteristics and plurality of initial points of view in the larger society are substantially present in the deliberating mini-public. Social characteristics and viewpoints need not be present in the same proportions as in the larger population, nor need members of the mini-public be accountable to the larger population in the way elected representatives are.

In focusing on mini-publics with claims to representativeness, we stress forums involving lay citizens and non-partisans. Thus we say little about familiar consultative mechanisms in which participants exclusively self-select or are selected on the basis of their partisanship—public inquiries, stakeholder dialogues, mediation, regulatory negotiation, and so forth—except for purposes of comparison. Many of the macro-impact issues we address will also arise in these kinds of partisan forums, though in principle impact should be more straightforward, given that key players in the macro system are often present in partisan deliberative forums.¹¹ Our definition of mini-public is narrower than that of Fung, who would include under the mini-public heading exercises that rely completely on self-selection.¹² Of course, there is an element of self-selection in all deliberative microcosms: citizens must agree to participate, and many

decline. In some designs, participants are selected from among those who have registered an interest in participating in this kind of forum via a Web site or phone line. Yet these designs remain very different from those that rely completely on self-selection, which are likely to attract only strong partisans.

Thus, in contrast to Fung, our definition of “mini-publics” would exclude what is perhaps the most widely discussed recent innovation in participatory-cum-deliberative decision making, especially when it comes to direct impact on policy making: Participatory Budgeting in the Brazilian city of Porto Alegre. Begun there in 1989 and spreading to many other cities in Brazil and Latin America in subsequent years, Participatory Budgeting involves three tiers of decision making: first, a set of popular Regional Assemblies, open to all; then Regional Budget Forums, whose members are elected by the Regional Assemblies; and finally, Municipal Budget Councils elected by Regional Assemblies.¹³ Certainly Participatory Budgeting is a great success in participatory terms.¹⁴ It is also a great success in terms of macro-political impact, with budget priorities and representatives to the Forums and Councils being determined by direct vote in the popular Regional Assemblies. But these are not mini-publics of the sort we are discussing here. The participants are either self-selected (in the case of the Regional Assemblies) or elected (by the Regional Assemblies, for the other two tiers).

Complete reliance on self-selection is also true of another much-discussed set of cases (by Fung and others), involving “community policing” in Chicago.¹⁵ Substantial amounts of control are devolved onto “beat meetings,” where small groups of police and citizens engage in “deliberative problem-solving” on an ongoing basis. Those are certainly instances of genuine empowerment of local communities; and when everything goes well (as it sometimes does not), they involve genuine micro-level deliberations across the lay and professional participants. But since “beat meetings” were simply open meetings, participants were self-selected and hence not a microcosm of the ordinary public. The same is true of community consultations conducted in connection with Oregon health care reform.¹⁶

We also exclude deliberation in courts, legislatures, and administrative agencies, though they figure centrally in some theories of deliberative democracy.¹⁷ Formal institutions of government have constitutional power or statutory authority to determine outcomes. Their members have that authority by virtue of having been formally elected or appointed to certain offices of state. Of course, in a system of mixed government, there will be other branches or officials that may try to ignore or override their determinations, so the problem at the heart of the present article might thus arise in a different way there too. But formally empowered bodies generally have a different kind of claim for their determinations to be taken seriously than do the mini-publics upon which we here focus. The latter have no constitutional claim to share in formal macro-political decision

making. At most, and very rarely, they have a politically (but not constitutionally) guaranteed place in policy making on a particular issue. The more usual case is that mini-publics lack formal power or authority in the macro-political system. They might sometimes have been established by some public authority. They might report to it. But when they do, their reports are purely advisory and lack even any presumptive lawmaking power of their own. The problem of how the macro-political “takes up” their micro-deliberative input thus arises in acute form.

Among the most interesting forms of mini-public are the following:¹⁸

- Citizens’ Juries, initiated in the United States by Ned Crosby and the Jefferson Center he founded in 1974, have been run sporadically there and more widely in other countries since. Citizens’ Juries receive information, hear evidence, cross-examine witnesses, and then deliberate on the issue at hand. Typically, but not invariably, the Citizens’ Jury has been commissioned by some public agency to whom its recommendations are addressed. Citizens’ Juries are especially common in Blair’s Britain.¹⁹ One of the more dramatic episodes, however, came in Canada in 2004, when the government of Ontario appointed a Minister for Democratic Renewal to preside over the establishment of Citizens’ Juries of twelve to twenty-four citizens, selected by stratified sampling to promote demographic representativeness, deliberating over 2-4 days to provide advice on specific aspects of the province’s budget.²⁰ Planning Cells in Germany operate broadly similarly, with a number of deliberating groups running in parallel in a longer, multi-stage process.²¹
- Consensus Conferences, initiated by the Danish Board of Technology in 1987, have been run there and across the world with some frequency since.²² In the original Danish model, a small group of fifteen lay citizens holds two weekend-long preparatory meetings to set the agenda for a four-day public forum; there, experts give testimony and are questioned, after which the lay panel retires to write a report. That is presented at the end of the fourth day to a press conference, typically attracting attention from politicians and the media. In Denmark, that public forum is then followed by a set of local debates, also organized by the Board of Technology. A 2003 enactment of the U.S. Congress specifies Consensus Conferences as one way of the responsible agency discharging its obligation of “ensuring that ethical, legal, environmental and other appropriate social concerns . . . are considered during the development of nanotechnology.”²³
- Deliberative Polls, initiated by James S. Fishkin and his Center for Deliberative Polling in 1988, have now been run in several countries around the world.²⁴ Deliberative Polls gather a random sample of between 250 and 500 citizens. They hear evidence from experts, break up into smaller groups (around fifteen people each) to frame questions to put to the experts, and then reassemble in plenary session to pose those questions to panels of experts. Before-and-after surveys of participants are

taken, to measure both information acquisition and opinion change over the course of the exercise. Larger and more expensive enterprises, Deliberative Polls are typically run in collaboration with media outlets, which publicize the results. In their book *Deliberation Day*, Ackerman and Fishkin propose that this model be expanded into a nationwide Deliberative Poll before national elections, involving simultaneous events across the country in which literally all citizens would be invited to participate.²⁵

- AmericaSpeaks, founded by Carolyn Lukensmeyer in 1997, organizes a series of “21st Century Town Meetings.”²⁶ Those are one-day events involving between 500 and 5,000 people deliberating on some specific issue. Participant selection procedures vary, but efforts are made to ensure reasonably representative samples of citizens. They operate through moderated small-group discussions at demographically mixed tables of ten to twelve people. Feedback from these tables is immediately pooled via networked computers and sifted by the organizers to form the basis for subsequent discussions. Large video screens present data, themes, and information in real time over the course of the deliberations. As themes emerge and votes are taken, recommendations gel. Key stakeholders produce background materials and, together with public authorities, typically attend the event. The most famous AmericaSpeaks Town Meetings were a pair called “Listening to the City: Rebuilding Lower Manhattan” after the 9/11 destruction—more of which below.
- National Issues Forums, an initiative of the Kettering Foundation, annually convenes a U.S.-wide network of over 3,000 locally sponsored public forums of varying sizes and selection procedures to discuss selected issues.²⁷ The foundation collates feedback into reports that it then circulates to elected officials. Drawing on the National Issues Forums, a Deliberative Poll called the National Issues Conference was convened in the run-up to the 1996 U.S. presidential elections; the event was broadcast on PBS, was anchored by Jim Lehrer, and had an estimated 10 million viewers.²⁸ Another 2003 National Issues Forums Deliberative Poll, also in collaboration with McNeil-Lehrer Productions, focused on “America in the World.”²⁹
- “GM Nation?” was a “public debate” organized by (but at arm’s-length from) the UK government as part of a national consultation on genetically modified food in June 2003.³⁰ The main debate of some 675 “open community meetings” involved individuals who were purely self-selected; that component of the debate is not therefore the sort of mini-public we are focusing upon here. There was, however, another component of “GM Nation?” that did involve deliberative groups of the sort of interest here. To provide more structured analysis of community response to the issues and to serve as a cross-check for results from the open meetings, organizers also convened ten “Narrow but Deep” groups. Each of those groups held two daylong meetings a fortnight apart providing their views on issues that arose in the open meetings.

II. POSSIBLE PATHWAYS TO INFLUENCE

How might mini-publics affect political decision making? Possible modes of influence are many and varied. So too are the possible ways in which the macro-political system might “abuse” mini-publics, using them in ways that undermine the democratic or deliberative quality of the larger political process. Our aim here is to catalogue the various ways mini-publics might possibly affect the macro-political system, for better or for worse, providing instances of each. A detailed catalogue is necessary to counter those skeptical of the impact of such innovations, and to illuminate the subtle as well as the obvious ways they can make a difference.

A. Actually Making Policy

The limiting case of actually “making policy” occurs when a forum is formally empowered as part of a decision-making process. Cases are still rare, though deliberationists (us among them) hope they will become increasingly common.³¹ The most famous recent case is that of the Citizen’s Assembly on Electoral Reform in British Columbia.³² That assembly, composed of 160 randomly selected citizens, was established by a unanimous enactment of the provincial legislature and charged with the task of recommending an electoral system for the province. If it recommended changed arrangements, the provincial government committed itself to putting that proposal to the electorate at large in a referendum at the next year’s elections.

After an initial set of weekend meetings to inform members concerning alternative electoral systems, the assembly held fifty public hearings (attended by 3,000 citizens and receiving 1,600 written submissions) and then spent six weekends deliberating. In December 2004, it recommended a version of single-transferable vote which was put to referendum the next May.

The Citizen’s Assembly was constituted as a formal part of the political system. It was legislatively charged with making a recommendation that would automatically go onto the ballot as a referendum proposal. That was an ironclad commitment from the provincial government from the start. In that central respect, the macro-political uptake of this mini-public’s recommendation was hardwired.

Of course, it was then an open question whether or not the Citizen’s Assembly’s recommendations would be approved in that referendum. Ultimately they were not.³³ Still, having its recommendations considered and rejected is importantly different from having them ignored altogether, which is the fate threatening purely advisory recommendations of mini-publics discussed next.

B. Taken Up in the Policy Process

The much more frequent case occurs when a mini-public provides recommendations to ordinary macro-political processes, with no formal guarantee that

the recommendations will be taken any further at all (much less adopted and implemented) in the macro-political process. Sometimes, organizers of a forum will seek a “guarantee” (hard or soft) in advance from government officials that the forum will be an integral part of a decision-making process; this is a standard feature of the AmericaSpeaks procedure and a not uncommon feature of Citizens’ Juries. In Denmark, there is an expectation (although no formal legal requirement) for Parliament and political parties to respond explicitly to the recommendations of Consensus Conferences organized by the Danish Board of Technology. For an example of ways in which Danish Consensus Conference have directly influenced legislation, note that the

conferences that were held in the late 1980s influenced the Danish Parliament to pass legislation limiting the use of genetic screening in hiring and insurance decisions, to exclude genetically modified animals from the government’s initial biotechnology research and development program, and to prohibit food irradiation for everything except dry spices.³⁴

Of course, it cannot be proven that the Consensus Conference was the decisive influence; skeptics might say this is what government policy could have been anyway

In at least one peculiar case, a policy maker allegedly guaranteed in advance that he would not respond to the recommendations of a citizen’s forum. A citizen’s jury on container deposit legislation financed by the government of New South Wales was seen as a potential source of threat by the beverage industry, which reportedly secured a commitment in advance from Premier Bob Carr that no legislation would be introduced, whatever the jury recommended.³⁵

Mini-publics involve (at most) “only a few hundred [citizens] who are given a chance to learn, think and deliberate.” Yet they can make claims to represent informed public opinion on an issue. The designers of deliberative polls claim that participants “are a scientifically chosen random sample and their views therefore represent what the . . . people would think if they became similarly more knowledgeable about . . . policy.”³⁶ They thus “represent what the public would think about the issue if it were motivated to become more informed and to consider competing arguments.”³⁷

That fact might give mini-publics the power to influence public policy making in various ways. One might be that policy makers take the opinion of people informed in the course of these events as authoritative, in preference to “raw” public opinion. “The judgment of a minipopulus,” Dahl says,

would “represent” the judgment of the demos. Its verdict would be the verdict of the demos itself, if the demos were able to take advantage of the best available knowledge to decide what policies were most likely to achieve the ends it sought. The judgments of the minipopulus would thus derive their authority from the legitimacy of democracy.³⁸

Of course, it is an open question whether decision makers will prefer this kind of public opinion to raw and uninformed public opinion (or lack of opinion) that the mass of ordinary voters will still exhibit. Electoral considerations might suggest a preference for the latter.

Positive influence is, however, possible. As a way of discharging their statutory public-consultation requirements, eight electric utilities in different parts of Texas commissioned Deliberative Polls between 1996 and 1998, asking customers how they preferred that future electricity requirements to be met. The results showed a sharp increase in participants' support for investments in energy conservation measures, and also strong willingness to pay more for energy if it came from renewable sources.

The results of those Deliberative Polls affected public policy in two ways, one very direct and the other only slightly less so. First,

as a result of the deliberative polls, the utility companies began to integrate consumer values about energy choices into their [Integrated Resource Plan] filings [to the state Public Utility Commission] . . . and decisions that followed tended to include renewable energy investments, paid for by all consumers. Several of the companies also received regulatory approval to start renewable energy marketing ("green pricing") programs on a pilot basis.³⁹

Second, "in 1999, the Texas Legislature enacted Senate Bill 7, which"—among other things—"established a renewable energy development standard that requires all for-profit retail sellers of electricity to obtain approximately 3% of their electricity supplies from renewable energy sources by 2009. . . . The legislation also set new conservation goals." Cautious commentators say,

While it would be disingenuous to suggest that the results of the deliberative polling process alone were responsible for the regulatory and legislative changes that followed, the polls did, for the first time, provide for public consultation in a systematic and scientific manner. . . . The contribution of the deliberative polls was to provide a measurement of what is important to those affected by energy statutes and regulation—the public. . . . The deliberative polling results validated what advocates of renewable energy, energy efficiency and low-income assistance had argued for some time but could not necessarily prove: that customers support these public benefits expenditures and are willing to pay for them.⁴⁰

A less cautious conclusion is suggested by their report's subtitle "How Deliberative Polling Helped Build 1000 MW of New Renewable Energy Projects in Texas."

Certainly their organizer is bullish in attributing those policy changes to the effects of his Deliberative Polls. Fishkin proudly proclaims that

based on the results of the Deliberative Polls, [the Texas Utility Commissioners] implemented plans that yielded the largest investments in renewable energy in the history of the state. Later the legislature, when it de-regulated the utility industry, used the results

of the Deliberative Poll to justify including a substantial renewable energy portfolio in the legislation.⁴¹

C. Informing Public Debates

In a Pew Charitable Trust survey of organizations sponsoring citizen dialogues of one sort or another, no less than 45 percent reported that “one of their major goals was simply to provide information.”⁴² Information would flow both to those involved directly in policy debates and (ideally) to larger publics. One way to influence broader publics is via media coverage of deliberative events.⁴³ Advocates of mini-publics characteristically argue that the media should give more publicity to their results. “Why so little coverage?” they ask. “Shouldn’t informed public opinion count for more than uninformed public opinion?”⁴⁴ The answer to this second question may not be straightforward, as we have just noted.

Such media coverage might influence people’s behavior in various ways. It might lead them to become more interested in the topic and acquire more and better information about it.⁴⁵ Media coverage of mini-publics might also alter people’s policy preferences directly, if they became persuaded that they ought to shift their own preferences in line with those of their more informed but otherwise identical counterparts.⁴⁶ According to Fishkin, “In the Deliberative Poll before the 1999 Australian referendum,” for example, “we can clearly see from other polls that the broadcasts and newspaper articles had a significant effect”—albeit one that had dissipated by the time voting began.⁴⁷

Another Australian case of a mini-public informing public debate is that of a consensus conference on genetically modified foods that took place in 1999.⁴⁸ Prior to the conference, public debate on this issue was minimal. The conference helped raise the profile of the issue, receiving substantial media coverage, and it was cited in subsequent legislative debates. Monsanto, the main commercial sponsor of genetic technology, was forced to change its communications strategy. The company dispatched a representative to the consensus conference who treated it as a public relations occasion, patronizing the citizen participants as being in need of a bit of instruction and reassurance about the safety of the technology.⁴⁹ This representative was so chastened by the citizen’s panel’s hostile reaction that, when it came to delivery of the report, he had retreated from his reserved seat on the floor of the chamber to the obscurity of the balcony. For the first time Monsanto realized they could lose the public relations battle, and needed to take public skepticism more seriously. Along with Monsanto, the Commonwealth Scientific and Industrial Research Organization (a pro-GM government body) became aware of the need to engage the public in dialogue, rather than simply educate and inform. The consensus conference recommended caution in proceeding with the technology, but did not recommend a ban or moratorium.

That was also the case with Danish procedures of technology assessment more generally. There, even Danish Council of Industry representatives agree that

corporations have benefited from their nation's participatory approach to technology assessment because "product developers have worked in a more critical environment, thus being able to forecast some of the negative reactions and improve their products in the early phase." For example, Novo Nordisk, a large Danish biotechnology company, reevaluated its research and development strategies after a 1992 panel deplored the design of animals suited to the rigors of existing agricultural systems but endorsed the use of genetic engineering to help treat incurable diseases. The firm now wants to concentrate on work more likely to win popular approval, such as animal-based production of drugs for severe human illnesses.⁵⁰

D. Shaping Policy by Market Testing

The phrase "market testing" points to an analogy with commerce, and there are indeed instances of commercial ventures benefiting in just this way from politically commissioned mini-publics. The cases of Texas utility companies, Monsanto, and Novo Nordisk discussed above are cases in point. But politicians need to "market-test" their proposals too.

The key question, to which mini-publics can provide a clear answer, is "Can we sell this to the public, however hard we try, however much we increase public awareness, information, etc.?" Much of the consultative apparatus traditionally used by governments—public inquiries and Green Papers in the United Kingdom, remiss procedures in Scandinavia,⁵¹ congressional hearings in the United States—have long had that as their aim, however dubious the marketing language might seem from the viewpoint of some democratic ideals. Marketing experts have long used "focus groups" to market-test products, and political consultants have been using the same techniques for years to market-test political pitches.

Mini-publics of the sorts described above can serve the same function for the macro-political system more generally. Sometimes, sponsors get a clear and surprising "yes" to the question "Can we sell this to people?" as with the Deliberative Polls on renewable energy in Texas in the example discussed above. Sometimes, they get a clear "no."

A case of the latter sort comes from World Trade Center site planning. The pair of AmericaSpeaks 21st Century Town Meetings, "Listening to the City," had a clear—if, in the first instance, primarily negative—impact on plans for rebuilding lower Manhattan after the 9/11 attacks.⁵²

One major concern of the owner of the site, the Port Authority, was to replace rapidly all the commercial space that had been lost on the site in order to restore the \$120 million annual revenue stream it had lost. But the Lower Manhattan Development Corporation—the agency responsible for approving the plans—"wanted to learn as much as they could about the public's evaluation of the

elements that made up those concept plans—and they got that information.” This willingness may have had more to do with a desire to avoid political trouble than a genuine wish to learn from informed public opinion. However, the upshot of the “Listening to the City” exercise was a “unanimous” and “resounding rejection” of those Port Authority priorities.⁵³

As summarized by the official report of the proceedings,

[P]eople voiced strong objections to elements of all six proposals, particularly the dense office and commercial development they called for. Participants said that although the concept plans seemed to meet the Port Authority’s desire to replace the offices, retail space and hotel rooms destroyed on September 11, they did not provide an appropriate setting for a memorial, nor did they reflect the economic realities facing the city and the metropolitan area. . . .

A consensus was quickly reached that all the proposals were fundamentally inadequate.⁵⁴

This political uptake of the message was as prompt as the message was clear, as the official report describes it:

The messages generated by this committed, energized assembly—one of the largest gatherings of its kind—reached decision-makers quickly and unmistakably. . . . “Listening to the City” had a direct and swift impact on the fate of these concept plans. Just weeks after the six plans were introduced as a starting point for discussing, the program they were based upon was set aside, largely because of the sharp criticism at “Listening to the City” and other public feedback. . . . Shortly after “Listening to the City,” LMDC and the Port Authority pledged that a new program will be developed.

It is perfectly fair to say that “other than skewering the six plans and calling for a reduction in the amount of commercial space, the meeting hadn’t produced many concrete recommendations for how to design the site.”⁵⁵ The impact of this mini-public was thus of a largely negative sort, at least in the first instance. Still, vetoing all six initial proposals and forcing a rethink of the fundamental planning concepts upon which they all rested are clear accomplishments of the market-testing sort. This may not have been the intention of the planning authorities, who in subsequent years were able to shift policy back to more standard commercial concerns. And while the organizers of Listening to the City stress its impact, there were parallel debates in the broader public sphere whose tone was equally critical of the plans, so it is hard to determine just how decisive this particular mini-public was.

Another example of market testing is the “GM Nation?” exercise in the United Kingdom. The exercise did not achieve the endorsement of GM foods sought by the pro-GM forces in the British government that launched it. Neither did the process enjoy high esteem among the public at large: “many actions and statements by government around the time of the debate” tended “to undermine

the credibility of the debate process”; and there was in consequence “widespread cynicism among both participants and the wider public about the likely impact of the debate on government policy.”⁵⁶

Nonetheless, there were clear messages emerging from both the “open community meetings” and the more genuinely deliberative “Narrow but Deep” components. “Key messages” as summarized in the Executive Summary of the official report of the exercise were as follows:

1. People are generally uneasy about GM.
2. The more people engage in GM issues, the harder their attitudes and more intense their concerns.
3. There is little support for early commercialization.
4. There is widespread mistrust of government and multinational companies.
5. There is a broad desire to know more and for further research to be done.⁵⁷

In a nutshell, “the key message was caution.”⁵⁸

In important respects, the U.K. government in its official response stubbornly refused to accept that message:

We take public concern very seriously, and we recognize the need to address the people’s legitimate anxieties about GM crops. But having weighed up all the evidence, we have concluded that we should continue to assess each GM crop on an individual case-by-case basis. . . . We have looked at [people’s] concerns carefully, and we have concluded that for the most part the regulatory regime which is now in place is capable of addressing them, but that on some issues further action is required.⁵⁹

Thus, despite the government’s insistence that all was well, the “GM Nation?” debate—and especially its more genuinely deliberative “Narrow but Deep” component, by which government explicitly set most store—succeeded in extracting some “further action” from government.⁶⁰ Those specific measures came in the areas of “providing choice for consumers and farmers,” “mandatory labelling for consumers,” and steps to ensure the “coexistence” of GM and non-GM crops.⁶¹ Beyond those specific measures, the government committed itself, first and foremost, to “protect human health and the environment through robust regulation of GM crops on a case-by-case basis, consistent with the precautionary principle.”⁶²

Now, in a way that changes nothing. The case-by-case regulatory structure remains the same; the precautionary principle has long been official policy, both in the United Kingdom and the EU. Protecting human health and the environment are policy objectives of long standing. Every regulatory regime purports to be “robust.” But the U.K. government wanted to change matters in a pro-GM direction, and in this it did not succeed.

Even—or perhaps especially—where the upshot of the market testing is a frustrating “no,” politicians are clearly better off knowing it to be a lost cause

before staking too much of their reputations and political capital on it. And it is not just good for politicians, in a narrowly careerist sense: it is good for the macro-political system—in terms of its functionality, its legitimacy, and its democratic responsiveness—not to try to force wildly unacceptable proposals down citizens' throats.

E. Legitimizing Policy

Mini-publics can help legitimate public policies in whose process of production they play a part, however symbolic that part may be. Recall Dahl's words, quoted earlier: "The judgments of a minipopulus would 'represent' the judgment of the demos . . . [and] would thus derive their authority from the legitimacy of democracy."⁶³ As such they would lend legitimacy to particular policy recommendations.

Mini-publics can sometimes connect in appropriate ways to widely accepted democratic values, as the case of a citizens' jury convened to consider hospital restructuring in Leicester, England, illustrates. Citizens' Juries had been heavily promoted in the United Kingdom by the Institute for Public Policy Research, an independent think-tank co-founded by Patricia Hewitt who went on to become a Labour MP and then secretary of state for health. Citizens' Juries have been widely used in the United Kingdom to resolve a raft of knotty local issues. One example concerns plans to reconfigure hospital services in Hewitt's own Leicester constituency.

The background is this. The city of Leicester had three main hospitals: Leicester Royal Infirmary, Leicester General, and Glenfield. The Leicestershire Health Authority grew concerned that

"planned care" services for chronic disease and rehabilitation were suffering because acute care was taking up too many resources. Following four years of consultation and planning with hospital-based specialists and other medical interests, they proposed concentrating accident and emergency services at the Leicester Royal Infirmary and General, moving some other acute services from Glenfield, and devoting Glenfield to planned care services.⁶⁴

When the Health Authority announced that plan in late 1999, however, "a storm of protest erupted," centering mainly around the fact that it would involve relocating "a heart unit and breast care services [that] had just been set up at Glenfield largely thanks to major public appeals for donations rather than direct government spending." A petition opposing the plan collected 150,000 signatures, the media were mobilized, and MPs and local councilors got involved.

At the suggestion of Patricia Hewitt, a Citizens' Jury was established to help the Health Authority find a way out of the conundrum. It met for four days in March 2000, hearing witnesses and deliberating. In its recommendations, the Citizens' Jury endorsed the Health Authority's desire for one of the city's hospitals to specialize in "planned care"; but "to the delight of the protestors," it

recommended that that site be the General, not Glenfield. The Health Authority accepted that recommendation and set about implementing it.⁶⁵

As one of the leading health administrators involved in the process is quoted as having said,

You could look at it [the Citizens' Jury] as being a way out for us in a particular messy situation. . . . We almost got to the point where there was an impasse. . . . It [the Citizens' Jury] was the single biggest factor that freed up the next steps in the review process. . . . If we hadn't done that Jury, we would not have got through.⁶⁶

Thus, beyond its clear impact on policy (the sort of "take-up" effect discussed in Section II.B), the citizens' jury played a key role in legitimating policy in the eyes of divided and skeptical publics.

Mini-publics can lack the sort of legitimacy possessed by representatives who have been elected, or even appointed to "act on behalf" of the public. Even statistically representative samples as claimed in deliberative polling hold no "commissions" from the public at large. They have not been "authorized" by them to speak on their behalf.⁶⁷ The sheer numbers participating in an event may, however increase legitimating force. This is why *AmericaSpeaks* typically seeks very large numbers, much larger than required by statistical significance (even if the sample were statistically representative, which it is not), or to make sure all points of view are present. "Thousands" has a legitimating impact greater than "hundreds." (One *AmericaSpeaks* pamphlet is actually entitled "Millions of Voices.")

The decisions of bodies with formal legal authority might be more widely respected across the rest of the macro-political system the more conspicuously they involve the deliberative engagement of a wide, representative group of ordinary citizens. Even though they eventually failed by a narrow margin in the subsequent referendum, the recommendations of the Citizen's Assembly on Electoral Reform enjoyed more credence than they otherwise would have precisely for their having emerged from protracted deliberations among a representative sample of citizens of British Columbia.⁶⁸

Mini-publics will not necessarily promote legitimacy in the eyes of skeptical publics, who may suppose the real aim is to "sell" a policy rather than genuinely to listen to public views on the matter (this is different from the market testing described earlier). Skepticism here can draw on long experience with public inquiries whose conclusion is preordained, or whose impacts are minimal if they depart from their script. Publics can be doubtful that macro-political actors will take any notice of what mini-publics conclude, particularly if they come to the "wrong" conclusions. The minimally responsive official government response to the "GM Nation?" exercise in the United Kingdom is just the last in a long list of such experiences there.

Finally, mini-publics designed to legitimize certain policies can sometimes end up legitimizing activist disobedience. For oppositional groups that feel an obligation to give the system "one last chance," a mini-public might well look

like that “last best chance.” Suppose that the recommendations of that mini-public vindicate the position of those oppositional groups, but that the macro-political system fails to respond appropriately to the clear recommendations of the public in its more informed and reflective form. Or it might become clear that the forum was being used by governmental actors to buy time, in the hope public attention to the issue would wane. Oppositional groups might reasonably conclude that more activist responses are then warranted.⁶⁹

F. Confidence Building/Constituency Building

Participatory processes may promote “empowerment” in the psychological or sociological rather than the strictly legal-political sense.⁷⁰ Even if the consultative procedures are purely advisory, the mobilization of people to participate in them often has two further effects, both of which are of indirect political consequence. One is to give people participating in the consultation a psychological boost in confidence—and often on good grounds, insofar as they acquired additional information, insights, and skills in the course of engaging in the process.⁷¹ A second effect is sociological: insofar as large groups of people were mobilized to participate in the consultative process, groups thus mobilized will be in a better position to bring political pressure to bear on the macro-political system in other (e.g., electoral) ways as well. We note that most members of the British Columbia Citizens’ Assembly participated actively in public debate leading up to the referendum after their formal role had ceased, and they were no longer being paid.

How much difference mini-publics make in these indirect ways to the operation of the macro-political system depends largely upon just how “micro” they are, that is, on just how few or many citizens are involved in them, though media coverage may help compensate for small numbers. A Citizens’ Jury or Consensus Conference involves only 12-20 citizens. In other cases, however, moderately large numbers of people are involved in the mini-public. AmericaSpeaks Town Meetings involve up to 5,000 people, for example. That is a small fraction of the total population of New York City. Still, mobilizing that many people on a highly sensitive issue like rebuilding on the World Trade Center site can make a real difference to the way the macro-political system processes that issue. Or, for another example, consider the community meetings to advise on the implementation of the Oregon Basic Health Care Act: 1,003 people is a small proportion of total citizens of Oregon, but their having met in forty-six committee meetings across the state arguably helped to constitute a powerful constituency in support of that scheme.⁷²

For a simple, telling example, consider the case of the Reconnecting Communities and Schools project in South Carolina in 1998-2000. The process was to convene

a series of public meetings . . . under the auspices of a steering committee comprised of citizens selected by the school district as broadly representative of the community . . . to

discuss their aspirations for the community, what keeps people apart and what brings them together in the community, and what role the schools should play in the community. After completion of the public meetings, the steering committee would select 50 citizens reflecting the demographics of the community in terms of ethnicity, age, social class, residence and parental status to come together in a 'community conversation' to forge an 'agreement' that would outline what they hope different segments of the local area would do to reconnect schools with the community.⁷³

Such Reconnecting experiments had a great many very useful schooling-specific outcomes in all three communities in which they were conducted. But the one in Horry County had empowering effects of a dramatic sort. By way of background, "as part of its economic development strategy, South Carolina allows local governments to grant tax exemptions to particular kinds of business park developments." When Horry County authorities proposed granting such an exemption for a large development that would result in substantial lost revenue for the local schools, which are of course funded from the tax revenues from which the developers were being exempted, the school district filed suit against the city and county.

This lawsuit is unprecedented, and represents an assertion that school districts should have an equal standing in local development decisions from which they have traditionally been sidelined. School district officials were clear in saying that they could not have filed this lawsuit without Reconnecting:

- [A member of the school board said,] "A few years ago the school district would have had no choice but to take what . . . the county planning commission gave them, but Reconnecting has shown the Superintendent and the board what the community wants us to do, and it has given the community a reason to support the district's decision to stand up and fight."
- [A school district official reports,] "[I]t would be hard for anyone to argue that the same thing would have happened without Reconnecting. When we had to go out and make our case to the people, they were listening with 'new ears,' and they could see that it just didn't make sense to go on diverting tax money from education to subsidize developers at the same time that the community wants to make itself a center of growth for high tech R&D."⁷⁴

G. Popular Oversight

Participatory, consultative mechanisms also sometimes serve as a means of public oversight forcing official accountability.⁷⁵

All mini-publics serve this function to some extent, insofar as they take testimony (albeit typically on a voluntary basis) from representatives of public agencies and from their critics. They might serve this function more successfully had they the power (*de jure* or *de facto*) to require public officials to appear

before them to testify. To serve this function most successfully would require ongoing or recurring mini-publics, rather than one-off micro-deliberations.⁷⁶

A model might be the “community policing” arrangements in Chicago. These do not qualify as mini-publics in our terms, purely because “beat meetings” are “open” to all comers, such that self-selection effects are greater. Still, levels of participation have been high: some “12 per cent of adults in Chicago report that they have attended at least one community-policing meeting”; and,

reversing the ordinary participation bias, residents from poor and less well-educated neighborhoods turn out at much higher rates than those from wealthy ones . . . because they have high stakes—increasing their own physical security—in the issue at hand.⁷⁷

Whether or not “beat meetings” themselves qualify as our sort of mini-publics, they provide an example of how other sorts of deliberations could be organized and empowered to provide greater popular oversight of public authorities.

As described by Fung,

deliberation in community policing beat meetings is structured according to a . . . problem-solving process. Police and residents begin by using a “brainstorming” process to generate a comprehensive list of crime and safety problems in their neighborhood. They then agree to focus on two or three listed items as priority issues, then pool information and perspectives to develop analyses of these problems. From these analyses, they construct strategies and a division of labor to implement these strategies. The success of the strategies is assessed in subsequent meetings. Groups typically try to develop additional strategies to address stubborn problems or take on new problems after resolving old ones. This short feedback loop between planning, implementation, and assessment increases both the practical capabilities and the problem-solving success of residents and police officers in each beat.⁷⁸

In addition to this sort of creative, collaborative problem solving, “beat meetings” also serve to monitor police performance directly. “The poor quality of police performance and their shirking is a frequent topic of beat meeting discussions. This deliberative design thus increases the accountability of street-level police officers.”⁷⁹

“Beat meetings” provide a model of mini-public oversight of street-level activities of public authorities. The U.S. statute specifying use of Consensus Conferences, Citizens’ Juries, and such like to provide public input into nanotechnology research and development policy provides an example at the “policy” end of the spectrum.⁸⁰

H. Resisting Co-option

A standard complaint with government consultative mechanisms is that they “co-opt” opponents of proposed policies. By “bringing them into the process,” co-optive arrangements can deprive these groups of any legitimacy for continuing opposition to the policies, once they have been approved by processes in which

the groups have participated. “They have had their say, and they lost fair and square” is what would-be co-opters hope that people will be thinking.⁸¹

This could be more of an issue with consultative processes involving large organized groups than it is with deliberative processes involving small(ish) numbers of ordinary citizens. Critics complain of pressure toward consensus in deliberative designs oriented toward generating a list of agreed “recommendations.”⁸² But that pressure is felt by, at most, the small(ish) number of individuals involved. Even if they are somehow co-opted in the process, the vast majority of citizens have not been directly touched by that process, and no organized group of policy advocates or opponents has been defanged—though they still might fear this.⁸²

Beyond all that, the discursive component of mini-publics makes their proceedings particularly hard to predict or control, and hence unsuited to co-option. A case in point is the Clayoquot Sound Scientific Panel, a discursive design a bit different from the kind we are emphasizing because it involved stakeholders as deliberators.

When the British Columbia government was under pressure to take measures to prevent clear-cutting of ancient forests on Clayoquot Sound, it appointed “a ‘scientific panel’ of experts to determine world class forestry guidelines.” Initially, “this move . . . was greeted by considerable skepticism by many who viewed the formation of the scientific panel as a typical technocratic effort to quell dissent while maintaining established patterns of power. . . . Things, however, did not turn out as expected.” Torgerson explains,

The scientific panel consisted not only of scientists and conventional experts, but also of several representatives of the First Nations, who exerted a significant impact on the panel. . . . As it developed, the scientific panel thus incorporated diverse perspectives, including that of traditional ecological knowledge. . . . The success of the panel members in bridging often divergent orientations was a result of serious work to develop common understandings, particularly including efforts by First Nations representatives to educate other members of the panel about their outlook. It is notable, however, that the other members turned out to be receptive.⁸⁴

The recommendations that have come out of the Scientific Panel reflect this broadened understanding: “No one now claims that the scientific panel was a technocratic cover-up. The criticism instead is that the recommendations of the panel, although accepted by the provincial government, have not been fully implemented.” Thanks to the deliberative component in the process, the Scientific Panel turned out to be anything but an exercise in co-optive politics.

III. CONCLUSION

Our highlighting of modes of successful impact goes against the grain of a long tradition in policy studies that delights in exposing failure. Of course, it is not hard to identify limits and failures when it comes to mini-publics; this is hardly surprising given their novelty and the challenge they often present to political power

constituted in more conventional terms. Sometimes the mini-publics' deliberations pass almost unnoticed, getting little attention from the press, the public, or the politicians. In one case, presenters at a deliberative poll on UK health policy could not even recall the event at all a couple of years later.⁸⁵ Even when the events get a fair amount of publicity at the time, they are often soon enough swamped by other stories. The French *Conférence de Citoyens sur les Organismes Génétiquement Modifiés* was held in June 1998, when media attention was fixed on the soccer World Cup competition which France was hosting and went on to win. Similarly with the October 1999 Deliberative Poll held a week before the referendum on whether Australia should become a republic: the poll showed a massive shift in favor of a republic; it had excellent media coverage (it was sponsored and reported heavily by a major national newspaper, and it was broadcast live on the Australian Broadcasting Corporation television network and featured on the popular *60 Minutes* television program); and opinion polls early the next week showed significant movement in favor of the republic, with the heavily reported results of the Deliberative Poll being, at least on Fishkin's account, the only plausible cause.⁸⁶ But by week's end, when voting actually took place, that effect had worn off and the referendum lost decisively.

Yet stories of failure, however entertaining (and occasionally instructive), ought not be enough to satisfy those interested in building a more deliberative democracy. There are good reasons in normative democratic theory to accord ordinary citizens a more central place in political processes, and mini-publics provide one such way that overcomes the problem of size that has so plagued participatory theories more generally.⁸⁷ As we have seen, there are cases in practice where this has been done to good effect. Innovative mini-publics genuinely have, from time to time, had major impacts on macro-politics. The kinds of effects are varied. The most readily conceptualized—direct influence on the content of policy—is just one such effect. Occasionally it can be observed, in terms of determining the referendum question on electoral reform in British Columbia, influencing Danish policy on irradiated food, or emboldening Texas utilities to invest more heavily in renewable energy even if at slightly higher prices to consumers. However, in complex political processes, we should not be surprised when it proves hard to trace the direct impact of any particular input, be it a discursive design, a piece of policy analysis, the pressure exerted by a lobby group, the campaign of a social movement, or the content of a party manifesto. Sometimes the impacts on policy were of a negative sort, a matter of deliberative market testing leading to veto of a proposal—slowing the introduction of GM crops in Britain and forcing Lower Manhattan urban planners back to the drawing board. Other times the impacts were in terms of legitimation—providing a way out of a tricky situation that enabled the Leicestershire Health Authority to dedicate one of its three hospitals to “planned care” without alienating key stakeholders.

We have, then, mapped and illustrated some democratic possibilities. What we have not done is generate and test systematic explanations concerning why sometimes impact is achieved, and why sometimes it is not. We conclude not so much with the ordinary plea for research on this question as with a plea for more mini-publics—both in order to populate the social scientists' sample and, more importantly, in order to improve democratic practice.

NOTES

1. Recalling similar concerns with “participatory democracy” two decades before, see, e.g., Robert A. Dahl, *After the Revolution?* (New Haven, Conn.: Yale University Press, 1970), 67-68.

2. See, respectively, Joseph M. Bessette, *The Mild Voice of Reason: Deliberative Democracy and American National Government* (Chicago: University of Chicago Press, 1994); Jürgen Habermas, *Between Facts and Norms*, trans. William Rehg (Oxford: Polity, 1996); John S. Dryzek, *Deliberative Democracy and Beyond* (Oxford: Oxford University Press, 2000); John S. Dryzek, “Legitimacy and Economy in Deliberative Democracy,” *Political Theory* 29, no. 6 (2001): 651-69; Pippa Norris, *Digital Divide* (Cambridge: Cambridge University Press, 2001); Benjamin I. Page, *Who Deliberates? Mass Media in Modern Democracy* (Chicago: University of Chicago Press, 1996); and Robert E. Goodin, *Reflective Democracy* (Oxford: Oxford University Press, 2003).

3. Graham Smith, *Beyond the Ballot: 57 Democratic Innovations from around the World* (London: POWER Inquiry, 2005), <http://www.powerinquiry.org/publications/index.php> (accessed July 1, 2005).

4. Robert A. Dahl, *Democracy and Its Critics* (New Haven, Conn.: Yale University Press, 1989), 342; and cf. Dahl, *After the Revolution?* 149-53.

5. Just as Ian Budge, *The New Challenge of Direct Democracy* (Oxford: Polity, 1996), ch. 7, envisages direct-democratic mechanisms complementing representative democracy.

6. John Burnheim, *Is Democracy Possible?* (Berkeley: University of California Press, 1985).

7. On a related but slightly different distinction between micro and macro theories of deliberative democracy, see Carolyn M. Hendriks, “Deliberate Integration: Reconciling Civil Society’s Dual Role in Deliberative Democracy,” *Political Studies* (forthcoming). For Hendriks, micro theories emphasize the conditions of deliberation without attending closely to broader political structures—and so are not necessarily linked to micro designs of the sort we focus on here. Her “macro” theories are those that emphasize the interplay of discourses in public spheres, and its relation to collective decision.

8. Smith, *Beyond the Ballot*.

9. Arthur Lupia and John G. Matsuka, “Direct Democracy: New Approaches to Old Questions,” *Annual Review of Political Science* 7 (2004): 463-82.

10. Michael Saward, “The Representative Claim” (paper presented to the Workshop on Political Representation at the Joint Sessions of the European Consortium for Political Research, Edinburgh, March-April 2003), <http://www.essex.ac.uk/ecpr/events/jointsessions/paperarchive/edinburgh/ws14/Saward.pdf> (accessed October 13, 2005); and Jane J. Mansbridge, “Rethinking Representation,” *American Political Science Review* 97, no. 4 (2003): 515-28.

11. For a comparison that suggests this generalization does not always hold, see Carolyn Hendriks, John S. Dryzek, and Christian Hunold, "Turning Up The Heat: Partisanship in Political Deliberation" (Australian National University, Canberra, 2005).

12. Archon Fung, "Recipes for Public Spheres: Eight Institutional Choices and Their Consequences," *Journal of Political Philosophy* 11, no. 3 (2003): 338-67.

13. Gianpaolo Baiocchi, "Participation, Activism and Politics: The Porto Alegre Experiment and Deliberative Democratic Theory," *Politics & Society* 29, no. 1 (2001): 43-72.

14. Some 8.4 percent of the adult population of Porto Alegre report having participated in Assemblies at some point over the previous five years. *Ibid.*, n. 12.

15. Archon Fung, "Deliberative Democracy, Chicago Style: Grass-roots Governance in Policing and Public Education," *Politics & Society* 29, no. 1 (2001): 73-104; and Archon Fung, *Empowered Participation: Reinventing Urban Democracy* (Princeton, N.J.: Princeton University Press, 2004). In the companion case Fung discusses—Chicago community schooling—lay members of the local school councils were actually elected.

16. When the Oregon Basic Health Care Act foresaw "difficult and controversial choices" being required concerning "the categories of medical conditions and treatments that would be covered by public health insurance," it enjoined the Health Services Commission to make that determination "based on values established in a community participatory process." As part of that process, some 46 community meetings involving 1,003 residents throughout the state were held to "build consensus on the values to be used to guide health service allocation decisions." Those meetings were, by all accounts, exemplary in their deliberative quality. But "meetings were voluntary and little effort seems to have been expended to recruit from disadvantaged communities"; and in consequence participation was "skewed . . . toward a narrow band of professionals and citizens of high socioeconomic status" (Fung, "Recipes for Public Spheres," 357). Many of the participants were actually health care professionals.

17. Bessette, *The Mild Voice of Reason*; and John Uhr, *Deliberative Democracy in Australia* (Cambridge: Cambridge University Press, 1998).

18. A more complete catalogue can be found in John Gastil and Peter Levine, eds., *The Deliberative Democracy Handbook: Strategies for Effective Civic Engagement in the Twenty-first Century* (San Francisco: Jossey-Bass, 2005).

19. For details, see Jefferson Center, "Jefferson Center: Originator of the Citizens Jury Process," <http://www.jefferson-center.org> (accessed July 11, 2005); Anna Coote and Jo Lenaghan, *Citizens' Juries: Theory into Practice* (London: Institute for Public Policy Research, 1997); and Jo Lenaghan, Bill New, and Elizabeth Mitchell, "Setting Priorities: Is There a Role for Citizens' Juries?" *British Medical Journal* 312, no. 7046 (1996): 1591-4.

20. Gloria Galloway, "Ontario Asks Citizen Juries for Advice on Budget," (*Toronto Globe & Mail*, January 8, 2004, <http://www.oacas.org/Whatsnew/newsstories/04/jan/8advice.pdf> (accessed August 2 2005).

21. For details, see "Planungszelle & Bürgergutachten," <http://www.planungszelle.de> (accessed July 11, 2005); and Peter C. Dienel, "Planning Cells and Citizens' Juries: Foundations of Political Engineering of the Future," http://www.planet-thanet.fsnet.co.uk/groups/wdd/99_planning_cells.htm (accessed July 11, 2005).

22. For details, see Simon Joss and John Durand, eds., *Public Participation in Science: The Role of Consensus Conferences in Europe* (London: Science Museum, 1995); and Richard E. Sclove, "Town Meetings on Technology: Consensus Conferences," <http://www.loka.org/pubs/techrev.htm> (accessed July 10, 2005).

23. “21st Century Nanotechnology Research and Development Act of 2003,” 15 USC 7501, sec. 2 (b)(10), http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ153.108 (accessed August 5, 2005). In the version of the bill that originally passed the House, Consensus Conferences alone were specified, but that was amended in the Senate to specify instead “mechanisms such as citizens’ panels, consensus conferences, and educational events, as appropriate.”

24. For details, see <http://cdd.stanford.edu/polls/docs/summary/> (accessed July 10, 2005); James S. Fishkin, *Democracy and Deliberation: New Directions for Democratic Reform* (New Haven, Conn.: Yale University Press, 1991); and James S. Fishkin, *The Voice of the People: Public Opinion and Democracy*, rev. ed. (New Haven, Conn.: Yale University Press, 1997).

25. Bruce Ackerman and James S. Fishkin, *Deliberation Day* (New Haven, Conn.: Yale University Press, 2004).

26. For details, see AmericaSpeaks, “Our Services: 21st Century Town Meetings,” http://www.americaspeaks.org/services/town_meetings/index.htm (accessed July 10, 2005).

27. For details, see National Issues Forums, “About NIF Forums,” <http://www.nifi.org/forums/about.aspx> (accessed July 10, 2005).

28. Fishkin, *Voice of the People*, 177-203.

29. James S. Fishkin, Robert C. Luskin, and Henry E. Brady, “Inform Public Opinion about Foreign Policy: The Uses of Deliberative Polling,” *Brookings Review* 21, no. 3 (2003): 16-19.

30. For details, see GM Nation, “GM Nation? The Public Debate,” <http://www.gmnation.org.uk> (accessed July 10, 2005).

31. The 2003 statute discussed in n. 23, above, that includes Consensus Conferences as part of U.S. policy making on nanotechnology is a clear signal of movement in that direction, though there is no guarantee of formal incorporation.

32. See Citizens’ Assembly on Electoral Reform, “Improving Democracy in B.C.,” <http://www.citizensassembly.bc.ca/public> (accessed July 13, 2005). For further academic discussion, see John Ferejohn, “The Citizens’ Assembly Model” (paper presented to Social & Political Theory Workshop, Australian National University, Canberra, July 2005), <http://socpol.anu.edu.au/citizensassemblydraft.rtf> (accessed August 2, 2005).

33. To pass, the proposal had to win 60 percent of the valid votes in 60 percent of the electoral districts; the Assembly’s proposals passed the second test but failed the first, winning only 57.69 percent of total votes. See Elections BC, “Final Referendum Results: Referendum on Electoral Reform—May 17, 2005,” <http://www.elections.bc.ca/elections/ge2005/fnalrefresults.htm> (accessed July 13, 2005).

34. Sclove, “Town Meetings on Technology.”

35. Carolyn M. Hendriks, “Public Deliberation and Interest Organisations” (PhD diss., Australian National University, Canberra, 2005), ch. 4.

36. Fishkin, Luskin, and Brady, “Inform Public Opinion about Foreign Policy,” 19.

37. James S. Fishkin, “Consulting the Public through Deliberative Polling,” *Journal of Policy Analysis and Management* 22, no. 1 (2003): 128-33 at 128; see similarly Fishkin, *Voice of the People*, 163, 173.

38. Dahl, *Democracy and Its Critics*, 342.

39. R. L. Lehr, W. Guild, D. L. Thomas, and B. G. Swezey, *Listening to Customers: How Deliberative Polling Helped Build 1000 MW of New Renewable Energy Projects in Texas*, Technical Report NREL/TP-620-33177 (Golden, Colo.: National Renewable Energy Laboratory, 2003), 9.

40. Ibid.

41. Fishkin, "Consulting the Public through Deliberative Polling," 132.

42. Quoted in Fung, "Recipes for Public Spheres," 349.

43. Fishkin, "Consulting the Public through Deliberative Polling," 131.

44. Fishkin, Luskin, and Brady, "Inform Public Opinion about Foreign Policy," 19.

45. "By giving substantial coverage to [mini-publics], the media could stimulate a broader debate about what information and knowledge people need to make informed pronouncements about . . . policy," say Fishkin, Luskin, and Brady, "Inform Public Opinion about Foreign Policy," 19.

46. A Deliberative Poll, as Fishkin puts it,

has a recommending force: these are the conclusions citizens would come to, were they better informed on the issues and had the opportunity and motivation to examine those issues seriously. . . . If such a poll were broadcast before an election or a referendum, it could dramatically affect the outcome. (Fishkin, *Voice of the People*, 163)

47. Fishkin, "Consulting the Public through Deliberative Polling," 131.

48. Hendriks, "Public Deliberation and Interest Organisations," ch 5.

49. Ibid, 117-18.

50. Sclove, "Town Meetings on Technology."

51. Goodin, *Reflective Democracy*, ch. 8

52. For details on the event, see Civic Alliance to Rebuild Downtown New York, *Listening to the City: Report of the Proceedings* (New York: Civic Alliance, 2002), <http://www.listeningtothecity.org> (accessed July 12, 2005).

53. Carolyn Lukensmeyer, "President of AmericaSpeaks," quoted in Susan Rosegrant, "*Listening to the City*": *Rebuilding at New York's World Trade Center Site*, Kennedy School of Government Case Program, Case Reference o. 1687 -0 (Cambridge, Mass.: Kennedy School of Government, Harvard University, 2003), 20.

54. Civic Alliance, *Listening to the City*, 11.

55. Rosegrant, "*Listening to the City*," 20.

56. Tom Horlick-Jones, John Walls, Gene Rowe, Nick Pidgeon, Woulter Poortinga, and Tim O'Riordan, *A Deliberative Future? An Independent Evaluation of the GM Nation? Public Debate about the Possible Commercialisation of Transgenic Crops in Britain, 2003* (Norwich, UK: Understanding Risk Programme, University of East Anglia, 2004), 8, http://www.uea.ac.uk/env/pur/gm_future_top_copy_12_feb_04.pdf (accessed July 10, 2005).

57. Richard Heller, *GM Nation? The Findings of the Public Debate* (London: GM Public Debate Steering Board, 2004), 6-7, http://www.gmnation.org.uk/ut_09/ut_9_6.htm (accessed July 11, 2005).

58. As the report summarizes the "key message" in continuous prose,

Most people wanted to delay the commercialisation of the GM crops to allow for more debate and research, and case-by-case testing of individual crops, followed by strict policing. People wanted proof that GM crops would be safe for human health and the environment and many wanted additional proof that GM crops would produce some benefit for the consumer. (Heller, *GM Nation?* 42, para. 192)

59. UK Department for Environment, Food & Rural Affairs, *The GM Dialogue: Government Response* (London: DEFRA, 2004), 12, 13, paras 4.3, 4.9, <http://www.defra.gov.uk/environment/gm/debate/pdf/gmdialogue-response.pdf> (accessed July 11, 1005).

60. *Ibid.*, 11, paras. 3.2-3.5.
61. *Ibid.*, 13, para. 4.9.
62. *Ibid.*, 3, para. 1.
63. Dahl, *Democracy and Its Critics*, 342.
64. John Parkinson, "Why Deliberate? The Encounter between Deliberation and New Public Managers," *Public Administration* 82, no. 4 (2004): 377-95 at 384.
65. John Parkinson, "Hearing Voices: Negotiating Representation Claims in Public Deliberation," *British Journal of Politics & International Relations* 6, no. 3 (2004): 370-88 at 374.
66. Quoted in Parkinson, "Why Deliberate?" 386.
67. Parkinson, "Hearing Voices"; and Mark B. Brown, "Citizen Panels and the Concept of Representation," *Journal of Political Philosophy* 14 (June 2006).
68. Ferejohn, "The Citizens' Assembly Model."
69. Archon Fung, "Deliberation before the Revolution: Toward an Ethics of Deliberative Democracy in an Unjust World," *Political Theory* 33, no. 2 (2005): 397-419.
70. Fung, "Recipes for Public Spheres," 349-50, 352; and Archon Fung and Erik Olin Wright, "Thinking about Empowered Participatory Governance," in *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance*, ed. Archon Fung and Erik Olin Wright (London: Verso, 2003), 30.
71. Robert C. Luskin, James S. Fishkin, and Roger Jowell, "Considered Opinions: Deliberative Polling in Britain," *British Journal of Political Science* 32, no. 3 (2002): 455-87.
72. Fung, "Recipes for Public Spheres," 358; Lawrence Jacobs, Theodore Marmor, and Jonathan Oberlander, "The Oregon Plan and the Political Paradox of Rationing," *Journal of Health Policy, Politics & Law* 24, no. 2 (1999): 161-80.
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75. Fung, "Recipes for Public Spheres," 349-50; and Fung and Wright, "Thinking about Empowered Participatory Governance," 29-30.
76. Fung, "Recipes for Public Spheres," 360.
77. *Ibid.*, 359.
78. Fung, "Deliberative Democracy, Chicago Style," 81.
79. Fung, "Recipes for Public Spheres," 360.
80. See the U.S. statute referred to in n. 23, above.
81. Philip Selznick, *TVA and the Grassroots* (Berkeley: University of California Press, 1949); and Michael Saward, *Co-optive Politics and State Legitimacy* (Aldershot, UK: Dartmouth, 1992).
82. Avoiding this is the unique virtue of the Deliberative Poll, which merely reports shifts in opinion on the same questions among the group after the event; that advantage comes at the cost that the citizen participants cannot craft solutions or proposals, only choose from the questionnaire options set in advance.
83. Hendriks, *Public Deliberation and Interest Organisations*.
84. Douglas Torgerson, "Democracy through Policy Discourse," in *Deliberative Policy Analysis*, ed. Maarten Hajer and Hendrik Wagenaar (Cambridge: Cambridge University Press, 2003), 113-38 at 129-31.
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