

CREATING AN AUTHENTIC VOICE OF THE PEOPLE

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CONTENTS

	PAGE
INTRODUCTION	1
CREATING AN AUTHENTIC VOICE OF THE PEOPLE	2
DELIBERATION IN A STRUCTURED DECISION ENVIRONMENT	10
TRUSTWORTHY DEMOCRATIC FACILITATION	18
EMPOWERING AN AUTHENTIC VOICE OF THE PEOPLE	23
CHOOSING DEMOCRATIC PROCESSES AND DELIBERATION STYLES	29
SUMMARY	37

INTRODUCTION

What is deliberation and by what criteria do we judge it to be well done? According to Webster's Third International Dictionary, it is "the act of weighing and examining the reasons for and against a choice or measure; careful consideration; mature reflection".

The position taken in this paper is that to judge the effectiveness of a social activity, we must know the purpose at hand. Thus the effectiveness of deliberations in a focus group surely will be evaluated differently than the deliberations of a New England Town meeting or a legislative committee. In writing this paper, I shall assume that we have been invited to present papers on deliberation because of the wide-spread dismay over the condition of American democracy.

There are a myriad of ways to approach improving democracy in America. To simplify this paper, I want to state my goals for how to improve democracy, the institutions which might be involved in this and the role of deliberations in those institutions. My goal is to find a way to create an institution which can deliver an authentic voice of the people in a trustworthy way and then empower that within the political system.¹

At times in this paper I shall refer to the idea of strong and effective democracy. Ben Barber is the person who has most clearly enunciated the idea of, and need for, a strong democracy. I add to this the idea of effective, as a reminder that "power to the people" alone is not enough. Democratic reforms will not succeed by meeting the single goal of putting power in the hands of the people if, along the way, they sacrifice such things as efficiency of decision making, reasonableness and workability of policies, or a basic respectfulness in the civic dialogue. Empowering an authentic voice of the people is one way to get strong and effective democracy, but an effective two party system or a massively reformed system of interest group democracy might do so as well. This paper will deal only with the empowerment of an authentic voice of the people and discuss only in passing the difficulty of the other routes to reform.

Beyond the introduction and the summary, this paper is divided into five sections. The

¹ I state this as my personal goal, realizing that the Jefferson Center, where I work, must be very careful that it limits its activities to promoting uses of new democratic processes which are consistent with the law regarding what is appropriate for an organization classified by the IRS as falling under the 501-c-3 section of their code.

first reviews what I mean by "authentic voice of the people" and reviews ways in which that can occur. A key element in making an institution in a complex society function to elicit an authentic voice is that there be a carefully structured decision environment with trustworthy democratic facilitation. Those two topics make up the second and third sections. The fourth section deals with empowering an authentic voice. As such, this is an approach to political reform which is different from the usual attempts to improve the workings of pluralist democracy. The final section proposes that in deciding between democratic processes and deliberation styles average people play a significant role. This is in line with Jefferson's dictum that the ultimate powers of society should lie in the hands of the people themselves.²

CREATING AN AUTHENTIC VOICE OF THE PEOPLE

An authentic voice of the people exists when a variety of people are able to speak from their hearts³ about important concerns after listening carefully to each other. Such a voice is unlikely to be useful unless the people involved are able to reach consensus over significant aspects of the discussion they have been holding. The community consensus which often arose from the typical New England town meeting stands as a paradigm example of an authentic voice of the people. The same holds for many of the community discussions of native people from North America to Tanzania.

It is possible for an authentic voice to arise spontaneously in any number of places from the local bar to the local bowling alley, or even on talk radio. Of course most bar and bowling alley discussions do not rise to the level of an authentic voice, and on talk radio it hardly ever does. But on rare evenings at the local bar there may be a diverse group present which actually listens to each other as each speaks from his/her heart and they reach consensus on some important matter. But democratic reforms cannot be built on rare events. An institution must be built where there is a strong likelihood that each time a group is convened they rise to the level of speaking with an authentic voice.

² Thomas Jefferson, letter to William Charles Jarvis, 1820

³ Some readers will be dismayed by my use of a term such as "speaking from the heart". In the final section of this paper I shall lay out my views about epistemology in order to explain why I am comfortable in using such terms.

Those communities which are most comfortable with such institutions tend to be small, homogenous and are deeply committed to shared social and cultural values. That is why the New England Town meeting (when it worked at its best) and native cultures which function democratically have the institutions which occur to us as paradigm cases of when an authentic voice of the people was achieved with considerable consistency. The randomly selected forums in ancient Athens also achieved this, so long as one is content to define "the people" in such a way as to exclude women and slaves.

In more complicated and diverse societies we must seek to consciously build institutions which can elicit an authentic voice of the people. Although there are any number of ways in which such an institution might be created, it seems to me that there are five criteria which cover most of the main attempts to do so:

1. The group must be seen by the broader society as legitimate. Often this is achieved by making the group representative of society, either because it has been elected to serve in this capacity, because it was appointed to represent a wide range of interests, or because it was selected at random.
2. The group should be well-informed. This can be achieved by selecting people for the committee who are themselves well-informed (eg: the blue-ribbon panel) or by calling witnesses who testify before the group. In theory, it would be possible to inform the group through written materials, but this is rarely used for any in-depth examination of a topic.
3. There must be enough time for the group to consider the question at hand. In a small community where all the citizens understand the problem at hand, this might be only a few hours. But for most modern policy questions the amount of time is usually at least three full days of work. Often the group will meet a couple of hours a week over a period of months.
4. There must be a good climate for deliberation. This almost always means face-to-face meetings. Certainly modern communications techniques allow groups to meet electronically, but these work best not to create an authentic voice of the people, but to deal with technical matters (Delphi method) or for teams of people who work for the same organization, and know each other well, to deal with specific questions.
5. The group must be trustworthy. The participants must have the potential for rising

above selfish interests to search for the common good, those who structure and facilitate the meetings must do so in a fair way, and the process must be protected from manipulations by others outside the group.

There are several ways in which attempts have been made to meet these general criteria. Some of these, like legislatures and juries, have been around a long time; others are recent creations, most created independently of each other.

A. Legislatures, especially legislative committees. Legislative committees have so long been dominated by powerful interests that it is easy to forget that in theory in a democracy they are supposed to represent the people. Most legislatures are large enough so that it is impossible to meet the criteria for time, information and deliberation when they meet as a whole, which is why legislative committees are used so widely.

Obviously in Western democracies criteria #4 and #5 are met poorly, which is why few people view legislative committees as speaking with an authentic voice.

B. The jury system. In recent centuries the jury system has been largely used in the legal system. But Peter Dienel created the "Plannungszelle"⁴ method in 1969 and I created the Citizens Jury[®] process in 1971, both analogues of the jury system, but neither created with the jury in mind.⁵ A similar method, called the Wisdom Council, was created by Jim Rough of Port Townsend, WA in the late 1980s.⁶ The Citizens Jury process has the following essential elements:

- The participants (jurors) are randomly selected and demographically representative of the community population from which the jurors are drawn;
- The jurors are paid and allowed adequate time to learn about the issue in a fair and balanced manner;

⁴ Dienel, Peter: Plannungszelle West Deutscher Verlag, Opladen, 1978

⁵ Dienel came to his ideas based on his work on the sociology of religion and I came to them while trying to write a social ethics. There are many similarities in these two independently created methods (we did not meet until 1985).

⁶ The Wisdom Council uses 20 or so participants who are randomly selected and attend four or more days of discussions. But its deemphasis of witnesses and the importance placed on new facilitation tools makes it more similar to the Future Search Conference. See Rough, Jim: "The Wisdom Council", Chapter 13, in Gozdz, Kazimierz, ed.: Community Building, New Leaders Press, Sterling and Stone, Inc., San Francisco, 1995.

- Information is presented to the jurors by witnesses from several different points of view and the agenda is focused on providing the opportunity for jurors to become comfortable and competent in expressing their opinions;
- The jurors have adequate time to deliberate and to review and approve all their findings and recommendations;
- The final report of each project includes an evaluation of the process by the jurors.

- C. Appointed policy committees. The use of "blue-ribbon" panels is very old, but these generally are not seen as creating an authentic voice of the people, so much as representing the voice of the elites of society. But groups like the Citizens League of Minneapolis started using study committees which involved representative groups of well-informed lay people from the community to create reports which were highly regarded by the media and public policy makers.
- D. The Future Search Conference is a method which emerged in the 1970s in a number of countries, using meeting techniques which emerged from a variety of sources including the business world and social psychology. Fifty to seventy "stakeholders" on an issue are brought together to spend three days working towards a consensus about what should be done and adopt appropriate follow-up strategies. One of the first practioners of this method, and the person who named it, is Marvin Weisbord.⁷

There are two other kinds of methods which emphasize the importance of deliberation, yet which I do not place with the above. This does not mean that they are poorly designed. I believe that there are important purposes which they can fulfill, but that they do not meet one or more of criteria #2, #3 or #4 above to be included as an institution for creating an authentic voice of the people.

- The deliberative opinion poll is a method which was started in three different ways. I believe that these three methods were developed independently of each other. In the early 1970s Granada TV in England started using groups of randomly selected people in what they called the "Election 500"⁸. These people were randomly selected from an

⁷ Marvin Weisbord & SearchNet Members, The Future Search Conference, SearchNet, Philadelphia, 1994

⁸ Gus MacDonald: "Election 500" in Ivor Creve and Martin Harrop, eds., Political Communications; the general election campaign of 1983, Cambridge University Press, 1986.

electoral district which was typically a swing district. The 500 were brought together to hear debates on the major issues of the day between Cabinet Ministers and members of the Shadow Cabinet. Jim Fishkin brought this tradition to the United States in the 1990s, with the well-publicized National Issues Convention which took place in Texas in January, 1996.⁹ Starting in the middle 1970s Ted Becker and Chista Slaton undertook a series of projects they called Televote¹⁰. Typically, these were groups of about 600 people selected at random and surveyed on an issue, who would be sent materials on that issue, watch a TV show, and then be surveyed on their attitudes after the event was over. In the mid-1980s Alan Kay set up a group now called "Americans Talk Issues"¹¹, with the purpose of doing high quality in-depth polling in a way which is rarely, if ever, done by commercial or even academic pollsters. Those surveyed did not get a chance to dialogue among themselves, but they did get much more information on the issues on which they were surveyed than the participants in a survey usually receive.

- There are two organizations which hold small group discussions which now are used fairly widely. The Kettering Foundation set up the National Issues Forum in the mid-70s, with the purpose of holding discussions on national issues.¹² Now they have some

⁹ Of the methods listed here, the approach taken by Fishkin is the one most easily adapted to make it a device for creating an authentic voice of the people. In his January, 1996 project, witnesses were used only marginally, appearing only for a couple of hours after most of the dialogue between the participants was over. Also, although the deliberations between the 30 subgroups appeared to be well-conducted, there was no opportunity for the group as a whole to reach any agreement over what they decided. The process was designed to enable a large group of people to ask more informed questions of candidates, but not to reach agreement over what they cared about. Changes in format could create much more opportunity for the participants to hear witnesses and dialogue with them. Also there should be ways of getting the subgroups to reach agreement with each other. The main question to ask about such changes would be how much more expensive they would make an already very expensive process and whether operating with a group of this size really would make the results more trustworthy to the public at large.

¹⁰ Slaton, Christa Daryl: Televote; expanding citizen participation in the quantum age, Praeger Publishers, New York, 1992. For more information, contact Teledemocracy Action News plus Network <http://www.auburn.edu/~tann>

¹¹ Alan Kay originally set up the organization as "Americans Talk Security", at times working in conjunction with The Yankelovich Group. Reports from the Americans Talk Issues Foundation may be ordered from 10 Carrera Street, St. Augustine, FL 32084.

¹² This was originally was called the Domestic Policy Association and was set up soon after Kettering participated in the creation of the Public Agenda Foundation in 1976.

3,000 facilitators around the country who hold two or three hour discussions of issues for volunteers who attend the meetings. The participants are supplied with a summary of different points of view on the issue, usually (always?) prepared by the Public Agenda Foundation. Although these forums have the virtue of engaging many people around the nation, they are not included as a method for creating an authentic voice because they do not meet long enough, use witnesses, or try to select their participants in a way which would seem legitimate to the broader public. In the middle 1980s the Topsfield Foundation set up the Study Circle Resource Center in Connecticut.¹³ These study circles resemble the small group meetings of the Kettering Foundation in having volunteers attend and giving them summaries of viewpoints in advance, but there can be several sessions of the same group on the same topic. The Resource Center was recently involved in an interesting project running several study circles in Los Angeles at the time of the verdict in the O.J. Simpson trial.

The virtues of the deliberative polling approach and the study circle approach lie largely in the number of people who can be included in any project. As such, they could serve as a very valuable bridge between the small methods used for creating an authentic voice and the public at large. Such a use is discussed in several places in this paper.

Before turning to the next section, let us review some of the above methods in light of the five criteria.

1. Legitimate group of people. The more that trust breaks down in a political system, the more difficult it is for legislatures and committees appointed by high officials to be seen as legitimate. This is one of the reasons for using a method of random selection which is done in an open and objective way.
2. Well-informed group. If the level of public trust is high enough, then it is possible to rely on elected or appointed groups to create the authentic voice and the need for witnesses to speak to the group is lessened. But the more it is necessary to rely upon random selection, the more necessary witnesses become in order to bring sufficient information to the group. Note that the Future Search Conference stands somewhat in the middle on this. Although most who participate in these projects are likely to be well

¹³ Their newsletter, *Focus*, can be ordered at P.O. Box 203, Pomfret, CT 06258, or E-mail:<scrc@neca.com>.

informed, there probably is a wide range in the informational levels among those attending. The process may have to be modified from its usual approach if it becomes necessary to avoid having too many "insiders" on the committee; this would lead to a greater need to bring in witnesses.

3. Time. This factor plays an important role when combined with the above two criteria. The less well-informed a group is, the more time it should have to learn about the topic. But when randomly selected people are called and the aim is to make them a microcosm of the community, then it is not possible to take much longer than a week without risking an unrepresentative group, with too many retired people, unemployed, students and others on the committee who can afford to take the time. Certainly legislatures, juries in the court system, and appointed committees are able to spend more time on an issue than randomly selected groups which lack the authority to compel attendance. One way to extend the time spent by a randomly selected group is to do a two-tiered project, with several randomly selected groups meeting for a week and then selecting delegates from among their groups to go on to a joint meeting representing all the groups.

A couple of anecdotes about the Citizens Jury process are worth telling here to emphasize the importance of time. When we conducted the federal budget project in 1993, we drew 24 jurors from around the nation, stratifying them on the usual demographics and also on the question of whether they would want to see taxes and spending go up, stay the same, or go down. Since 46% of the sample wanted taxes and spending to go down, 11 of the 24 jurors were selected with that attitude; only 4 jurors wanted taxes and spending to go up and the others were in between.

It was clear when the jurors arrived that many of them had high hopes of cutting government spending and taxes. But after four days of testimony and deliberations among themselves, they discovered that they could not cut spending as much as they had hoped. There was still a gap of \$64 billion between their goal for deficit reduction and the revenues available to cover government spending as they had set it. At that point they voted 17 to 7 for a \$70 billion tax increase to deal with the gap rather than cutting spending any more. The staff was sure that this result would not have occurred unless the jurors were convinced that they really could not cut spending further and that deficit

reduction was really important. I am confident that they could not have arrived at this position in much less than the four and a half days which they took to get there. It is my judgment that the absolute minimum amount of time a group needs to come up with something which would qualify as an authentic voice of the people is three days (the time typically spent by the Future Search Conference).

Another thing which requires time is the healing of community splits. In the Citizens Jury on at-risk children conducted by Yale students in 1994, a student moderator decided to "take the temperature" of the group, on the afternoon of Day 2, by asking each how s/he felt. It soon became clear that several of them were quite unhappy, some inner city jurors feeling offended by the comments of a suburban witness which they felt were racially demeaning and some suburban jurors feeling offended by an African-American minister who asked why they were seated as jurors, given their "well-known" lack of interest in the fate of inner city children.

The fact of this urban/suburban split was certainly not surprising to us, but it took time for it to surface. When it did, a young African-American juror said she could not see why people from the suburbs felt that their children had the same problems as inner city children. One of the Yale students in charge of gathering witnesses rose to the occasion by finding three high-school students to testify the next day. After they spoke for half an hour, the inner city jurors agreed that indeed suburban and inner city children did have the same problems, although the problems of the latter were more widespread and often much deeper. Overcoming deep attitudinal differences between jurors is a very important function of a deliberative process and one which, in my experience, takes at least two or three days to surface and be resolved.

4. Good climate for deliberation. This criterion will be discussed in much greater depth in the next section. But one point to raise here is whether or not a facilitator is used by the group. The more that a group represents a powerful elite, the less use is made of facilitators. Legislatures and appointed groups typically operate with a chair who runs the meeting according to Roberts Rules of Order. Juries in the legal system operate with a forman, but in a less formal way than legislatures or appointed committees. But the Citizens Jury process and other methods using randomly selected people typically operate with a facilitator and do not use Roberts Rules.

5. The group must be trustworthy. Again, more will be said about this below. But there is one detail which at first may seem technical, but which in fact is very important about creating an authentic voice. The members of a committee set up for this purpose must be allowed to make up their own recommendations and review them before these are made public. This is a characteristic of most of the above groups, except at times for the Planungszelle. (It is also not a characteristic of the deliberative opinion poll, but may at times occur with small group methods like the Study Circle.) If the participants in a group process have not had the opportunity to state their conclusions in their own words and review these to make sure they are correct before their report is made public, it is difficult to see how the result can be viewed as speaking with an authentic voice.

DELIBERATION IN A STRUCTURED DECISION ENVIRONMENT

The position I am taking in this paper is that in non-traditional societies an authentic voice of the people will arise with regularity in a given setting only if that setting has been carefully structured to produce that result. A professional facilitator I know says that good facilitation occurs whenever a group can be helped on a journey which includes everyone in the group as a whole person in a discussion which has a beginning, middle and end. This facilitator uses as a guideline for discussion the "ORID" method: the discussion should move from the Objective to the Reflective to the Interpretive and then end with the Decisional phase. Certainly there are other facilitators who are even more open about facilitating a group discussion in the way the people in the group want.

But as indicated above, when it comes to discussing major social issues and it is felt that average citizens are needed in a discussion to make it legitimate, then there must be a very carefully structured decision environment for the participants to be able to finish their work within a reasonable time. The rest of this paper deals only with the details of how discussions take place within the hearings of the Citizens Jury process, since this is the only process I know in any depth. These hearings are highly structured events, but my assumption is that all hearings which aim to produce an authentic voice of the people on public policy questions will have to be highly structured if they are to be legitimate. Therefore, the rest of this paper ignores the kind of facilitation which may well be appropriate for deliberation among more loosely structured groups.

At this point in the paper it is important to clarify three terms: deliberation, structured decision environment, and "trustworthy democratic facilitation". Deliberation is one element of what takes place within a structured decision environment. In the Citizens Jury process the other important elements are the hearing and questioning of witnesses, the opportunity for jurors to get to know each other in a respectful setting, and the evaluation of the process at the end. The term trustworthy democratic facilitation refers to the way the staff goes about structuring and facilitating the hearings. The more that hearings are structured with input from average citizens, the more the task of trustworthy democratic facilitation will center on the facilitation of the process. But in the initial stages of building processes, trustworthy democratic facilitation is involved in most of the decisions about structure as well.

As the definition at the beginning of the paper indicates, one very important aspect of deliberation is the making of an informed judgment on the question at hand. But there are two other aspects of deliberation which must not be forgotten: empathy and respect. They go together, although it is quite difficult to be empathic without being respectful and quite a bit easier to be respectful of someone without being empathic. Since it is impossible in a relatively small group to have represented all the kinds of people affected by the matter under discussion, it is important that those on the committee be able to empathize with those who are affected. Sufficient time is required not only for the members of the group to learn the facts of the matter, but also for them to be able to empathize with those affected by the situation. This is certainly one of the reasons for wanting the group to meet in a face-to-face setting rather than simply being linked electronically. Even with a very sophisticated TV linkage it is difficult to convey to the group not only the feelings of a witness but the reactions of the group as a whole to that witness.¹⁴

¹⁴ When I created the Citizens Jury process in 1971, empathy was one of the four major goals of what I hoped the group would be able to achieve (the other three were reasonableness, representativeness and legitimacy). How much reason and concern for others? The answer is that we work on the structure of the hearings, but not on the jurors. Although the hearings are structured to bring in good information and to help people listen to each other, there is ultimately no more reasonableness and concern for others in the process than what the jurors, as a cross-section of society, bring to it. It is not our goal to make people act in a more virtuous way than their own natures incline them to.

Those who have worked at the Jefferson Center know how difficult it is to design any particular project. The process is deceptive. The various parts of the Citizens Jury process seem rather concrete: conduct a survey, select jurors to be a microcosm of the community, design hearings, select witnesses, moderate the hearings in a fair and neutral way, and then end with deliberations, evaluations and a press conference to announce the results. It would seem that the whole process could be laid out clearly in some large book of rules. But in fact the broad goals which guide the process do not lead in any simple and neat way to the actual steps which must be taken to conduct a specific Citizens Jury project.

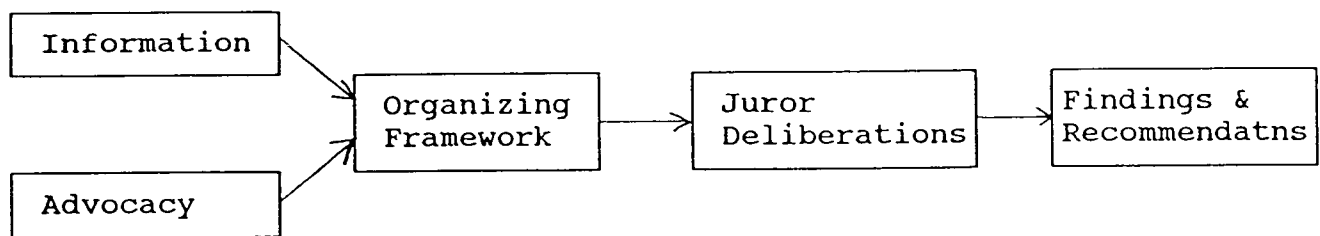
The long term goals for the use of Citizens Juries are very ambitious and idealistic, while the short term goals are more pragmatic. The long term goal is to have the Citizens Jury process play the central role in helping a community (or even a nation) answer the basic question: "How should we live together?" In order to do this, and then see it acted upon, the Citizens Jury process must be an institution widely trusted by the general public, something which has not yet occurred because it is not widely enough known.

The short term goals are to introduce the process and build legitimacy. This is not easy because a careful balance must be kept between gaining the support of powerful actors in the current system, while still showing that it is something which is independent in its judgments from those powerful actors. The key question here is whether sufficient accommodations can be made to the powerful actors so that they will support the process without making so many accommodations as to lose the trust of the public. The attempt to empower a new political process without its being corrupted is an age-old problem.

Any process which tries to combine idealism and pragmatism finds it difficult to lay out a clear set of goals and then show how all parts of the process flow in an obvious way from those goals. Beyond this, however, there is a philosophical reason why such clarity has not been achieved. These are spelled out in the final section of the paper, where I note a strong respect for the logical empiricist view of the world, but believe that ordinary language philosophy is more helpful in dealing with most of the complex problems we face in analyzing social interactions in a political system. This leads me to want to be sure that the methods of the Citizens Jury process are all explained in ordinary language and are open to challenge from a common sense point of view.

The problem we face in setting up the hearings for a Citizens Jury project is ultimately that of bringing order out of the chaos of the existing political system, at least with regard to a given issue or campaign. This is anything but easy. When we succeed, the jurors end up euphoric with the experience. The best example of this was the 1993 project on the Clinton health care plan. The party held after the event was joyful and the jurors' comments written in a book they presented to us were wonderful. But the toll on the staff is often high. During that same project one staff member seriously considered quitting the Center and several others ended up in significant arguments with each other.

The chart below shows in schematic form what we are trying to do in the hearings. But we must do this in an environment where the advocates are fighting for advantage, the organizing principals are somewhat amorphous, the staff is trying to promote order while avoiding bias and the jurors are searching for how to make sense of things. The rest of this section discusses the complexities the staff faces as they exercise the art of bringing closure to a significant issue for a group of laypeople in a period of only five days.



Guidelines

The flexibility of the process was helpful as we sought out new projects and sponsors between 1983 and 1995. But now in 1996 we have a handbook for the process (55 pages of text and 80 of appendices) which lays out how to do the process in considerable detail and tries to convey some of the art as well. For example, it notes that one of the things we do at the beginning of the hearings is tell the jurors that they have the choice over moderating styles. We typically start with a rather controlled style in which we make sure that everyone gets a chance to speak and no one is allowed to speak very long. But if anyone does not like that style and wants something more relaxed, s/he should say so during the proceedings themselves or contact us during a break. This is the practice. But the art is to say this in such a way that the jurors really feel empowered to make requests to us if they so desire.

Also the controlled style can be done light-heartedly (what we try to do) or with a heavy hand (which we sometimes can slip into when we get tired).

The handbook is intended to lay out the basics in detail, but it is not so detailed that someone unfamiliar with the process can conduct a Citizens Jury project simply from the book. For example, we did not put into the book the fact that there are at least seven different ways to review an issue:

- A. Single dominant plan. In several projects the jurors have been presented with a single plan and asked to indicate whether or not they approve of it. Such was the case with the 1987 school-based clinics project, the 1993 health care project, and the 1995 congestion pricing project.
- B. Alternate plans. We have never tried presenting two or three alternate plans to the jurors, but it would seem like this should be tried sometime. Of course, there is always a question of which plans should be selected.
- C. The "building block" approach asks the jurors to build their own plan, but helps them to do so by indicating what the key parts of the plan are which they must build and often gives them some kind of structure within which to do this.
- D. Principles. In this approach we ask jurors to agree on a few broad principles which relate to the problem at hand and then use this to guide the rest of their deliberations. We have used this approach only once: in the 1994 project on welfare.
- E. Key questions. Sometimes the charge to the jurors is framed in terms of a few key questions they are supposed to answer. In the 1995 project on hog farming in Rice County Minnesota, the charge to the jurors was put in the form of six questions they should answer during their deliberations.
- F. Comments supplied by jurors and/or questions supplied by moderators. In some projects either the moderators or the jurors may feel that the best way to come up with clear findings and recommendations is to build them around a set of comments or questions which were not clear at the beginning of the project. In the 1994 project done by Yale students on the at-risk children of New Haven, the moderator suggested six questions to the jurors on the morning of the final day of the hearings. The jurors agreed they liked the questions and used them as the framework for the majority of their recommendations.

G. Proposals worked out by professionals and jurors. This is an approach which we have only tried in passing, but which I would like to see pursued more fully. In the 1984 ag/water quality project, one afternoon was spent by the professionals in the area and the jurors coming up with a set of proposals where the jurors said what they wanted and the professionals helped them come up with ideas which were likely to work and fit into the system. But this was only a smaller part of a larger exercise.

The choice of organizing principles is one that obviously is made at least a couple of months before the hearings begin. But the most difficult choices to be made are those which must be made during the hearings themselves. One of the unresolved problems of the Citizens Jury process is whether or not there should be a clear and fixed charge to the jurors. From the theoretical point of view, it is tempting to make the question very clear by presenting the jurors with a very specific "charge" when they arrive. This usually contains several questions which the jurors are expected to answer. There are several advantages of this: it lets the jurors know right away what they are expected to decide, the witnesses are guided in their testimony, and it reduces staff biases by keeping staff from placing their own slant on the tasks assigned to the jurors.

The problem, however, is that sometimes we do not know in advance which questions will be the most meaningful for the jurors to answer. The 1993 federal budget provides a good example. The jurors were presented with several tasks in the charge. They were asked to undertake a full review of the tough choices facing America, state what sacrifices we should consider asking various groups to make, come up with the largest and smallest budgets they would like to see, and finally come up with a specific budget of their own if they had time to do so. Our thinking as we set up this charge was that the jurors would find it very difficult to come up with a specific budget in only five days. Although they probably could complete the task, there was the risk that they would not have enough time to understand what they were doing. They might make recommendations which they would have regretted, had they had more time to consider them.

What we did not foresee was that the information we gave them on the budget, and the way we organized it into six major areas, was sufficient for them to concentrate on coming up with their own budget. A significant factor in this was that the two main advocates (Vin Weber for the conservative point of view and Robert Kutner for the liberal point of view)

brought in good witnesses who were able to help the jurors feel comfortable in trying to deal with the budget as a whole.

But the role I played in this was significant as well. I was the main designer of the agenda and I was the one who was trying to track the "logic" of what they were doing. At a key point I decided that the jurors ought to go through the exercise of deciding how they would allocate taxes before they went through further cuts in spending. My reason was that I felt that they could not properly consider what to cut unless they knew how they were going to be taxed if they did not make enough cuts. This was a decision I made with only a little consultation with others. Given the high marks we got from the jurors in terms of our having minimized biases (22 of the 24 jurors gave us the top rating), the decision was probably appropriate. But since then we have tried to assign someone other than the moderator to be the person to track whether the organization of the hearings was making sense to the jurors. If a major shift in direction is to be made, then that is discussed by the staff as a whole at the meeting we hold at the end of every day of the hearings.

On the basis of this experience, we decided to set the charge for a 1995 project so that there was leeway for the tracker to make adjustments on Day 4 as the jurors were moving into deliberations. This was a project we conducted on the question of "congestion pricing", a proposed solution for traffic congestion problems, done in cooperation with the Humphrey Institute and the Minnesota Department of Transportation.

This was the wrong project for me to choose as the time to work with a flexible agenda. The problem lay in different views about what was important. Some transportation planners were very concerned that the jurors understand the economic concepts related to demand management and how this could effectively deal with traffic congestion problems. They also felt it important that the jurors understand that many seasoned observers of the political system believe that it is politically impossible to get the Minnesota Legislature to raise gas taxes and allocate these to mass transit in the Metro Area.

On the other hand, there were some who felt that the transportation planners were too insistent on dominating the intellectual framework for the discussion. They felt that the jurors should be allowed to make their own suggestions in their own words, even if they did not yet "sufficiently appreciate" what the transportation planners felt to be important.

When we try to differentiate between bias on one hand and the insistence that jurors cover critical information on the other, we enter a very murky situation. Some instances of bias are easy to detect, such as giving the proponents of an idea twice as much time as the opponents, picking strong witnesses on one side and weak on the other, or using a moderator who smiles and is friendly only with the witnesses from one point of view. But there are other cases where I believe that no objective standards can be found to help us decide whether a question has been framed in a completely fair way. In the final analysis the acts of framing a question and setting an agenda are acts of political will. In light of that, and of our democratic aims, it is the jurors or the general public who should frame the question and not some group of insiders. But (as is discussed in the next section) in practice it may be that the only way a project can be run with decision makers as sponsors is if they, not the general public, is given a considerable say over how the agenda is set.

In this particular case, we ran into an unfortunate misunderstanding. On Day 4 when the charge was to be made more specific, the jurors exercised their right to recall some witnesses. The result was that we were running late on an already tight schedule. The jurors decide in mid-afternoon that they would like to make up their own proposal about what to do. When the jurors appeared to be floundering with only an hour and a half to go in the day, those running the project decided that a framework was needed to help structure their deliberations. The steering committee plus several others gathered in the hall to work out one framework, while I took a walk and came up with another. I suggested that the jurors vote between the two frameworks, while others opposed this idea. What I did not realize was that they were opposed to a vote on the grounds that it would take too long and the two frameworks were so close that we could resolve the differences ourselves. This led to a heated discussion between me and the others in which I insisted in having my way. I then presented my framework to the jurors and they agreed that it made sense to work with it. The jurors came up with a plan which was satisfactory for them, but the considerably lower ratings we received on staff bias (see next section) indicated that the jurors must have been aware of some of the problems we were having with bias. Such arguments over process should obviously be avoided, but even an experienced staff can encounter them.

This anecdote may seem to have little to do with an academic paper on deliberation. But in fact it brings out something important about running any set of hearings where time is

limited. There are some clear similarities to theater in the running of these projects. Once the hearings start, the moderators get the feeling that they are on stage, with only one performance of their play, a performance which typically lasts five days. A relationship develops between the moderators and the jurors in which the moderators can feel that they are the ones who know best what the jurors are feeling and thinking, while observers may feel that the moderators are ignoring important points. Those most likely to feel this way are those who know the substance of the issue and who have helped to gather the witnesses. While the moderators are trying to work with the jurors to close in on the final deliberations in a way that the jurors appear to like, the staff familiar with the substance can get quite upset about what is being left out. As the intense hearings move towards a close, it takes considerable skill on the part of the project director to hold the staff together and prevent misunderstandings and snap decisions which can be very demoralizing.

What is needed is both a way to structure the hearings more clearly and a way to deal effectively with decisions which must be made under pressure. There may be relatively simple ways of dealing with the former. For example, the deliberations could be divided into three parts, with equal time given to the presenters of the single dominant plan, the opposition points of view, and the jurors themselves to structure as they see fit. But structural adaptations and contingency plans for decisions under pressure will alone not solve the problem. Let us therefore turn to the next section to review ways to train and motivate the staff so that the influences of bias are kept at a minimum.

TRUSTWORTHY DEMOCRATIC FACILITATION

This section is critical because it points out how the production of an authentic voice of the people is more than the intellectual task of putting the proper framework in place. There is the basic human dilemma of getting an organization to be dedicated to serving others, while still maintaining staff morale. There is something saintly about this task and that should alert us to the difficulties. The history of religion provides a long lesson of how poorly saints fit into organizational structures, and how often the organizations deviate from the high goals the religion professes.

This section deals more with the problems of avoiding bias than those of maintaining morale. This is not a proper balance. The efforts any organization takes to avoid staff bias

must be offset by comparable efforts to nurture the staff so they feel supported in the difficult tasks they must perform. The more stressful the tasks, the more support is needed. Conversely, the more a staff pulls together to support each other, the more likely that an "agency point of view" can develop, resulting in biases in carrying out normal functions. The art the Jefferson Center is striving for is that of providing sufficient nurturance so the staff is motivated to provide quality service, while at the same time exercising sufficient attention to bias so that we can conduct an institution citizens will trust.

It is no mean task to expect that an institution be trustworthy in the political arena. Robert Michel's classic study of the oligarchical tendencies of the European socialist parties is just one of many works indicating that it should not be surprising if an institution engaged in the push and pull of politics is not as idealistic in its workings as it proclaims.

The problems we face are very deep in human nature and are deepened by the modern society in which we live. In the large complex social networks that we have slowly been building over several millennia, trust is anything but easy. It is not always easy to trust even those close to us, witness the recurring theme in popular songs about what happened between my spouse and my best friend. How then do we trust those whom we have never met, or who simply come by to shake our hand at election time and smile at us, or appear before us claiming to be neutral facilitators of a process which must survive in the game of politics?

But in spite of the difficulties of achieving this, the staff must act in a neutral and fair way if the Citizens Jury process is to be believed as a method for letting a microcosm of the public suggest what the whole might want to view as the common good. Since it is so rare for a staff not to impose its own values on the organization it runs, it will take exceptional work on the part of the Citizens Jury staff to maintain these standards and convince the public that they do.

The main way in which we at the Jefferson Center monitored ourselves was by having the jurors evaluate us at the end of each project and always make these evaluations public. We are proud of the results we have received (see Table 1). We have worked hard to monitor our biases. For example, at the 1992 project on the Senate race between Arlen Specter and Lynn Yeakel, we had a bias observer seated in the audience to monitor the facial and body language of the moderator who facilitated the questioning of the two candidates by the jurors. We had learned in 1990 that a charismatic candidate could make the moderator

smile more and be more at ease and we did not want this influencing the jurors' reactions to the candidates. The improvement in ratings from the mid 1980s to the late 1980s was encouraging and motivated us to work to maintain these in order to remain credible with the public. By always making these ratings public, we enhance our motivation.

Table 1: Summary of Bias Ratings of Citizens Jury Projects The following are the ratings given to projects in response to the standard question: "One of our aims is to have the staff and volunteers of the Jefferson Center conduct the project in an unbiased way. How satisfied are you with their performance in this regard?"

	Very Satisf	Satisf	Neutral	Dissat	Very Dissat
1981, Peacemaking	33%	67%	-0-	-0-	-0-
1984, Ag/Water	40%	60%	-0-	-0-	-0-
1988, Schl Clin	88%	12%	-0-	-0-	-0-
1990 Gov Race	94%	6%	-0-	-0-	-0-
1991 Budget (1)	55%	10%	30%	5%	-0-
1992 Western	82%	12%	6%	-0-	-0-
Eastern	82%	18%	-0-	-0-	-0-
1993, Budget (2)	92%	4%	-0-	-0-	-0-
1993, Health Care	83%	12%	-0-	4%	-0-
1994, Yale (3)	75%	8%	8%	-0-	-0-
1994, Welfare	78%	22%	-0-	-0-	-0-
1995, Cong. Pric.	46%	29%	12.5%	12.5%	-0-

1. Project not run by Jefferson Center.
2. One juror did not vote.
3. One juror did not vote because taken ill.

But I felt something more than these evaluations was needed and urged the board of directors of the Center to set up an Oversight Committee¹⁵, something done at the end of 1992. Our aim was to have a group of people who represented average citizens evaluate our work on bias control from a broader perspective than that of simply one project. The

¹⁵ I have used capitals in referring to the Oversight Committee to remind the reader that this was a specific group of people assembled by the Jefferson Center.

members of the committee were selected for that purpose by their fellow jurors from projects going back to 1990. It was our intention that terms on the Oversight Committee last for 2 years, but some terms were extended. The group met three times in 1993, twice in 1994 and once in 1995 (all meetings were for 1 1/2 days over a weekend). At first the group was very exciting to attend, given the novelty of average citizens being allowed to oversee a process in which they had participated. Their initial work went very well and it was clear that they had a much better grasp of the details of the Citizens Jury process than almost anyone on the board.

But in September, 1993, the chair of the Oversight Committee discovered a staff memo which indicated that staff may have introduced a bias into the selection of members to the Oversight Committee at the January, 1993, federal budget project. The Oversight Committee voted to take corrective action, but not to investigate the incident further and the board concurred. But the chair of the Oversight Committee, along with a minority of its members, felt that the staff and the board were not really interested in pursuing and rooting out an instance of staff malfeasance. This allegation haunted the activities of the Committee in both of its meetings in 1994. I tried to deal with it by saying that I would design new protocols for the staff on how they should deal with future problems. But the issue did not die in intensity for several members of the Oversight Committee.

Over the same period of time, Jefferson Center staff was becoming more critical of the way in which the Oversight Committee operated. They felt that its discussions were not nearly as open and reasonable as the discussions which take place during the Citizens Jury hearings. Also the make-up of the Committee was troubling. Not only did the Committee decide it was not important to maintain the kinds of demographic balance found on Citizens Juries, but they extended some of their own terms on the Committee for longer than was needed to keep the Committee at a minimum membership of 12 people. They did not seem to feel bound by rules set up at earlier meetings. Finally, some of the monitors sent to observe Citizens Jury projects seemed overburdened by their task, with some not completing their reports and others sleeping during the hearings.

It has taken me some time to see that the problems mentioned above are really indicative of deeper problems that require serious attention. I now believe that when I proposed the Oversight Committee to the board of the Jefferson Center in 1992, I was starting in the

wrong place. We should have started by trying to get our own house in order before adding any kind of citizen oversight or evaluation function. There are three things which should have been done differently:

1. Design quality, do not inspect it. The work of Deming and others with "quality circles" and similar techniques has indicated that it is much more effective to work closely with staff to insure that quality is a natural part of the production process than to set up some group which is to inspect the product afterwards and criticize those who made mistakes. To the degree that mistakes are identified after the fact, this leads to an adversarial relationship between the staff and the inspectors which can consume considerable energy without doing a great deal to improve staff performance.
- B. Board responsibility. I now see that I was actually trying to empower the Oversight Committee to oversee the operations of the Citizens Jury process as though the board might not do this properly. This was a mistake. It is very unlikely that the Oversight Committee could act to maintain high standards under circumstances where the board itself was not so motivated. The power and responsibility must lie in the same place.
- C. A clearly defined task for citizens. There must be some way for a group of people, representative of the public, to express their views on the Citizens Jury process and how it is run. But the tasks of this group must be clearly defined and added to the process after board and staff have taken all the necessary steps to insure the quality and integrity of the process. I am tempted now to call this process "evaluation" or "commentary" rather than "oversight". In other words, I want to shift the responsibilities for delivering a quality product. We at the Jefferson Center should not be empowering a group of people to inspect and set right what we must be undertaking properly on our own. Instead, after we have done our best to insure a quality product, then we should invite a group of citizens to look at what we have done and make their independent evaluation of how well we have performed.

A committee made up of two board members, the existing and previous chairs of the Oversight Committee and two staff members was formed to review the situation. They largely agreed with the above views and voted to abolish the Oversight Committee, while establishing clear protocols within the organization for designing quality into the process and making it clear that the board has overall responsibility for seeing that this is done properly.

This action was ratified by the board of directors in March, 1996, and we will be taking steps over the next couple of months to implement this.

EMPOWERING AN AUTHENTIC VOICE OF THE PEOPLE

In this section I shall lay out three ways in which an authentic voice of the people might be empowered. None of these, however, deal with using the Citizens Jury process with governmental departments or agencies. This does not mean that methods for creating an authentic voice of the people are necessarily shunned by agencies. The Jefferson Center is just gearing up to do a Citizens Jury project with the Minnesota Pollution Control Agency. But in the long run agencies will be able to empower something like a Citizens Jury process only to the degree that elected officials are comfortable with it. Therefore what follows concentrates on elected officials.

As noted in the introduction, empowering an authentic voice of the people is only one way of achieving a strong and effective democracy. Although I do not explore any other ways here, I should at least state my views about the current state of the American pluralist political system. What follows is not offered as a definitive argument about why pluralism cannot be reformed; instead, it is offered as a justification for why it is worthwhile to try out a set of reforms which are outside of the usual steps taken to make pluralism work better than it does now.

Making Pluralism Work

There are many people who feel that if only we can get our pluralist act together, we can return to the kinds of political coalitions which served us so well in the middle of the 20th century. For example, the system would be significantly improved if only we could reduce the influences of big money through limitations on contributions to political campaigns and through limitations about how lobbying funds can be spent. There have been continuing efforts to achieve this, but all seem to run into the obvious problem that those who benefit from the current system are the very ones who must pass the laws to change things. My position is that even with campaign finance reform, restrictions on lobbying and higher voter turnout, we will not achieve the kinds of political coalitions for which many now long. There are three important factors which must be considered.

1. Pluralism in America never worked as well as we thought it did. Much of the success of American pluralism really was the success of the American economic system in dominating the world after World War II. It was possible then to achieve major economic advances, bringing a large portion of American workers into the middle class without any of the wealthier Americans having to make a sacrifice. We could experience a significant improvement in living conditions while not having to make any changes in how special interest politics worked. We knew the history of how immigrant groups like the Irish, Italians and Jews were able to get their way in the political system through proper organizing and it seemed that if only we could get others to learn these tricks then all would be well. But as economic times have grown tighter our pluralist system has functioned best by protecting the interests of the most powerful, while the majority of Americans feel closed out of the system, and the public spiritedness of Americans as a whole has drifted towards cynicism.
2. Manipulation of public debates has moved from being an art to becoming a science. It seems reasonable to use the term "scientific manipulation" to refer to the process of applying the tools of the social sciences to the ancient arts of political manipulation and demagoguery. Focus groups, combined with public opinion polling and the scientific market testing of political messages, has brought the old art of political manipulation to a whole new level of sophistication. The funding which goes into these efforts is massive, as the readers of O'Dwyers, a newsletter of the PR industry, well know.

These techniques can lead to very impressive results when used on elections. Scientific surveys are used to identify the likely swing voters. Then focus groups, a tool developed for marketing purposes, are used to learn what the swing voters care most about and what symbols can elicit these concerns. If possible, an attempt is made to create an "us-versus-them" situation, linking one candidate to symbols which are important to swing voters and defining the opposition candidate as "one of them" who the swings do not like. Ads are then created and market tested to be sure that the symbols have been used effectively to appeal to the swing voters. The ads are run on TV at a time and with a frequency likely to produce the best results.

In the 1988 presidential elections, the Republican campaign team showed itself very skilled at doing this, while the Democratic team was not. According to news reports,

the Republican focus groups were conducted during March, 1988, leading to the identification of themes important to swing voters. Based upon these results, the "Willie Horton" ads, the appeals to patriotism and the labeling of Dukakis as an extreme liberal were developed as major campaign tactics. These were implemented directly after the completion of the Democratic convention, turning a Dukakis lead of 50% to 33% in late July to a Bush lead of 46% to 40% by late August, a lead which remained rather stable until the election took place.

3. TV takes the product of scientific manipulation into the living rooms of the citizenry with a directness which did not manifest itself clearly until the 1960s. What this means is that people are now picking up more of their views about politics from watching television than from discussions they have with fellow workers or extended family.

Part of the problem of making campaign finance reform or lobbying restrictions work relates to freedom of speech in America and the difficulty of placing limits on scientific manipulation and the pervasiveness of television. But I support the spirit of what the Founding Fathers aimed at doing with these freedoms. If the public is being manipulated, it makes a great deal more sense to educate the public and give them a vehicle through which they can voice their wishes intelligently than it does to try to find just the right combination of restrictions to prevent the manipulation. This is not to say that some restrictions are not needed, merely that it is more important to empower the people to speak with an authentic voice than to concentrate on disempowering those who wield the tools of scientific manipulation.¹⁶

Approach Elected Officials

One way to empower an authentic voice of the people would be for a non-profit organization like the Jefferson Center to propose the following four steps for promoting a partnership between elected officials and citizens. The goal is to pick an issue and have

¹⁶ It should be clear to us all how difficult it is to predict political futures. Whenever I convince myself that pluralism is bound to fail as the core of our political system, I remind myself about what I learned from Africa about predicting political futures. When I visited the Belgian Congo in 1955 the Belgians there assured us they were going to remain for at least 100 years, even though change was afoot in other parts of Africa. Six years later they were out. Then conventional wisdom held that with the "winds of change sweeping Africa", the South African government was bound to be overthrown within five years. The evolutionary change which took place 30 years later was impossible to imagine.

elected officials participate in the design of a process to empower an authentic voice of the people on that issue.

1. Identify some elected officials who are willing to plan an effective method of citizen input on an issue in accord with the following three steps.
2. They should select a method for promoting informed reflection by a legitimate group working in a face-to-face situation. Among the most tested methods for doing this are:
 - The Citizens Jury® process of the Jefferson Center
 - The Future Search Conference, as practiced by Marvin Weisbord
 - Hearings held by groups such as the League of Women Voters or the Minneapolis Citizens League
3. The recommendations from Step 2 must be passed on to the community as a whole. The elected officials should choose a method of effective outreach to a representative group of the community. Among the most tested methods for doing this are:
 - The Televote process created by Ted Becker and Christa Slaton.
 - Study Circles around the community along the lines of what has been developed by the Study Circles Resource Center and the National Issues Forum of the Kettering Foundation
 - The large group meetings developed within industry and proposed by America Speaks!
4. The elected officials should commit to making a decision on the issue the citizens discuss, clearly indicating how the citizen input was taken into account in reaching their decision. There is no requirement that the elected officials follow the recommendations of the citizens; instead, the aim is to get the elected officials to respond to the citizen recommendations in a clear and respectful way.

The above four steps clearly are too idealistic to bring about a major empowerment of an authentic voice of the people in America. Most public officials are not waiting around for some method like this; instead, they are responding to the political pressures which are going to get them reelected. But my hope would be that some elected officials, somewhere, would be willing to do this, perhaps at the level of a city council or a school board.

Build a Coalition

A different approach to empowering an authentic voice of the people would be to pick an

issue and try to build a coalition of groups to mobilize on that issue in light. This is a standard tactic; what would be new would be the adding of a method for creating an authentic voice which would be at the core of reaching a consensus. This method has already been tried to some degree through many of the dispute resolution techniques which are in use around the country, many of them sponsored by the National Institute for Dispute Resolution. Indeed, many of the successful uses of the Future Search Conference have centered around bringing together the "stakeholders" on an issue and getting them to reach a consensus about what should be done.

It would be interesting to see if this model could be expanded so that the Citizens Jury process (alone or in conjunction with a Televote) could be used with groups to help create a consensus. Surely this would not work if one simply conducted the projects and brought the interested groups in afterwards. But it would be interesting to see if there were some way to bring many of the stakeholders together and get them to plan a method in which the voices of average citizens would play a significant role in a consensus building operation.

Empowering an Authentic Voice through Elections

Among the most successful Citizens Jury projects were those used to rate candidates in an election regarding their stands on three important issues. The most visible uses were in the Minnesota 1990 gubernatorial race and the 1992 Pennsylvania Senate race. This use of the process was headed for a major expansion, with projects in several states lined up, until 1993, when the IRS raised strong objections (we are still negotiating with them over these).

Since these projects are unlikely to be conducted in the future by non-profit organizations, I am now interested in seeing how they might be conducted in some way which would not involve 501-c-3 or 501-c-4 organizations. Also I want to find a way of empowering an authentic voice of the people in which average citizens have a say in designing the project. The best way I can think of doing this would be to bring together a randomly selected stratified group of 20 to 30 people to plan an electoral reform in a state which uses the initiative. I would propose that the reform concentrate on the election of the governor of the state. On the final day of their planning exercise, they would be linked up with about 600 people around the state, using the methods of Televote. If this group approved of the plan selected, then a major effort would be made to get the initiative on the ballot as a major electoral reform to be approved by the voters of the whole state.

The way I would see the citizens do the planning is by presenting them with a model, asking them to modify it to their liking so that a strong majority favors the plan and then present it to the 600 in the Televote for their final approval. Although there are many aspects of the model which they may wish to debate, it seems that their most significant decisions would be with regard to the following:

1. Assuming they are content to deal with three issues, how intense should the study of each one be? They might wish to do something very similar to the Jefferson Center projects in 1990 and 1992, with a single committee spending a day per issue with witnesses and then questioning the candidates on the final day. On the other hand, I now believe that it is very difficult to come up with a definitive position on an issue with only one five-day study group. If there are two or three committees on the same issue, then it is possible to modify the second or third to deal with any anomalies in the first set of hearings. The problem with this approach is the cost and the need to resolve differences between the committees. The citizens should hear arguments pro and con these two positions and then make up their minds.
2. Timing. At one extreme, the hearings could be completed in a single week, probably sometime in September. If a more elaborate structure than a single committee is chosen under point #1, then the whole project might take a month or two. But at the other extreme, it would be possible to spread the project out over a much longer time. For example, the issue discussions could be held from January through March in order for the citizens views on issues to be presented early, so that the candidates would be reacting to the wishes of the citizens rather than forcing the citizens to react to the politicians¹⁷. Given how often policy stands during a campaign are designed by pollsters and political advisors rather than policy analysts, this would be a very healthy switch. Then the evaluation of the candidates' stands on the issues could be done in late summer by another committee and there could even be a late October meeting of another committee of citizens to comment on how the candidates have conducted their campaigns.

¹⁷ The aim here would not be to create a specific policy, but to reach a consensus on the kinds of things the citizens really want done on the issue and the kinds of things they really want avoided.

3. How should the integrity of the effort be maintained? What can be done to insure trustworthy democratic facilitation? Various methods of citizen review will be presented and the committee can either choose between them or make up a method of their own.
4. How much should be spent on this and how should it be paid for? The least expensive effort would probably cost about \$200,000 to \$400,000; the more elaborate could cost between \$1,000,000 and \$4,000,000. It is likely that the only way to fund the more expensive efforts would be to use governmental funds, something which could be accomplished through the passage of an initiative in which all adults in the state would be taxed something like 50 cents a year. The less expensive approaches could probably be funded through a large grass roots fundraising effort.

It is important to recognize the systemic nature of the choice which the citizens are being asked to make. Surely most citizens would rather not have additional taxes, even if they think it will improve elections. But if they become convinced enough under point #1 that only a fairly elaborate study of each issue is going to be sufficient for electoral purposes, then they may be willing to opt for a very modest tax to pay for the effort. Conversely, if they decide under point #3 that the process can maintain its integrity only if kept separate from government, then they may reject government funding and cut back on the number of committees which are used for each issue. The 18 projects run by the Jefferson Center since 1974 have demonstrated that a microcosm of the public can deal with this kind of systemic problem in an intelligent way in hearings lasting five days.

CHOOSING DEMOCRATIC PROCESSES AND DELIBERATION STYLES

So far in this paper I have discussed the creation and empowerment of a trustworthy method for eliciting an authentic voice of the people. How then should judgments be made as to which efforts along these lines are the most effective?

I propose a principle which should guide such work: the closer we come to the actual empowerment of an authentic voice of the people, the more important it is to involve average citizens in the choice of democratic methods and deliberation styles. This means that the closer we get to the empowerment of an authentic voice of the people, the more we should avoid designing the methods based on criteria derived from democratic or moral theory or guidelines developed within the social sciences. This does not mean that we should reject the

tools of the social sciences in evaluating the judgments made by average citizens. Let me give some examples and then offer a few justifications for this approach.

Average citizens can be involved in making choices over democratic institutions and deliberative settings in two ways: in the design of an institution or in the evaluation of different democratic institutions and deliberative settings by bringing together, in a neutral setting, citizens who have participated in the methods to have them compare their experiences. Since the previous section gives an example of how citizens might design a democratic institution, let me give a couple of examples of how citizens might make judgments over different, but comparable, democratic experiences.

Imagine that in State A the pollution control agency uses the Danish Consensus Conference¹⁸ to give them advice on certain technical decisions they must make, while in State B the pollution control agency uses the Citizens Jury process and in State C, the Future Search Conference is used. Which is best?

Here, participants from each of the three methods should be brought together in a facilitated setting to compare their experiences and see if there is any consensus among them about which aspects of the three methods are the most effective and which the least. This setting must be structured so that it does not bias the results in favor of one of the methods. It would be wrong to run such a session by borrowing all of the agenda setting techniques and facilitation techniques from one of the methods while ignoring the other two and then use that format for representatives of the three groups to hold their discussion. Instead, what could be done is to use methods from each of the three processes. If they are different enough, it might be possible to conduct the hearings in three different ways on three different days in order to give all the citizens an experience of how the other methods are conducted.

Of course, such a comparison might not easily be made. Suppose it is the case, as I have heard, that the Future Search Conference method is best at creating a vision, the Citizens Jury process is best at creating public policies where there are large value components and the Consensus Council is best at dealing with technological decisions. How then does one create an amalgam from these methods in order to let citizens from each

¹⁸. See Norman J. Vig: "Parliamentary Technology Assessment in Europe: Comparative Evolution", Impact Assessment Bulletin, 1992, 10, #4, pp3-24; and Richard E. Sclove's forthcoming article in Technology Review.

method review what other citizens in other methods have done? Here, the staffs of the three methods should get together and try to figure out what a neutral setting might look like. If they cannot succeed, they should call in someone skilled in mediation to try to work out some compromise. One way to deal with a situation like this is a simple presentation format at the beginning, with some freedom to the participants themselves as to how they would like to continue. For example, give the staffs for the three methods an hour each to explain their methods and give an example of how it works. But after each presentation, the participants are given ample time to ask questions, not only of the staff, but of those who participated in the method. Then the participants themselves could decide how they would like to spend the rest of their time discussing what they like best and least about the methods.

It is of course possible that both the participants and the staffs of the three methods will be so deeply invested in their own processes that they each end up supporting what they have done and criticizing the others. But all of the experience the Jefferson Center has had with the Citizens Jury process indicates that people are very committed to promoting democracy and the common good when put in a setting where they feel they have the chance to do so. It should not be difficult to set up a meeting format which would elicit this point of view from participants in different methods, rather than a format which would reinforce prejudices about their own initial experiences.

Comparisons of methods need not be at such a broad level. For example, in the 1993 health care Citizens Jury, I shared the moderating duties with Kathleen Hall Jamieson. She preferred a style of summarizing the jurors comments in a common language, while I preferred getting the jurors' comments down on a flip chart trying to reflect their own words. As usual, the event was evaluated by the jurors, but in this case there were three former jurors present from the Oversight Committee. Interestingly, the jurors participating in the event gave higher ratings to Jamieson than to me, while the members of the Oversight Committee did just the reverse. The jurors did not cite reasons for their ratings, but the members of the Oversight Committee made it clear that they disliked her style of summarization. From this experience, it might be tempting to say that something like this is too technical to be evaluated by average citizens and should be left to experts in communications or democratic theory.

My view is that we should set aside the principle of letting the citizens themselves decide only if compelling evidence can be presented that they are not equal to the task. Here is where the tools of the social sciences can be very important. Example: two different Citizens Jury projects are run on the same issue, but one moderator summarizes jurors' statements in a common language and the other uses their own words. Then after the event representatives of the two groups are brought together with the two moderators present. The differences between the two processes are laid out by the moderators and these differences are discussed by the jurors from the two groups. My hypothesis is that the citizens would understand the differences very well and they would be able to say rather clearly which they like, under what circumstances and why. Note that it is important to have "expert" testimony to the group from the two moderators (or people who represent their views) so that anything the "experts" really care about is not overlooked by the citizens in their considerations.

My hypothesis would be disproved to my satisfaction if it could be shown that some other spurious factor were significantly correlated with the evaluations given by the citizens. For example, it may be that the jurors discuss the matter in a way which seems very intelligent, but it is shown afterwards that there is a high correlation between the perceived good looks of the moderator and the facilitation method chosen by the citizens. This means that we must be alert to factors such as gender bias, pleasantness of voice, or other matters which we know can influence how people feel about a presentation. If we suspect that these may be operative, then typical social science control methods must be used to hold these factors constant so that we can see what the views of the jurors are about the two different ways in which their comments are summarized. But if it turns out that such "spurious" factors can explain much more of the preferences of the jurors than their stated reasons about which style they prefer, then I would say that choice of style is a matter where the people themselves should not be making the decision.

There are many other kinds of choices which citizens might be asked to make. Among the most complex would be with regard to how good a job a particular organization is doing with trustworthy democratic facilitation. The experience of the Jefferson Center with its Oversight Committee shows how difficult this can become. But even here I hope that citizens will be able to show themselves competent to make good judgments. The Jefferson

in psychology for his work on methods, who said that some of the most important things he wanted to say about human behavior he could not verify by the methods of the social sciences. Thus I came to be influenced by the views of Ludwig Wittgenstein (the Philosophical Investigations, as opposed to the Tractatus) and some of those in his tradition. Three points of view which are dear to me are:

- Our knowledge is secure when doubts we normally have are answered.²¹
- There is no sense in which we could ever provide a complete justification of an explanation out of context; for a justification is a defense against some specific doubt or complaint, and there is an indefinite number of possible doubts.²²
- Philosophic truth, like knowledge in general, is about experience, and not about something strangely beyond the ken of man, open only to the seer and the prophet. We all know the nature of life and of the real, though only with exquisite care can we tell the truth about them.²³

It is because I hold these views that I have not wanted the Citizens Jury process to be justified in terms of an elaborate set of rules, manipulated by highly trained persons (insiders), which lay out how the process works. Anyone who cares about what we are doing can come and ask us why we do X rather than Y and we do our best to answer, using the accumulated experience we have. This means that if we are challenged about the fairness of our witness selection process, or about whether we ought not to have 600 jurors in order to meet the standard requirements of a scientific random sample, we end up engaging in dialogues which may be quite lengthy and often are intricate.

Finally, there is a normative justification for this position. William Frankena, one of the best analytic moral philosophers of the mid-20th century, once said that we cannot plausibly

Meehl held four professorships at the University of Minnesota: psychology, psychiatry, philosophy and law. He is known for articles on a wide variety of subjects, especially on schizophrenia and on the validity of psychological tests (the latter with Cronbach). The major work I did for my M.A. in political science was for Meehl on validity.

²¹ L. Wittgenstein, Philosophical Investigations 1953, #87

²² Michael Scriven, "Explanations, Predictions, and Laws" in H. Feigl and G. Maxwell Minn. Studies in the Philosophy of Science v3, 1962, p197

²³ C.I. Lewis: Mind and the World Order, 1929 (reprinted by Dover Publications, New York, 1956) p35.

Center is just now starting to clarify its internal structures for promoting trustworthy democratic facilitation. Before we did this, not only were we making mistakes which the Oversight Committee was picking up, but we were not managing our internal affairs well enough so that even our own board could make good judgments about what was going on. My hope is that when an organization sets up a good method for designing quality into its operations and sharing this appropriately with its board of directors, then this will be something which citizens can evaluate in a holistic way as they make judgments about whether they want to trust the organization to do what it claims it is doing.

There are several justifications which can be offered for putting choices by average citizens ahead of criteria advanced from some academic viewpoint. The first is pragmatic. Distrust of government is so deep today that the public is skeptical even of the most sincere reform efforts. The more that we hope to see an authentic voice of the people empowered, the more important it is that average citizens trust what is being done and this trust can be enhanced greatly by leaving key choices about the methods up to the people themselves. This is in line with Thomas Jefferson's dictum that the ultimate powers of society should lie in the hands of the people themselves.

The second justification is epistemological. I hold the belief that the wisdom of humankind regarding the facts and values of society lies in the accumulated wisdom of us all as summarized in the languages we speak. This is opposed to the way that the wisdom of humankind is summarized in the physical sciences: there it is possible to build ever more elaborate and precise outlines of what we know, such that scientists can specialize in small areas of the physical world and learn astounding things we never knew before. This does not mean that I am rejecting the social sciences as a method. Certainly there is much that the scientific method can teach us in the social realm. But if we set out to accomplish something in the social realm, we cannot go about it as engineers would in the physical realm, with a clear set of laws which provide answers to most of the problems we face.

My respect for the work of social scientists arises from training I received in philosophy from Herbert Feigl¹⁹ and in psychology from Paul Meehl²⁰. But it was the latter, well-known

¹⁹ Feigl taught at the University of Minnesota after having started his career as one of the youngest members of the Vienna Circle of logical positivists. He was one of a select group (including Rudolf Carnap) chosen by Moritz Schlick in 1927 for the discussions the Circle held with Wittgenstein.

of meta-ethics with the views of Habermas and other more recent theorists? I believe that the deeper one searches for foundations, the more one either gets lost in debates unrelated to choices in the real world or ends up making the kind of choice made by Wittgenstein when he gave up on the Tractatus and moved to Philosophical Investigations.²⁶

It should be noted that this normative justification is part of a broader set of views I hold about moral philosophy. I believe that the fundamental question we should be asking is not "What is right?" or "What is good?" or even Socrates question, "How should one live?" Instead, we should be asking "How should we live together?" For it is in conjunction with others that we can begin to reach a consensus about what the expectations of our society are; indeed, it is in dialogue with others that agreement is possible regarding what the expectations of society ought to be. Such a consensus about how we should live still leaves open the question of what is right and good in some "higher" sense and does not prevent an individual from concluding that the moral person should act in a more (or conceivably less) altruistic way than the social norms which have been agreed upon.

Of course a simple question does not define a social enterprise. There are innumerable ways in which to go about answering the question of how we should live together. But it offers a starting point from which it is possible to seek specific answers to many of the important questions which remain unanswered by the more difficult and general questions "What is right?" or "What is good?" or "How should one live?" If we academics can construct ways for citizens in a democracy to participate in the building of a set of

²⁶ This is essentially the conclusion I reached in my Ph.D. thesis, Concern For All (University of Minnesota, 1973). I have often felt I should write something definitive about this, but have been deterred for a couple of reasons. First, the model I hold for a clear work on a fundamental philosophical issue is Herbert Feigl's "The Mental and the Physical" (Minnesota Studies in the Philosophy of Science, v.2, p 370ff, University of Minnesota Press, 1958) and I doubt that I will be able to achieve this kind of clarity. Second, in light of the citation on justification by Scriven, it is not clear to me which doubts I should be trying to answer and how to do that other than in a dialogue. Beyond that is the story of the Aikido teacher who was upset with those who devoted their time to muscle building in order to win "beautiful body" contests. He tried to reason with them, pointing out that their muscles were indeed beautiful, but not useful. He failed in his arguments. Then he put on demonstrations with muscle builders, asking them to attack him so that he could demonstrate the usefulness of his lean muscles. He gracefully threw them all to the floor, but they still ignored him. A close friend then advised him to build muscles like the body builders so that they would take him seriously. But after considerable soul searching, he decided not to, partly out of the fear he could never develop bodies like theirs and partly out of his certainty that he would then be useless for Aikido.

define morality in such a way that the question "Why should I live like that?" can never sensibly be raised.²⁴ By analogy, I believe that we cannot define democratic practice in such a way that the question "Why should we adopt that practice?" can never sensibly be raised. Imagine that someone uses the ideas of Juergen Habermas to justify conducting a set of deliberations in a certain way. Another scholar objects, pointing out that Habermas is brilliantly obscure and often confused, adding the necessary footnotes to back up the argument²⁵; she then appeals to a different democratic theory to guide the deliberations. How are average citizens who will live with the results of these deliberations ever to get a good answer as to why we should adopt that practice? Note that if the answer is that the foundations of normative discourse are something which must be laid out by those who understand the philosophical pros and cons, then this implies that those who are experts in normative or empirical theory are able to find clear foundations in light of which to resolve their disputes. But is there a consensus over how to resolve the views of the analytic tradition

²⁴ William K. Frankena, "Recent Conceptions of Morality" in H.N. Casteneda and G. Nahknickian (eds.) Morality and the Language of Conflict, 1963, pp.1-24

²⁵ What she cited was two criticisms of HABERMAS'S THE THEORY OF COMMUNICATIVE ACTION (TRANSLATION BY THOMAS MCCARTHY, V. 1, BEACON PRESS, BOSTON, 1984) by Stephen K. White (The Recent Work of Juergen Habermas, Cambridge University Press, New York, 1988):

- "This notion of a formal pragmatics contains a formidable number of highly controversial claims and categorical distinctions..." (p30)
- "The ability to draw a sharp distinction between these two models (the communicative model and the strategic model) would thus appear to be crucial to Habermas's project. And yet it has been persistently argued that he is not able to establish this distinction in a satisfactory way." (p44)

She then goes on to make a point of her own: In Chapter 3, section F (Formal and Empirical Pragmatics), pp 328-37, where Habermas gets to some of the foundations of his ideas, he raises the question of why an empirical-pragmatic approach would not be better for "a useful sociological theory of action" than his formal-pragmatic approach. He offers three reasons in favor of his approach and at the end of these cites Wittgenstein's On Certainty. Yet this is a controversial quote, given that most of Habermas's work is the kind of intellectual castle building which Wittgenstein's Philosophical Investigations would warn scholars to avoid. Why then cite a work which Wittgenstein wrote in the last 18 months of his life, which has echoes of the Tractatus? This kind of quote, at this key point in his work, shows the lack of fine workmanship which one should expect from someone writing something as complicated as Habermas. Either Habermas should have gone into depth about how his work relates to that of Wittgenstein, or he should not have mentioned him at all.