

RESEARCH ON SOUND DELIBERATIVE PRACTICE

There are increasing efforts to bring professional responsibility to the growing field of deliberative democracy. One line of thinking about deliberative practice is that we should be able to learn quite a bit from social science research. If one reviews some of the standard deliberative methods used in the past couple of decades, it is obvious that they differ in a number of respects, most obviously the number of participants, how these are selected and whether they are paid, the amount of time spent, and how information is presented to them. Wouldn't it be nice if we had some good research to indicate which of these characteristics works best under what circumstances?

The aim of this paper is to lay out my reasons for believing that research is difficult to do in a meaningful way that will be helpful to those who wish to design a high quality deliberative event. This paper argues, instead, that we should first use the knowledge gained in two to three decades of practice and only turn to research when it is clear that it will be worth doing. The problem lies not so much in the inappropriateness of research to learn about deliberative methods, as in the expense of doing research of sufficiently high quality to be helpful in analyzing the complex deliberative methods now in use.

I

What can we learn from the field of psychology?

The field of deliberative democracy is about three decades old. Psychology, as a professional field, is about four times as old. This is a field that has had a strong emphasis on both practice (clinical psychology, industrial psychology, etc.) and research. How have they integrated these two efforts?

I am too far removed from psychology to write anything definitive about this, but did have the good luck to work under one of the most prominent academic psychologists of the 20th century, Paul Meehl.¹ He was as interested in the relationship between practice and research as anyone in the profession. His reflections on how to make sure that practitioners are being as professional as possible are worth repeating.²

He noted that one of the most important rules of thumb for himself and those colleagues he respected was “the general scientific commitment not to be fooled and not to fool anybody else”. He went on to say:

¹ It is always difficult to assess someone's contributions to a social science discipline. Meehl served as the President of the American Psychological Association and managed one publication about every 100 days for 58 years. Nevertheless, he claimed there were “two or three dozen psychologists of his age group” that made more contributions to the field than he (*Minnesota Psychologist*, May, 2004, p.14). He did admit, however, that his range was unique. It is that range and his sophistication in the philosophy of science that make his reflections on his field worthy of attention. My contact with Meehl arose from what was essentially a masters thesis I wrote for him in 1965, “An Analysis of Construct Validity”. I stayed in occasional contact with him over the years until his death in 2003.

²These remarks are from an address to the Minnesota Psychological Association on its 50th anniversary in 1986 *Minnesota Psychologist*, May, 2004, pp. 3-12

One of the deepest, most pervasive dimensions that separate psychologists in these matters is the famous Russell-Whitehead distinction between the simple-minded and the muddle-headed. This difference has little or nothing to do with being bright or dull, since we find brights and dulls on both sides. In the research context, I sometimes have the impression that simple-minded psychologists have a hard time discovering anything interesting, whereas muddle-headed ones discover all sorts of interesting things that are not so. The simple-minded have a tendency to be hyper-operational, too closely tied to rigid standards of evidence (often based upon misconceptions of both philosophy of science and history of science) and a distaste for explanations that seem to them needlessly complex. The muddle-headed may be on the better grounds ontologically, since the world is complicated and the human brain is at least as complex as the kidney. The problem about the muddle-headed is less in their preference for certain classes of explanatory concepts than it is in their often weak standards of evidence...

I am not suggesting that only scientific data in some quantitative form will warrant an alteration in one's belief system and hence one's clinical practice. One's accumulated clinical experience, including conversations about clinical questions with experienced colleagues, is an admissible source of "soft" evidence, as it was for many years in medicine. But granting this, we should keep in mind how many theories and practices in old-fashioned medicine, before the rise of modern laboratory medicine and controlled experimentation and the application of suitable statistics to clinical trials, turned out to be unwarranted and, in fact, killed a lot of patients. Nobody familiar with the history of medicine can reasonably hold that the mere statement, "Clinical experience shows ..." is a fully adequate answer to a skeptic, and it is arrogant to conflate "Clinical experience shows..." with "My clinical impression is...", when the very fact that the skeptic is putting the question suffices to prove that *different practitioners' clinical impressions have not satisfactorily converged*.

The task facing those who seek to do solid research on deliberative practice is to find its way between the dangers of simple-mindedness and muddle-headedness. It is worth noting that some of the recent papers published by researchers taking an interest in deliberative methods indicate a leaning in the simple-minded direction.³

³ In making this comment, I must note my leanings toward the muddle-headed direction. It would be foolish for me to write this paper with the pretense that I am above sin, while others are not. I also realize that these terms are likely to be loaded for many people. Meehl could get away with using them since his work clearly fell into both categories. I do not mean to demean the work which inclines in the simple-minded direction, but to point out a characteristic we need be aware of, in the same way we need to be on the watch for muddle-headedness. Those interested in my claims that I am not entirely muddle-headed could look at a research proposal I wrote in 1976, two years after setting up the Jefferson Center, showing that I had a strong interest in research at the beginning of my work on the Citizens Jury process. It is posted on www.jefferson-center.org.

For example, Gene Rowe and Lynn J. Frewer wrote a paper entitled, “Evaluating Public-Participation Exercises: A Research Agenda”.⁴ In it they do a commendable job of reviewing empirical studies that lay out an explicit definition of effectiveness by which to judge participatory efforts. This means that they are attuned to looking at what those in the field are saying, rather than simply concocting their own categories upon which research should be based. But when they get to their discussion of research techniques, they place a strong emphasis on operational definitions and seem less concerned about validity (that a test or an evaluative technique indeed measures what it is supposed to measure). Indeed, it is very surprising that in their brief discussion of different approaches to validity they note simply that they are not going to discuss in any detail construct validity. Yet construct validity, one of the four main ways of validating a psychological measurement technique, is the approach to validity designed to avoid the problems of simple-mindedness. In a single sentence, without any justification, they leave out the approach to validity most likely to do justice to the complex field of deliberative democracy.

Of greater interest is a review article written by Tali Mendelberg, “The Deliberative Citizen: Theory and Evidence”.⁵ In this article she does a careful review of a wide range of literature that examines research relevant to deliberative methods. In the abstract at the beginning of the article, she notes that “a review of several literatures about group discussion yields a mixed prognosis for citizen deliberation”. One of the strong points of the article is her even-handedness: she points out research that highlights the strong points of deliberative methods, but also points out a number of potential weaknesses.

On closer examination, however, I had to wonder how relevant the studies she cites are for current deliberative practice. Take, for example, her section entitled, “Are Several Heads Better Than One”. She notes that many deliberative theorists believe that “two heads are better than one” and cites John Rawls as someone holding that view. She then goes on to say, “It turns out, however, that groups have predictable deficits when it comes to sharing information”.

She then reviews 12 articles that demonstrate some of the ways in which this is true. Group members tend to concentrate on information familiar to most of them, spending much less time on information only one or a few know. Even when investigators warn participants that some of the most important information may not be shared information, they still concentrate on what is known by the majority. Mendelberg ends the section with the comment: “Overall, on the issues that matter in deliberative democracy, two heads are not better than one. Two heads can become better than one, but deliberative success requires a detailed understanding of the many and serious social pitfalls of group’s attempts to solve problems.”

⁴ *Science, Technology and Human Values*, Vol. 29, No. 4, Autumn 2004, 512-556

⁵ Tali Mendelberg in *Research in Micropolitics*, volume 6, by Michael Delli Carpini, Leonie Huddy, and Robert Y. Shapiro (eds.) Elsevier Press. (I was unable to obtain this volume and so have based my comments on a paper dated 7-26-2001.)

Thinking this was a matter to be taken seriously, I decided to look at all 12 articles. To my surprise, the large majority of them relied on studies of introductory psychology or sociology students. Ten of the articles reported on a specific study the authors had performed. Eight of these used students in introductory classes, one used “undergraduates” and the last used medical students and third-year interns who were already MDs. All of the studies were conducted in laboratory settings, rather than real life settings, and none of the experiences lasted for longer than an hour, with the possible exception of one.

It was immediately evident how vastly different these experiences were from the experiences in the deliberative methods with which I am familiar. In all the deliberative methods I know of, people are greeted by name and are given name tags. They are made to feel that they are engaged in important discussions. Taking the Citizens Jury process as an example, an hour or so is taken to helping the 24 people get to know each other and feel comfortable in their surroundings. Care is always taken to select a room which has a gracious feeling to it, something that appeared to be ignored in all ten studies, where no indication was given as to whether the setting made the students feel they were in a significant place, engaged in important work.

Of course, the differences only grow from there. In a Citizens Jury three or four days are devoted to witnesses who present information and can be questioned on their testimony. In the one study of the ten using more mature people, the interns and medical students were shown a videotape for about 20 minutes, told not to take notes and told they could not see it again. This may be functional if one wishes to examine some social science hypothesis, but what person in their right mind, seeking to learn how reasonable people might be, would give them only one piece of evidence, not let them take notes and not let them see it again? Participants in a Citizens Jury not only hear many witnesses, but are allowed to recall a few witnesses, if staff is able to rearrange it. It seems that the Citizens Jury process exists in an entirely different world than that of the experiments that Mendelberg is citing.

The two articles that were review articles seemed to have somewhat broader horizons. In “Pooling of Unshared Information during group discussion”, G. Stasser concludes his review by stating that “group discussion is often an ineffective way of disseminating unshared information”. But he does go on to think of circumstances in which this could be overcome. He notes that in teams specifically assembled for their diverse knowledge and made aware of this might do much better in sharing information. But he says that there is “as yet” little empirical information to demonstrate this.

In the other review article, “Bias in Judgment: Comparing Individuals and Groups”, by N.L. Kerr, there were indications that studies other than those done on undergraduates might be considered. For example, he does cite studies in which jurors were used as the participants. But when I checked out the most recent of his four citations, it turned out to be an experiment in a lab setting where people from a local jury pool were paid \$15 to come to the university to participate in the typical less-than-an-hour experiment. Kerr also did note that “many economists have disputed the

significance of empirical violations of rational-choice assumptions, offering a number of reasons why laboratory demonstrations might underestimate human rationality in real-life settings". Interestingly, Kerr did not offer any direct citations for this point of view, in spite of the fact that he took the time to include 158 citations in his list of references.

The suspicion that the psychological lab may not reflect the real world has been around a long time. For example, James P. Kahan and C. Daniel Batson, both wrote articles discussing how real life experiences may not correspond to what is found in lab experiments. These were published in 1975 in the *Journal of Personality and Social Psychology*.⁶ Interestingly, eight of the 12 articles cited by Mendelberg in this section of her article were from that journal. If those authors, all of whom have extensive lists of articles that they cite, choose to ignore literature that discusses whether experiments in laboratories are relevant to real life settings, then one must wonder whether the authors care if they are. I did not subject the rest of Mendelberg's paper to the same close analysis. I looked only at 12 of the over 180 citations in her article, so perhaps she cites literature relevant to this situation that I missed.

Nevertheless, it seems to me that the burden of proof rests with the authors of such articles to show why they think them relevant to a practice such as the Citizens Jury process. Unless someone can show otherwise, I assume that these are the kinds of experiments that Meehl had in mind when he spoke of the dangers of the simple-minded.

Clearly all academic work on deliberation is not based on college students in introductory courses. Indeed, the Deliberative Democracy Consortium has a task force working in this area and may be aware of research more relevant to sophisticated deliberative methods. But before we take the claims of someone like Mendelberg at face value, thorough and balanced as her review article was, we must look closely at the research upon which the conclusions are based and be sure they really are relevant to our work.

II

When Is Social Science Research on a Complex Practice Worthwhile?

Given my skepticism about the value of much social science research, I don't want the reader to think I see no value in it at all. One of the ironies we face in making judgments about when people are reasonable is that it is so hard to be reasonable about how to go about studying this. Although Paul Meehl was careful to point out that there were bright people involved on both sides of the simple-minded versus muddle-headed divide, the terms are probably not useful in promoting dialogue between the two camps. It is much too easy for each side to dismiss the other and return to its own work.

It seems useful, therefore to do a thought-experiment involving another field to see what we can learn about when research on a well established practice is worth doing.

⁶ Citations for both of these articles are found in my 1976 article posted on the Jefferson Center website, along with three other citations that make the same point.

One of the questions that interests me the most is how long a deliberative effort should last in order to do justice to the question being discussed. So let us take a look at an imaginary claim that could be made in the area of training lawyers to see what lessons we might learn.

Imagine that Jones, a prominent researcher, learns about claims being made that two years of law school (perhaps less) will do just as well as three. This claim rests on the fact that graduates of even the best law schools go to a “cram course” lasting something like two months in order to pass the bar exam in their state. A faction of the legal profession is starting to call for research to see if this might be true. Mightn’t it be the case that hold constant the ability of students, those attending law school for only two years and then taking the two month cram course would be as likely to pass the bar exam as three year law students. During this short course, they learn all sorts of things not taught in the standard law curriculum. is dismissed as absurd by practitioners (particularly law school professors). When Jones claims that “we don’t really know” the answer to this because no research has been done on it, he is dismissed as one of the research fanatics who think that no one knows anything unless someone with a Ph.D. has proven it through social science research techniques. Jones persists, however. He points out Jones hypothesizes that if one were to

This might worry some law professors. Mightn’t bright students be able to pass the bar with only two years of law school and then the cram course? Or with two years of law school and a four-month cram course? Since there is some chance this might work, law professors would likely claim what is taught in law school is something different than just what is required to pass the bar. At this point, Jones would likely ask what these things are that law schools teach and how one can determine whether or not law schools really succeed in teaching these. Jones, being a good empirical researcher, then might be tempted to devise ways to test for the presence of these skills so that one could determine if indeed three-year law students do better on these than two-year students, holding ability constant.

What might the legal profession do in such a circumstance? Large law firms generally pride themselves on their ability to make wise hiring choices of new attorneys. The common method is to give a summer internship to law students who have completed their second year and then offer jobs to the ones they think will best fit into their firms. Since they trust this method, most firms would be unlikely to be interested in any research Jones proposed. If they suspected that Jones might be right in his guess that three years of law school really isn’t needed, they might start hiring interns after one year of law school, rather than two, to see how well they do. Given this option, my hypothesis is that the interest of law firms in Jones’s research would be close to zero. It might be different if the law firms were paying for law school. But why should they take on students with less training in the law, when the students are paying for the extra training themselves? (Here is a reason for not doing research that has nothing to do with the truth of the claims and everything to do with how useful the results would be.)

Let us say, however, that Jones is well-respected in many quarters of the legal profession and he persists. What should he do? First, he should be sure that he is acknowledging the obvious claims. There is no doubt that a student that has studied torts at a decent law school is going to know more about torts than a student who has not studies torts at all. He must be sure that no one thinks he is claiming that the substantive material taught in law school is something the students forget or do not need to know.

But many law schools claim that they teach something beyond just the dry facts needed to understand the law. They train people to think in certain ways that are essential for a really successful legal career. How should Jones go about measuring this? I would submit that if he wants close attention paid to what he is doing, then he should be sure that he has valid measures of what it means to have a good legal mind. In order to do this, he would be well advised to pay attention to one of the seminal articles of psychology on how to measure complex phenomena in a sophisticated way: “Convergent and Discriminant Validation by the Multitrait-Multimethod Matrix”⁷ This article (cited even today in standard texts on social science research methods) suggests that several different measurement methods be used on several different traits and they be correlated with each other. If one wants to be sure that a trait really been identified and is not merely the product of some particular measurement technique, then this is an excellent approach to take. Granted, this approach is expensive. But it is likely to be well be worth the effort. The more that research is likely to lead to significant behavior changes, the more that a high quality research design should be adopted.

Those who think this example a bit absurd should remember the power of cognitive dissonance and groupthink within a profession. Aspiring lawyers who spend well in excess of \$100,000 to get a legal education and who work exceedingly hard for three years would be reluctant to admit they wasted their time. And the whole legal profession, based upon the foundation of three-year law schools, would be unlikely to openly admit their foolishness in supporting those institutions. Surely there would be dissidents who would go along with Jones, but the extensive research on groupthink and cognitive dissonance, backed by many real-life examples, tells us that the profession as a whole would be likely to resist his claims.

So what points do I want to make with this thought-experiment?

- We practitioners of deliberative democracy must beware of dismissing research as unneeded. Cognitive dissonance and groupthink can lead practitioners in many fields to fool themselves into thinking they know what best practice is, simply based upon their own experiences.
- Researchers should beware about conducting research until they are sure that it really will be helpful. Have they listened carefully to what those in the field say they are doing? Are they sure they can devise measures that are more sophisticated and objective than the observations already being done in the field? How likely is it that those for whom the research is intended will actually use it?

⁷ By D.T. Campbell and D.W. Fiske, Psychological Bulletin, 1959, v. 56, pp. 81-105

- When research on key points is undertaken in an area as complex as political decision-making, it should be of high quality. For starters, researchers should indicate why they think their measures are valid. If they have not used some sophisticated approach to validity such as that advocated by Campbell and Fiske, then what justification do they offer for not having done so?

As we seek to avoid the dangers of being either simple-minded or muddle-headed, we should be sure to demand the best for our new profession. We should not give support to research proposals on the grounds that ours is a new field and therefore must need social science research because we know so little. We should be as willing to dismiss facile research proposals and trust our common sense and experience as the legal field surely would be when faced with “Jones”. At the same time, we must pay careful attention to what we are doing so that we fool neither ourselves nor others with our claims about what we know from experience.

III Designing Quality into a Longer Deliberative Event

Assume, then, that “we” are approached by the governor of some state (or the mayor of some large metro area). She wants to involve citizens in some significant decision facing her state. She has heard that there are a number of deliberative practices and wants to know which might be best. Assume, furthermore, that she indicates that she wants a deliberative event that gives the participants the opportunity to spend several days learning about the issue at hand.

The first thing we should do is find out what the political landscape is like. What methods of citizen participation currently are used in the state? Why not use one of these?⁸ How important is it to get good media attention? If so, then it would be wise to design an event that is easy for reporters to cover and is likely to capture their attention. It would be wise to consult with some good PR people about this. What is the legislature likely to do with any recommendation from a citizens group? How much do legislative leaders need to be brought into the design of the process in order to get their buy in?

⁸ Is she aware of the “two-public” problem? The kinds of people who show up for general discussions of how to deal with a problem are typically different from those who show up when a specific solution to a problem is proposed. Those who show up for the general discussion tend to be policy wonks who seek fair solutions to complex problems. Those who show up for specific proposals are typically NIMBY types or people who have specific things they dislike, such as taxes. Sometimes they have only one program they care about, such as a swimming pool. Organizers often avoid the first kind of meeting and then turn out their supporters for the specific proposals, claiming that “nobody told us” about the planning meetings. One of the advantages of the Deliberative Poll or the Citizens Jury process is that a microcosm of the public is involved. This allows people in the broad middle of the public to have their say, rather than allowing groups at the extremes of altruism and selfishness to dominate the discussion. If public officials are willing to commit to the use of such a process, they may well overcome the two-public problem.

Also, it is important to discover how sincere the governor is about the use of a deliberative method. Are she and her staff hoping to put a citizen veneer on a set of decisions that have largely already been decided? If so, then there is not much sense being concerned about best practice.

Some practitioners may say that if we are to build the use of deliberative methods, we must make compromises and engage in some projects where a political leader has other motives besides the conduct of the highest quality deliberative method. Insisting on perfect conditions will hinder the development of the field. There is certainly some truth to this. But there obviously are limits to how long a group ought to persist in getting its methods used in the face of low enthusiasm on the part of foundations and/or public officials. The Jefferson Center, having tried for 28 years to get its Citizens Jury process used in significant ways, finally gave up its staff and office, with the hope that at some point it could reopen when more interest was shown in its methods. The directors of the Center made the judgment that they had thoroughly demonstrated the process and that it did not make sense continuing to run it, given only lukewarm support from public officials.⁹

But if some governor were to insist that she wanted to use a high quality deliberative method and was committed to paying serious and highly public attention to its recommendations, then how would we know what to recommend? Should it be a Deliberative Poll? A Citizens Jury? A set of Study Circles where people are involved for several days?

There will be many questions about how the participants are selected and how many there should be. My view is that the selection of participants (random or volunteer, paid or not paid, etc.) is a value question or a political question and therefore research on the methods is secondary to the political or ideological considerations. I would argue for the methods used by the Jefferson Center: the use of stratified random selection techniques. I would do this on the grounds of fairness. My guess is that the legitimacy of the process in the eyes of the broader public does not depend on how the participants are selected. Certainly it would be possible to do surveys and focus groups to see what the public feels about this, but these questions are not the ones of most concern.

The really big questions surround how long the group should meet, how the agenda should be set and how information should be presented. How do we make decisions about best practice in this area? I would suggest two questions and a practical step that can lead both to improved practice and to opportunities for further research:

⁹ This does not mean that there is no enthusiasm for the Citizens Jury process. Polls and focus groups consistently show that a majority of the public likes reforms based upon the Citizens Jury process. The Citizens Initiative Review proposes that “citizens panels”, based upon the Citizens Jury process, be used to evaluate initiatives and referenda on statewide ballots. The most support was found in OR in 2002, when 61% of respondents in a statewide survey favored it and only 12% opposed. In WA several surveys show support ranging from 54% to 62%. The challenge in getting the process adopted in these states lies in finding sufficient legislative support to pass a bill or in raising enough money (over \$500,000) to get the proposal adopted through the initiative process.

1. What do we know from common sense and practice about this? With regard to length of time and nature of hearings, we have 800 years of practice with civil and criminal juries, indicating that many days are needed for citizens to do a sound job of reviewing complex matters involving factual disputes. Also, it is important that this be done in fair hearings open to the public, except for the final deliberations. This practice is supported by common legislative practice in Western democracies, although committee hearings often do a poor job of being fair, and often the legislators are inattentive since most of the information they use in selecting policies comes from lobbyists and political leaders. But the standards of fairness and length of time to study an issue are clear.

This means that existing practice presumes that many days of examination and the hearing of witnesses from different points of view will be needed to do a sound job of making decisions about complex public policy issues. It seems possible to claim that one day is sufficient to study a policy issue only if one assumes that government officials are so under the control of special interests that even one day of citizen deliberation will lead to results more in the public interest than current governmental practice. Indeed, the opposite claim, that even a week or two of deliberation by average citizens is not enough, carries more weight. In this regard it is worth remembering what Robert Dahl had to say about citizen competence: "Is the ordinary man incompetent? No judgment is more decisive for one's political philosophy. It was perhaps the single most important difference in judgment between Plato and Aristotle. If you believe, as I do, that on the whole the ordinary man is more competent than anyone else to decide when and how much he shall intervene on decisions he feels are important to him, then you will surely opt for political equality and democracy"¹⁰

2. What do we know from deliberative practice? On this matter, the evidence is largely anecdotal, albeit reports from many observers who have been trained in the social sciences and therefore should be careful in their observations. The experience of the staff of Citizens Jury projects was that often one week did not seem enough. Many jurors in many different projects complained that they did not have enough time and felt rushed on the fifth day of the projects when they had to write up their report. I am unaware of *any* complaints that the five-day hearings were too long. Interestingly enough, the same appears to be the case with the Citizens' Assembly in British Columbia. Even after 15 days of hearings (10 weekends of 1 ½ days), some citizen participants commented that they felt they did not have enough time. I do not know if any participants complained that the project was too long.¹¹

¹⁰ Robert A. Dahl, *After the Revolution?* (New Haven: Yale University Press) 1970, p.35 It was these views of Dahl's that led me to propose research on citizen competence during the early days of the Jefferson Center. We never found the funds for it, but those curious can look at the research proposal, *In Search of the Competent Citizen*, posted at www.jefferson-center.org

¹¹ This was reported to me by Amy Lang, a doctoral student from the United States, who has spent the last year observing the Citizens' Assembly. John Gastil also commented that the Chair of the Assembly was hurrying the participants through decisions and some felt uncomfortable with this.

Does this mean that even the Citizens Jury process, the longest deliberative process open to average citizens used in the U.S., was not long enough? Certainly the projects lasted long enough to gain the admiration of many prominent observers and sympathetic legislators. Many of the latter who attended Citizens Jury hearings commented on how the five-day event was more thorough than information available to legislators before they vote on bills. Indeed, the lack of support for the Citizens Jury process among governmental decision makers was almost never based on claims that the process was too short.

Nevertheless, I and other staff of Citizens Juries have felt that more than one week would be a good idea, if only there were not too great a drop-off in participation. Given the difficulty of finding funds and political backing for even a one-week Citizens Jury, the Jefferson Center never pushed for longer events, after two major projects conducted in the 1980s. These were two-tiered, with regional hearings held in several places in Minnesota lasting four days, followed by a statewide hearing attended by jurors from the regional events (selected by a vote of their fellow jurors). It was the 1987 project (on whether or not there should be school-based clinics to prevent teen-pregnancy and AIDS) that gave the clearest indication that jurors continue to learn important information during the second week of hearings.¹² Indeed, the 1993 the Citizens Jury project on the Clinton health care proposal led me to wonder whether citizens might have difficulty dealing with these issues even with several five-day hearings. My reflections on this are attached at the end of this paper as Appendix A.

3. Given the above reflections on common sense, cultural practice and deliberative experience, what research might be relevant? I would suggest something that would allow us to observe what citizens and staff choose to do in a situation where they can decide how much time to spend and how to allocate it. This experiment might by itself answer many of our questions about how long, what kind of agenda and how to present information. Even if it does not, it should pave the way for some sound decisions about what further research is needed.

The first step should be to find a state where the governor is willing to make as strong a financial commitment to the process as was done in British Columbia with the 2004 Citizens' Assembly. There, Parliament committed \$5.5 million to their process that involved 160 people. This amounted to 1/20th of 1% of the annual budget of British Columbia. That seems a very reasonable standard to set for expenditures on a high quality project that will be taken seriously. This high level of funding is proposed for three reasons:

¹² All participants were asked their views about school-based clinics. The question was pre-tested and then used in the a random survey of 800 Minnesotans. In the survey, only 13% of Minnesotans were in complete opposition to the proposal under consideration. In selecting the 96 jurors from the survey of 800, we stratified them not only on age, gender, race, education and geographic location, but also on their attitudes toward school-based clinics. For this reason, 13% of the 96 citizens chosen to be jurors were completely opposed the clinics. By the end of the regional CJs the opposition was up to 29%. By the end of the statewide, the opposition had risen to 50%. So here is an instance where significant learning appeared to continue into a second five-day event.

- It provides sufficient funds so that a group of 100 to 200 people, meeting like a Citizens' Assembly, can choose several different ways to pursue the issue they are reviewing.
- It presumes that research in a real life setting leads to different results than research done in the typical social science controlled settings.¹³ Thus, although research done by academics in laboratory settings may be cheaper, it is essential that we learn about sound deliberative practice by observing citizens engaged in decisions they believe will have an influence on public policy.
- It assumes that if the governor does not have the power to get this relatively small percent of the budget for a deliberative project, then the chances are not good that the governor will have either the power or the will to get the recommendations of the deliberative effort carried out. If we cannot find sponsors for a deliberative process who are really committed to taking its recommendations seriously, why should we spend the time, energy and money to do sophisticated research on best practice?

Assuming that we can find a strong commitment, then how many people should be invited? The research proposed below requires about 100 to 200. The method used by the Citizens' Assembly for gathering these seems quite logical: select a man and a woman from each legislative district. In Minnesota, with its 57 Senators, this would lead to a group of 134 people. In a state with a small legislature, it might be necessary to base it on the number of Representatives in order to get over 100 people.

Once the citizens were assembled, they would be presented with their charge. Part of the charge would deal with the substantive questions to be answered on the issue put before them. If the governor were to appear before them to explain the charge and why citizen recommendations on this issue are important, this would motivate the participants to take their work seriously. The governor would be highly unlikely to promise to follow whatever they recommend, but she could make it clear that she is prepared to take their recommendations seriously and would appear before them to explain at the end why she is reluctant to follow some (or all) of their recommendations.

The other part of the charge would be that this will be the first time that a group of citizens so assembled will have the opportunity to work with staff to decide how to do their work. The agenda for the Citizens' Assembly in British Columbia was set almost entirely by staff, although the participants were able to get the staff to agree that they should be allowed to construct two different electoral systems and then choose between them. But in this experiment the jurors and the staff would be given considerably wider discretion than existed in

¹³ I have not done a recent literature search on this topic, but the paper on the Jefferson Center website cited above reviews some of the literature as of 1976 (see page 12 of *In Search of the Competent Citizen*).

any Citizens Jury project, no less the Citizens' Assembly. Their options would be something along the following lines:

- a. They can follow the model of the British Columbia Citizens' Assembly if they like, meeting in plenary session over a period of 10 weekends. The one adaptation would be that if they and staff agree, then the number of meetings can be less than 10.
- b. During their second plenary session meeting they can choose different ways to continue examining the issue at hand. They can ask that Citizens Juries be held on specific topics. They can ask for a survey of the general public, or focus groups to learn more about where the public stands. They can also call for Study Circles, if they believe that will give them important insights. But they can also request a Consensus Conference, along the lines used by the National Institute of Health, in order to learn more about what experts think about key factual claims related to the issue they are examining. Finally, they could call for an event to break through ideological differences along the lines of a 2004 event hosted by the Fetzer Institute. The staff of the Jefferson Center felt that the Citizens Jury process was a good way for participants to learn to see beyond their initial value assumptions and appreciate the positions of others who strongly held to different views. But it appears that the Fetzer Institute has experimented with a process that is more powerful than a Citizens Jury. The participants should have the opportunity to try something like this if they feel they are too ideologically divided on the issue they are examining.
- c. If they choose any of these methods, involving smaller groups of people, then these groups will report back to a plenary session about what they have learned substantively, as well as how valuable the experience was. Some involved in these small group experiences may feel that they did not have enough time to do a thorough job. If so, they can recommend further small group experiences, or even that the whole plenary group take up some particular aspect of the issue in depth.
- d. Therefore, in the third (and perhaps fourth) plenary session the participants will have to decide how to continue their work. They should review their budget to decide how they want to allocate the project funds remaining. (A plenary session will cost roughly \$300,000 for a weekend, a Citizens Jury about \$125,000. In a state or province such as British Columbia, Western Australia or Minnesota, where there would be between \$5 and \$6 million available for the project, they should be able to afford about 8 plenary sessions and up to 20 Citizens Juries.) They will be reminded that the general public will admire them if they can do their work efficiently and turn in unused funds at the end.
- d. One of the key research elements of this project will be to see how staff and the participants deal with these questions. Do staff and participants generally agree over how the process should be conducted? If not, what are the differences and why? (When the project is set up, the governor

will have to be clear about how much power will be given to the participants to decide on how the process will be run. Is a mere majority vote all that is needed for the participants to get their way? Do they need to vote by 2/3 to overrule staff? If the governor uneasy about too much citizen control, he may want staff to be able to veto over any decision by the participants that staff views as ill-advised. If these rules are not set out clearly at the beginning, it can cause much grief if differences between staff and participants arise.) The views of staff and participants should be carefully recorded and reviewed by the research staff. Questionnaires, focus groups and individual interviews should provide rich data about what the participants and staff are feeling and learning. Are some of the smaller group meetings more valuable than others? Is one type of small group meeting seen as more valuable than another (eg: Citizens Jury vs. Fetzer Institute method) or are the differences within a method greater than the differences between methods?

The project would then be carried to its conclusion along the lines laid out above, with whatever mix of plenary sessions and small group sessions the participants and staff agree upon. Once the recommendations have been presented at the end of the project, then it is time for the research staff to decide what research might be needed next. In the best of circumstances, the project will have worked well enough that little further research is needed. The method would stand as a model of how participants and staff can work together to design the best practice they need in order to do justice to an issue (this includes the possibility that in some cases they would decide on only one plenary session, making their work resemble a 21st Century Town Meeting, or two plenary sessions, making their event much like a Deliberative Poll).

More likely, the researchers will suggest that the process be repeated as a further experiment, perhaps with some added research components. Finally, if there are some problems with the deliberations that are very puzzling or contrary to common sense, they may advocate the development of sophisticated measures in order to come up with a valid and reliable measure of whatever dependent variable one wishes to use in order to do laboratory-type experiments about best practice. It seems clear that in doing so, they should follow the best of research practice. They must validate their measures of the dependent variable in ways that are as sophisticated as the approach suggested in the Campbell and Fiske article cited above.¹⁴

¹⁴ Note that many different dependent variables are possible. Rowe and Frewer (see footnote 4 above) suggest a concentration on “effectiveness”. My 1976 research proposal (see footnote 8) followed Robert Dahl’s interest in “citizen competence”. Some authors seem to care most about the quality of deliberation, something rather different from the quality of the public policy proposals that emerge from a deliberative method. These differences should be discussed carefully before great effort is invested in devising sophisticated measures.

IV Concluding Thoughts

This paper has argued in favor of the need for careful research, but doing this only after examining common knowledge of what kinds of deliberation are needed to make sound policy choices, and examining what current deliberative practice has to tell us. The best way to do this is to conduct a project with several options available to the public so they can choose the methods they want. These events should be carefully observed in order to see what kinds of further research, if any will be helpful.

The above examples dealt only with an imaginary situation where a powerful public official, committed to sound deliberative practice, was willing to fund a large project. But what about deliberative methods that are designed more for public consumption, rather than being run at the request of some public official on some specific policy question? There are several methods that aim at serving the public directly, rather than providing advice only at the request of a public-spirited official. After all, if the experience of the Jefferson Center holds true for deliberative methods besides Citizens Juries, then such officials are few and far between.

To see what might be done to examine the virtues of such methods, let us take three examples: *Millions of Voices* of AmericaSpeaks, (www.americaspeaks.org) the Citizens Initiative Review or the Citizens Election Forum that I have been working on (www.healthydemocracy.org), and the Wisdom Council (www.WiseDemocracy.org). How do we apply the suggestions of this paper to these in order to examine sound practice?

At the most obvious level what I am saying is that we ought to first turn to the public and ask them what they want. Before we practitioners or researchers get into too many intricate discussions about the merits of various approaches, we should take a careful look at what average citizens have to say. This is not as easy as it might seem. I have little doubt that 24 citizens in a standard Citizens Jury project would come out in favor of the Citizens Election Forum over either *Millions of Voices* or the Wisdom Council, even if one did an excellent job of allowing equal testimony by advocates the three approaches and insured unbiased facilitation. It is equally likely that people meeting in a 21st Century Town Meeting would favor *Millions of Voices*, as would people in a Wisdom Council favor that method.

More interesting would be the simple use of focus groups. These two hour meetings of small groups of people would seem to have no bias in favor of, or against, any of the three proposals. But it is possible for the advocates of each of the methods to argue that you don't really know how good their method is until you have experienced it. Until you have spent a day in a 21st Century Town Meeting, it is difficult to imagine how well a discussion can go with 1,000 or more people in a room. It is difficult to imagine how satisfying it is to participate in five days of hearings on some public policy issue, unless you have been in a Citizens Jury. Etc.

The solution to this is to examine some specific problem (even that of how Americans should be given voice in the political system) using all three methods. At the end of each, draw people from each of the methods and bring them together to discuss the advantages and disadvantages of the three approaches. Indeed, if one had sufficient funds and patience, one could draw three sets of representatives and place them in each of the three methods. Then after a day of discussion, bring them all together for a second day of comparing views.

As with the experiment proposed in Section III, these experiments should be carefully observed by researchers and practitioners, who would interview people during the experiments and then at the end see if they could reach any consensus about what further experiments should be done.

In sum, this paper is saying more than just “let the people decide”. It is saying that we should empower citizens to make the best choices they can about sound deliberative practice, while empowering researchers and practitioners to make their best contribution to the effort. But it should start with citizens being helped to take the lead, with researchers and practitioners playing a supportive role.

APPENDIX A

HOW SHOULD THE PUBLIC DELIBERATE ABOUT HEALTH CARE?

(This is a revision of the May, 2003 paper,
“What Health Care System Do Americans Want?”)

PUT IN SOMETHING HERE ABOUT HOW WE FELT THE 1993 PROJECT ON THE FACE OF IT DID A GOOD JOB. MENTION THAT THEY SEEMED TO UNDERSTAND THE SAME DIFFICULTIES LAID OUT IN THE NYT SEVERAL MONTHS LATER. GAIL WILENSKY. THEN CONSIDER CHANING THE END OF THE PAPER.

The health care issue is a paradigm case where the public can't have its cake and eat it too. The marvels of modern medicine have presented us with a set of dilemmas which societies of the past never had to confront. The problem is easy to state: how can we achieve universal health care coverage while keeping prices down and avoiding rationing? The answer is simple: we cannot. If we want to keep costs down, we must either ration the services given out or we must avoid guaranteeing health care to all citizens. The lack of universal coverage is really just a form of rationing, but one which harms the poor at the benefit of the rich. If we insist on universal coverage, then we must either be content to see health care costs rise to a very high level, or we must ration.

In our current political climate, it is very difficult for a politician to be straight with the public about this. Health care rationing is such an unpopular concept that virtually no politician dares to propose it. This means that we have to be satisfied either with no universal coverage or else we must pay a lot. Americans are very reluctant to see taxes rise, meaning that universal health coverage by the government will be very difficult to enact. This leaves us with our current approach, payment through a system of private insurance companies. But this is not popular either, with the public complaining about the HMOs and the insurance companies as they take steps to keep costs down.

All of this plays beautifully into the current game of politics. The Democrats can blame the Republicans for their hard-heartedness in opposing universal coverage. The Republicans can blame the Democrats for being those tax-and-spend liberals who lean toward socialized medicine. This helps each party to play to its core constituents and raise the funds needed for election. The public, accustomed to a political system which seems unable to make progress on key issues, willingly joins in on this blaming without realizing that there is a core dilemma which cannot be solved unless the citizenry as a whole is brought into the discussion in a meaningful way.

An issue of this importance and difficulty presents two major challenges to deliberative democracy:

1. How difficult is it for a cross-section of citizens to come to grips with these problems, even under the best of circumstances? Is it possible that the dilemmas of health care constitute what Calabresi and Bobbitt (W.W. Norton, 1978) have called a tragic choice – a choice so difficult that it cannot be confronted in a consistent and meaningful way through rational discussion? Further research is needed here.
2. Even if small, well-informed groups can reach agreement among themselves, is it possible for them to convince the public as a whole of the results? Given the depth of the dilemma, why do we think that the public as a whole can be brought to accept a stable and rational decision, especially when there is so much for politicians to gain by feeding the public half-truths?

Experiments should be done to answer these questions. The Jefferson Center long had as part of its mission the conduct of such experiments, but was never able to find funding for this. I am not aware of other organizations that have done any better. A major research organization such as RAND probably could have mobilized the resources, but never appeared to have the inclination.

Jefferson Center Experience

When the Jefferson Center explored the trade-offs between universal coverage, rationing and costs in the early 1990s, they discovered how difficult it is for the public to deal with these problems in a rational and consistent way. If you ask a group of people to imagine that one member of the group is ill with a rare disease, you discover that the people in the group are quite unwilling to put any limits on spending. For example, in 1993 during the health care Citizens Jury, the jurors were asked to imagine that one of them had Gaucher's disease, an illness of aching joints and muscles, often so severe as to make a person bed-ridden under considerable pain. The cost for treatment for a typical three year administration of drugs could run to \$500,000, with these only dealing with the symptoms and not curing the disease. Should this be covered by health care insurance? The jurors all wanted to see this done.

We then gave another example. What should be done about the very rare, but fatal, reaction to X-ray film, where 200 people die a year, but the cost of a different kind of film would be so much that it would cost \$5 million for every life saved? The jurors wanted it. What if there were a cure for a rare form of cancer which would cost \$10 million per person and would only cure 5% of those to whom it was administered? The jurors wanted that too. They were much less concerned about the total cost of health care for America than that any potential cure should be available to anyone who wanted it.

On the other hand, people can be very saving when it comes to choosing which health care plan they would have to pay for. In a test done in preparation for the 1993 Citizens Jury, a group of 12 were asked to imagine that they lived in a small European Nation B where health care cost \$1,200 per year for an individual. But they are also told

that they live near Nations A and C, where the costs per year for an individual are \$2,000 and \$800 respectively. Some time was spent with them explaining the differences between the three systems, as described in the chart below. Most chose to stay with the current plan in Nation B, three chose to use the more expensive plan in Nation A and only one chose to go to Nation C.

It may seem quite reasonable for most to have stayed in Nation B until you learn that Nation A was modeled on the U.S., Nation B on Germany, and Nation C on Britain. Indeed, the U.S. was even more expensive than the figures given for Nation A. This is an example of something not surprising. If people are given choices between health insurance plans which vary markedly in price, unless they are given a good opportunity to reflect on the choice, they choose a plan which would never allow for all of the expensive cures which they think should be given to people whom they know, who happen to be ill with something very expensive to cure.

Inconsistencies like this are commonly found in public opinion polls. The advantage of the Citizens Jury method is that the panelists rapidly see the inconsistencies and try to grapple with them. The above experiments were done with two different groups, so they did not get a chance to try to reconcile the different results. But now that we know about the difficulty people have with these issues, a new agenda could be set which would allow the panelists to confront them more effectively.

Chart 1: Comparing the Health Care Systems of Three European Nations: "Country A", "Country B", and "Country C"

	Country A	Country B	Country C
Cost of health ins.			
for individual	\$2,000	\$1,200	\$ 800
for family of 4	\$6,000	\$3,600	\$2,400
Life Expectancy			
At birth	75	75	75
At 80	88	87	86
Choice of Doctor?	yes	limited	no
Choice of Hospital?	yes	limited	no
Rationing?	no	no	yes
Malpractice Suits	yes	limited	no
Comfort	high	moderate	simple
Physician Freedom	high	medium	low

(The per capita health care costs in 1989 in the U.S., Germany and Britain respectively were \$2,354, \$1,232 and \$836.)

Reflecting on the 1993 project, it is clear that we approached it from the wrong direction. Our reasoning was that Clinton had a clear mandate to do something about health care, given the emphasis he placed upon it in his campaign. In light of that, it was proper to charge the jurors in our Citizens Jury with two questions: Is health care reform in America needed? If so, is the Clinton plan the way to get it? But in retrospect, it is clear that the jurors had not grappled with some of the basic dilemmas. We should have started with these and moved on to the more complicated question of reviewing complete health care proposals only after the jurors had faced up to the basic problems in a forthright manner.

Reporting to the Public

As the Jefferson Center experience with the Citizens Jury process grew in the early 1990s, two things became evident: First, the process clearly is a very interesting method. It was compelling for the participants and impressive for those experts willing to take the time to observe what the randomly selected citizens were capable of doing. Second, it was imperative to find a solid way to get the public at large to consider, and buy into, the findings and recommendations of the Citizens Jury

The need for the jurors to report to the larger public was clearly shown in the 1993 Citizens Jury on the federal budget. The 24 jurors for this project were drawn at random from the nation as a whole and stratified on age, education, gender, geographic location, and race. They were also stratified on their answers to a question borrowed from the *Los Angeles Times*, asking if they would like to see federal taxes and spending raised, stay the same or go down. Since 46% of the sample (over 1,000 were interviewed) wanted taxes and spending to go down, 11 jurors out of the 24 were selected to have this opinion. Four jurors wanted an increase and nine wanted things to stay the same. After five days of hearing witnesses and discussing the budget, the jurors voted 17 to 7 in favor of an annual \$70 billion tax increase. This showed a very significant shift in the jurors' attitudes. But such a recommendation would be very difficult for any elected official to support, given the prevailing public views.

This was one of the more solid Citizens Jury projects conducted by the Center. Vin Weber, former Member of Congress from Minnesota, was in charge of bringing in witnesses from a conservative point of view (Grover Norquist did the presentation on health care). Robert Kutner, editor of the magazine *American Prospect*, brought in liberal witnesses. The framework for the budget discussion was set by Tom Stinson, who is a professor of Agricultural Economics at the University of Minnesota, as well as State Economist in Minnesota. (He has served under four different governors from three different parties). This framework required that the witnesses all work off of the same budgetary baselines so that their suggested expenditures and taxes would be easy to compare. Because of this, the jurors found it easier to gain an overview of the federal budget than is possible for most citizens. During the last two days they discovered that it was going to be possible for them to propose their own budget, as opposed to simply making comments on tough choices and possible sacrifices.

Granted, this was a very broad picture and not very detailed. But the jurors did make recommendations for what should be spent in six major areas: defense, social infrastructure, social security, health care, physical infrastructure, and “other government.” Their report listed their proposals in comparison to the budget suggested by President Clinton and by the conservative and liberal witnesses. They suggested spending cuts of \$26 billion compared to the Congressional Budget Office’s projected budget, but were quite disturbed by the projected deficit. They decided that they wanted a projected deficit that was \$96 billion lower than CBO projections. This required a \$70 billion tax increase, which they included as one of their suggestions, clearly indicating how these funds should be raised.

This was the first national project that the Center had conducted, and it was one of the most successful in terms of the satisfaction expressed by observers and by the jurors themselves. In the bias ratings, 22 jurors voted that they were “very satisfied”, one was “satisfied” and one did not vote. This was also the project about which William Raspberry of the *Washington Post* wrote:

These men and women were a microcosm of America, representing the whole range of class, age and regional imperatives that make fair budgeting so difficult. But when they undertook a responsibility that went beyond their individual group interests – when they took the time to inform themselves and try to deal rationally with the *national* interest – they managed a surprising degree of consensus.... This Citizens Jury has done what the Founding Fathers intended Congress to do.¹⁵

Raspberry ended his op-ed piece with the statement: “The politicians can’t do what has to be done. The people can’t afford not to.”

But this project led the jurors to take a stand that the public is unlikely to support, at least in just a few days or even a few months. In such a case it is tempting to say that the panelists have gotten ahead of the rest of the country. But whether they are ahead, or off on an unfortunate tangent, it could cause considerable problems for a public official who is committed to taking the recommendations of the panelists seriously.

The solution for this dilemma that seemed the most reasonable was to allow the jurors to discuss their findings with the jury pool from which they were chosen, doing this the evening of the fourth day, before they make up their final recommendations. Had this been done in 1993, some 400 people from around the United States would have watched a TV program on the evening of Day 4 of the event and then they would have been surveyed immediately afterwards, so that their views on what the panelists were proposing would have been available to them on the morning of Day 5, as they started their final deliberations.

¹⁵ *Washington Post*, January 23, 1993

Imagine the following results: only 10% of the jury pool is willing to support a \$70 billion tax increase, but 30% support a \$50 billion tax increase, and 42% support one of \$20 billion, while 45% oppose any kind of tax increase. The panelists would then be much better informed about what their fellow citizens would be willing to accept or support—and they would have the opportunity to decide if they wanted to modify their tentative proposal of the previous day. They could stick with their original proposal if they were sure that they were on the right track, or they could suggest a smaller tax increase, one more likely to be supported by the general public. (It is very likely that people in the jury pool are going to be more sympathetic to the views of a citizens panel than the public as a whole.)

But whatever the panelists in such a situation would decide, it would give an elected official the opportunity both to respect the views of the citizens panel and to be protected at the next election. There is, of course, the circumstance that both the citizens panel and the jury pool come out considerably different from the public as a whole. On an issue such as raising taxes, this would still cause problems for candidates.

The Challenges to Creating a Profound Dialogue

Even with the best of intentions, the attempt to create a profound dialogue is bound to encounter difficulties. It is exceedingly difficult to get the public as a whole to consider any issue, especially if the goal is to have any kind of reflective discussion. It takes an event of very high visibility to get even half of the 285,000,000 people living in America to start paying attention to the same issue. At tragedy like 9/11 or a presidential election can do it, but these are obviously rare events. Short of this, it takes a very clever and very well-funded media campaign to begin to move public perceptions of an issue. In 1993 the health care industry, by spending tens of millions of dollars, was able to narrow the discussion of health care to the option they preferred. It takes even a bigger push to get the public to reflect on different options.

At the time that President Clinton made health care his top priority, a *Los Angeles Times* survey showed that the increase of those who felt they knew "a great deal" or "a good amount" about the health care options being considered by Congress went up from 21% in September, 1993 to only 26% in July, 1994. Given how much attention the media gave to the issue, why didn't more people feel better informed after a year? This is the sign of something being very wrong in the way we go about discussing the major issues before us.

Given these challenges, the attempt to create a profound public dialogue may yield a discussion that does not go very much farther than the Citizens Juries, the consultations with jury pools, and discussions among highly involved groups, with 90% or more of the public hardly involved at all. This situation would present a challenge to any group attempting to stimulate a serious discussion about health care policy. Nevertheless, the attempt to involve one million people in some kind of a discussion would be a major step in the right direction.

Some Possible Research

Some of the above challenges could be researched at relatively low cost. It would not be difficult to get 12-person groups to spend several days considering some of the key dilemmas regarding modern health care and its delivery.

A basic experiment Get a few 12-person groups to spend up to five days learning about some of the basic challenges of health care and then proposing solutions. They should deal with both challenges that the Jefferson Center encountered in the early 1990s. One way to do this would be to have them meet for two or three successive weekends. This would help us to learn about the value of a four-day or six-day event, as opposed to a two-day event. If it turns out that the basic dilemmas surrounding cost, universal coverage and rationing can be dealt with as effectively in two days as in four or six, then one could ask the participants to deal with methods of payment and delivery when they met the next time. If it turns out that they and the staff they work with agree that second week-end is valuable for them, then some way must be sought out to get them to deal with financing methods and delivery systems. Are they willing to meet for additional weekends, or will it be necessary to bring in a new group to consider those questions?

An expanded dialogue Once the above experiments have been carried out a few times, then it would be a good idea to plug them into a broader dialogue. There are several ways this might be done:

1. Simply post the results of the experiments on a web-site and let people comment on the results on line.
2. Choose the participants in the 12-person events from a larger group. For example, if the Jefferson Center methods of drawing people at random are used, then several hundred potential participants would have been identified through standard random sampling and survey techniques. The Jefferson Center called these people the jury pool. Those not selected for the small group meetings could serve as the larger group to whom the small groups would report. This could be done over TV or could simply be done through the internet, assuming that people are chosen for the jury pool only if they are comfortable using the internet.
3. Choose participants as if doing a Deliberative Poll. Bring together between 300 and 500 people for an initial day. Let them review the issue together for that day and then select several groups of 12 to serve as committees of the whole. (It would be very interesting to decide how to choose these. One way would be to ask the participants to work in groups of 18 for most of the day. Then each group would vote for one person to serve as their representative on the committee that would take an intensive look at the questions. Another approach would be to select the final committee at random.) Then have the committee or committees go through the same kinds of exercises discussed in “a basic experiment”, spending as much time as appears needed to come to grips with the fundamental issues of

health care. Then reassemble the original group and have the committee report back, answering at length the questions posed by the larger group.

It seems clear that the third group would feel more inclined to accept the findings and recommendations of the committee or committees than the first group, which had no contact with those who did the intense work. Also, under the third approach, it would be possible for the large group to ask for further work. They might ask for a new committee to examine the same questions and report back to them, in order to see if a different group would come out the same way. Or they might ask the same committee to spend more time taking a further look at some particular aspect of the question. This kind of extended dialogue back and forth between large group and committee would seem to be the most robust way in which to examine the problems of health care.

One question about this is why not put all 400 or 500 in the Deliberative Poll through a three-day event? If the third approach above has validity, then wouldn't it be even better if the whole group had the same experience? The answer is no, on two grounds. First, there is no clear indication that the typical three-day Deliberative Poll is enough time to deal with the complexities of the issue. Among other things, a committee of 24 or less gets a chance to deal directly with witnesses, whereas groups in the hundreds only can interact with the witnesses at some distance. So there is some reason to believe that the quality of the experience for several hundred people in a three-day event is not as high as the quality of the experience for 24 or fewer.

But the problem of time and quality of experience is not the main reason for not using the Deliberative Poll. Those problems might well be overcome with more time and extensive use of witnesses. The main reason for not using the Deliberative Poll as now constituted is that we need a bridge between the group that does the learning and dialoguing and the public as a whole. This bridge is provided by having a small group do the intensive work and then report back to a group that is very like the public at large. Only in this way can those who have done the intensive work learn how the public will react to their conclusions. This allows them to modify their findings, should they wish to do so. Indeed, this need to report to the public at large may indicate that it is not wise to assemble the initial group in a face-to-face setting. Even after a day, they are no longer like the public as a whole. For this reason, one of the other methods may be best.

Conclusions

There are some key dilemmas that any citizens group must confront if there is a hope that they can find a valid solution to the health care problems we now face. Research is needed to discover how long it takes people to do this. Indeed, is it possible for average citizens to do this and come up with findings that are stable over time and consistent between similar groups that undertake the exercise? Once it is clear which small group experiences are valid, then a way must be found for them to report back to the public as a whole and then adjust their findings in light of the reactions of their fellow citizens who have not had the same opportunities as they have.

New outline for Appendix A:

Start with the JC story on HC, making it short and to the point. See if there is some way to put the details in a foot note or at the end.

Move on to the question of getting the public to go along. But it may be possible to leave out the whole JC story about the budget.

Then get into the way in which the elaborate study could handle this. They could call for a poll or a televote.

- This will then allow us to learn whether there is a tragic choice and where it lies.
- Is such an experiment even feasible? Or will politics or ideology prevent its being done?
- There is a standard line used by people who want to pass legislation: you may have to try for several years running before you get it passed. So in the same way, it is not a failure if this major experiment is done and action does not immediately follow. What counts is if the governor and/or legislature care enough to do this over for several years until as way of taking action is found.

Note that the idea in this paper about the elaborate deliberative process takes us much further than I was able to go only two years ago when I wrote this up in about May, 2003.

OUT-TAKES

From the end of Section I, ca. p5

What I propose, therefore, is that we start with what practitioners believe is sound practice and then see what help researchers can give us, rather than starting with research based on undergraduates who spend little time in a discussion, doing this in bland settings with poor information and assume that from this work we can learn very much about sound deliberative methods.

From the beginning of Section II

It is tempting in doing research on deliberative methods to identify differences and then ask which practice is superior. For example, some methods bring large numbers of people together for a single day, while others bring much smaller groups of people together for several days. Which is best? This would seem to be an excellent area for research.

It is much wiser, however, to find out what deliberative practitioners are trying to do before attempting to do elaborate and careful studies on some of the obvious differences between the methods. There are four questions that we should ask:

1. Who is your client? (For whom are you designing this?)
2. What is your main goal? Your other goals?
3. Where might the suggestions of deliberative democracy practitioners be helpful?
4. Where might research help clarify best practice?

If the main goal of a deliberative technique is that it fit in well with the way current political events are conducted and that it have a major influence on the media and government officials, then pulling together a large number of people is a very wise tactic. The best way to do this is through seeking out volunteers, people who enjoy attending large meetings to discuss public policy. And although it would be nice to do this for a week, certainly the costs would be prohibitive, so one day is probably the best use of one's funds.

If, however, one has the goal of making sure that the people involved in the deliberative event are well enough informed to understand the complexities of the issue, then it makes sense to have them meet for a week or more. This paper will concentrate on when it makes sense to do research on the longer deliberative methods and what kind of research might be useful.

So far as I know, there has been no social science research on the question of how many days a group of citizens ought to meet in order to do their job properly. If one is prepared to agree that more study is better than less, how sure are we that two or three days aren't just as good as five or six? What proof do we have, other than anecdotal, that five days or more really are needed?

My answer to this is that we should rely on our experience with deliberative methods as far as we can, making common sense arguments for what we do, and engage in carefully designed research only after we have laid out the best arguments for different approaches based upon experience. A thought experiment would be helpful here.