

Institutionalising Deliberative Democracy: Theoretical and Practical Challenges

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Abstract

In contemporary Western democracies, the role of citizens is confined largely to that of voting for elected public officials, and even that role is on the wane. In Australia, where voting is compulsory, growing numbers of young Australians are seeking to avoid mandatory voter registration. Some accounts of the 'democratic deficit' hypothesis hold that democracy's institutions are out of touch with its norms, and that greater alignment between the two could be achieved if there were more opportunities for the public to participate in policy-development and decision-making.

In our hierarchical, technocratic systems of governance, however, the space that exists for people outside government tends to be occupied by organised interests. In large measure, this circumscribed role for citizens stems from the widely-held view that, in a representative democracy, directly influencing the policy-making process ought to be the bailiwick of technocratic experts, organised interests, and elected officials. This presumption, in turn, is buttressed (and rationalised) by a too-ready acceptance of the contention that citizens are generally uninformed, unskilled, and uninterested in the work of democratic self-government.

In this paper we propose that the principles and practices of deliberative democracy can help build new relationships between citizens and democratic political institutions, with the result that both governmental accountability and legitimacy will be enhanced. After a brief introduction to (and defense of) the idea of deliberative democracy, we take up the question of how it might be institutionalised. We examine examples of institutionalisation from around the world, some of which have been sustained, others of which appear to have been more transitory. We summarise the lessons that have been learned and propose one way that Australia in particular might experiment with institutionalising deliberative democracy. Our purpose of proposing such a plan is not to recommend a definitive path to institutionalisation but rather to open space for constructive, collaborative discussion of this issue.

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The Theoretical Challenge: Defining 'Democracy'

Upon first approach, the idea of democracy seems simple and straightforward enough: Democracy is 'a form of government in which power is held directly or indirectly by citizens under a free electoral system'¹; 'a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections'²; 'a form of government in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system'³; a 'form of government, where a constitution guarantees basic personal and political rights, fair and free elections, and independent courts of law'.⁴

From such 'dictionary definitions' we may conclude that in order for a political system to be described accurately as 'democratic' or 'a democracy' certain requirements or conditions must be met. People may disagree over which requirements or conditions should be on the list. For example, some might insist on a guarantee of certain individual rights. Others might argue for the institutional separation of legislative, executive, and judicial authority.

Probably most people, though, would agree that the fundamental characteristic of democracy is that legitimate political authority resides ultimately with 'the people' — with all individual citizens inhabiting a particular locale, and, by extension, all the groups those individuals freely form or with which they freely identify. Democracy, in other words, is a form of government in which people collectively govern themselves.

From the requirement that political authority reside ultimately with 'the people', it is a small step to the requirement to guarantee citizens certain basic rights (of movement, of association, of expression, etc.) and to ensure that the legitimate political *authority* of the people is not rendered empty and impotent by their lack of effective political *power*. Thus (and as most 'dictionary definitions' make clear), a further requirement of democracy is that there be a universal (or near-universal) commitment to the periodic holding of free and fair elections of those persons who will represent 'the people' in *government* — i.e., in the governmental institutions where legally binding and enforceable decisions about laws, rules, regulations, and policies are made.

Even this expanded definition does not capture the concept of democracy in its entirety. Rather it outlines a particular *conception* of democracy: namely, the form of democratic government usually termed *representative* democracy. Representative democracy is an 'indirect' form of democratic governance. The people govern themselves indirectly, through representatives they elect to make official decisions in their stead (albeit with their permission, authorisation, guidance, etc.). In contrast 'direct democracy' dispenses with representation and leaves decision-making in the hands of citizens. Needless to say direct democracy is

feasible only when the number of decision-makers is manageably small as in the paradigmatic cases of the New England ‘town meeting’ and Periclean Athens.

In discussing what democracy ‘is’ (or is not), it is important to recognise that we are not simply *describing* a political practice or an arrangement of political institutions — we are *prescribing* as well. The definitions we offer are ‘persuasive’ in nature. In putting a particular definition forward, one implicitly states that democracy as he or she understands it is good, or desirable, or right. One argues *for* a particular *conception* of democracy because the *concept* is contestable, and because it matters whether others accept one’s definition as theirs as well. It matters, in turn, because how democracy is conceived (and hence how it is constructed and how it operates) affects other things one cares about: the values, principles, priorities, norms, freedoms, obligations, and so forth that prevail in the immediate environments of one’s community and society. We are emotionally attached to our prescriptions for how to live, and we feel strongly about them. It would not matter to us how we define (and hence practice) democracy if we did not care about such things as, for example, the freedom of each person to express his political views without fear of retaliation from government.

In the course of debating different conceptions of democracy, though, we (scholars and ‘ordinary’ citizens alike) seldom state explicitly our prescriptive commitments, let alone offer carefully constructed arguments in support of them. Not surprisingly, such debates typically make scant progress toward resolution. In the present paper, therefore, and before proceeding to the challenges of institutionalising the practice of deliberative democracy, we wish to offer an account of this conception of democracy that includes our reasons for embracing it.

What is deliberative democracy?

In political contexts the commonplace term ‘deliberation’ usually has meant something like ‘the process used by juries, councils, legislatures, and other bodies that make decisions after reasoned discussion’ (Gastil and Levine, 2005). Over the past several years, though, ‘deliberation’ increasingly has been employed to characterise a particular form of public discourse in conceptions of democracy that emphasise a more substantial degree of participation in the political process by the largest feasible percentage of ‘the people’ — i.e. ‘ordinary’ citizens. Definitions vary, but generally speaking ‘public deliberation’ is widely understood to be a maximally inclusive form of political discourse with a problem-solving orientation, a discourse in which citizens collectively — even cooperatively — analyse a ‘problem’; establishing criteria by which to evaluate public responses to it; identify multiple options that reflect different sets of values or value-priorities held by members of the public; weigh arguments for and against each option in light of the criteria established previously; and, through an indefinite period of continuing discussion (that may or may not include voting), approach a measure of agreement that (ideally) most participants can accept as a collective ‘decision’. Deliberative

democracy is thus a *practice of democratic politics* within a democratic *system of government* (i.e., an arrangement of institutions for the making of policy decisions) that emphasises a high degree of participation, ‘high-quality’ discussion, and cooperation.

In her seminal book, *Beyond Adversary Democracy* (1983), Jane Mansbridge discusses two contemporary models of democratic political practice. The more familiar one which has dominated ‘Western’ political culture since the 18th century, is essentially competitive: political actors try to win in contests with others who oppose their efforts. (It’s revealing that in many parliamentary systems, such as Australia’s, the party not in power is called ‘the Opposition’.) Moreover political actors do not shy away from making use of resources — money, access to government officials, marketing skills, adeptness at manipulating popular perceptions and opinion, etc. — that generate political influence or power to obtain from the political process outcomes that they or their clients want, irrespective of the substantive merits of their positions as these would be judged by persons able and willing fairly- and open-mindedly to undertake such an assessment.*

But there exists as well a tradition represented by Athens in the age of Pericles and by the New England town meeting, that emphasises citizens talking together to achieve consensus. The idea of *deliberative* democracy, in which public deliberation (as characterised above) constitutes an essential, salient, and pervasive feature of democratic political culture and institutions, is the most recent expression of the latter. It amounts to a nascent sociopolitical ‘movement’, especially in the democracies of Europe and the English-speaking world, where the desire for more-constructive, more-productive public consideration of political issues has been stoked by frustration with the perceived inadequacies of competitive democracy.

Although at present there is no single, universally accepted definition of a democracy that might be characterised as ‘deliberative’[◊] (Macedo, 1999), nevertheless in general we can say the following.

* It might be objected that there is nothing wrong or even undemocratic about resorting to influence or power in the pursuit of one’s political ends, provided that doing so is permitted by law; and (perhaps) further, that what the law permits is *ipso facto* morally and democratically acceptable. Or it might be protested that constraining the use of influence or power, at least beyond a certain point, comes at too great a cost in terms of other things we value (e.g., individual freedom or rights). Or it might be argued that, as a practical matter, efforts to make democracy more deliberative simply aren’t feasible in view of the scale of modern mass societies, or the complexity of questions of public policy, or the abilities, interests, and inclinations of citizens. But it is just these claims that are in issue and that must be examined carefully and in detail — *whether or not* one supports greater deliberativeness.

◊ Unless we note otherwise, throughout this discussion whenever we use the term ‘deliberative democracy’ or ‘deliberative politics’, we mean a practice of democratic public discourse characterised by dialogue, deliberation, or both.

As noted above, deliberative democracy is not a distinct *form* of democracy. Deliberation may characterise direct or indirect forms of democracy, and different sub-forms within each of these categories. Rather, deliberative democracy is way of conducting democratic political discourse and action. Specifically, public deliberation by citizens supplements and enhances the formal decision- and policy-making procedures of democratic government — the institutional structures and processes through which members of the public or their representatives make politically authoritative, legally binding policy decisions.

Like democracy in all its conceptions, deliberative democracy is rooted in the democratic authority of all citizens, to whom ultimately government decision-makers must be accountable. Proponents of greater ‘deliberativeness’ in democratic politics take especially seriously the question of where democratic authority actually lies, refusing to assume that, because such authority nominally resides with the public (in the form of free and fair elections), politics is necessarily democratic in any but a formal sense. (Here is one instance in which the call for deliberative democracy is prompted by the perception that contemporary representative government does not meet the expectations aroused by the promise of the democratic ideal.) Deliberative democracy rests on a commitment to making politics as inclusive and participatory as it reasonably can be expected to be — to ensuring that all members of the political community are disposed as well as able, should they so choose, to take part in decision-making on a basis of strict political equality. ‘Ordinary’ citizens have a right to join in; a stake in doing so; and an indispensable contribution to make to the policy-making process. ■

Deliberative democracy is grounded in the conviction that, to the greatest degree feasible, the conclusions at which citizens arrive and the rationales that support those conclusions should be arrived at through mutually-respectful discourse, rather than through competition among political elites and organised advocacy groups whose influence is rooted in the crude currencies of power (money; access to official decision-makers; skill in manipulating perceptions, attitudes, and desires; the ability and willingness to inflict political damage on opponents and competitors, etc.). Such discourse tempers and constrains the readiness of elites and organised groups to use their political power to achieve their aims.

As noted above, deliberative democracy is deliberative in the sense that citizens and policy-makers generate, support, and evaluate different policy options by putting forth reasons that weigh in favor of (and against) each course of action actually open to them. Policy decisions and their supporting rationales are *justified* if they are presented to all people who are affected by those decisions in terms that, ‘given a chance to reflect, they can accept’ (Dryzek, 2001). This means decisions are democratically adequate — they carry sufficient democratic weight — if, first,

■ Their contribution includes their real-world, on-the-ground experience; their perspectives (different from those of political elites); their pragmatism; and their moral and political authority to affirm shared values and to set value-priorities.

people know they are based on reasons, and second, if they regard those reasons as 'understandable' or 'not unreasonable', even if they are not personally convinced by them (Gutmann and Thompson, 1990).

Why is deliberative democracy desirable?

In 'Democracy as a Universal Value', the Nobel Prize-winning economist, Amartya Sen, argues that democracy is a value having universal validity for human beings (Sen, 1999). Democracy enriches the lives of all people, he writes, and in three ways. First, democracy affords us political freedom. Political freedom is an aspect of human freedom in general. Having the ability and opportunity to participate in the civic and political life of one's community and society is an important element of a fulfilling human life. Democracy thus has intrinsic value for our well-being.

Second, democracy is instrumentally valuable. Democracy enables us to express our beliefs about how social life should be organised and to gain a hearing for those beliefs with our fellow citizens and with our representatives in government who have the authority to make official decisions that will affect us.

Third, democracy has a 'constructive' value in that it enables us, both individually and collectively, to form our values, principles, purposes, and priorities through interaction with others. Democracy encourages us to question, to think, to reflect, and to learn. It teaches us skills, develops our judgment, shapes our character, and facilitates our growth as moral agents.

If Professor Sen is correct then it's clear we should think of democracy not just as a system of government but first and foremost as a way of life. Specifically we should understand democracy as a way of living in 'right relationship' to others. Even in its minimalist form, in which our moral duty to others extends only as far as respecting their rights, democracy embodies a moral principle for living together with the other members of our communities and society.

If democracy is a way of life built on a moral foundation, what, then, are its essential, indispensable features? What does it require of us?

All conceptions of democracy assume some measure of political equality and mutual respect. A minimalist view, for example, holds that all persons have the same legal, civil, and political rights, and that people are duty-bound to show one another equal respect by not violating those rights. Some conceptions of democracy, however, go beyond the minimal requirement of basic rights. On these views, it is not enough to protect the liberties that people's rights afford them. They raise the question whether a person's freedom is really worth much if he or she is unable to take advantage of it. It thus matters whether people have certain 'powers', or capabilities, as well as opportunities to act.

Among these ‘powers’ is the ability to contribute actively to shaping the values, priorities, practices, policies, and institutions that give substance to their community’s or society’s quality of life. Equal ‘*authorship*’ of collective life, captured in the aphorism, ‘When all will be affected, all must decide’, is the essence of democracy. By itself, simply being free from interference in exercising my rights does not ensure that one can participate effectively in the making of public decisions.⁺

If personal authorship (the ability to affect the conditions in which one lives) is the key test of a polity’s ‘democraticness’, then people must have an effective ‘say’ in the politics of their communities and society, one that is more substantial than they can obtain solely through basic guarantees such as the right to assemble, to speak freely, and to vote in fair elections. For example, in *Democracy and Disagreement*, Amy Gutmann and Dennis Thompson argue that democracy requires acceptance of ‘*reciprocity*’ (Macedo, 1999, p. 7). Specifically, people must accept that they owe one another an effort to provide *reciprocally acceptable reasons* for their political prescriptions (Macedo, 1999, p. 259). Such reasons are ‘public’ in the sense that anyone can recognise their relevance and prima facie validity, even if ultimately one discounts their force or even rejects them completely. It is a widely accepted social norm — an unwritten rule — that we may expect our fellow citizens to provide us with reasons for their policy prescriptions, and that they in turn may expect us to furnish them reasons for ours. We may not disregard or dismiss requests from others for such reasons. The duty to give each other reciprocally acceptable reasons does not mean citizens have to agree on which reasons are the most important considerations, or on how much weight different reasons should be assigned.* It does mean people are bound to explain to their fellow citizens, in terms their fellows can understand, why a position they support (or oppose) should be supported (or opposed) by others as well (Macedo, 1999, p. 272).

In view of the importance we attach to reason-giving, why should we not seek to ensure that all people enjoy access to the policy-making process and can influence both their fellow citizens and official decision-makers, who in turn are open to being influenced by the reasons people offer? A requirement to provide and

⁺ Note that the ability to shape the social, cultural, political, and economic environment in which a person lives his or her life may be as imperative as the freedom to resist or to insulate the person from the malign impact of external forces. In fact, possessing the power to shape such factors may be more important because rights and freedoms are social creations the nature and extent (indeed, the very existence) of which depend — *especially* in a democracy — on the existence of widespread support from one’s fellow citizens.

* ‘Acceptable’ reasons are not reasons that *will* be accepted, but that *can* be accepted. That ‘anyone *can*’ accept them does not mean ‘everyone will’. ‘Prima facie validity’ means that anyone who makes an effort to consider a reason for a perspective or position not his or her own can see that it carries some force, at least on first hearing. A reason with prima facie validity makes sense ‘on its face’. Thus, when presented with such a reason, I might respond, ‘yes, there might be something to that’ or ‘that’s not an unreasonable point’, or ‘now the ball is in my court and I need to respond’.

consider reciprocally acceptable reasons in an effort to influence the decision-making process places the onus on proponents of minimalist approaches to democracy to explain why the practice of democratic politics should *not* feature reciprocal reason-giving (i.e., deliberation).

Granted there are both theoretical and practical considerations that warrant continued discussion of deliberation as an essential component of democracy. But by now, 25 years after the publication of Benjamin Barber's *Strong Democracy*, and almost 40 after the appearance of John Rawls' *A Theory of Justice*, a substantial-enough case has been built in the literature in support of deliberation to establish a presumption in favour of treating deliberation as an essential component of genuine democracy, and hence to shift the burden of overcoming that presumption to its sceptics and critics. In our own view, the discussion henceforward should focus on the practical challenge of integrating deliberative elements into the existing machinery of democratic government.

The Practical Challenge: Institutionalising Public Deliberation

By 'institutionalising' deliberation in democratic politics and policy-making we mean incorporating deliberative activities into the civic or political life of a community or society. To illustrate what institutionalisation so defined means in practice, we begin by summarising examples of deliberative democratic activities that have been deemed successful but that to date have not been sustained, either formally or informally.

Planning and Infrastructure

The first example comes from Western Australia where Minister Alannah MacTiernan who was responsible for the state assembly's substantial Planning and Infrastructure portfolio, implemented deliberative democratic processes over a four-year period. According to a recent study, 'there is no equivalent in any other state of Australia, and possibly in the world, where a single politician has embraced [deliberative democratic processes] with such enthusiasm during her term of office. ...This situation confirms the catalytic nature of combining a skilled process champion with an enabling leader'⁵ (Carson and Hart, 2007).

For each deliberative event, Minister MacTiernan required that an effort be made to ensure inclusive, representative participation through either a random sample of the population or through a combination of one-third random sample, one-third stakeholders, and one-third respondents to advertisements. Participants then listened to different viewpoints, weighed considerations for and against different options, and selected the course of action that best reflected their shared judgment of how best to respond. The Minister clarified in advance the extent to which the outcome of the process would influence official policy; for example, implementing the recommendations on a trial basis (the Reid Highway Citizens' Jury); taking the

recommendations to Cabinet (Dialogue with the City — a 21st Century Dialogue); and adopting recommendations for which broad support existed (the Road Train Summit consensus conferences).

Outcomes of the deliberative exercises in Western Australia included 'Network City,' a strategic plan for guiding the cities of Perth and Peel toward a sustainable future; changes to building heights and density in coastal nodes; altering the route of a major highway; and sweeping new freight policies that have led to major infrastructure development.

Despite such successes the WA Planning and Infrastructure portfolio has for the most part fallen back into what might be called 'community engagement business-as-usual'. In part this relapse has occurred because deliberative processes became difficult to sustain when the media, the partisan opposition, and even the Minister's own party began criticising her for 'too much democracy'. Moreover, the key governmental department, which had never felt comfortable with a change in direction they felt had been foisted upon them, and being beset by staff shortages and inadequate time and money to pursue the deliberative agenda, reverted to more traditional community engagement. (This 'business as usual' approach has been reinforced following a change in Government.)

It would be a mistake, though, to view this outcome as evidence that deliberative democracy is unworkable. Change rarely occurs in a linear fashion. We are in an early stage of experimentation with public deliberation. Deliberative initiatives such as those in Western Australia should be viewed as 'pilots' that are valuable for innovating, testing and refining deliberative activities, 'rather like debugging a software program before its widespread adoption' (Dunphy et al., 2007, p.255). In fact, the WA did succeed in demonstrating to political leaders and public sector management that public deliberation can lead to official decisions that, because citizens are allowed to discuss the need, problem, or opportunity in advance, are more easily implemented than when government employs the conventional strategy of 'decide, announce, defend'. At the same time, deliberation creates additional 'social capital' in the form of citizens who are more trusting of both government and each other, more willing to participate, and more committed to decisions once they are made.

'Pilot' deliberative exercises have also provided markers and set the direction for others interested in improving democratic politics and government. For example in the Western Australian Auditor General's Report on community engagement, of the 59 instances assessed, two initiatives (both from the Department for Planning and Infrastructure) were described as 'being at the leading edge of public participation practice' (2007, p. 12). The exemplary efforts of the WA Department for Planning and Infrastructure were cited subsequently to illustrate how deliberative democratic initiatives could be applied in the New South Wales State Planning process, including development of performance indicators and auditing of State Plan performance (NSW Legislative Assembly Public Accounts Committee, 2008).

In another example, renowned scientist and futurist Brian Fleay (2006) recommended in a submission to an Australian Senate Inquiry that:

The pioneering work on all-inclusive community and stakeholder dialogue to find solutions to complex problems as used in the Department of Planning and Infrastructure in Western Australia gives a lead that needs extending and developing everywhere... Developed further, this pioneering approach can be a powerful tool for coping with the changes arising from declining oil supply, indeed the only way. (p. 8)

From our perspective, the flow-on effects of ‘pilots’ such as those we have cited may at some point ‘nudge’ the political system toward institutionalisation.

Electrical Power Generation

A second example of a deliberative practice that deemed succeeded but did not take root where it was introduced is the Deliberative Poll™. In a Deliberative Poll™, a large randomly-selected group of participants are polled on their opinions prior to and following extensive deliberation among themselves.⁶ In Texas between 1996 and 1998, eight electrical power providers undertook Deliberative Polls™ to find out how their customers preferred that they meet future demand for electrical power. The public’s clear preference for renewable energy surprised all the (organised) stakeholders. This expression of support has since translated into legislative targets for renewable energy.

Yet despite its success, the Deliberative Poll™ has not been repeated. Why? Perhaps its success in giving voice to the public’s perspective explains its demise. Informed publics do not necessarily follow the policy preferences of elected officials. Indeed, well-designed and well-conducted deliberative processes are (to policy-makers) disconcertingly unpredictable. It takes considerable trust and courage for a politician to share decision-making authority with citizens if they have strong views of their own about the direction policy ought to take.

Electoral Change

Another promising example of joining public deliberation with governmental decision-making authority comes from the western Canada province of British Columbia. During the 2001 provincial election campaign, the Liberal Party in BC promised to create a citizens’ assembly to consider changes to the provincial electoral system.⁷ It also agreed that the recommendation of the assembly would be put to the electorate in the form of a parliamentary referendum.

In 2003 the BC provincial government established the ‘Citizens’ Assembly on Electoral Reform,’ which was composed of 160 citizens selected at random — two from each of the province’s 79 electoral districts, plus two ‘at-large’.⁸ The Assembly’s task was to evaluate the existing provincial electoral system and, if

warranted, propose a new one. A pool of 15,800 names was created from the roll of voters. Selection of participants in the Citizens' Assembly took several months.

During the first half of 2004, participants went through a 'Learning Phase' in which they listened to presentations by experts and held public hearings. In the autumn, delegates to the Assembly deliberated. On October 23, the Assembly voted 146-7 to recommend changing the existing 'first past the post' system⁹ for electing members of Parliament to a 'single transferable vote' (STV) system, which lets voters rank candidates within multi-member districts or constituencies (Gastil and Levine, 2005, p. 277).

The recommendation of the Citizen's Assembly was put to the electorate in a referendum held concurrently with the 2005 provincial election. The referendum required approval by 60 percent of all votes cast, plus simple majorities in 48 (60 percent) of the 79 electoral districts. The referendum failed on the first requirement, with only 57.7 percent of votes in favor, though it did obtain majority support in 77 of the 79 electoral districts.

From the standpoint of support for deliberation in public policy-making, the ultimate results of the BC Citizens' Assembly are disappointing, but also unsurprising. The recommendation to change the way representatives to the BC provincial parliament are elected — made by a random sample of citizens *who deliberated together for many hours* (and 95 percent of whom supported the recommendation) — failed because slightly more than four out of ten *voters* in the referendum opposed it. The significance of a random sample is that it provides an indication of what the electorate as a whole *would decide if*, like the members of the sample, all *voters* had a comparable opportunity to deliberate concerning the issue. The ultimate failure of the BC electorate to approve the recommended switch to an STV system makes clear that citizens who are afforded the chance to deliberate together are almost certain to form a perspective that differs from those who do not have the opportunity. There is an important difference between the views of a public *formed through the act of collective deliberation* and those of a public conceived as an aggregate of individual voters.⁺

⁺ The difference between these two types of 'public opinion' can be significant.

Controversial issues seldom are as 'black and white' as pollsters and advocates of competing positions make them out to be. A deliberated public *judgment* contains nuances, shadings, and even contradictions that, in contrast to the artificially distilled 'clarities' of aggregated individual opinions, yield a truer picture of what the public values, expects, and will support.

A deliberated public judgment can also prove politically advantageous to policy-makers. In the case of electoral reform, for example, it might prove difficult for elected public officials themselves to craft reforms in the public interest because they have, and would be perceived to have, an inherent conflict of interest in the matter. Similarly, in the case of tax policy, legislators may prefer that citizens themselves propose new taxes or tax increases, or that they recommend reforming the tax structure itself, lest officials draw the ire of those citizens whose taxes go up.

The point worth noting here is that the BC Citizens' Assembly demonstrates that public deliberation can fit into an institutional arrangement in a way that affords citizens the opportunity to exercise substantial influence on issues as fundamental as the electoral process itself.

Examples of Sustained Institutionalisation

In contrast to the foregoing examples, democratic deliberation has shown durability and resilience in a number of places around the world, to the considerable benefit of both government and the community.

Danish Consensus Conferences

The Danish parliament has incorporated into its policy-making a public participatory process — the Consensus Conference — that makes use of a random sample of the population. Similar to a Citizens' Jury,* the Consensus Conference has been well documented (Hendriks, 2005). Ten to twenty-five citizens engage in facilitated deliberation for eight days over a period of three months. An external advisory committee composed of academics, practitioners, and topic experts contribute their expertise and add credibility to the process. Findings are presented to a Parliamentary Research Committee, and then are passed into the institutional mechanisms for crafting policy.¹⁰

The impact of Consensus Conferences on Danish official policy-making is maximised by conducting them in a building used by Parliament and by scheduling them when the topics have already emerged as issues of public debate. Although recommendations derived from Conference lay panels have no statutory authority, they have had a direct impact on the legislative process. For example, recommendations on genetic engineering in industry and agriculture led to the exclusion of transgenic animals from the first governmental biotechnology research and development program. Similarly, following the Conference on the human genome project, the use of genetic testing for recruitment and insurance claims was outlawed by the Danish legislature.

*The Citizens' Jury is designed to allow decision-makers to hear what the public truly thinks about an issue. At the same time it provides an opportunity for citizens to learn about the issue and to deliberate together. The unique advantage of the Citizens Jury process is that it yields citizen input from a group that is both *informed* and *representative* of the public.

The key characteristics of a Citizens' Jury are: (1) *Random Selection*. Jurors are carefully selected to be representative of the public at large. The members of the jury pool are randomly selected through scientific polling techniques. (2) *Informed Witnesses* are persons who are knowledgeable about the issue. They provide information to the jury on key aspects of the issue. The jury engages the witnesses in a dialogue to ensure that all questions are answered. (3) *Impartial Witnesses* present a range of perspectives and opinions. Testimony is carefully balanced to ensure fair treatment to all sides of the issue. (4) *Deliberation*. The Jury may deliberate using a variety of formats.

Municipal Government

Hampton, Virginia often has been cited as an exceptional example of how government officials and citizen volunteers can work together to build a deliberative community (Gastil, 2008, p. 242). Hampton has been called a city in which ‘deliberation is not an event, but rather integral to deep reforms that have changed government and governance, reweaving and strengthening the community’s civic infrastructure’ (Potapchuk, Carlson, and Kennedy, 2005, p. 255).

In the 1980s Hampton city officials realised that ‘the familiar models of governance do not work because they depend on predictability; approach problems piecemeal; and presume experts can design workable solutions to meet recognised goals’ (Innes and Booher, 2003. Quoted in Potapchuk et al., 2005). Officials turned to collaborative deliberation strategies to address challenging problems the city was unable to solve on its own. They teamed up with neighborhood leaders to advance the goal of shared governance. (Gastil, 2008, p. 265) One of their significant accomplishments — the ‘Neighborhood Commission’, a 21-member body composed of government and community members — not only makes recommendations to municipal government, but has its own budget and undertakes its own initiatives¹¹ (Potapchuk et al., 2005).

Hampton city officials are unwavering advocates for the principles and practices of citizen-government collaboration (Morse, 2004, chap. 5). Nevertheless, they offer words of caution to other communities that wish to emulate what Hampton has accomplished. First, they point out, everyone must accept that citizen-government collaboration is often a messy, slow, uncertain, and resource-intensive way to conduct a community’s business. No city should adopt it unless all elements of government are fully committed to it from the outset — in particular elected officials. Second, both citizens and city staff must be prepared to learn from each other and to grow together. Citizens and city officials alike must see results and enjoy successes right from the beginning. Third, officials in Hampton realised that, by empowering citizens, they have unleashed an enormously powerful force. As Joan Kennedy, Hampton’s Neighborhood Office director, once observed, ‘It’s like dancing with a bear — you don’t stop until the bear wants to’.

The Tuscany Law on Participation (Law No. 69)¹²

The northern Italian province’s, Tuscany Law on Participation,¹³ is particularly interesting because Italy has not been a leader in participatory citizen engagement. (Indeed, this legislation, proposed by the Regional President Claudio Martini in his 2005 election campaign, passed into law despite opposition from his own party.) Engaging the public usually has meant seeking to *inform* the public, or, where necessary, initiating talks with stakeholder organisations and associations. The Law aims to restore some of the lustre to the tarnished legitimacy of representative politics by building relationships between administrative bodies and the public,

improving citizens' trust in government, and thereby regenerating 'social capital'. Significantly, the process by which the Law was created exhibited exactly the sort of citizen engagement it proposed, with Martini promising participants that their recommendations would be written into the draft legislation.

The Law outlines two participatory processes, one for large infrastructure projects, the other for local policy development and decision-making. In both cases, the Law enables and supports citizen-led public participation. An Authority, selected in a bipartisan way by the Tuscan Regional Assembly, oversees the Law. It is responsible for its administration, and it has considerable discretion to guarantee the impartiality and integrity of the process. Under the Law, €1 million is allocated annually (for the years 2008 and 2009) for its implementation.

The Authority evaluates proposals from the public. After accepting an application it solicits regional support and designates an expert in participatory/deliberative practices who manages and facilitates the process on behalf of government. Once it is satisfied that the process is open, inclusive, fair, and equitable, it endorses the design. Upon completion, the Authority evaluates the process and impact, including the extent to which proposed actions have been adopted.

For infrastructure projects to be considered by the Authority, fundamental decisions such as location must have not yet been made. This ensures that participation by the public is not perfunctory, and that sufficient time is allowed for all parties to build their confidence and competence. Irrespective of who puts forward the proposal, it must be accompanied by a petition with the signatures of at least 0.5 percent of all Tuscan citizens. After the public engagement has concluded, the project proponent may cancel or modify the project, or may proceed if it provides the public with its reasons for doing so. However, the Region assigns priority to projects that have been deliberated in a participatory process.

For local projects over which it lacks explicit jurisdiction the Authority offers support if the process of developing it has been characterised by openness, inclusiveness, and impartiality. Support may include methodological, organisational, communication, or financial assistance. To be considered, proposals must be accompanied by a citizen-endorsed petition, with the number of signatures required varying from 0.5 percent to 5 percent, depending on the size of the population that will be affected. In return for assistance, local authorities must postpone any decisions on the project until the public engagement process is complete, and then either accept the outcomes of the process or, if they choose not to, state their rationale publicly.

Consistent with President Martini's view that 'one cannot order participation by decree',¹⁴ the Law avoids prescribing citizen participation. Instead it encourages innovation in public engagement within guidelines, providing support, assistance, and legitimation. Substantial financial assistance is a critical component. Other important elements include a regional database of experiences, and information and

training for civil society at large to help grow a culture of participation and develop in citizens the skills to sustain it.

Participatory Budgeting

Porto Alegre, capital of the Brazilian state, Rio Grande do Sul, is a subtropical city of 4 million residents. This city has achieved worldwide recognition for its innovative and highly-successful practice of 'popular budgeting' (PB), in which a broad range of community groups play a key role in shaping the municipal budget (Heller, 2000).

Developing the city budget in Porto Alegre is a bottom-up process. The chief innovation is the creation of district and city-wide budget councils composed of delegates elected in open assemblies at the levels of the neighborhood and the district. Over the years, the councils have come to play an increasingly substantial role in negotiating both the general aims and the details of budgetary allocations (Abers, 1996, p. 39).

The sustained relationship between popularly-chosen council delegates and Porto Alegre administrators has helped bridge the divide between the competing values of technical knowledge and citizen participation. City officials have addressed the relative lack of technical capacity and skills possessed by council representatives and their constituents by aggressively educating them and by assigning them responsibility for learning and understanding budget details (Abers, 1996, p. 45). Government officials interviewed by Abers commented on how quickly participants became proficient in mastering the details of the budget. They explained further that constant scrutiny and questioning by citizens had forced officials to improve the budgeting process.

Popular budgeting has increased citizen participation in public affairs generally. Baiocchi (1999) has shown that, since its inception, the number of civil society organisations in Porto Alegre has increased dramatically. In short, participation in the budgeting process has generated new opportunities and incentives for citizens to participate in public life.

The results have been equally impressive, Heller writes, with respect to expanding the scope of democracy. Before popular budgeting, allocations mostly reflected patronage and were more or less fixed from year to year. The introduction of PB brought with it the principle of community-defined priorities, and in each year since, adjustments have been negotiated to meet redistributive criteria and to expand representation at every level of the budget-making process. In consequence, the range of services now provided by the city has widened significantly.

Popular Setting of Development Priorities.

Kerala is a state on the tropical Malabar Coast of southwestern India. According to Patrick Heller (Heller, 2001), the People's Campaign for Decentralised Planning, launched in Kerala in 1996, constitutes the boldest and most comprehensive decentralisation initiative undertaken in India to date. While the State Planning Board has played a critical role, the People's Campaign has produced a high level of direct participation.

Building on Kerala's tradition of popular mobilisation, the Planning Board, assisted by community-based organisations, has invested considerable effort in encouraging participation in '*Grama Sabhas*' — ward-level meetings presided over by elected local Panchayat (village-level government) officials. In the Grama Sabhas, citizens discuss and set priorities for development and then elect sectoral development committees charged with preparing an overall plan. After completing a detailed review of problems and recommendations, the development committees elect task forces that are charged with the actual design of projects.

In 1996 the Planning Board estimated that over 2.5 million people participated in the Kerala Grama Sabhas. More than 120,000 persons served on 12,000 task forces, from which 100,000 projects emerged. The People's Campaign has also created and empowered an intermediate layer of actors that perform the critical transmission function between direct (and necessarily intermittent) citizen participation and government action. More than 100,000 trained volunteers have played active roles in the development committees, and some 13,000 elected Panchayat officials have seen their powers, resources, and responsibilities vastly expanded.

Expansion of the scope of decision-making has been equally dramatic. With the devolution of unrestricted funds to local governments, decisions that were once the prerogative of state departments are now being made in Panchayats and their task forces. The devolution of planning and financial resources to Panchayats has shifted the balance of power from the bureaucratic state to local institutions, and thereby brought government 'closer to the people'. Significantly, with each passing year the number of projects rejected on grounds of technical infeasibility by the Planning Board has declined, and fund utilisation has increased.

The impact of autonomous local decision-making is most evident in the shift in the prioritisation of budgetary allocations. For example, far greater resources have gone to housing schemes, sanitation, and drinking water. Another noteworthy result has been the mobilisation of local resources, in the form of both financial and labor contributions. That citizens are giving their time and money in order to advance local government initiatives suggests that institutional reform has created new incentives and opportunities for local action.

Lessons and Implications

What lessons regarding institutionalisation of deliberative public participation may we draw from these and other case studies? Let's begin with some benefits and advantages.

Collaborative governance strategies and participatory public deliberation can help communities address challenging problems that government is unable to solve on its own. Such strategies create new opportunities and incentives for citizens to participate in the public life of their communities and to take action in response to problems and issues that concern them. As a result, the number of civil society organisations may increase dramatically, thereby leveraging the effectiveness of individual efforts. Moreover, collaborative governance and participatory public deliberation can mobilise community resources and encourage much-broader acceptance of responsibility for responding to problems that may be complex and deeply rooted in the conditions of social life.

Citizen participation may create and empower an intermediate layer of actors who serve in the indispensable role of liaison between identification and articulation of community needs and concerns, on the one hand, and on the other hand, government policy decision-making and implementation.

Public officials can ask people to take responsibility for resolving controversial issues that otherwise would leave officials in the 'no-win' situation of being unable to satisfy everyone, and hence having to displease everyone.

Constant questioning by citizens helps officials improve policies and the policy-making process. New ideas and solutions as well as unrecognised problems may come to their attention. Moreover, official responses to citizen concerns are more likely to fit the specific, concrete circumstances in which people find themselves, and hence are more likely to prove effective, than 'one-size-fits-all' policies. Involvement by citizens also brings into play the principle of community-defined priorities, thereby making it easier to overcome the resistance of special-interest groups, and to enact necessary but unpopular policies such as increased traffic or higher taxes.

Deliberative participation may 'bring government closer to the people'. When power is devolved and citizens gain the opportunity to exercise real authority on issues they consider important, their levels of distrust of and hostility toward government decline.

When decision-makers work alongside citizens, they strengthen both government and the community. Accepting citizens as partners encourages people to hold government accountable, which in turn generates strong incentives for members of the public to follow through on suggestions and recommendations that might otherwise fail for lack of sustained attention, support, and effort. When public deliberation is embedded in public institutions, action is more likely to occur

because it receives sufficient resources and affords the 'key players' opportunities to work together. Finally, when deliberation is institutionalised so that it is practiced repeatedly over time, the experience, knowledge, and skills of both citizens and officials improve, enabling them to accomplish more with more partners.

Even if public deliberation does not lead to consensus and action, it at least encourages people to keep an open mind and to seek mutual understanding of their respective needs, interests, and aspirations. Public deliberation is valuable even when it does no more than help participants to identify the reasons others have for disagreeing with them, and to distinguish subjects on which they can agree from those on which they are unlikely to reach accord.

Deliberative, collaborative governance strategies show that the relationship between government and civil society, and between social movements and formal political institutions, is not 'zero-sum'. Strained, hostile, or dysfunctional relationships are not inevitable, but rather an artifact of history, and thus can be changed. There is no barrier in principle to coordination and complementarity between the public and its government.

Though institutionalising deliberative public participation yields considerable benefits, it also carries with it certain costs, difficulties, and limitations:

Deliberation does not inevitably generate consensus, especially in larger public bodies such as big cities, states, provinces, and nations as a whole. (Gastil and Levine, 2005) Although people frequently change their views in the course of deliberation, they seldom reach unanimity, at least at the level of policy specifics. Because disagreements persist in conversations about almost all public issues, action may be impossible unless there is some mechanism, such as voting, that forecloses further deliberation, at least for a time.

Good deliberation does not happen automatically or by itself. (Gastil and Levine, 2005) Instances of poorly organised public involvement events and processes that fall below the threshold of what most practitioners would consider sufficiently participatory and deliberative remain all too common. They far outnumber skillfully conducted public encounters in which participants listen to, and attempt to understand appreciate, the reasons others give for alternative views and proposals. In order to achieve high-quality deliberation, someone must organise a discursive process, frame the topic, recruit participants, select methods and tools,* establish agendas, prepare background materials or invite speakers, supply facilities, and raise the funds necessary to do these things. This requires expertise, experience, time, and resources.

* No consensus exists about the best deliberative approach to take in a given set of circumstances. Even though they profoundly shape public discussion, organisers of deliberative processes can't be perfectly democratic in their decision-making. Thus, although there's a danger that deliberation will be influenced excessively by skilled organisers, the greater danger is having no competent advice and assistance whatsoever.

In order to achieve a level of political and social significance, public deliberation initiatives must scale 'out' — they must include an ever-increasing number of participants, even if the great majority are engaged only intermittently and indirectly. (Gastil and Levine, 2005) In large populations, deliberation may require the involvement of hundreds or even hundreds of thousands of persons. One way to make formal deliberation more salient, engaging, and accessible to more people is to increase the frequency with which occasions for deliberation occur (multiple sessions over time, multiple levels, etc.). Another way is to link deliberations to the broader public debate through reporting in conventional media such as television news and newspapers. Additionally, online deliberation, although still in the early stages of development and yet to make a significant impact on policy development and decision-making, holds great promise in its potential to scale 'out' public deliberation.

In addition to including more participants, *public deliberation also faces the challenge of scaling 'up' to address problems and policy issues of state, national, and even international concern. (Gastil and Levine, 2005) The great majority of experiences with and accomplishments attributable to public deliberation involve local issues such as development and planning, public education, and the like. But more and more aspects of daily life are affected by decisions and actions that occur far beyond the boundaries that define towns, states or provinces, and even nations. There have been a few noteworthy instances of deliberation about issues of a 'supra-local' nature (in Australia, the United States, England, and Denmark). However, there has been little meaningful large-scale public deliberation on the world's most pressing issues.**

Even high-quality public deliberation does not necessarily lead to social or political change. Most public deliberations do not lead directly to government decisions and actions. Moreover, in their recent study Fagotto and Fung (2008) found that deliberation seldom leads 'average citizens' to mobilise and to take action in response to matters of public concern. Indeed, many practitioners of public deliberation have only recently turned their attention from the question of organising and facilitating public deliberation to that of linking talk to action. For the results of deliberative processes to matter, powerful actors must be encouraged, persuaded, and even compelled to pay attention to these discussions and to heed their outcomes.

The results of deliberation are most pronounced and are most readily sustained when organisations and institutions adopt deliberative practices internally and invest their own resources or political capital in an effort to respond to publicly-deliberated outcomes. However, this has seldom occurred, as illustrated by the continued citing (in this paper as elsewhere) of the same celebrated cases, such as

* With growing concern about global climate change there is emerging a growing interest in, and commitment to, organising public deliberation about this issue on the scale of entire nations, and even internationally. See, for example, <http://www.wvviews.org>.

Hampton, Virginia and British Columbia. (For discussion of this point, see the following section.)

Citizen-government collaboration is often a messy, slow, uncertain, and resource-intensive way to conduct a community's business. No level of government should adopt it without being fully committed to it from the outset. The commitment of both elected and appointed government officials is crucial. Everyone must be prepared to devote time, energy, funds, and patience to the process, and be prepared to learn from one other and grow together.

Officials must overcome their scepticism about the ability of 'ordinary people' to deal effectively with complex issues and problems. As experience repeatedly shows, it is possible to bridge the gap between the competing values of technical sophistication and citizen participation. Officials need to accept that people can master the technical aspects of problems and issues with surprising alacrity.

Citizens and city officials alike must see results and enjoy successes right from the beginning. Failed attempts at deliberative collaboration can be worse than not making the attempt at all because of the debilitating effects of raising expectations and then not delivering on them.

Government officials must recognize and accept that, by empowering citizens, they are unleashing an enormously powerful force (Morse, 2005, p. 5). They must prepare themselves for a very different, and more-demanding, way of serving the public interest. Once in the embrace of a newly aroused and energised public, there is no letting go.

Institutionalisation of Public Deliberation in Australia

The experience of pioneering efforts in deliberative democracy in the Planning and Infrastructure portfolio in Western Australia (as well as initiatives in other countries) suggests that reform is not only possible, but is quite feasible — *if* the political will is there. Nevertheless, there exist impediments to public deliberation that must not be underestimated.

Obstacles

Government in Australia, like government elsewhere, does not have a good track record of involving citizens in policy-development and decision-making. Although community *consultation* has been enconced in rule and regulation, especially in the environmental and planning portfolios, the results have been overwhelmingly disappointing. Rather than enabling citizens to add value to the policy-making process, consultation often has backfired, leaving participants feeling misled, 'used', or more apathetic and cynical than before, and leaving public servants feeling hapless, cynical, or 'burnt-out'.

It is not difficult to see why consultation has fallen so far short of expectations. Community consultation has been tacked on to our technocratic, managerial system of democratic government. In part, consultation is an afterthought because Australian society, like advanced techno-economic societies throughout the world, has become so meritocratic, specialised, and focused on the acquisition of credentials that the public has unquestioningly handed over much of the necessary decision-making to 'experts', to whom implicitly we have assigned the ability to determine what counts as knowledge and what does not. Thus policy-makers too readily accept their own views as sound, but treat the views of ordinary citizens — even in regard to matters properly within *their* realm of 'expertise', such as values and priorities — as mere 'preference' and 'opinion'.

Most forms of community consultation attract chiefly persons and groups having narrow interests that, simply by being 'particular', exist in some degree of tension with the public interest as the public would define and articulate it through deliberation. The 'uninterested' public generally has neither incentive nor capacity to participate effectively in an arena best suited to the staking out and defense of pre-formed policy positions. In part this is because the 'uninterested' public does not *have* a pre-deliberative view, as interest groups do. The public's 'interest' must emerge from intra-public deliberation. Moreover, the public's interest is not just another interest, one that is 'on all fours' with other interests. By definition, it includes those interests. Consultation fails to weave together a genuine public perspective and to define an authentic public interest because it is not designed to do so. Indeed, it rests on conceptions and assumptions that make such notions well nigh impossible even to conceive.

There are many obstacles to institutionalising deliberative democratic practice, and they have been discussed at length elsewhere.¹⁵ We cannot address them adequately here. However, we do wish to draw attention briefly to the question of public officials' beliefs and attitudes concerning deliberation with citizens.

George Frederickson of the University of Kansas has written that although it is perfectly evident to officials that current forms of interaction between themselves and citizens are inadequate to the task of solving many problems and resolving many issues, few believe there is a need for a fundamentally different type of relationship with the public (Frederickson, 1999). This view, Frederickson argues, is rooted ultimately in officials' self-conceptions as *representatives of the public*:

First, government officials see effective governing as something *they* achieve and maintain through 'leadership' exercised through the authority of the institutional roles they occupy. In turn, they understand leadership as devising and promoting solutions that most constituents will accept. Hence they tend to regard listening as a chance to hear opinions and already-held policy positions — to learn where individuals and groups stand on issues — and to view talking as the opportunity to explain matters to members of the public and to persuade them.

Second, from their institutional perspective, officials see the public as an aggregate of constituencies: neighborhood associations, business and civic clubs, professional associations, interest groups, government departments and agencies, and blocs of voters. They have little understanding of the public in any sense other than as a collection of persons and groups with narrowly defined interests and circumscribed perspectives. Viewed through this lens, the community (or the public) *as such* is difficult for officials to discern.

Third, officials' acts of listening and talking to members of constituencies are policy-specific, having to do with particular problems or issues. They see public discourse as primarily policy discussion for the purpose of problem-solving. It is not unusual, therefore, for the elected or appointed official to regard public ambivalence, apathy, conflict, or frustration as a function of the peculiarities of a particular policy matter, rather than as an indication that the *relationships* that make up the 'civic infrastructure' of a community are not as robust or resilient as they could or should be.

Fourth, officials know that issues rooted in ideas, outlooks, values, and principles usually are harder to resolve than interest-based issues because the latter are more susceptible to bargaining, and hence mutually acceptable compromise. Pragmatic officials understand interests and know how to deal with conflicts between them. Value- or principle-based issues, in contrast, appear as no-win headaches, and efforts to resolve them seem to be a thankless task. For just this reason, officials (like constituent groups) seek institutional resolution rather than resolution within the community or between the community and governing institutions. From their perspective, institutions produce clear, definitive solutions because outcomes are justified not on the basis of an ill-defined, elusive consensus, but on the basis of votes, or an 'objective' administrative calculation of costs and benefits.

Less charitably, we would add to Frederickson's explanation of officials' understandable reluctance to engage citizens in deliberation an observation on the seduction of political power. Because power increases (in a democracy, chiefly as a function of enhanced authority) as one ascends the ladders of administrative and elective government, the gateways to decision-making are strongly and jealously guarded. Citizens possessing extra-ordinary influence (stemming from extra-ordinary status or resources) may be admitted to the decision-making arena. Ordinary citizens, however, are excluded not only from decision-making, but also from access to information that might provoke them to action. The community is frequently cajoled to 'have a say', but then finds participation is not linked to influence over decision-making. The institutional defenders of 'representative government' typically contend that government is democratic if the public has its 'say' at the ballot box on election day. Of course, such 'democracy once every three or four years' works to the advantage of candidates, who can rely on 'mass marketing' to portray themselves as 'listening' to their constituencies.

Opportunities

Despite the plethora of obstacles to institutionalising deliberation as part of the policy-making process, there are also some encouraging signs that the cause of public deliberation is making headway. For governance in Australia (or anywhere) to become more democratic, collaborative, and deliberative, governments and communities must alter the nature of their interactions. Governments, of courses, are institutions, and institutions are notoriously inertial, resistant to change, and ‘behind the curve’ in relation to social and political changes occurring in the environment they inhabit. Yet the time may well be ripe for public and government to start moving in the direction of greater democracy, collaboration, and deliberation.

One of the authors (Hartz-Karp) had the opportunity to participate in the recent *2020 Summit*. In his opening remarks, Prime Minister Mr. Rudd expressed a view that received much media attention: ‘Government, irrespective of its political persuasion, does not have a monopoly on policy wisdom’. Subsequently, in the introduction to the *2020 Summit* preliminary report, the Prime Minister urged that we make the question of reform a matter for widespread public consideration:

The challenges facing Australia are great and all Australians need to think about how we meet them. Our discussions this weekend should not be the conclusion of the national conversation that has begun to develop over the past 10 weeks, but rather a stimulus to engage an even larger number of Australians on the questions we have debated.

To be sure, the PM’s remarks about ‘throwing open the windows of democracy’ and ‘turning to you, the people of Australia,’ while heady stuff, did not signal the advent of a new stage in the evolution of democratic governance. After all, the *Summit* was hardly a ‘people’s convention’; it was rather closer to a meritocratic conclave of the ‘best and brightest’ — as one commentator noted, ‘a gathering of people selected on indeterminate grounds of general outstandingness’.^{16*} Moreover, it is a telling commentary on the state of democracy today that the PM’s observation — that elected officials do not have all the answers and must to look to

* It is worth noting here that a nonprofit organisation, *newDemocracy*, recently secured an Australian Research Council grant to convene and study an ‘Australian Citizens’ Parliament’ (*ACP*). At time of writing (November 2008), the *ACP* has just commenced. The task of the randomly selected Citizen Parliamentarians is to produce a set of recommendations — ones that can be implemented by government — about how the Australian system of representative democracy can be strengthened to serve the people better. Ideas from the ‘Governance’ stream of the *2020 Summit* will serve as a source of input. Participants will be expected to arrive at informed decisions after thoroughly assessing the strengths and weaknesses of whatever policy options they devise. Although they need not reach agreement, they will be asked to work toward consensus so that they can both find common ground and clarify issues they cannot resolve. They will be encouraged to understand and acknowledge each other’s differing views, and to treat their effort to do so as a means to identifying a ‘direction’ or ‘way forward’ that serves the interests of all Australians to the greatest extent possible.

the public for assistance in finding them — was interpreted widely as being *profound* (and, in some quarters, profoundly mistaken).

Such realism notwithstanding, the *Summit* may prove in retrospect to have been what one participant called a ‘sentinel event’. Sentinel events are essentially one-off events that at the time of their occurrence are not always recognised as significant. ‘They throw light on the settings in which they occur, and help identify the direction of system changes’. In this instance, the change is perhaps in the direction of greater inclusion and openness, albeit within the limits of the current structural capacities of the political system. It is the latter point that is of interest here; for any real strengthening of the role of citizens to occur, it must be accompanied by an increase in the structural capacities of the system. The question is whether the public can either drive change in public institutions or create ‘parallel institutions’ that government must heed.

A Proposal for an Australian Experiment and Model

Historically Australia has been a leader in democratic reform, having invented the secret ballot and becoming one of the first nations to introduce women’s suffrage and a democratically-elected upper house. As elsewhere, though, real reform has stagnated. There has been much commentary on the dysfunction of contemporary adversarial democratic systems that emphasise partisanship and contention, which enervate or even render representative government impotent in the face of the critical challenges of our time.

Unease about the state of democracy today was manifest in several of the discussion streams at the *2020 Summit*. In fact, it was the governance stream that sounded a clarion call for ‘collaborative governance — revolutionising the way governments and communities interact’. Whether this call portends a new era in which Australia once again leads the way in democratic reform — this time by fully and effectively institutionalising deliberative democracy — depends on whether the nation can gain traction on the rocky road that must be traveled.

What follows is a modest proposal, a proposal not for revolution but rather a ‘radical’ (in the sense of ‘going to the root’) improvement to our current system of representative democracy. Representative democracy can be significantly more relevant, responsive, and effective if it is augmented with citizen-government collaboration and public deliberation.

Criteria for collaborative, deliberative participation

Decision-making must be more *inclusive and representative* of the demographic characteristics of the population. To the extent that participants are truly representative of the larger population from which they are drawn, it is possible (with varying degrees of accuracy and confidence) to infer the probable conclusions

of the population as a whole, were everyone able to deliberate together in the same manner as participants.

Decision-making must be more *deliberative*. It will take all views into account and weigh the reasons for and against different courses of policy action consistent with those views. A deliberative outcome will provide a more precise, more nuanced, and more reliable guide for official policy-making than does the comparatively superficial and shifting contemporary alternative, ‘public opinion’.

The contributions of ordinary citizens must be more *influential*. Decision-makers should indicate at the outset of the process the extent to which the outcomes of deliberation will influence policy development and decision-making. The presumption should be that institutional decision-makers will take direction from those outcomes and will bear the burden of explaining why they cannot in good conscience allow their actions to be guided thereby.

Practical requirements for embedding deliberative participation. In order to institutionalise deliberative participation by citizens, a number of practical requirements will have to be met. Here are two likely ones:

Institutionalisation will not occur in the absence of commitment from all stakeholders. ‘Buy-in’ depends on persuading everyone that deliberative participation will not place their particular interests at a disadvantage *vis-à-vis* the interests of others with whom they find themselves in competition. In short, institutionalisation requires that deliberative participation be ‘*equi-partisan*’. A key indication that political partisans view deliberative participation as ‘*equi-partisan*’ would be its appearance as a ‘plank’ in party electoral platforms. Parties should be able and willing to compete not only on the basis of the quality of their policy proposals, but also on the basis of how much they do to create civic space for participation and deliberation, and on how responsive they are to the public voice that emerges from that process.

At the same time, institutionalisation must be *non-partisan*. In its design and execution, deliberative participation should serve the public interest: the stake everyone has in healthy political institutions and practices. Serving the public interest is a precondition for widespread acceptance of deliberative participation as a legitimate extension and expression of the foundational, universally accepted values and principles of democracy, such as political equality, accountability, transparency, and responsiveness.[◊]

[◊] Inclusiveness — ensuring that all perspectives are represented — is one way to affirm the non-partisan character of deliberative participation. Another is to make participation mandatory — asking citizens to accept a duty to participate. A requirement to participate would apply to citizens ‘called’ to serve, just as it applies to citizens called for jury service. Citizen deliberators, like jurors, might be excused for sufficient cause (which citizens ought to have a hand in specifying when this question is addressed). Because

Outline of an initial experiment

Here is a broad sketch of an initial test of institutionalised deliberative participation:

First, an independent group — perhaps a university or universities, perhaps a collection of non-governmental organisations, etc. — volunteers to serve as a convener and organiser of a deliberative event or process that will take place during an election campaign period. (For the sake of convenience, let us call this group ‘the Commission’.) The Commission asks political parties to choose — collaboratively or independently, as they are disposed — one or more important issues they believe citizens can and should help resolve through deliberative participation both within the public and between citizens and policy-makers. The Commission plays the role of ‘honest broker’ in addressing concerns and resolving disagreements that might prevent the parties from joining the experiment.

The political parties state clearly and unequivocally the extent to which, if elected, they are prepared to act on the findings and recommendations of the citizen deliberation. This commitment may range from merely taking note of the outcome, to constructing a referendum on which the public may vote, to adopting the recommendations on a trial basis (perhaps by enacting ‘sunset’ provisions in the authorising legislation), to working jointly with citizens to design, implement, and evaluate specific policies.

With financial support, chiefly from government, the Commission oversees the tasks of ‘framing’ (defining, describing, characterising) the issue(s) to be deliberated; generating a range of options consistent with the full range of public perspectives; and assembling arguments for and against each option. The Commission ensures that these tasks are carried out in as non-partisan a fashion as possible, and that the resulting information is acceptable to and accessible by both stakeholders and members of the general public. The Commission also assembles a design team of practitioners, scholars, political figures, and citizens to study and recommend the methods and tools best suited to the deliberation of each issue.

participating in deliberations concerning issues of public policy is not essential to the operation of the political system in the way serving on juries is essential to operation of the legal system, it ought to be rather easier for persons to be excused from the former. Nevertheless, for the purpose of constructing an experiment and model, there ought to be a strong expectation that most citizens will participate if selected. This expectation might be accompanied by incentives that help offset unavoidable costs of participation that approach or exceed those citizens are expected to bear when serving on a jury.

Non-partisanship can be demonstrated as well by providing citizen deliberators with access to independent sources of advice and assistance concerning the framing of questions, process design, facilitation, oversight, monitoring, articulation, evaluation, and identifying areas for modification and improvement.

Using voter rolls or other suitable lists, the Commission oversees the drawing of samples of the population that collectively are broadly representative of the public's demographic diversity. It sees to it that people are 'called up' randomly for the 'civic duty' of deliberating on behalf of their fellow citizens. Participants are afforded instruction and practice in deliberating so that differences in individual confidence, skill, and other key factors are minimised.

During the campaign period, the Commission administers the deliberative process and then aggregates and synthesises the findings and recommendations of the deliberative sample.

At election time, voters evaluate the parties at least in part on the question of how well they have heard, understood, and responded to the expressed the public's concerns, values, priorities, ideas, and recommendations, as these have been identified, formulated, and voiced by members of the public who have deliberated together on the public's behalf.

The Commission monitors the efforts of the parties, both in office and out, to incorporate the conclusions and recommendations of the deliberative sample into policy and practice.

The Commission evaluates the deliberative process and proposes improvements for the next election period. In light of the initial experiment and prospects for the future, it also recommends ways to 'scale up' and 'scale out' deliberative participation, and to enlarge the structural capacity of the political system to introduce and sustain such deliberation as a continuing feature of democratic government.

In order for the experimental process outlined above to demonstrate the full potential of deliberative public participation in the policy-making process, it should be supported by the same 'enabling efforts' that will be needed to sustain such participation over time. Here are three especially important steps that should be taken:

Foster the growth of positive public beliefs about and attitudes toward deliberative citizen participation by providing *experiential* civic education that enables all citizens, adults as well as youth, to develop the skills they require to deliberate cooperatively and to participate effectively.

Create mechanisms to support collective inquiry and cooperative learning as precursors to deliberative participation.

Publicly recognise and provide financial support for innovation in the public sector that makes room for deliberative citizen.

Conclusion

In contemporary Western democracies, the role of citizens is confined largely to that of voting for elected public officials, and even that role is on the wane. In Australia, where voting is compulsory, growing numbers of young Australians are seeking to avoid mandatory voter registration (Norris, 2001). Some accounts of the 'democratic deficit' hypothesis hold that the democracy's institutions are out of touch with its norms, and that greater alignment between the two could be achieved if there were more opportunities for the public to participate in policy-development and decision-making (Hill 2003).

In our hierarchical, technocratic systems of governance, however, the space that exists for people outside government tends to be occupied by organised interests. In large measure, this circumscribed role for citizens stems from the widely-held view that, in a representative democracy, directly influencing the policy-making process ought to be the bailiwick of technocratic experts, organised interests, and elected officials. This presumption, in turn, is buttressed (and rationalised) by a too-ready acceptance of the contention that citizens are generally uninformed, unskilled, and uninterested in the work of democratic self-government.

Whatever the merits of this contention — and they are not insubstantial* — it is nevertheless difficult to disagree with the conclusion Delli Carpini (1999) reaches

* In its 1999 study, 'America Unplugged: Citizens and Their Government', the Council for Excellence in Government reported that public officials in the U.S. see too many people who are impatient, emotional, intolerant of ambiguity and complexity, ill-informed, concerned only with their narrow, immediate interests, and unwilling to face up to and accept unavoidable costs and tradeoffs. They seldom even know about, let alone sympathise with, the struggle of officials to deal with intra- and intergovernmental conflict and differing (sometimes overlapping) areas of responsibility and authority. Ordinary citizens tend to focus on solutions that would address their particular concerns in their particular situation, whereas government officials must always think in terms of policies that apply equally and fairly to all persons in all (relevantly similar) situations. Moreover, citizens don't appreciate that the amount of effort needed to turn around government once it has embarked upon a particular course is draining and often demoralising.

Public officials express strong reservations about the ability and desire of citizens to participate in the policy process. A common theme in discussions of their relationship with the public is captured in the comment, 'The general public is not interested in delving into issues...'. (Harwood, 1989, p. 15) They are convinced that citizens have too many other demands on their time—at home, in the workplace, and elsewhere—to get involved. Few citizens, they believe, are interested in public issues and are willing to find the time required to deal with them competently, unless their interests are in direct and immediate jeopardy.

A third reason policy-makers give for doubting that the public can contribute much to the crafting of public policies is that typically they hear only from citizens who belong to groups that choose to be vocal on an issue. People with special interests, however, often turn public meetings into opportunities to make their views known, and to try to sway public opinion and the policy process in their favor. Public meetings then turn into

after completing his survey of the literature concerning the importance to a democracy of informed voters:

In his later years, [U.S. President] Thomas Jefferson often lamented the lack of trust most of his contemporaries had in the general public. While he agreed that people often fell short of the civic ideal, he argued that the political system, *by minimising what was expected of citizens*, guaranteed the nature of their public behavior: ‘We think one side of this experiment has been long enough tried, and proved not to promote the good of the many; and that the other has not been fairly and sufficiently tried’ (emphasis added) (Jefferson, 1939, p. 31).

I share Jefferson’s concern about the lack of trust in the people themselves. I also share his beliefs that an informed citizenry is the only true repository of the public will; that, given the incentive, education, and opportunity, the general public is capable of exercising political power in an enlightened way.

There are many ways in which a more participatory, more collaborative, and more deliberative democratic politics might be achieved in Australia and elsewhere. Theorising about the exact shape of an institutionalised practice of deliberative democracy is helpful, but by itself it cannot answer the question of what shape would be best. We need to begin *experimenting* with forms of citizen-government collaboration and participatory public deliberation that will yield the evidence required for empirical description and analysis. We can then identify best practices and begin the work of transforming our democracy into a set of institutions that are adequate to the tasks we need them to perform, and that are genuinely responsive to the will of an increasingly alienated, disaffected, and restive people. While ‘one cannot order participation by decree’ we can create an environment more conducive to deliberative citizen participation and collaborative governance.

Finally, in our conversations and discussions of when, where, and how to bring citizens into the public decision-making process, let us bear in mind that the stakes are of the highest order. Democracy — and probably much more — hangs in the balance. ▲

contests between competing groups. Policymakers say they find it nearly impossible to obtain input from the public as a whole.

Even when they think their interests are at stake, officials maintain, citizens have a poor grasp of the complexities involved. They question whether members of the public can offer ‘informed’ input on issues, and they say it is difficult for them to translate those issues into more-accessible terms. Even if they can, they are disinclined to do so because simplifying complex matters often distorts them. If citizens can’t get a handle on such matters, then they can’t offer informed input. If issues have to be ‘dumbed down’ to the point where the information the public provides in response is not helpful, there is no point in doing so.

Some policy-makers say the public must face up to and deal with the inherent trade-offs that action in one area entails for what government can do in other areas. But policy-makers don’t know how to help citizens confront and weigh these trade-offs. Consequently, genuine deliberation is rare.

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NOTES

- ¹ <http://en.wikipedia.org/wiki/Democracy> Retrieved 18 March 2009.
- ² <http://www.merriam-webster.com/dictionary/democracy> Retrieved 18 March 2009.
- ³ <http://dictionary.reference.com/browse/democracy> Retrieved 18 March 2009.
- ⁴ <http://www.democracy-building.info/definition-democracy.html> Retrieved 18 March 2009.
- ⁵ In the study, a wide range of approaches to fostering deliberation were considered, including Citizens' Juries, Consensus Forums, 21st Century Dialogues, Multi-Criteria Analysis Conferences, World Cafés, Enquiry-by-Design Dialogues, and Deliberative Surveys.
- ⁶ The Deliberative Poll™ was developed by Stanford University scholar James Fishkin. See Gastil, 2008: 201-204 and James Fishkin and Cynthia Farrar in Gastil and Levine, 2005: 68-77.
- ⁷ [http://en.wikipedia.org/wiki/Citizens'_Assembly_on_Electoral_Reform_\(British_Columbia\)](http://en.wikipedia.org/wiki/Citizens'_Assembly_on_Electoral_Reform_(British_Columbia)), August 2008.
- ⁸ The BC Citizens' Assembly is an example of the Deliberative Poll™. See note 5, above.
- ⁹ This mechanism for electing a public official awards the contest to the candidate who wins more votes than the other candidate(s) (a simple majority in a two-candidate contest, a plurality in a multi-candidate contest).
- ¹⁰ In Denmark, Conferences for the most part have addressed issues of technology: e.g., genetically modified foods; the future of fishing; teleworking; information technology in transport; air pollution; human genome mapping; and genetic engineering in industry and agriculture.
- ¹¹ One of the oldest municipal participatory structures in the U.S. is the system of 'district councils' created more than 30 years ago in St. Paul, Minnesota.
<http://www.stpaul.gov/index.asp?NID=1859>
- ¹² The following description is based on an article by Lyn Carson and Rodolfo Lewanski (2008), Fostering Citizen Participation Top-Down, *International Journal of Public Participation*, Vol.2, Issue 1.
- ¹³ http://www.regione.toscana.it/regione/multimedia/RT/documents/1210079040449_scheda_illustrativa_inglese.pdf
- ¹⁴ Carson, L. and Lewanski, R. (2008). The quote is from Bobbio, L.(2007) 'Regione Toscana. Partecipazione per una legge sulla partecipazione', in Dipartimento della Funzione Pubblica (2007), in Bobbio, L. (ed.), *Amministrare con i cittadini*, Rubettino, Soveria Mannelli, p. 93.
- ¹⁵ See, for example: Ryfe, David. 2005. 'Does Deliberative Democracy Work?' *Annual Review of Political Science*. Vol. 8: 49-71; Bohman, James. 2002. 'The Coming of Age of Deliberative Democracy'. *Journal of Political Philosophy*. Vol. 6 Issue 4; Farrelly, Colin. 2004. Chapter 7: 'Deliberative Democracy'. *An Introduction to Contemporary Political Theory*. Sage Publications: London; Lukensmeyer, Carolyn J. and Torres, Lars Hasselblad. *Public Deliberation: A Manager's Guide to Citizen Engagement*.
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- ¹⁶ David Burchell, *The Australian*, 28 April 2008.