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978-1-107-04643-6 - Deliberation, Democracy, and Civic Forums: Improving Equality and Publicity

Christopher F. Karpowitz and Chad Raphael

Excerpt

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Introduction

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

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

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

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

Political scientists Benjamin Page and Lawrence Jacobs also wrote a pre-emptive paper critiquing the forums. Interest advocates often criticize a civic forum when they fear it will arrive at different conclusions than their own.³ But when two respected political scientists who have authored important books on the value of civic deliberation raise warnings, extra attention is warranted.⁴ Page and Jacobs expressed concern that the deliberators would not be a representative sample of Americans, which would violate the principle that all citizens’ voices should count equally in assessments of public opinion, and called on the organizers to disclose the details of how participants were selected. They worried that one sponsor of the event, the economically conservative Peter G. Peterson Foundation, would exert undue influence over the briefing materials and agenda, priming participants to prioritize deficit reduction over social spending, and especially Social Security. Jacobs and Page therefore cautioned that the forum should not be weighed as heavily in public decision making as long-term, stable support for social programs demonstrated in public opinion polls over many decades.⁵

On the whole, these fears were not borne out. Post-event evaluations found that “Our Budget, Our Economy” attracted a fairly representative sample of Americans, and of the communities in which the forums were held, by income, age, ethnicity, and partisan identification.⁶ Rather than growing more supportive of cutting Social Security benefits, participants overwhelmingly opted to shore up the program through more

¹ Baker 2010. ² Eskow 2010. ³ Hendriks 2011.

⁴ Jacobs, Cook, and Delli Carpini, 2009; Page 1996. ⁵ Page and Jacobs 2010.

⁶ Esterling, Fung, and Lee 2010, 7; Lukensmeyer 2010.

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progressive taxation of high earners.⁷ Citizens moderated their other positions somewhat: conservatives and moderates grew much more supportive of defense cuts and liberals became more willing to agree to a 5 percent cut in the projected growth of health care spending. While participants' individual budget preferences corresponded closely to their political ideology, the group agreements on deficit reduction packages were less driven by the liberal or conservative leanings of individual group members. This pattern suggests that deliberation allowed citizens to forge agreement across ideological divides, despite the highly polarized national debate at the time.⁸ Certainly, the majority of the "Our Budget, Our Economy" deliberators found more common ground on specific steps to reduce the deficit than Congress was able to find in the coming three years, when congressional gridlock on these issues led to the downgrading of the nation's credit rating, and, eventually, to deep across-the-board spending cuts to defense and social programs that few citizens or political leaders of either party publicly professed to want.

While reasonable people may disagree with how the participants as a whole chose to balance spending, taxation, and deficit reduction, we do not see good evidence that participants' views were manipulated or poorly informed, especially in comparison with public opinion polls. Although forum organizers set a restrictive goal for deliberators of halving the deficit, rather than reducing it by more or less, and provided a limited menu of possible taxes or cuts, many participants showed themselves quite capable of challenging these restrictions. A majority supported more government spending in the short term to stimulate the economy even if it raised the deficit, and some participants successfully demanded to add another policy option: adopting single-payer national health insurance as a way to cut health care spending without decreasing benefits.⁹ Despite being primed by the briefing materials to consider the deficit an important problem, over half of the groups agreed to cut the deficit by less than 50 percent,¹⁰ which suggests to us that they did not feel bound to meet the target set by the organizers, perhaps because they had higher priorities. While 89 percent of forum participants said they were dissatisfied or very dissatisfied with the quality of political discussion in the United States, 91 percent of participants were satisfied or very satisfied with the discussions

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

⁸ Esterling, Fung, and Lee 2010, 44–6. ⁹ Hickey 2010. ¹⁰ Lukensmeyer 2010.

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at “Our Budget, Our Economy.”¹¹ Seventy-three percent somewhat or strongly agreed the meeting was fair and unbiased, and over 80 percent agreed that “decision makers should incorporate the conclusions of this town meeting into federal budget policy.”¹²

There are many reasons that the “Our Budget, Our Economy” forum should have been expected to enjoy widespread acceptance as one legitimate input into the policy-making process, which is all that it aimed to be. It might have appeared as an attractive way of soliciting more thoughtful public input on policy making than traditional ways of consulting citizens, such as the acrimonious town hall meetings on health care a year earlier, ritualized public hearings, or a blizzard of individual public comments submitted online and through the mail. The forum included a more representative sample of Americans than one would find in most public consultations or elections. This was a well-funded effort, and the sponsors included organizations not only from the right but also from the left and center (funding came also from the MacArthur and Kellogg foundations, a fact that many critics failed to note). The forum was organized by an independent organization with a good track record of convening civic deliberation on high-profile issues, such as the redevelopment of the former World Trade Center site in lower Manhattan after the September 11, 2001, attacks.¹³ It had the ear of a presidential commission on a high-profile issue, and therefore more potential to influence policy than many exercises in civic deliberation. Yet the forum’s legitimacy was undercut before it even began.

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

¹¹ Lukensmeyer 2010. ¹² Esterling, Fung, and Lee 2010, 42.

¹³ Lukensmeyer, Goldman, and Brigham 2005.

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

¹⁵ Baiocchi 2005; Dryzek and Tucker 2008; Gibson and Woolcock 2008; Isaac and Heller 2003; Fishkin 2009, 152–3; Fung 2003; Fung 2004; Warren and Pearse 2008.

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

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

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

The second challenge has to do with how organizers of civic forums practice publicity by communicating their goals, process, and conclusions to other elements of the political system. Not everyone wants, or is available, to participate in a given forum. Even if all who are affected by the issues under consideration wanted to take part, deliberation must happen in small groups to allow each member to contribute her or his views and to consider the views of others, so it is often the case that not everyone who is affected by an issue can participate.¹⁷ If a civic forum aims to influence policy or public opinion legitimately, it must involve

¹⁶ For summaries of these criticisms, see Barisione 2012; Collingwood and Reedy 2012; Hendriks 2011, especially Chapters 4 and 8; Levine and Nierras 2007; Parkinson 2006a, especially Chapter 1; Tucker 2008.

¹⁷ Parkinson 2006a.

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good internal deliberation, but it must also persuade those who did not take part in it of its legitimacy. How can organizers and participants hold themselves accountable for considering the perspectives, opinions, and interests of all who are affected by the issue? How can forums practice transparency about the deliberative process, the conclusions reached, and participants' reasons and evidence for those conclusions? How can other citizens and decision makers evaluate the credibility of deliberative forums and whether they should be seen as authentic expressions of public opinion or the public will? After all, deliberation must ultimately be integrated with other features of the political system, including other measures of public opinion, the claims of elected officials, and the perspectives of interest advocates and other civil society actors. How can civic deliberation establish its legitimacy in a polarized political environment in which other political actors are less willing to deliberate?

We will argue that these new civic forums can make unique and indispensable contributions to democracy. Therefore, our aim in this book will be to strengthen civic forums, not to bury them. We see them as offering an important corrective to the problems of contemporary democracies, in which citizens' voices are too often expressed through uneven electoral participation, unequal interest groups and campaign contributions, unaccountable political parties and leaders, unbalanced media coverage, unreflective public opinion polls, and unattended or unruly public meetings. Civic forums can help to create a healthier democracy, in which citizens develop better informed and more thoughtful political preferences and exercise greater control over the decisions that affect their lives. At the same time, we suggest that these forums can best fulfill their promise by improving how they engage the least powerful on more equal terms and by practicing publicity that better realizes the aims of deliberative democracy outside the forum.

One of our main arguments will be that political equality in the deliberative system as a whole can sometimes be served best by asking the least powerful citizens to deliberate among themselves in their own forums, or as one stage in forums that are more representative of the larger public. This runs counter to the approach of many organizers of civic forums, who often address the challenge of achieving equality by engaging representative or random samples of participants in discussion across social differences. We see deliberation as an activity that ought to be distributed across the political system, rather than as an ideal that must be perfected within a single forum. This should allow us to address some problems of inequality differently. It can free us from the strictures of trying to make

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every forum representative of the whole, or every small group within the forum as internally diverse as possible, in ways that enhance rather than diminish the forum's contribution to political equality. Integrating "enclave" deliberation among the least powerful participants in civic forums can motivate the marginalized to participate, develop their civic capacities, and create productive tension between identifying their shared interests and considering how these interests relate to a larger common good. This could contribute a broader range of arguments to the public sphere beyond the forum and can even be perceived as legitimate by observers. We offer recommendations for how organizers of civic forums could make space for enclave deliberation of the disempowered while avoiding its potential pitfalls.

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

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

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the legitimacy of civic forums as meaningful institutions of democratic governance.

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

The rise of civic forums

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

These experiments have been organized by a myriad of institutions for a host of reasons. Churches, schools, academic institutions, and civic organizations have convened citizens to deepen public consultation on specific issues or to help imagine how the public might be more fully

¹⁸ Nabatchi 2012; Smith 2009, 4–6.

¹⁹ See, e.g., Bohman 2012; Dryzek 2010, chapters 6 and 9.

²⁰ Hetherington and Husser 2012; Hetherington 2005; Dalton 2004.

²¹ Public Policy Polling 2013.

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

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

²² Fagotto and Fung 2006; Leighninger 2012.

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

²⁴ Quoted in Leighninger 2012, 19.

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

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In this book, we examine three broad kinds of civic forums, which have been called popular assemblies, mini-publics, and co-governance institutions. Many popular assemblies look for inspiration to ancient Athenian democracy, in which citizens chosen by lot deliberated and decided the laws that governed them, and to New England town meetings – open forums where citizens have debated and enacted laws on local matters and elected their town officials since the seventeenth century.²⁶ The limitations of both of these paradigmatic examples of deliberative democracy are well known. Most community members were denied standing as citizens and excluded from the deliberative bodies of the state, and these kinds of face-to-face popular assemblies are less well suited to today's large and complex societies, in which the scope of local control over politics has narrowed considerably. Still, the deliberative and direct democracy of town meetings survives in some rural New England towns.²⁷

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

The other kinds of civic forums developed since the 1970s are attempts to recreate space for citizen deliberation that can affect politics, even if citizens do not enact policy directly or exclusively. Robert Dahl provided an influential early conception of a new type of citizen body when he proposed the creation of a representative sample of the public, or "minipopulus," which would deliberate about an issue for up to a year

²⁶ Fishkin 2009, 11–13; Smith 2009, 30.

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

²⁸ Fournier et al. 2011; Warren and Pearse 2008.

²⁹ Gastil and Richards 2013; Knobloch et al. 2013.