RANDOM SELECTION IN POLITICS

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Acknowledgments

Many people we've talked to find the idea of random selection in politics unnatural and unwelcome. This didn't deter us! Fortunately, there were a few enthusiasts who got and kept us going. Alan Davies, Fred Emery, and Merrelyn Emery provided the original inspiration many years ago.

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Introduction

Government by elected representatives is taught in schools and presented in the media as the natural way of doing things. Powerfully legitimized by the ideas of mandate and merit, representatives elected under this system consider that the electorate has given them a mandate to govern, while bureaucrats consider that merit and expertise justify their role in a powerful decision-making elite. Representative government obviously is a great improvement over previous systems of rule, such as feudalism, autocracy, and dictatorship, but nevertheless it is a system of rule in which citizens have relatively little impact on a day-to-day basis.

Representative government has its limitations. It concentrates power in a parliament or congress, and the elected representatives can become vulnerable to vested interests. The voters are given responsibility only for opinion formation, not decision making, and the representatives who make the decisions have low accountability. These and other problems are inevitable in representative government because it is a system in which a small number of people—politicians and high-level bureaucrats—have a great deal of power that can be exercised to serve powerful interests, including their own interests.

Most people attribute problems with representative government to individual politicians and specific policies. A standard assumption is that if the right people could be elected and the correct policies implemented, then everything would be okay. But the problems go much deeper.

We want to step aside from a belief in the ideas of mandate and merit as rationales for governance, since they are used to stymie efforts to foster greater citizen participation. We suggest instead a different foundation for fostering participation and diffusing power: random selection.

The assumption behind random selection in politics is that just about anyone who wishes to be involved in decision making is capable of making a useful contribution, and that the fairest way to ensure that everyone has such an opportunity is to give them an equal chance to be involved. Random selection worked in ancient Athens. It works today to select juries and has proved, through many practical experiments, that it can work well to deal with policy issues.

Random selection can be used to promote both small-scale and largescale political participation, from a tiny exercise in street improvement to a national electoral system. Like election, it needs to be used sensibly, with appropriate controls to ensure best operation.

Various terms can be used to refer to random selection in decision making. Typically we use "random selection," sometimes abbreviating it to "randomness." An alternative is to refer to a "lottery" or the "lot system." The latter is standard in discussing ancient Athenian democracy. Finally there is "sortition," which means the act of casting lots, which can be used to refer to choosing decision makers by lot, lottery, or random selection.

OVERVIEW

The chapters that follow show how random selection can be used to create a more participatory democracy. Our general framework is first to introduce various uses of randomness in decision making (Chapter 2), then deal with examples and methods of participation in decision making without random selection (Chapters 3 and 4), discuss current experience with decision making involving random selection (Chapters 5 and 6), give an outline of possible political futures involving greater use of sortition (Chapter 7), and conclude with some ideas about strategies for moving toward greater citizen participation through random selection (Chapter 8).

Chapter 2 sets the scene by illustrating the role of randomness as an explicit factor in decision making. It looks broadly at random selection in our everyday lives—for example, at the way gamblers toss a coin in the interests of fairness and the way in which Dutch universities choose among student applicants. Random selection is shown to be a fair and useful method for making decisions. It is, of course, fundamental to legal

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systems that rely on it for selecting juries. The chapter includes a description of the lot system in ancient Athens.

Chapter 3 considers the possibilities presented by direct democracy, in which groups of people run their lives directly without rulers, elected or otherwise. Direct democracy is evident in a number of historical and revolutionary events, through self-governing bodies such as communes, soviets, councils, or committees, as well as in experiences in workers' control and community self-management. Other methods of direct democracy include consensus, initiative, and referendum. We note limitations as well as advantages of direct democracy.

Chapter 4 surveys a number of consultative mechanisms that have been used in technology assessment, urban planning, and service delivery. Various consultative methods are discussed, but they are ones currently devoid of a random selection component. Inevitably, these consultative options tend to replicate the corporate model of boards of directors or representative governments, and to reproduce the very hierarchies they wish to replace. They do, however, have the potential to be transformed into fairer methods through the use of random selection.

Chapters 5 and 6 offer a way out of this mirroring of unsatisfactory representative methods. Chapter 5 looks at the early days of modern citizen participation with random selection, particularly methods that were born in the 1970s and continue today—citizens panels and planning cells. Chapter 6 continues the story, covering a number of fascinating case studies from various countries. The future of participation in decision making for planning and policy making looks good.

Chapter 7 states the case for random selection as a replacement for representative government by direct citizen control. In "demarchy," groups of local citizens, randomly chosen from volunteers, deal with policy regarding functions such as industry, education, and entertainment. Demarchy uses random selection to overcome the central dilemma of direct democracy: that not everyone has the time or interest to be involved in making decisions about every topic. We conclude, in Chapter 8, with a discussion of strategy for promoting random selection in politics, covering likely opponents, likely supporters, and opportunities for introducing random selection.

Our aim is not to undertake either a comprehensive critique of the present system or a detailed examination of the literature. Rather, we emphasize innovative experiments and possible applications of random selection, seeking to provide clear descriptions and to raise ideas and questions while avoiding ponderous academic apparatus.

The ideas in this book are rational but will not be popular with the elites whose power and position will be threatened. Random selection undermines the claims to privilege based on appeals to merit and elec-

toral mandate. Random selection may not even be popular with some of those within alternative movements, because it potentially threatens their privileged positions. But these ideas are at the heart of democracy and were the basis of the first political activities that stirred democracy into life in the polis of ancient Athens. This yearning for participation that is fair and inclusive strikes a chord for many. For some it has been prompted by a hatred of government; for others, by a love of democracy.

Random selection should not be considered in isolation. Yes, it is a significant tool to transform politics. On its own it can increase fairness in decision making. Integrated with deliberation and consensus building, it can become a powerful means to achieve social justice and genuine democracy.

In the remainder of this chapter we outline some problems with representative government arising from the nature of the party system—the effect of power on leaders, the effect of electoral politics on citizens, and the existence of bureaucracies. It is useful to grasp the dynamics and shortcomings of representative government in order to understand why and how random selection can provide a useful means of reform as well as the basis for a full-scale alternative.

PROBLEMS WITH REPRESENTATIVE GOVERNMENT

Western representative governments seem at first glance to be extremely fair—government of the people, by the people, for the people. Everyone has an opportunity to put himself or herself forward as a candidate for election. Every adult citizen has an opportunity to vote in elections for people who will represent his or her interests. If representatives don't perform, they can be voted out of office next time around. What could be fairer? Unfortunately, the fairness of this representative system does not withstand close scrutiny. A fair competitive process is not necessarily a fair system in outcomes. Most people are excluded from direct decision making, and those who become representatives are far from representative of the general population.

There is often a big difference between "being a representative"—that is, being elected to a post on behalf of a constituency—and "being representative"—namely, being a typical member of a community. We refer to the latter as "representativeness."

In systems of government that are called representative or electoral, representatives are elected via the ballot box with voters being given the option to vote, as they are in the United States or Britain. Voting in Australia and Belgium is compulsory, which means that citizens are required to enter a polling booth. It is assumed that this is how it should be, that this is the basis of democracy—candidates stand for election, and citizens who are prepared to vote have the right to do so. It is worth

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remembering that representative government is quite young, less than a thousand years old, and that voting by a substantial proportion of the population is only a couple of centuries old. Despite the youthfulness of representative government as it is now practiced, it remains largely unchallenged as the established, accepted norm—despite its many flaws. Below we discuss some of the problems arising from the nature of the party system, the effect of power on leaders, the effect of electoral politics on citizens, and the existence of bureaucracies.

The Party System

The biggest problem with political parties is that elites within them develop a vested interest in their own power. Party elites act to serve the party and themselves, often at the expense of the public interest. The tendency of party organizations—including revolutionary ones—to become less participatory and more oligarchical was expounded by Robert Michels nearly a century ago, and little has changed since then (Michels [1915] 1959).

In party-based representative government, voters choose between different candidates on the ballot, and many or most of the candidates are attached to political parties. A candidate who is a party member is tied, tightly or loosely, to the party and its policies. Gone are the days when genuine representatives of constituencies were chosen. Voters are left to choose a color or flavor, a brand, a package of policy products. They may approve of some of the policies and not of others, but they can vote only for the entire package.

There are many different systems operating within the broad category called Western representative government. In Britain and Australia, for example, there is quite rigid party control of elected representatives. If members of Parliament vote against the party line on any issue, they are likely to be ostracized, expelled, or not endorsed at the next election. This has overtones of the democratic centralism of a Communist party, which means that no member of the inner core can deviate from the party line.

In the United States a somewhat looser system exists, with party members more freely crossing the floor of Congress. Rather than being rigidly locked into party loyalty, congressional representatives are accused of being heavily influenced by special interests, typically corporations, that provide campaign donations (Stern 1988). In the contemporary marketing culture, parties, politicians, and policies are advertised and sold just like detergent, movies, or any other commodity, in what can be called "promotional politics" (Wernick 1991: 124–153).

Some European and other countries have an electoral system of multimember electorates or proportional representation. Proportional representation gives candidates from smaller parties a greater chance of being elected. Inevitably the larger parties are able to create a more impressive public image because of their access to more funds, so they still remain advantaged.

Politicians are divided into two camps: in a parliament there are backbenchers and the executive, with the latter making all the significant decisions; in a congress the same separation exists between those who chair or are members of powerful committees and those who are not. The lowly representative is reduced to voting fodder in parliament or congress.

In all of the electoral systems that have been mentioned, the elected representatives become full-time politicians. All of the people who stand for election must be prepared to enter into a culture that sees a separation between citizens and elected officials. The notion of community service is increasingly being replaced by that of a well-paid career.

It is a typical feature of every representative government that elected representatives are not typical members of the community: inevitably, most of them have greater wealth, status, or perceived talents than most of those who vote for them. This is especially noticeable in labor parties, where few representatives have spent much time as typical workers. How many hairdressers, mechanics, or sales assistants are elected to office?

Random selection, as an alternative to election, undermines the party system. Parties would no longer be able to control who is nominated, and vested interests would have a harder time buying support, since randomly selected decision makers are beholden to no one for their position and, without an electoral mandate, have no basis for being selected again.

The founders of modern systems of representative government in Britain, France, and the United States recognized the oligarchical or aristocratic traits of electoral systems: the tendency of representatives to be superior to the electorate. Representative government was seen by its founders, and by leading political commentators at the time, as qualitatively less democratic than the lot system. Although representative government has changed in the past couple of centuries, its characteristic feature of being a democratic aristocracy has remained (Manin 1997).

The Effect of Electoral Politics on Politicians

In order to be even remotely effective, politicians need to do an enormous amount of work. The range of topics on which they are expected to vote is extremely diverse, and it would be impossible to possess expertise in all areas. As well as learning about the issues, politicians must spend time dealing with pressure from their party as well as from lob-

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byists on behalf of powerful corporations and other special interest groups, not to mention requests from constituents. Not least is the need to attend meetings, give speeches, attend openings, and participate in many other activities required to maintain a profile and continue to be elected.

So far, we have referred to national or state politicians. Representatives at a local level—for example, in local government—do not receive high salaries, are less likely to be involved in political parties, and are subject to less pressure. Their workload is still high, however, and, just like their state and national colleagues, they are likely to become enculturated into their elite decision-making bodies. One of us (Carson) speaks from personal experience during a period in local government when the role of representative on many occasions became a stronger influence than that of being a community activist or even a community member. Elitism can subtly permeate the psyche.

Elected representatives come in for some rough treatment at the hands of their constituents for "faulty" decision making, and this presumably affects their decisions. Carson conducted interviews regarding the consequences of decision making with local government representatives from one rural community. These councillors reported that they had been ostracized and abused, and had received obscene phone calls and death threats because constituents disagreed with their decisions (Carson 1996).

Critics of a process or an issue are often much more tenacious than those defending or supporting it. For activists who later become public officials, the transition from critic to leader or policy maker can be a most difficult and confusing one to make. Czechoslovakian dissidents who became the government overnight found the transition from wise critic to wise leader remarkably difficult (Atlee 1991). The enthusiasm of newly elected representatives can be subtly and gradually paralyzed by the system (Carson 1996). Nelson Mandela noted, "In some ways it is easier to be a dissident, for then one is without responsibility. As a member of the Executive, I had to weigh arguments and make decisions and expect to be criticized by rebels like myself" (Mandela 1995: 135).

Representatives in Western governments function within an adversarial model that permeates local, state, and national levels of governance. All spheres of government operate in a culture of conflict. This prevailing culture can become a daily ritual of goodies and baddies, reinforced by the media, which too often gleefully reports or even manufactures conflict. The energy expended on electioneering fanfare and the ongoing slandering of individual politicians might be better spent on getting down to the business of decision making—quietly, deliberatively, consensually. True, dissent is a healthy component of democracy, but presumably only as a means to an end. There have been occasional

exceptions to the adversarial two-party model. Denmark, for example, had minority governments for all but a few years in the 1900s; its parliamentary decision makers learned to work with compromise and consensus (see Chapter 4).

Social movements and community activists find themselves sucked into this swamp of adversarial politics. Like the governments they condemn, they are vulnerable to replicating hierarchies and placing considerable power into the hands of a few. As lobbyists they learn to play the game, making deals and trying to extract assurances from political parties that won't always deliver when the political winds change. Social movements find themselves appointing leaders who share the charismatic media personalities of the politicians against whom they do battle. Charisma is not necessarily a quality that is consistent with wise decision making.

Experiments provide empirical support for Lord Acton's aphorism that "power tends to corrupt and absolute power corrupts absolutely" (Kipnis 1981, 1990). Politicians are highly susceptible to the corruptions of power. Random selection would remove much of the power and hence reduce the possibility of corruption.

The Effect of Electoral Politics on Citizens

Elections empower politicians a lot more than they do voters. What little power the voter has, exists primarily on Election Day. Though a right of recall exists in some parts of the United States, its enactment is a rarity. Therefore, should politicians prove to be bone lazy or ineffectual, they remain. There is no real obligation to keep any promises. Indeed, the community increasingly expects politicians to lie, and polls indicate that citizens believe they are not to be trusted. Comparative U.S. polls, for example, indicate that whereas three out of four of those asked in the late 1950s trusted the federal government, by the 1990s just one out of four trusted it, a dramatic turnaround in public opinion (Orren 1997: 80). There is no way to sue a politician for false advertising, for not delivering election promises. On the other hand, there is little support for politicians from a disaffected community. Instead of supporting leaders to lead better, citizens reduce them to stereotypes or objects of scorn. One small exception to this is the Heart Politics movement, now present in a number of countries, particularly Australia, New Zealand, and the United States. The movement is directed toward a politics of connection rather than confrontation, and toward finding ways in which leadership might be supported in order to be reformed (Peavey 1984).

It is evident that the level of acceptable political participation has increased during the past two hundred years of representative government. However, this level of participation has become quite a routine

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activity and is limited mainly to voting (Martin 1995). Benjamin Ginsberg has argued that the expansion of suffrage resulted in a reduced level of radical direct action (Ginsberg 1982, 1986). Ginsberg also makes a number of salient points about the way in which the public can be manipulated in the formation of its opinions at the same time as the state makes a show of ruling according to the very opinions that have been cultivated (Ginsberg 1986: 223–226). This may be why some people have the unnerving feeling that politicians and the media seem to have an agenda different from their own.

Steven Lukes addresses this idea of agenda setting when describing power as three-dimensional. Yes, agenda setting is done by those who hold power, according to Lukes, but non-decision making is just as important as decision making. Demands for change can be suffocated before they have a chance to be aired, but beyond that, potential issues might be neither consciously chosen nor the result of particular individuals' choices. Instead, a more subtle socialization can occur via social forces or institutional practices that result in certain interests not being expressed or even known (Lukes 1974; see also Gaventa 1980).

The expansion of suffrage is typically presented as a triumph over privilege. Despite opposition from the propertied class, workers gained the vote. Women, too, were awarded the vote despite male-dominated governments and electorates. Although voting gives some power to citizens, it can increase the power of governments by giving them much greater legitimacy (Ginsberg 1982; Manin 1997). Further, elections serve to control otherwise unmanageable political activity. Voters learn the limits of political activity, namely, to elect leaders, not to determine policy.

There are other problems associated with having representatives speaking on behalf of others (T. Martin 1988; Morgan 1988). The whole idea of representation or delegation has come in for criticism, and has even been rejected in some quarters. Speaking for others has been seen as "arrogant, vain, unethical, and politically illegitimate" because of the difficulty of representatives transcending their own social identities and the importance of allowing the oppressed to speak for themselves (Alcoff 1991: 6). There will always be times when speaking for others is essential—for example, on behalf of those without a voice, such as young children and people with profound intellectual disabilities. There will always be occasions when some people will prefer to appoint a delegate.

However, elected representatives are not delegates: they do not have to do what citizens want. In other words, voting is making a choice between candidates, not making political decisions directly. Voting allows little room "for texture or nuance and does not create space for transformation or change" (Phillips 1995: 41). Opportunities for voting have increased, but so has the power of the state. The result can be a

sense of isolation and powerlessness in an increasingly complex system of social administration. Popular control seems ever more remote, though some retain the fantasy that it exists.

Random selection can help overcome the learned powerlessness of many citizens, who would not dream of putting themselves forward for election even if they could afford to. Just as juries empower citizens in the legal system, so random selection can empower them in many other areas of decision making.

Bureaucracies

Many of the decisions that affect people every day-for example, in employment, housing, and education—are made by bureaucrats, who are even less subject to popular control than politicians (Phillips 1995: 39). Citizens have little hope of changing bureaucracies, whether they are government departments, corporations, labor unions, or churches. Nevertheless, many people working within bureaucracies understand the need for citizen participation. Participation is seen as a way to improve service delivery, a strategy to avoid costly litigation when a project goes wrong, or a means to enable bureaucrats to gather the sort of information that is essential before they can confidently make good decisions. This participation can come too late, can be tokenistic, or can even be manipulative—just a shallow form of public relations. At its best, however, there are well-meaning bureaucrats who are often very unsure about how citizen participation should occur. They also can feel quite fearful about involving the general public. Bureaucrats have experienced enough out-of-control public meetings to be justifiably wary.

Political theorists now speak of an era of postbureaucracy in which more consultative mechanisms must be instituted so that citizens can regain a degree of influence (Laffin and Painter 1995). Planning, service provision, and evaluation are areas in which citizen participation would seem to be essential. Every time a local government makes a decision to rezone land or approve a major development, community members are affected. Each time a regional or national government department makes a decision about expanding, withdrawing, or in any way altering health, education, or other community services, the citizen or consumer is affected.

Most local government planning policy development in Australia is accompanied by citizen participation; in the United States this is more variable. Some legislation (for example, the Local Government Act in New South Wales, Australia) specifically requires community consultation. Unfortunately, little advice is given to authorities about how to do this. The result can be a plethora of public notices in newspapers advertising proposed development applications, and this in turn arouses pre-

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dictable hostility from a disgruntled community that is weary of pseudodemocratic processes.

Bureaucracies are also workplaces. Some researchers argue that decision-making processes in the workplace affect whether and how people become politically involved (Pateman 1970). If there is no experience of affecting decisions at work, citizens will be less inclined to be politically active in the wider community. Dahl (1985: 111–135) argues that if democracy can be justified for governing a state, it is equally justified in a firm.

Can society operate without bureaucracy? Not the way it's presently organized. But it is possible to imagine running a complex society without the sorts of bureaucracies that exist now, using randomly selected groups of decision makers, as described in Chapter 7.

PROBLEMS WITH PARTICIPATION

If citizens become policy makers, does that mean that visionaries will not emerge? Martin Luther King, Jr., Nelson Mandela, Vaclav Havel, and Aung San Suu Kyi are unlikely to have emerged as formal leaders through a process of random selection. If decision-making duties are rotated, such bright stars might not have a chance to shine. Interestingly, though, when we name specific visionaries, it turns out that they obtained their reputations without or before being elected to office. The systems that we outline are more likely to provide space for visionaries in public life.

Participation can be subject to manipulation. It can be abused by those who wish to use citizen involvement as a public relations exercise or a means to engineer an outcome (Arnstein 1969). If participation leads only to "citizens proudly and cheerfully [waving] their own chains" (Ginsberg 1986: 232), as it often does now, the cause will have been lost.

Public participation or participatory democracy is not without its critics. Some would say that it takes too much time, that the average person does not want to be bothered with involvement in every issue (Mansbridge 1973). Citizens have jobs to do, and friends and families to connect with. We are mindful of this point, which is addressed (for example, in Chapters 5 and 6) as we traverse the grounds of voluntary participation and the extent to which this leads to the swamp of self-selection. The Swiss experience certainly stands in sharp contrast to the belief that citizens will tire of too much participation. The levels of citizen participation in Switzerland remain remarkably high despite the demands of regular referenda and citizen councils.

Any participation that is meeting-based tends to favor men. Feminists have long argued that greater political involvement is skewed toward men—that it is not gender neutral (Bussemaker and Voet 1998). This has

been our and other practitioners' experience, and, again, is discussed in the chapters that follow. Electronic democracy is often raised as a means to counteract gender inequalities. It is necessary to be aware, however, of the shortcomings of some direct techniques, especially those which favor "undercomprehension" and simplistic reductions of complex arguments into a yes/no response. Any reform of decision-making processes must take into account the needs of all citizens, regardless of class, sex, ethnicity, or ability.

Apathy is always raised as a problem when discussing how to increase levels of citizen involvement. In the United States the low voter turnout is often attributed to this phenomenon. Citizens are dismissed as "apathetic," wishing to leave government to politicians and bureaucrats while reserving the right to criticize. There is some doubt, in this common view, that people would actually want their democracy invigorated if it required any effort on their part. Chapters 5 and 6 provide evidence to the contrary.

Politicians and commentators seem to be locked into this belief in apathy. Apathy is socially produced rather than innate (Eliasoph 1998). It may be more useful to liken the public's unwillingness to an unused muscle; because the public is not consulted, its willingness to participate has atrophied; with sufficient exercise this can change (Carson 1995: 161). With greater access to decision making, the community is more likely to participate and is educated by the process itself. This in turns leads to increased awareness, less indifference, and an avoidance of the "overconsulted" feeling that comes from having no influence on decisions. In other words, people "learn to participate by participating" (Pateman 1970: 105). Carol Gould sums it up as follows: "The fact that people fail to vote or to participate in democratic processes is not the result of their unwillingness to be active or to exercise their powers but rather it is because they believe their activity in these instances would be fuile. . . . They regard such procedures as a sham or merely ritual . . . where people believe their participation is effective, they are more likely to participate" (Gould 1988: 296). In order to create a "strong democracy" (Barber 1984), participation needs to be institutionalized.

PARTICIPATION IN LATE-CAPITALIST SOCIETIES

Citizen participation in Western representative governments is hampered not just by powerful politicians or unwieldy bureaucracies or national governments. The late twentieth century heralded a period of late capitalism that defies national borders. Powerful owners and executives are not elected; their existence is validated through reference to the need for stockholder profit. Corporations are seemingly beyond restraint. Cheap labor is sought in developing countries, tax havens protect the INTRODUCTION 13

swelling financial coffers of multinational corporations, currency speculation is beyond the taxation systems of states. It could be argued that national sovereignty is becoming an anachronism, and the power of politicians and bureaucrats is mouselike when compared with the roar of the lions of capitalist enterprises in an increasingly uncontrolled global marketplace.

Thankfully, a few of the globally affluent are beginning to express outrage at their own legal, but morally questionable, actions and the impacts of these actions on weakened nation-states (Soros 1998). World citizens are creating issues-based movements to react to these global forces—the campaign against the Multilateral Agreement on Investment in the late 1990s is just one example. Citizen participation is taking different forms, and the necessity for citizen involvement in decision making has never seemed more pressing.

CONCLUSION

Democracy, an ideal that lives in the hearts of so many people, is best seen as a process, not as a system or structure of government but as an ideal toward which communities and individuals strive: a verb (democratize) rather than a noun. There are many definitions of this ideal, but, there is general agreement that it indicates sharing of power, joint setting of agendas, sharing of information, and decision making. It is claimed that participation at the local level is a means to "learn democracy" because it allows residents to learn the "rudiments of self-government within a smaller unit" (Pateman 1970: 38). This participation need not be confined to the local level or to specific interests.

Decision-making approaches such as those in the following chapters are process-oriented and sensitive to different contexts. Such approaches often are not popular at a time when there is greater emphasis on the individual and a hunger for quick-fix solutions. The alternative decisionmaking processes that we outline are as relevant for those working at the grass roots, building communities, as they are for those in government who are genuinely seeking better ways of involving citizens in the decisions that affect them. It is possible to move beyond the cynical public realm of politics that is so often "confined to spectacles and acclamation" (Habermas 1971: 75), where politics is seen as a public relations exercise. It is possible to ignore Margaret Thatcher's famous statement in the 1980s that there is "no such thing as society," and begin to create civil societies based on increasing social capital. The following chapters endeavor to breathe life into a method of decision making that has always been available but has been suffocated by methods which are unfair, stifle genuine debate, and inevitably lead to poor decisions.

For democracy (in the government, the organization, or the commu-

nity) to be strong, it must contain the essential element of citizen participation, not just by a self-selected few but by ordinary people who rightly can determine their own futures. Given the difficulty of involving *everyone* in such a deliberative process, we argue that random selection is an ideal means by which a cross section of the population can be involved.

Random Selection in Decision Making

The use of random selection in decision making is a way of being fair and being seen to be fair. It is especially valuable when other methods leave open a suspicion of bias or conflict of interest.

In everyday usage, the word "random" means haphazard, aimless, or without a definite purpose. However, we use the word in its statistical sense, in which a random sample is one in which each member of a population has an equal probability of being selected. In other words, random selection means equal chances of being selected. There can be a very definite purpose behind the use of randomness, though the actual selection made is a matter of chance.

Using random selection requires quite a bit of judgment, just like any other method of decision making. It does not automatically produce fairness. At what point in the process should random selection be applied? How are options selected? When are people persuaded that randomness is fair? What must be done to ensure fairness? Here we look at four major ways in which random selection can be deployed: to make decisions directly, as a strategy to make decisions, to judge opinions, and to choose decision makers. Rather than present abstract arguments (Broome 1984), we mainly raise ideas through examples. We also look at evidence about perceptions of the fairness of random selection.

RANDOM SELECTION TO MAKE DECISIONS

Games

In many games of chance, randomness is seen as central to fairness. Consider the Australian game of two-up: two coins are tossed in the air, and players bet on whether there will be two heads or two tails. When the result is one head and one tail, the coins are tossed again. Simple enough. Though illegal, two-up was extremely popular in Australia from the mid-1800s to the mid-1900s.

Imagine an alternative: each coin is held in one hand of a "holder," behind her back. After the betting, she puts her hands out, palms up, and reveals heads or tails. If the holder is totally honest, everything is fine. But some players may suspect that the holder, noting how the betting is proceeding, may be changing the coins. It doesn't matter whether the holder is totally honest or not: there is no way of convincing everyone that she *is* honest.

Tossing the coins ensures that the result is seen to be fair, because it cannot be influenced by anyone involved. The coins, of course, have to be checked to make sure that they are fair or true, having an equal chance of giving a head or tail on each toss. Likewise, any other possible human influence on the result needs to be removed. Two-up rules require that the coins must reach a certain height and spin suitably. The coins are specially colored to prevent the spinner from surreptitiously introducing double-headed coins. When all this is done properly, losers can blame only bad luck, not bias or conspiracy.

Other games of pure chance, such as lotteries and roulette, are analogous to two-up. The result must be seen to be due purely to random processes that cannot be predicted or controlled by anyone. (In practice, there are various scams to cheat the system, which means producing a

nonrandom result.)

In many lotteries and prize draws, the rules specify that employees (and their family members) of the company sponsoring the enterprise cannot enter. Why not? It is to ensure that the result is seen to be fair in outcome as well as process. If the lottery director's daughter won the top prize, many people would suspect cheating even if the result was pure luck. To avoid any appearance of special treatment for insiders, only "outsiders" are allowed to play. This suggests that being seen to be fair can be as important as actually being fair.

When the outcome is purely random, games can be, and can be seen to be, "clean." Adding just a touch of nonrandomness messes everything up. Consider horse racing. Much depends on known factors, such as the speed of the horse, its weight, its rider, and its start position. But of course not everything is known, since otherwise the winner could be

predicted with 100 percent accuracy and there would be no point in holding the race. Chance factors play a significant role, such as a horse or rider being "off" on the race day, a horse getting caught behind other horses, or a horse putting a foot wrong. Because both random and nonrandom factors are involved, the way is opened for manipulation. Some interventions are seen as legitimate, such as training the horse. Others, such as drugging the horse or holding it back during the race, are seen as illegitimate, because they can be used by insiders to make money at the expense of other gamblers. Hence it should not be surprising that horse racing has been subject to periodic cheating scandals, and no doubt much cheating is never detected. The same applies to sports such as soccer, baseball, and boxing, where players affect the outcome and thus have an incentive to throw the game or change the result by a few points.

Sport is an arena where fairness is absolutely crucial. The rules of sports establish a micro-world in which wider social and political influences are set aside. All that is supposed to matter is performance within the boundaries of the event. The key reason why drugs are banned in many sports is that a drug-free competition—in which no contestants have an artificial advantage—seems fair. This view is implicit in much writing about drugs in sport (e.g., Mottram 1988; Wadler and Hainline 1989). In competitive sport, the rules are designed to ensure that the better performer wins. Cheating that is exposed may be penalized severely.

If there is a systematic advantage to one side in a particular contest, then it is expected that this will be compensated for at another time. In baseball, the visitors bat first and the home team bats last, giving an advantage to the home team and a greater chance of a win for the satisfaction of local spectators. This is allowable because teams play equal numbers of games as the visitors and as the home team. In cricket, on the other hand, batting last is not always an advantage, depending on the state of the wicket and other factors. A coin toss is used to decide which cricket captain gets to choose whether to bat or field first.

Games, whether sports or games of chance, are artificial situations designed and used for a variety of purposes, including amusement, profit, and personal achievement. In some sports, such as professional wrestling, there is no pretense that the event is fair. But fairness is commonly a key element in games, which is why rules are enforced and cheating is condemned. Various methods are used to maintain fairness, including referees, scrutineers, and drug testing—and randomness.

Among Friends

Imagine that you are one of a small group of friends who need to make a choice. When might you use random selection? Suppose someone gives your group a reasonable sum of money, to distribute as you please. It might be that Mary needs the money more than you do. However, unequal divisions can cause problems. Exactly how much should Mary receive, compared with the rest of you? You may feel resentful that Mary is getting so much, or Mary may feel obligated as a result of her extra amount, or both. Resentment and a sense of obligation can cause tensions in the group. This can be avoided by dividing the money equally. Equal allocations often are seen as fair even though need is unequal.

So far, so good. But money is relatively easy to distribute because it is divisible. What if your group receives one free ticket to a live performance by your favorite artist? The performance is sold out, and this may be the last time the star will perform. If you are the only one who likes the star, the solution is easy—you get the ticket. But what if all of you adore the star and would value the ticket more than any amount of money? In this situation, using a random process such as flipping a coin or tossing dice may seem fair to everyone. Everyone has an equal chance.

If, on the other hand, you expect to receive a series of free tickets over the coming months, it often seems fair to take turns: one person goes one time, another person the next. But who goes first? Flipping a coin is a good method if there is no other way to decide.

Among friends, random selection thus can be a useful method of decision making when other methods run into problems. Often decisions can be reached by mutual agreement—for example, unequal divisions based on need or merit, equal divisions, or having different people have their choice at different times. Random selection is helpful when none of these methods works or when they cause tensions in the group.

A final situation is when no one really cares about which choice is made. Tossing a coin about which restaurant to go to can help overcome a deadlock when no one wants responsibility for making a choice. It also can help individuals who find it painful to make a decision.

Among friends, random selection will be seen to be fair only if everyone agrees to it. As in all situations, fairness is in the eye of the beholder. Often a better method is allocation on the basis of need or appropriateness. Randomness is likely to be seen as fair only when needs or desires are seen as equally valid, or when no one really cares about the final choice.

Research

A scientist wants to test a new pain-relieving drug on humans. The task seems straightforward: just pick some volunteers who are in pain and see whether they obtain relief. But it's not that easy. The first complication is that the volunteers might report reduced pain simply because

they believed the drug was helping. A placebo—a pill without the drug—might give just as powerful an effect.

The way around this is to give some volunteers the drug and some the placebo, and see whether the ones getting the drug have more pain relief than the ones getting the placebo. The next complication is deciding who gets the drug and who gets the placebo. If the researcher decides, there might be some bias because a certain type of person is chosen to get the drug. Furthermore, if the researcher knows who is getting the drug, the researcher might give subtle, unconscious indications to the volunteers, again biasing the result.

To avoid bias and placebo effects, then, the researcher may choose to run a randomized double-blind trial. Volunteers are chosen according to strict criteria and put into two (or more) groups that are matched to be as similar as possible. The choice of who gets the drug and who gets the placebo is made randomly, and neither the volunteers nor the researcher knows which is which during the trial. (In a "blind" trial the subjects don't know who is getting what; in a double-blind trial the researcher doesn't know either.) This is the basic idea behind much clinical testing and other research.

Randomness is thus used in research to produce an unbiased result. This is a sort of fairness, not to the volunteers but to the drugs or theories being tested.

Random Drug Testing

In some workplaces, employers require workers to be tested for use of drugs, typically by analyzing their urine. There are various ways this can be implemented: before a person is hired, after there has been an accident, or when someone is suspected of using drugs. There is a rationale for each of these: to screen applicants, determine culpability, or target likely users.

It is more comprehensive to test all workers, but this can be quite expensive. However, it is possible to have a similar impact with random testing: any worker may be tested at any time on the basis of chance. Since workers never know for sure when they might be tested, they are inhibited from using drugs nearly as much as with universal testing. Random testing in effect operates as a form of universal surveillance over the workforce. For the same reason, workers are much more opposed to random testing than they are to testing before employment, after accidents, or on suspicion (Gilliom 1994: 64).

"Random" drug testing implies fairness: no one is singled out for attention, so to be selected for a test implies no guilt. The more obvious the randomness, the fairer the system seems to be. If in a workplace the

selection of workers to be tested is made by a computer or lottery draw, the decision may be seen to be fair (even if unwelcome). This level of fairness is not always possible. In some countries, police have the power to stop drivers and ask them to have their alcohol level measured by a breath tester even though there is no suspicion of alcohol consumption or unsafe driving. This is called "random breath testing." In practice the tests are anything but random. They are likely to be held at locations and times of the day when drinking and driving is more common—certainly not during the rush hour for commuters going to work. The testing might be more accurately named "somewhat random selection of individual drivers at targeted times and places." The label "random" is brief and captures one element of what is going on.

Whether drug testing actually achieves what it promises depends enormously on implementation. One group that is subject to drug testing is athletes. Some testing is announced before events, allowing individuals to drop out of the competition due to "injuries" or other excuses. In other cases only winners are tested, allowing current drug users to avoid testing by hanging back. Although only 1 or 2 percent of athletes test positive for banned drugs, informed private opinion is that ten times this proportion actually use banned drugs at one stage or another, depending on the sport (McGuire 1990: 12). Some drugs cannot be detected by testing, and there are numerous ways to cheat by going off drugs a suitable time before testing or by using masking drugs so that tests are not effective. Random surprise testing at any time (whether during or between events) would be far more effective in detecting and deterring drug use, but this has been resisted by many sporting bodies.

To say that random drug testing is an effective way to keep surveil-lance over a population's drug use is not necessarily to endorse drug testing, nor indeed to agree that drug use is undesirable. In the case of workers, for example, it can be argued that drug use is bad only if it creates a hazard or significantly reduces productivity, and that functional testing, such as using video games to test workers' alertness and responses, is more relevant to the stated goals of making the workplace safer and more productive. Fairness in many sports might be better achieved by providing equal equipment—such as standard racing bicycles—and equal access to drugs (Bakalar and Grinspoon 1984). Our point is that randomness can be used to make a system fairer within its own terms, without necessarily endorsing the system. If competitors are to receive standard bicycles, then they had better be allocated randomly.

Lotteries with Bad Prizes

Normally people think it is a good thing to win a lottery, but sometimes the "prize" is something everyone wants to avoid. In the early

1970s, the U.S. government used a lottery, based on birthdays, to decide which young men would be drafted into the army; many draftees were sent to fight in the war in Vietnam. The purpose of this system was to be fair in the sense that every eligible male had an equal chance of being picked. (In practice, perfect randomness in choice of birthdays was not achieved in the 1970 lottery [Fienberg 1971].) However, many people opposed both the war and the draft, and from their point of view the allocation, however fair within its own parameters, took place within an unfair system. Draft lotteries were also held in the United States, as well as in a number of European countries, during World Wars I and II (Fienberg 1971).

In November 1998, a lottery was held in the Australian state of New South Wales to decide which loggers would lose their contracts, and hence their jobs. The state government had increased the national park area in the southern part of the state, a major timber region, thus reducing the amount of pulpwood that could be harvested. As a method of cutting back on logging crews, the multinational forestry corporation Harris Daishowa used a lottery. A front-page story in the *Sydney Morning Herald* (Woodford 1998) emphasized the unfairness to the logging contractors who lost in the lottery.

However fair it may be, random selection may become tainted when it is used to allocate "bads" such as military service or job losses. The taint will be exacerbated when participation in the lottery is not voluntary.

University Entry

In most countries, entry to university is based largely on merit, as determined by high school grades and performance on standardized tests. Scandals occur when cheating is detected, for example, in the United States' SATs. There may be debates about the appropriate tools for choosing between applicants but little debate about reliance on the merit principle. Debate becomes heated when there are deviations from "merit," for example, affirmative action policies that involve quotas. Merit also is violated when certain students are given easier entry because they are children of graduates, live in specified regions, or are in specific ethnic, gender, or religious categories.

Some courses of study are far more popular than others, often because they are perceived as leading to better jobs. In Australia since the 1980s, there has been intense competition to gain entry to undergraduate courses in medicine, law, and, to a lesser extent, commerce. The result has been that very high scores on standardized tests are required to gain entry to these degree courses.

From one point of view, this is only fair: those who do better in high

school should have the first opportunity to take the university course of their choice. But from another point of view, it is unfair to students who could be good doctors or lawyers but do not score high enough on standardized tests. After all, high scores on tests in mathematics or English do not guarantee that a student will have the dedication, principles, or human concern to make a good doctor or lawyer. Indeed, it might even be argued that those who go into these professions mainly for status or money are not the best choices.

In the Netherlands, a different method is used. Anyone who obtains high school grades considered good enough to undertake a degree is considered for entry. If there are too many candidates for a particular course that is in high demand and expensive to run—such as medicine, dentistry, or veterinary science—entry is determined by random selection from qualified applicants. For example, suppose you want to study dentistry, but there are twice as many students who want to study dentistry as there are places. You enter the dentistry course lottery. If you are successful, you get to undertake the course. If you are unsuccessful, you can try again next year. Those who don't care all that much may decide to study something else. Those who have their heart set on dentistry will keep applying, and eventually the numbers of most of them will come up.

The Dutch system is a response to the problem of selection error: that results in national examinations are not a perfect predictor of success at university. However, students who get high scores in the examinations are given increased odds of success. Figuratively speaking, good results can be traded in for extra tickets in the entry lottery, but every student who reaches a specified minimum standard has at least one ticket (Riekele Bijleveld, personal communication 1993).

University entry by merit and by lottery can be considered to be based on two different conceptions of fairness. Merit-based allocation operates on the assumption that the "better" candidates—those who are more talented or higher achieving—should have their career choices satisfied before those who are rated lower. Lottery-based allocation, in contrast, operates on the assumption that all candidates who satisfy a specified minimum requirement—those who are good enough—are equally entitled to satisfy their career choice. Alternatively, random selection can be justified as a screening device for entry to desired faculties when there is no conclusive and fair way to distinguish between the applicants.

In addition to assumptions about individual entitlement, there are important social implications associated with the different allocation principles. Merit-based allocation leads to a concentration of "better" students in highly desired courses and occupations, whereas lottery-based allocation spreads these students across a wider range of areas. Although lotteries have occasionally been used for university admissions in the United States (Wolfle 1970; see also Jump 1988), in countries where

merit-based allocation is well established, there are few voices advocating lotteries.

If the goal is equality, then a complete solution is equal provision. However, when goods are limited—as in the case of entry to certain university courses—equality is impossible. If equality of outcomes is impossible, then it can be argued that the next best solution is equality of chances—selection by lottery (Oppenheim 1977). The Dutch system thus places a higher premium on equality of chance than do entry schemes based on test scores, high school grades, family connections, or quotas.

Social Justice by Lottery

In her fascinating book *Justice by Lottery* (1992) Barbara Goodwin makes a case for fostering equality in society by distributing all major opportunities and rewards by lottery. Consider housing. In the short term, there is no prospect of achieving equality because there is such a huge investment in the present housing stock, from mansions to tiny units. So instead of trying to equalize the overall provision of housing stock, Goodwin advocates allocating equal chances within the existing stock. For each five-year period, for example, people (individuals or families) might be allocated to housing by lottery, so that everyone would have a chance to live in a nice house in a plush suburb or to end up in less salubrious quarters. (This would also provide an incentive to improve the poor end of the offerings.)

Goodwin proceeds to make the case for a similar distribution of other "goods," such as travel opportunities and meals at expensive restaurants. Perhaps the most eye-opening option is job opportunities, which could be randomly redistributed at regular intervals. A host of objections spring to mind; Goodwin deals with them all. Objections come from socialists but especially from liberals who support allocation on the basis of merit. We do not endorse Goodwin's proposal but find it thought-provoking.

However, to argue on the basis of merit or some other principle of "deservingness," such as hard work or loyalty, does not avoid the role of chance in deciding who gets what. Goodwin points out that a single chance event, birth (especially who our parents are and our natural endowments), determines much about our lives. "Genetic chance" thus influences abilities and attitudes. Why, she asks, should this be seen to be fair? Is it not fairer to give everyone a chance, at routine intervals, at different jobs and social rewards?

RANDOM SELECTION AS A STRATEGY TO MAKE DECISIONS

Imagine that you are helping to organize a nonviolent protest action in a small town. It could be about taxes on farms or safety at schools—

the topic doesn't matter. Suppose there are two obvious places for the action: the civic hall and the square. A small group of opponents wants to disrupt the protest by occupying the location beforehand. They suspect you will choose either the civic hall or the square but don't have enough people to cover both locations effectively. If the opponents choose the same location as you do and prevent the action, they win and you lose. If the opponents choose the wrong location, they lose and you win. How do you decide?

If the opponents are knowledgeable, they will look at previous actions and try to work out a pattern. If they have informers, they will find out about your deliberations. To overcome this, one method is random selection. At the last possible moment—perhaps just as your protest group is assembling—you flip a coin to decide whether to go to the civic hall or the square. This will give you a 50 percent chance of winning no matter what the opponents do. Even if the opponents know your strategy, they cannot do better (or worse) than 50 percent because they cannot predict which way the coin will land.

This example is artificial, to be sure. Nevertheless, it captures a key feature of many decision-making situations in which one's best choice depends on the choice of an opponent, and vice versa. By making one's own decision randomly, according to probabilities worked out on the basis of choices and outcomes, a specified average return can be guaranteed no matter what one's opponent does. This sort of strategic use of random selection applies in various areas of economics, international relations, politics, and war. For example, companies need to develop their own investment or sales plans in light of likely moves by competitors. Army commanders need to develop plans of attack and defense in light of likely moves by the enemy.

There is a sophisticated branch of mathematics, called "game theory," dedicated to solving these sorts of problems. There is no need to go into details (for readable introductions see Davis 1970; Luce and Raiffa 1957; Rapoport 1960). The main relevant point here is that the use of random processes as a strategy to make decisions is for the purpose of winning. It has little to do with fairness, except in the tenuous sense that it is

"fair" for the better competitor to win.

RANDOM SELECTION TO JUDGE OPINIONS

Opinion polls are an everyday part of politics and political commentary (Asher 1995). Pollsters find out political opinions and voting intentions, but a larger part of their work is commercial, asking whether people recognize the names of car tires, use certain brands of cosmetics, or are familiar with certain magazines. Nevertheless, we'll focus on polls about social and political issues.

Some polls are obviously biased. One big problem is leading questions. The whole topic of survey and questionnaire design is vitally important and much studied (Payne 1951; Sudman and Bradburn 1982; Sudman et al. 1996).

There are other problems, too. A radio station asks "Are you for or against the new tax on land worth over \$1,000,000?" and tells listeners to call one of two numbers to register their votes for or against. These sorts of polls suffer from the problem of self-selection. Only people who happen to hear about the poll and are concerned enough about the issue are likely to register their votes. Those who "vote" are unlikely to be representative. Million-dollar land owners are likely to vote repeatedly, whereas others are unlikely to be so enthusiastic, especially if there's a service charge for each call.

The ultimate opinion poll involves asking everyone's opinion. This is very expensive and difficult. The closest approximations are censuses (which collect personal data rather than survey opinions) and elections and referendums with a high turnout.

To obtain an approximation of the state of opinion throughout the entire population, it is standard to use random selection to pick a sample of the population. Let's say there are a million people. By surveying just a thousand, a very good approximation of the balance of opinion can be obtained on most issues, such as "Are you for or against the death penalty?" or "Do you believe that Earth is visited by spaceships from other worlds?" Suppose that one out of ten people believes that aliens visit Earth. It could be, just by chance, that all thousand people surveyed happen to be believers in aliens, thus giving a false result of 100 percent believers. But this is so unlikely that the pollster has more chance of being hit by a meteor. Statisticians can work out the likelihood of deviations from the true percentage. It turns out that even for a large population, quite a small sample can give a fairly accurate result nearly all the time.

Consider a population of a million people, some of whom support policy A and the others support policy B. How many people would you need to poll before you obtained an accurate estimate of support for A and B? If you ask 100 people, randomly selected, and 50 of them say A, then you can be 95 percent sure that the actual support for A is between 40 percent and 60 percent of the population. If you ask 2,500 people and 1,250 of them say A, then you can be 95 percent sure that the actual support for A is between 48 percent and 52 percent. The result is virtually the same whether the population is a million or 100 million.

Accuracy can be improved by choosing the sample carefully. If everyone chosen comes from the same suburb or has a low income, the result will be biased. So pollsters make sure they pick a sample that has the same characteristics as the population as a whole: the same percentage of males and females, the same geographic spread, the same range of education levels, the same range of incomes, the same ethnic mix, and so on. This is called a stratified sample. Let's say a key variable is sex, in that women's answers are likely to be different from men's. Then it is vital to stratify the sample by sex. Suppose that women are 52 percent of the population. Then to make up a sample of 100 respondents, 52 would be chosen randomly from the women in the population and 48 from the men. In other words, within strata, cases are selected randomly. With such stratified samples, statisticians can work out the likelihood of deviations from the true result.

Actually, this isn't the most efficient way to proceed. A more accurate result can be obtained by making some samples proportionately larger or smaller than their percentage of the population. For example, suppose women have a variety of opinions but all men answer the same. Then it would be necessary to ask just one man his opinion; the rest of the polling would be of randomly chosen women. The trick, then, is to combine the two samples with appropriate weightings, such as 52 percent and 48 percent in the preceding example.

In opinion polling, random selection is one of the techniques used to help obtain an accurate result. The result can be biased in various ways, for example, by asking leading questions or ignoring certain options. Questions also can be directed to respondents as self-interested individuals rather than as responsible citizens (Barber 1992). An opinion poll can be fair in the sense of being unbiased, but beyond that, the concept of fairness really isn't relevant, since a poll is normally not a method of reaching decisions. However, policy makers may base their decisions on poll results, in which case the role of randomness in ensuring an unbiased result is crucial.

The concept of a poll can be expanded to include providing information, inviting deliberation, and fostering interaction among those whose opinions are sought. This can be called a "deliberative poll." For example, citizens might be given detailed information about options and encouraged to reflect before providing their views. How such methods influence the quality of choices made is not easy to determine (Price and Neijens 1998). We discuss a number of these approaches in Chapters 4–6. Once deliberation and interaction are introduced into a poll, the process does far more than survey opinions: it fosters education and participation.

RANDOM SELECTION TO CHOOSE DECISION MAKERS

The Jury

The jury is the best-known example today of the use of random selection to choose decision makers. In a court case, a jury is selected from

the citizenry to hear evidence and arguments and to reach a judgment. Criminal juries are used widely in the English-speaking countries, especially the United States, but are far less common elsewhere. Juries are most likely to be used for serious criminal cases, though they are sometimes used for civil cases (Abramson 1994; Enright and Morton 1990; Finkel 1995; Hans and Vidmar 1986; Kalven and Zeisel 1971; Simon 1975; Zerman 1981).

Why should jury members be drawn from the population? On the surface, there is a strong case for sticking with judges. After all, most of them are trained in the law and have great experience with it. They are familiar with the tricks of the legal trade and learn a lot about criminals and their stories, as well as about police and prosecutors. In short, judges have expertise and experience. Why shouldn't they do the job rather than a random group of citizens with no particular expertise and little or no courtroom experience?

Many judges are honest, hardworking, knowledgeable, and wise. But no matter how good they are, it can be hard to avoid the appearance of bias and links to vested interests. A person before the court may suspect that the judge has a special relationship with the police, or has been paid off by the prosecution. Unfortunately, this is true of some judges.

A key reason for juries is for justice to be seen as fair. The jury members are independent of the legal system. Even if one or two of them are compromised or biased, there should be enough honest members to ensure fair play.

Juries have a long history of being independent. In the early days of the jury in Britain, the sovereign sometimes put pressure on juries to change their verdicts, even to the point of putting them in prison and withholding food. The refusal of jurors to acquiesce was crucial in establishing the jury as an independent body beholden to no one.

Juries can be selected randomly from citizens or in some nonrandom way. However, any nonrandom process opens the door to bias and accusations of bias. For example, in Denmark, committees of politicians choose jurors from lists of local members of political parties, thereby immediately excluding 95 percent of the population. In addition, the selectors, who work down a list of party members, may use their knowledge of individuals, for example, whether they are known for having "humanistic" viewpoints (Marcus Schmidt, personal communication 17 February 1999).

Even when random selection is the official procedure, juries have never been perfectly randomly chosen from the entire local adult population. For example, it was only in 1972 that Britain eliminated the property qualification for jurors, thus allowing millions of propertyless citizens to be placed on jury rolls (Enright and Morton 1990: 17–18). In the United States, until recently few jury panels were fully representative of the adult population, since jury source lists were commonly formed solely from voter registration lists, and a substantial proportion of citizens are not registered to vote (Piven and Cloward 1988). (This problem does not arise in the many European countries that have compulsory voter registration.)

To overcome this problem and thus help eliminate ethnic and other imbalances, jury source lists now are often compiled using multiple lists, especially driver's license records. Other approaches include the use of different sampling methods, such as cluster sampling and stratified sampling, and the ad hoc addition of minority individuals to jury panels. Another bias is caused by the inability or reluctance of many people to serve on juries, due to work or family commitments or just distaste. The yield of actual jurors from jury panels can be as low as 10 percent. It could be improved by removing occupational exemptions, providing better pay for jurors, and by a rigorous process of pursuing prospective jurors through (1) a summons, (2) follow-up letters, and (3) allowing jury service to be postponed (Domitrovich 1994; Fukurai et al. 1991; Munsterman and Munsterman 1986).

Although subject to limitations, random selection has the advantage that it can't be controlled by anyone and that this is obvious to everyone. Therefore some level of fairness is achieved and seen to be achieved.

Besides fairness, there are other rationales for random jury selection. One is that a person charged with a serious crime should be judged by peers. Judges, sitting in a position of power and privilege, may get out of touch with community values. Juries bring justice back to what "ordinary" people think is right.

Juries also serve a powerful function politically by defusing anger toward government officials. Some court cases are incredibly charged politically, such as trials for horrific murders, and whatever decision a government or judge would make could unleash potent forces of anger and resentment against the government or judge. A jury helps to defuse these emotions, since it is composed of many individuals—none of whom can be blamed entirely for the jury's decision—who are seen as ordinary citizens with no special connection to the defendent or prosecutor.

Random selection has always been used in conjunction with various forms of screening. In many jurisdictions, prosecutors vet potential jurors: police run checks to eliminate individuals who are ineligible because of criminal records. Of greater concern, in Britain spy agencies have been involved in vetting on the basis of legal political activity (Enright and Morton 1990: 38–52). The prosecution and defense can quiz potential jury members and rule them out on specified grounds—and, to some extent, without giving grounds at all. In the United States this

process of voir dire can be a grueling ordeal that eliminates many potential jurors.

If some jurors are biased or have a conflict of interest, the defendant is protected by the requirement for unanimity, since at least some jurors may be independent and fair-minded, though they also have to be resolute enough to resist strong pressures to acquiesce in the search for consensus. Possibly the most controversial reform to the jury system in Britain in the past century was the introduction of majority verdicts—requiring agreement of ten of the twelve jurors—in 1967 (Enright and Morton 1990: 69–76).

Thus the jury is set up to be fair, be seen to be fair, and to provide extra protection to innocent defendants against conviction. This is in accord with a value judgment often expressed as "It's better to let nine guilty people go free than convict one innocent person."

In spite of all the safeguards, juries are hardly free of criticism. Sometimes cases are so notorious and polarizing that a jury decision, whatever it is, cannot convince or mollify the population. This has been seen in some famous U.S. cases, such as the acquittal of police officers who beat Rodney King and the acquittal of O. J. Simpson on the charge of murder. Nevertheless, the situation is far worse when juries are perceived to be flawed according to their own criteria. In one Australian example, the Queensland premier (equivalent to the governor of a U.S. state) was prosecuted for perjury. The premier, Sir Joh Bjelke-Petersen, was a high-profile leader of the National Party. There was a public scandal when it was revealed that the selection of the jury had been manipulated to include Luke Shaw, who had held an official position in the Young Nationals, the youth branch of the National Party. Shaw became foreman of the jury and conspicuously held out against conviction.

The role of the jury has come under attack from a number of quarters. Corporations and their advocates have argued that juries are inappropriate in cases involving complex technical issues, such as environmental cases involving specialist expertise, cases involving intricate corporate structures and alleged corruption, and cases involving medical treatments where experts disagree. Britain and some U.S. states have legislated to allow smaller juries and majority verdicts, which can be reached although one or two jurors disagree. These changes are usually intended to make decisions easier to achieve and to reduce costs resulting from hung juries. However, they also have the effect of reducing the credibility of the jury's verdict.

A key accusation is that juries often make the wrong decision as a result of ignorance, collective bias, susceptibility to persuasive lawyers or witnesses, or just laziness. However, it is difficult to back up these charges with empirical evidence. The fundamental problem is to determine what the "correct" verdict actually is. A number of studies have compared jury verdicts with the judges' personal views—obtained through question-naires—on what they believe would have been the correct verdict. The results show that judges and juries don't differ all that much (Kalven and Zeisel 1971). It appears that the primary determinant of the jury's verdict is the evidence, rather than bias, oratory, or laziness. Furthermore, sometimes the judge gets it wrong. There is no ultimate way to determine whether juries are making mistakes, but the evidence that does exist suggests they do pretty well.

There are some good reasons why juries can be expected to make sound judgments. Their inexperience with court cases is balanced by a freshness and openness to the evidence. They are less likely than a judge to carry preconceived ideas about a particular defendant or prosecutor. Individual jurors may lack specialist expertise, but most juries in industrialized countries include people with considerable knowledge, skills, and judgment. Being a parent, running a small business, working in a corporation or government office, or being involved in community activities provides knowledge of the social world that can be most useful in assessing evidence and forming judgments. In addition, jurors sometimes have skills in areas involving science, education, economics, or policy.

A crucial part of being on a jury is discussing the issues with the other jurors. This allows each person to express and test ideas and arguments, to reject poor ideas, and to work toward a consensus. To be sure, this process is often far from perfect. Even so, the mutual testing of ideas is a remarkably powerful mechanism for improving judgment. A single

judge does not have this luxury. For juries, it is built in.

In summary, a key reason for the existence of juries is the need to be seen to be fair and to avoid bias and conflict of interest. Juries in practice reach verdicts that are usually the same as judges' verdicts. What they sometimes lack in specialist expertise they make up for in breadth of

experience and the mutual testing of ideas.

Although the U.S. Constitution guarantees a jury trial in all criminal prosecutions, in practice almost all cases are settled through plea bargaining (admission of guilt to a lesser charge or for a reduced sentence). As a result, prosecutors acquire great power, accused people are placed under coercion, and criminal statistics are distorted. Juries are used so seldom that citizen participation in courts is greater in European criminal justice systems where citizens and judges join in a nonadversarial system of gathering evidence and impartial prosecution. Thus, although random selection is useful in providing fairness in one aspect of justice systems in English-speaking countries, it is embedded in a wider adversarial system based on plea bargaining that is far from fair for many accused (Langbein 1992).

Classical Athenian Democracy

In the fifth and fourth centuries B.C., Athens achieved a level of democracy that is still held up as a model today. Random selection, usually referred to in this case as the lot or sortition, was a central feature of classical Athenian democracy (Hansen 1991; Headlam 1933; Manin 1997: 8–41; Mulgan 1984; see also Aristotle 1984; Jones 1960; Sinclair 1988).

At the time there were perhaps 30,000 to 60,000 citizens in Athens. The most important decisions were made in the Assembly, which every citizen could attend. The Assembly was assisted by several other bodies. The business of the Assembly was prepared by the 500-member Council, made up of ten sections of 50 members; each section was chosen by lot from one of the 10 tribes of Athens. Their term of office was one year. Each section took a turn serving as the *prytany* or committee, the order being determined by lot. The persons presiding over the *prytany*, the Council, and the Assembly were chosen by lot on the day they met.

Lot was also used to choose members of very large juries—with hundreds or even thousands of members—for courts that decided private cases but often raised wider political issues. Many court cases were essentially used to provide a means for holding a vote of confidence in a leader. Thus court juries served as de facto policy makers, as do contemporary criminal juries, though in a far less planned and more attenuated fashion (Jacobsohn 1977).

Most public officials were chosen by lot. Committees dealt with matters such as awarding public contracts, collecting revenue, and inspecting markets. A typical committee had ten members, chosen by lot for a term of one year. Those who had already served were not allowed to be reappointed to the same office. For example, Athens had ten treasurers, ten sellers and ten receivers (dealing with, for example, mining contracts), ten city magistrates, ten market magistrates, eleven who ran the jails, five supervisors of road building, forty dealing with private lawsuits, ten auditors, ten to perform sacrifices and run festivals, and nine archons to deal with processions and have initial charge of lawsuits—all chosen annually by lot from citizens over the age of thirty. (About two-thirds of citizens were over thirty.) When ten officials were selected, usually one was taken from each of the ten tribes.

The only exceptions to sortition were certain offices where competence was considered absolutely vital. This included many military officers—generals, squadron commanders, regimental commanders, and cavalry commanders—and some financial officials. These positions were filled by election. However, unlike today's elections, there were neither political parties nor organized campaigning.

Athenian democracy was far from perfect. Only citizens were involved in the democratic activities; women, slaves, metics (resident foreigners), and children were not citizens. Furthermore, it can be argued that participation by citizens was not as active or as welcome as presented in later accounts (Campbell 1989). Nevertheless, classical Athenian democracy shows that running a substantial society by using highly participative means, especially random selection, is feasible.

Today, most people think democracy means elections. Representative government is a system that highlights equality of opportunity, but not equality of outcomes. In classical Athens, by contrast, political equality was the goal: an equal sharing of social goods, including political office. A degree of inefficiency was tolerated in most areas in order to provide every citizen with time in office. Sortition eliminated the feeling of entitlement that comes from election or selection by merit. Members of committees were there because of chance, nothing more. To the Athenians, the lot was democratic; elections were considered aristocratic or oligarchical. Only with the lot was there genuine rule by the people.

There were considerable controls on officials selected by lot. Those serving in office had to be over thirty years old. They were subjected to assessment at selection and, at the end of their terms, their records were scrutinized. This process of scrutiny, among other things, probably discouraged some from volunteering for the ballot, especially those from the lower classes. The strict system of auditing and the subdivision of duties meant that the discretionary power of officials was limited.

One advantage of the lot for ancient Athenians was reduction in factionalism and competition for office. This was the reason for selecting equal numbers from each of the ten tribes—a type of stratified sample. Conflict was focused more on the issues, over which there was vigorous debate, than on the struggle for office.

Another important advantage of the lot was that it helped keep power in the hands of the Assembly, reducing the prospect of acquisition of power by executives, bureaucrats, and wealthy citizens. Because those selected for executive and administrative jobs had no mandate, and because their terms could not be extended, the central role of the Assembly was maintained. Randomly selected officials were more likely to act as delegates of the Assembly, since they had no independent mandate or expectation of continuing in office. Random selection thus provides a way of preventing the gradual expansion of power by officials within the context of popular participation. The ancient Athenians actually sought to make holding office unattractive to power seekers.

For most positions chosen by lot, Athenian citizens could not be selected more than once. An important consequence was rotation in office; no one could build up a power base through staying in a particular position. Because there were so many offices for the size of the population, nearly everyone who volunteered for office could expect to serve at one time or another. This meant that nearly every citizen had the

experience of participating in government. Athenian democracy, unlike today's representative governments, was the closest that any society has come to rule by the people.

Other Historical Examples of Sortition

Sortition was used most comprehensively for choosing public officials in ancient Athens, but there are other examples (Engelstad 1989; Manin 1997: 42–67).

- Other ancient Greek city-states probably used sortition, but only in Athens is this well documented.
- Lotteries were used in Italian city-states to select the six to twelve members of
 the city government, who had very short terms of office, as brief as two months.
 This procedure was used longest in Florence, for much of the period between
 1328 and 1530. To ensure quality, all volunteers for office in Florence in the
 1300s had to undergo a process of scrutiny twice, once by a group of aristocrats—thus maintaining a degree of elite control—and once by a body of citizens who themselves were selected by lot. The scrutiny helped weed out
 incompetents and unworthy citizens, and prevented challenges to the aristocracy.
- Sortition also was used as part of a complex process involving nomination and voting in Italian city-states. This was most elaborate in Venice, where it was used to select the chief magistrate, the doge, who had to be chosen from among the several hundred members of the Great Council. To begin, thirty members of the Great Council were selected randomly, then reduced to nine by another draw. These nine then nominated and elected a new group of forty, each of whom had to receive at least seven votes. These forty were reduced to twelve by sortition. The twelve chosen then nominated and elected a new group of twenty-five, who were reduced to nine by sortition. These nine nominated and elected forty-five new men, who were reduced to eleven by sortition. The eleven nominated and elected forty-one, none of whom could have been chosen previously. This final group of forty-one elected the doge (Knag 1998). This procedure involving alternate turns of sortition and election was designed to prevent any family group or other clique in the Great Council from dominating the selection. Similar but less complicated procedures were used in such Italian cities as Bologna, Parma, and Vicenza, as well as in Barcelona, Spain. Lot was used longest in Venice, until 1797.
- In the 1500s, a lottery-based procedure occasionally was used to select members of Parliament and borough officers in England.
- In parts of Switzerland from 1640 to 1837, mayors were chosen randomly. This
 was because political office could be used for financial gain; the argument was
 that everyone should have an equal chance at this.
- In the 1900s, in the tiny European country San Marino, a procedure reminiscent
 of that in the Italian city-states was used to select the state's two governors
 from the sixty-member Council (Aubert 1959: 16).

Arguments For and Against Sortition

Political theorists have not devoted much attention to sortition, so there is no well-developed body of thought about it. Engelstad (1989), drawing on historical examples and comments by philosophers, has conveniently summarized the arguments for and against the practice.

The arguments for sortition can be divided into (1) promotion of equality, (2) representativeness, (3) efficiency, and (4) protection against conflict and domination. First, sortition can be justified on the grounds that it promotes equality in several ways. First, it gives everyone an equal chance of being chosen, whereas in elections, factors such as funding, appearance, speaking ability, threats, and promises play a big role. Sortition also gives individuals an equal chance to develop their character and sense of self-worth through serving in office. Another aspect of equality is self-respect. Losers in a lottery have no reason to blame themselves, nor should winners have any reason to believe they are superior by virtue of being chosen. Finally, everyone has an equal chance of gaining any material benefits from holding office, or suffering losses if that is the consequence.

A second type of argument for sortition is that those chosen are far more likely to be a typical cross section of the population, with the same sort of distribution according to sex, age, ethnicity, income, occupation, and so forth. In contrast to elections for the U.S. Congress, sortition does not lead to overrepresentation of male, middle-aged lawyers. Of course, sortition occasionally could lead to atypical choices by the luck of the draw. Just by chance, twelve jurors could all be women, or they might be mostly plumbers. This can be overcome by stratified sampling, so that each designated category, such as females or people with low income, is chosen randomly according to its proportion in the population. Representativeness in sortition means that the individuals are chosen randomly, but any panel with substantial numbers will have the same sorts

of characteristics as the general population.

Actually, some proponents of participation criticize sortition for not doing enough to ensure that all types of people in society are brought into decision-making roles. If some people decline to be involved in a lottery, there is no way they can be selected. Furthermore, if certain sorts of people, such as those with low self-confidence or heavy family responsibilities, are unable or unlikely to participate, even given the chance, then being chosen in a lottery doesn't change things. Measures can be introduced to deal with some of these problems, such as providing pay for participants plus help in dealing with children, ill health, and other problems. It is important to note that no other selection procedure, unless there is forced participation, is likely to do better than sortition.

Criminal juries are not an ideal cross section of the population, but are far closer than lawyers or court officials.

The third type of argument for sortition is that it is efficient. Random selection requires no campaigning and little funding.

The fourth type of argument is protection against conflict and domination. Sortition reduces the social costs of conflict, such as the polarization of views and false promises in election campaigns. It provides no justification for more than one term of office. Therefore, the social costs associated with an entrenched ruling elite, such as corruption and suppression of social innovation, are eliminated. The ancient Athenians favored sortition not because it promoted equality but because it "safeguarded the powers of the people, prevented conflict and counteracted corruption" (Hansen 1991: 84).

The arguments against sortition can be divided into (1) lack of rationality, (2) reduced obligation, and (3) inefficiency. First, sortition appears to involve an abdication of responsibility and rationality. If reason can be used for human betterment, then, arguably, it should be used to select decision makers. Against this, it may be countered that it is rational to design a system, such as sortition, that undercuts the influence of ambition and special interests. The details of how sortition is implemented can be determined by using reason, although the actual choices made are left to chance.

A second type of argument against sortition is that it can weaken the sense of obligation of those selected. Since they have done nothing to deserve selection, randomly chosen officeholders may feel no obligation to serve the general interest. This may be true, at least in some cases, although Chapters 5 and 6 provide evidence that casts doubt on this view.

The third type of argument against sortition, and undoubtedly the most frequently heard, is that it is inefficient because the best people are unlikely to be chosen through a random process. If venal or psychopathic individuals are chosen, the consequences could be horrific. However, elections do not eliminate selection of unsavory individuals. In any case, this problem can be overcome by putting restrictions on who can be included in the lottery, such as minimum age, lack of criminal record, or testimonials from a specified number of citizens. Alternatively, individuals selected could be challenged in a public meeting if enough citizens signed a petition, rather like the recall procedure. Of course, every restriction on who is included in a lottery reduces the representativeness of the resulting choices. Undoubtedly there is a trade-off between randomness and guarantees of competence, at least in the short term.

A related criticism is that sortition doesn't allow building on the knowledge and wisdom of experienced decision makers. Because random selection provides no rationale for remaining in office, there is a considerable turnover of officials, and hence a loss of continuity. This problem can be ameliorated by gradually phasing in newly chosen individuals, so that there is not a sudden replacement of an entire group.

Obviously there is a tension between, on the one hand, providing opportunities for a diverse range of people to participate in decision making and, on the other hand, maintaining continuity and quality of decision making by sticking with the most experienced and knowledgeable people. Curiously, we have heard some individuals argue against sortition on both grounds: they are worried both that random selection won't create a sufficiently participatory system and that it will lead to a loss of continuity and wisdom. Ultimately, the solution to this pair of problems is to develop a breadth and depth of knowledge and experience within the population sufficient to ensure an adequate quality of decisions, whoever is chosen. But that cannot be achieved in a day, whatever system is used.

In this outline of arguments for and against sortition, we have emphasized the arguments for, and given counters to the arguments against. Sortition is a neglected option, but not because the case for it is weak. Rather, we believe it has been neglected primarily because it threatens interests that benefit from other selection methods—whether election, appointment, heredity, or brute force. Random selection is hard for any individual or group to control; hence those with power typically ignore or reject it. Arguments such as inefficiency may be presented to oppose sortition, but we believe these are mainly rationalizations. One good way to see if an alternative is any good is to try it out, as discussed in Chapters 5 and 6. But few governments have shown much interest in giving sortition a fair trial.

PERCEPTIONS OF FAIRNESS

As noted earlier, Goodwin (1992) argues that using a lottery is a fair way of allocating all sorts of things, such as housing and jobs, that most people would never think of distributing randomly. Just how fair is random allocation of goods seen to be? There isn't a lot of investigation of this. Wortman and Rabinowitz (1979) carried out an ingenious experiment with hundreds of undergraduate psychology students, comparing their perceptions of four criteria for allocation of a scarce good: merit; need; first come, first served; and random assignment. The students were applying to participate in an innovative educational program that they judged to be extremely attractive. Different groups of students were told different stories about which criterion had been used to make the selection, and whether they individually had been succesful. All were asked

which selection criterion was fairest. Random assignment was considered the fairest. Furthermore, random assignment was perceived as fair regardless of whether the students thought they personally had benefited from it. In contrast, students who were led to believe they had been successful due to their merit were more likely to support merit-based assignment, and similarly for the principles of need and first come, first served. This suggests that random assignment is seen to be fair and also best overcomes the self-interest attached to other criteria.

However, this finding does not necessarily apply elsewhere. For those favoring random allocation, it is especially important to investigate situations where it is seen to be unfair and to learn why this might be the case. One study by two economics professors (Frey and Pommerehne 1993) found that random allocation was considered quite unfair. Hundreds of households in Zurich and West Berlin answered a questionnaire about hypothetical situations. A question for one situation was as follows (Frey and Pommerehne 1993: 298, 301, combining two questions and changing the cost to dollars):

At a sight-seeing point reachable only on foot a well has been tapped. The bottled water is sold to thirsty hikers. The price is \$1 per bottle. Daily production, and thus the stock, is 100 bottles. On a particularly hot day 200 hikers want to buy a bottle. Please indicate *how fair* you evaluate the following means to distribute the water among the hikers to be:

- (a) A price increase to \$2 per bottle?
- (b) Selling the water at \$1 per bottle according to the principle of "first come, first served"?
- (c) Selling the water at \$1 per bottle following a random procedure (e.g. to give to all persons whose surname starts with A through to P)?
- (d) The local authorities buy the water for \$1 per bottle and distribute it according to their own judgement?

Answer (b) was seen as fair by 76 percent of respondents, (d) by 43 percent, (a) by 27 percent, and (c) by only 14 percent. The authors are concerned that the price allocation, which economists consider the fairest allocation method, was seen as so unfair. They note that random allocation, answer (c), may have received a low rating for fairness because it is not well known and is not considered suitable for serious matters. Another problem is that the hikers don't all have the same needs: some will be more thirsty than others. Finally, the procedure of selling water to those whose surnames begin with the letters A through P may not seem random, but arbitrary.

Erez (1985) asked hundreds of U.S. prisoners how best to select inmates who would be able to take a beneficial course. Four methods of selection were given: need; merit; first come, first served; and random selection. The strong first preference was the criterion of need. The others were far behind, with random selection the least favored method. Erez notes that prisoners may prefer the criterion of need because they see themselves as having great need. Interestingly, prisoners distrust each other's motives and distrust staff, so they are suspicious of other inmates who claim great need or who volunteer quickly ("first come, first served") and do not trust staff to assess need or merit fairly. Erez concludes that people need to have the benefits of random selection explained in terms of overcoming bias. Prisoners with some higher education were most likely to prefer randomness. Finally, the concept of randomness or chance may be off-putting for prisoners, who typically see their plight as due to "bad luck." Reconceptualizing random selection as "equal chances"—emphasizing the equality of opportunity rather than the unpredictability of the outcome—may make random selection more attractive. Another possibility is to avoid the word "random" altogether, for example, referring to "statistical selection."

Whatever the explanation for these results, it is important to note that random selection is not automatically seen as fair. Perceptions of fairness depend on the situation and on how randomness is applied. But another factor is that people need to believe a lottery is a fair system, and that may depend on familiarity, discussions of random selection versus alternatives, and overcoming vested interests opposed to randomness.

CONCLUSION

In making decisions, there are many factors to consider, including fairness, participation, cost, speed, and good results. Random selection is an especially useful tool when a fair process is a prime consideration. This applies when random selection is used to make decisions directly, as in lotteries, to survey public opinion, or to select decision makers. On the other hand, fairness is not relevant when random selection is used to work out the best strategy.

If everyone can be involved in making a decision that affects them, then this is seen as both fair and participatory. This can work when the group is small, but for large groups, the cost and time involved make full participation impossible. That means only some people can be involved in any given decision. The question is, who? If the decision makers are appointed, then a bias is possible. If they are chosen randomly, as in the case of the jury, then bias is limited.

Direct Democracy

Democracy is a concept that means many things to many people (Lummis 1996: 14–19). It is generally seen as a good thing, and therefore people want to describe their preferred system as "democratic." Political scientists say that the concept of democracy is "essentially contested" (Connolly 1983), which means that the rules for using the concept are open to varying interpretations and there is no definitive way of resolving disagreements over usage. In practice, the meaning of democracy cannot be agreed upon because contesting groups have interests in different meanings.

To help pin down a meaning, it is conventional to preface "democracy" with an adjective. For example, "electoral democracy" and "representative democracy" refer to political systems in which people vote for representatives who make decisions. "People's democracy" is a bit trickier. It has been used by state socialist governments to describe themselves, such as the German Democratic Republic (the former East Germany) and the Democratic People's Republic of Korea (North Korea). These Communist regimes consider themselves democratic because the ruling Communist party is supposed to be the embodiment of the people's interests and aspirations. Obviously, it pays not to take every label referring to democracy at face value.

"Direct democracy," also called "participatory democracy," is a mode of self-rule in which people are directly involved in decision making.

This form of democracy is "direct" because people are directly involved; it is "participatory" because people themselves participate in making decisions. In contrast, representative government is "indirect" democracy because people choose representatives who make decisions, and is non-participatory since people do not participate directly in making decisions.

While direct participation in decision making is the key characteristic of direct democracy, historically it has several other associations. In ancient Athens, as discussed in Chapter 2, decision-making forums were:

- · Face-to-face meetings
- · Deliberative (issues were discussed and debated by participants)
- Concerned with issues affecting participants.

Another example is town meetings in the New England region of the United States. Any citizen can attend these meetings, contribute to the discussion, and vote on motions. In this ideal form, these meetings are reminiscent of classical Athenian democracy. Similar is self-management in neighborhoods within cities such as Washington, D.C. (Kotler 1969; Morris and Hess 1975), and self-government in villages in India and Sri Lanka, called *sarvodaya* (Kantowsky 1980). In towns, neighborhoods, or villages, formal meetings are only a part of what is needed for direct democracy. Also vital are discussions in the community, appropriate education, measures to ensure that everyone can participate, and attitudes such as tolerance and community spirit.

Direct democracy also is possible in industry. There are many examples in which workers have taken full control over their workplace and run the entire operation, with decisions made in general meetings. In some instances, such as the Scott Bader Company in Britain, this arises from a benevolent owner who fosters participation by workers and eventually turns control over to them. In other cases, workers take control in order to prevent collapse of the company and loss of jobs, as in the "work-in" at two of the four yards of Upper Clyde Shipbuilders, a British government enterprise, in 1971–1972. The workers took over allocating jobs, arranging insurance, filling orders, and providing pay for over a year until the government made the yards viable through grants (Coates 1981).

This is an instance of what can be called "industrial democracy." However, the contested meanings of democracy come to the fore in this area. "Industrial democracy" is often used to refer to systems in which workers have some limited say in how work is done or where a few workers' representatives sit on the board of management. Industrial democracy does not have to be direct democracy. When workers run everything at

a workplace, it is more commonly called "workers' control" or "workers' self-management." In any case, the point here is that direct democracy can occur in workplaces (Dahl 1985; Hunnius et al. 1973; Roberts 1973; Thornley 1981).

The most dramatic examples of direct democracy occur during revolutionary situations, when workers and citizens take control over decision making in defiance of existing governments. These instances are often called "self-management," and the self-governing bodies may be called communes, soviets, councils, or committees. (See Guérin 1970; Root and Branch 1975 for examples):

- Communes in Paris in 1792–1793, during the French Revolution
- The Paris Commune of 1871, in the aftermath of the Franco-Prussian War
- Soviets in the early stages of the Russian Revolution in 1917–1918 (Anweiler 1974)
- Workers' councils and soldiers' councils in Germany in 1918–1919, in the aftermath of World War I
- Collectives in Spain during the revolution and civil war of 1936–1939 (Dolgoff 1974; Richards 1983)
- Factory committees in Hungary during the 1956 uprising against Soviet rule
- · Action committees in France during the uprisings in May-June 1968
- Self-managing groups in Chile under the Allende government in the early 1970s (Raptis 1974).

These instances of direct democracy were far-reaching, in that they involved large sections of the population running major enterprises or entire societies. Many of them resulted from the collapse of the established government and survived until old or new forces of domination crushed them. For example, the Paris Commune of 1871 involved running the entire city for many months. Meanwhile, the French military commanders-defeated in the war with Prussia-retreated to the countryside, disciplined the troops, and then attacked the Commune ruthlessly, killing thousands of people. The soviets (workers' councils) in the early stages of the Russian Revolution were eventually crushed by the Bolsheviks. In general, it can be said that direct democracy on a significant scale is an enormous threat to the established order. Governments make every effort to smash such outbreaks of self-management. The longest-lasting experience of revolutionary direct democracy was in Spain from 1936 to 1939, and was the culmination of decades of organizing. The anarchist collectives were opposed by both the Spanish fascists (supported by Hitler) and the Communists (supported by Stalin), and eventually were crushed.

At the other end of the spectrum is consensus, a form of direct de-

mocracy in small groups. In consensus, there is no voting. Instead, options are formulated and discussed until everyone agrees—or nearly everyone, depending on procedures. Since a single person can block consensus, no one's views can be dismissed simply by outvoting the person. Consensus has the advantage of harnessing the commitment of group members, since when an agreement is reached, there is a maximal degree of support, in contrast to voting, where the minority, who are outvoted, may continue to oppose, or even undermine, the decision reached (Avery et al. 1981; Coover et al. 1981; Gastil 1993; Kaner 1996).

When formal processes of consensus are used, there are detailed procedures and much practical experience to ensure that everything works as well as possible. Formal consensus procedures have been used extensively in the nonviolent action movement, the feminist movement, and the environmental movement, among others.

Consensus works most readily in small groups, such as affinity groups (close-knit mutual support groups) of, say, five to fifteen people. It also can be used for larger groups. One system is for each affinity group to select one delegate or "spoke" to a group of spokes, who try to reach consensus. But every affinity group must agree to the decision, so there can be many stages of discussion within affinity groups and by the group of spokes. By this means, consensus procedures can be used with as many as a thousand people.

Consensus also is widely used on an informal basis, especially in small groups. A group of friends, in deciding where to go out to eat, may seek to find a restaurant to which no one objects. The same applies in many situations where voting is the official procedure. A small committee may discuss a topic and take a vote as a formality only when it is obvious that everyone agrees. This is in tacit recognition that a vote can be destructive if a minority, even a single individual, is strongly opposed to the resolution. The harmony of the group, and the goodwill of every individual, are important for the long-term success of the group. It is simply not worth alienating anyone—especially a valued member of the group—over a routine issue. In many cases there is informal canvassing of views before the meeting to sort out a resolution that will satisfy everyone. When it comes time to vote ("All in favor-all opposedcarried," with scarcely time for a hand to be raised), hardly anyone takes notice because the result is fully accepted. But if a respected member expresses vehement opposition, everyone will come to the alert, because things are no longer routine. Voting is the official method of decision making, but informal consensus is the underlying or shadow process.

Consensus is participatory and normally is face-to-face, deliberative, and concerned with issues affecting the participants. Thus it is definitely a method of direct democracy. In its informal form, it is undoubtedly the most widely used method of direct democracy in the world.

OBJECTIONS

Direct democracy is not perfect. New England town meetings, workers' control, and consensus each have limitations. In addition, direct democracy is threatening to those exercising or seeking to exercise power, such as politicians, top bureaucrats, managers, and authoritarian individuals. Various objections have been raised against direct democracy, often with the purpose of justifying unequal participation and power. It's not always easy to separate the genuine limitations from the objections that serve to bolster inequality in power.

Objection 1: People are not capable of running their own lives. The argument here is that experts and managers know better what is good for the population. Direct democracy, it is said, threatens to put those who are ignorant and prejudiced in charge, which would be disastrous.

This objection is often made by experts and managers. It is a self-fulfilling prophecy, since when people are not given the opportunity to participate in decisions affecting their lives, they never develop the capability to do so, and may even reject the opportunity when it is offered.

People can become quite expert about things that affect their own lives, as shown by the remarkable knowledge acquired by some people in self-help groups. With the Internet, it is becoming easier to gain information about all sorts of specific topics. In contrast, politicians know very little about most of the issues on which they vote.

Objection 2: Direct democracy takes too much time. The claim here is that a single boss or elite group can make the quick, hard decisions, whereas consensus or a workers' group might take forever, and that people simply don't have or want to spend the time to make direct democracy work.

It's true that direct democracy often takes a lot of time—many participants have complained of this. On the other hand, although decisions by managers may seem quick and easy, sometimes they lead to long-term problems that involve lots of work and agony later. Sometimes a slower process is more efficient in the long term.

If participants are volunteers, the time, effort, and cost involved can be counterbalanced by the sense of doing something worthwhile for the community. In society today, the number of volunteers who are quite willing to help those in need is testimony to the willingness, even eagerness, of many people to make a social contribution. The time taken in democratic processes is far less of an obstacle when participants know that their involvement helps to accomplish something of value.

Objection 3: Today's society is too complex for direct democracy. Noting that there are many difficult issues, from home detention schemes to ozone depletion, the argument is that the ordinary person cannot hope to participate sensibly in decisions about them—hence specialists are needed.

This objection is often made by experts who have a vested interest in maintaining their special role. Specialists may know a lot of technical details, but lots of people can grasp the basic issues about which decisions need to be made. You don't have to know how to fly a plane in order to comment on transport policy, and you don't have to know how to do brain surgery in order to comment on health policy. After all, far more politicians are lawyers than engineers or criminologists.

Objection 4: Direct democracy won't work with large groups. Consensus or a town meeting might work for hundreds or even thousands of people, but is claimed to be impractical for populations of millions. This is an argument for having representatives.

This objection is fine as far as it goes, but it assumes that the scale of political units is fixed. One alternative is to use direct democracy on a small scale and to coordinate the small units by some form of confederation or network. Some countries have hundreds of millions of people, but many others have fewer than a million, and seem just as able to provide citizens with security and prosperity.

Objection 5: Basic freedoms need to be protected from the winim of the majority. With representative government, the power of the people is limited by constitutional and procedural mechanisms to ensure that basic liberties are maintained. Direct democracy could be a threat to freedom of speech or freedom from imprisonment without trial, for example. People might vote to legalize or outlaw capital punishment, abortion, drugs, whatever—take your pick!

It is intriguing that many on both the left and the right are fearful of popular participation, thinking that "the people" are too conservative or too radical, and will misuse their power. In any case, direct democracy is quite compatible with a system that protects certain basic freedoms or rights, for example, by requiring large majorities to overturn them, just as in representative systems.

Objection 6: Persuasive individuals may have an undue influence in direct democracy. A single powerful personality sometimes can sway a group using consensus or a meeting of workers. The voices of those who are less confident and articulate may be better heard through anonymous voting than in face-to-face decision making.

Persuasive individuals are a danger in any system, but much more of a danger when power is unequal. A president or prime minister has vastly more power than the most charismatic figure in a consensus decision-making group.

Objection 7: People will only look out for their own interests. If people make decisions affecting their lives, they may only look out for themselves—for example, by reducing taxes or blocking local developments (the notin-my-backyard or NIMBY syndrome), and not consider impacts on other communities, the environment, or future generations.

Actually, politicians are even more susceptible to this problem—for

example, they often favor local developments that have a wider harmful effect. At least with direct democracy, many of the consequences are bound to fall on the decision-making community. Unlike politicians, the population as a whole can seldom escape the fallout from bad decisions.

Objection 8: No one can be held responsible for bad decisions. Since there is no one officially in charge, there is no one who can be held liable for the consequences of decisions made. Certainly the decision makers—every-one—can't be replaced by a different set.

Actually, since everyone is responsible for decisions in direct democracy, and the community bears the consequences, there is a strong pressure to reach decisions that serve the community's interests. In parliaments, the major parties often agree on policies, and there is no way to change the policy through voting. Furthermore, the number of politicians and bureaucrats who pay any significant penalty for bad decisions is very small indeed.

Objection 9: Direct democracy may cause lack of continuity. In ancient Athens, the Assembly sometimes overruled decisions made at a previous meeting. Direct democracy could be unstable and chaotic.

However, lack of continuity also can be a problem in representative government. There is no evidence that it is a greater difficulty in direct democracy.

Objection 10: It is too expensive for everyone to participate. Referendums, for example, are not cheap. However, electronic voting can overcome cost obstacles. Random selection is another way of reducing costs, as we describe in this book.

These objections and others are all worth considering closely. However, there is a danger in focusing on objections, if it provides a pretext for not trying direct democracy. After all, representative government has been given ample opportunity for a long time, in spite of many objections that can be made about it, as described in Chapter 1.

However, our main concern here is not the dispute between proponents of direct and indirect democracy, but rather the potential role of random selection in improving democracy of whatever sort and in leading to fairer and better decisions.

We now turn to a closer look at several types of direct democracy—consensus, voting in meetings, networks, and referendums—pointing out some of their strengths and limitations and highlighting the potential role of randomness. This will help to highlight the conditions in which random processes have the most to offer.

CONSENSUS

Getting everyone's agreement can be difficult, but when it is achieved, it can harness incredible strength. That is the advantage of consensus procedures. However, consensus has some limitations. One is that in a

face-to-face meeting with relatively few people, a powerful personality may influence proceedings greatly, even though no one has formal power. A related problem is that some individuals may find it hard to express their dissent. In voting by secret ballot, it's possible to express a preference that would be risky to present openly. In consensus, there is no secrecy. If you object to a proposal, you need to express your objection. If nearly everyone else agrees with the proposal, it often is easier to go along with their views rather than face the pressure to maintain harmony. The result is that powerful personalities can shape the consensus. They have the confidence to object to proposals they don't like, so the group pursues other ideas. The less confident members sometimes don't object when they disagree, so the decisions tend to go the way the confident members prefer. Mansbridge (1980) gives an acute analysis and comparison of both direct democracy in small groups (which she calls "unitary democracy") and representative government (which she calls "adversary democracy"). There also are less sympathetic criticisms of consensus (Bookchin 1994; Landry et al. 1985; Ryan 1985).

Another problem in some consensus groups is a rigid adherence to formal consensus procedures. Formal procedures can be helpful, but only if they are in tune with the needs of the participants. However, this objection is less a criticism of consensus as a method than of the way it is run.

Because consensus is most commonly used in small, close-knit groups, random selection is not likely to seem appropriate. Often groups give each member a turn at being facilitator and invite comments from everyone present about the matter being discussed. Many advocates of consensus are extremely sensitive to inequalities of knowledge, experience, and confidence, not to mention differences of sex, age, ethnicity, and class.

When using consensus in larger groups, random selection might equalize participation. For example, when affinity groups choose a spoke, this could be done randomly. In this way, the spokes would not necessarily be the most articulate or experienced members. This would help to equalize skills and experience within the larger group, though at the expense of not fully using the most experienced people on the current occasion. Since the "current occasion" is often a crucially important issue, such as running a blockade, there may be resistance to random selection.

VOTING IN MEETINGS

The most common model in direct democracy is voting in meetings, including in classical Athens, New England town meetings, workers' control, and revolutionary self-management. The usual picture is that the meeting is chaired by an experienced person, participants are invited to speak, motions are put, and votes are held.

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If there is a strong commonality of interest, such as workers who are united against bosses, then disagreements usually are not about fundamentals but about matters such as tactics. However, even here there can be fierce disagreement.

From the point of view of participation and fairness, one of the risks in meetings is that a clique will control the agenda and marginalize dissent. If the vote is taken too soon, participants won't be fully aware of the arguments. If only some of those requesting to speak are given an opportunity, the discussion can be unbalanced.

Voting has value in that it registers an expression of the majority (or some higher target if, say, a two-thirds vote is needed for some action). A system of one vote for each person ensures that no individual or small group can impose its will. Voting makes it important to win over those who may not be expressing an opinion openly.

On the other hand, voting disenfranchises the minority. It ratifies a conclusion in a way that makes it harder to bring up alternatives. It can encourage an appeal to emotion or vested interests to win over wavering voters. Since all that is needed is a majority, there is little incentive to pursue the discussion after enough people are won over.

Voting in meetings assumes a face-to-face deliberative process, even if only a few people have or take an opportunity to speak. Once voting is separated from the meeting context, the dynamics change considerably. Voting for representatives in an anonymous polling booth, in which there is no face-to-face deliberation, is quite different from voting in a meeting.

Can random selection improve the process of voting in meetings? One idea is that the chair of the meeting be chosen at random (perhaps from volunteers) at the beginning of the meeting, as done in ancient Athens. In this way, it is harder for an in-group to manipulate the agenda and meeting procedure. Another possibility is that people invited to speak be chosen randomly from those offering to do so. For example, if ten people offer to speak for the motion, two or three could be chosen at random. This would reduce the influence of pushy, vocal, confident individuals and allow others a better chance, while being seen to be fair rather than playing favorites.

Sometimes the meeting is manipulated, for example, by putting a crucial item at the end of a long agenda so that it is dealt with only after many participants have left (but loyal supporters remain!). Perhaps the agenda items could be dealt with in random order. However, there probably are better ways to deal with this, such as specifying a certain minimum attendance, a fixed time for ending the meeting, or voting on which items should be first on the agenda.

Voting in meetings is possible with anywhere from a handful to thousands of people. However, the larger the size, the more limited the input that the average participant can make. In other words, interaction is reduced. There are various ways to overcome this. One is to break into small groups for part of the time to discuss the issues—analogous to affinity groups in large consensus systems—and then return to the full meeting for a vote. If the small groups are chosen randomly, there is less risk that the process will be seen to be manipulated.

As the size of meetings increases, the participatory aspects decline. It's possible to imagine a football stadium filled with 50,000 participants discussing health or transport policy. This may be direct democracy, but the face-to-face and deliberative aspects are attenuated, since most of those attending can only listen. For such large numbers, direct democracy requires other mechanisms. Random selection can play a role, as described in Chapters 5, 6, and 7.

INITIATIVE AND REFERENDUM

When citizens vote on a proposition in a referendum, this is direct democracy in the sense that they are directly involved in making a decision. Compared with decision making by legislatures, endorsement by the people in referendums gives the results greater legitimacy. By bringing issues to the people, referendums often generate widespread debate, and overcome alienation and apathy. Also, they are more likely to serve the public interest in comparison with decision making by representatives, who are more susceptible to pressure from special interests, including interests of the representatives themselves. However, there are a number of obstacles to making referendums a powerful tool of direct democracy.

In most countries, referendums are held only at the discretion of governments. Many governments have held at least one referendum, but few have held lots of them. At a national level, there have been hundreds of referendums in Switzerland and more than forty in Australia. Of all other countries, only France and Denmark have had more than a dozen. The fact is that most governments do not like holding referendums, and usually do so only when they think they can engineer the result or when they want to off-load responsibility. Governments generally seek to maintain their power, and it is harder for governments to control the electorate than to control parliament. The main reason that Switzerland and Australia have had so many referendums is that they are required in order to change their constitutions. Many governments—especially dictatorships—hold referendums to provide legitimacy for themselves (Butler and Ranney 1994). Sometimes governments exclude desirable alternatives and prejudice the outcome by the way the proposition is expressed. For example, in 1982 the Tasmanian government held a referendum giving several options for dam projects, but omitted the one option backed by a popular environmental campaign: no dams.

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One way to overcome government manipulation of referendum questions is through the citizens' initiative. A group of citizens decides on the proposition and obtains a specified number of signatures endorsing it, after which the proposition is put to the people as a referendum. This puts the agenda in the hands of citizens rather than officials. The initiative is available in Switzerland and many U.S. states, where it is regularly used. The initiative is of vital importance in taking the decision to hold referendums out of the hands of governments, thus reducing the potential for government resistance and manipulation.

An important limitation of the referendum is that deliberation is not built into the process. However, if a referendum is preceded by debate in the media, formal meetings, and lots of informal discussion, then something akin to the deliberation of a meeting may be achieved. A proportion of the population, perhaps 5 or 10 percent, will become well acquainted with the issues—a far higher proportion than for most issues decided by legislatures. But many of those voting may take only a passing interest and may not have been involved in any interactions about the issue.

When governments run a referendum, there is no process of deliberation on the referendum question itself. This is a crucial weakness. With the initiative, citizens decide the way the proposition is framed, but in practice only a relatively few actually have input into the wording. This again is a shortcoming from the point of view of deliberation.

In representative systems, special interest groups have harnessed the power of opinion polling and direct marketing to pursue their ends. A referendum may seem like an expression of popular opinion, but opinion can be swayed by marketing appeals. These include advertisements and "news" resulting from media releases and staged events—all of which are designed to appeal to citizens on the basis of market research—and sometimes from fake groups, to give the illusion of grassroots support. It is precisely because there is no formal process of interaction and deliberation that referendums are open to manipulation in this way. However, in spite of the potential for manipulation, the power of money seems to determine of the result in only a few cases (Cronin 1989; Schmidt 1989).

Randomness could help to overcome some of this manipulation. Many propositions are couched as a yes-no question. This makes it easy to build a campaign around something people can remember easily, such as "Keep taxes low, vote no on 17." This means that people don't need to know the arguments, just the answer, yes or no. Imagine, then, that referendum ballots are produced in two forms, one with the question framed so that "yes" supports a proposal and the other so that "no" supports it. For example, half the ballots might say "I support fluoridation of the town water supply. Vote yes or no" and the other half

would say "I oppose fluoridation of the town water supply. Vote yes or no." Voters would receive one ballot or the other by chance. This might seem only a slight improvement, but it would ensure that people would have to know what they were voting for or against. Most referendum questions are not expressed quite so simply, making the need for voters to understand the question even more important. An elaboration would be to have the proposition expressed in various ways so that no simple how-to-vote slogan or card would be enough to get the "right" answer from the unthinking voter. It is also worth considering options in addition to "yes" and "no," such as scales of support ("strongly agree," "agree," "disagree," "strongly disagree") and ranking of multiple alternatives, which has been referred to as multi-option preferendums (Emerson 1998).

NETWORKS

We have talked a lot about face-to-face meetings in decision making using both consensus and voting. In ancient Athens, of course, interaction was face-to-face or not at all. Today, though, communication technology allows remote interaction, using telephone, television, radio, fax, and electronic mail. Meetings can be held that are not physically faceto-face but are otherwise interactive. An example is a telephone conference, with several people on the same line. This allows participation by people in different locations, even different parts of the world. It also allows participation by people who might be unable to physically attend a meeting due to expense or disability. Talking on the telephone reduces some modes of communication, such as facial expressions and body language, which carry a large amount of the information in a face-to-face interaction. Nevertheless, the telephone retains vocal expressions. Another possibility is videoconferencing, which can replicate much of the experience of "being there." In the future, systems of virtual reality may make it possible to attend distant meetings in ever more realistic fashion.

Yet another possibility is an electronic chat group, in which participants type their messages and see everyone else's messages pop up on their own screens in chronological sequence. This reduces nonverbal communication to a minimum, which is a disadvantage when trying to get across your meaning (especially subtle concerns). On the other hand, E-mail tends to equalize power by reducing cues about a person's formal status (Sproull and Kiesler 1991). You may not know whether someone else is a senior official or a high school student. Only what's written is salient. However, when there are many active participants in a chat space, some—such as slower typists and reflective thinkers—may be left behind and frustrated, not unlike the dynamics of many face-to-face group discussions.

Thinking about the possibilities for decision making in networks suggests that face-to-face interaction is not an essential characteristic of direct democracy. In its place we can put "interactivity" (more accurate would be "intercommunicativity"), namely, the potential for everyone to be involved in contributing to the discussion as well as receiving other people's contributions. Electronic networks can serve as a new type of public sphere, replacing or supplementing traditional civic squares and coffeehouses, in which information is shared, issues are debated, and democracy is practiced (Tsagarousianou et al. 1998).

Decision making in networks can operate using consensus or voting. Random selection can be used in these systems to select facilitators, speakers, and delegates.

ELECTRONIC DEMOCRACY

If everyone could be hooked up with a computer and modem, then it would be possible to have an electronic town meeting and a computer vote. For example, hearings about an issue could be broadcast on television to a neighborhood, city, or entire country. Members of the "virtual audience" (that is, those linked by computer) could contribute to the discussion by phone or computer videoconferencing. The ones chosen to contribute could be chosen in various ways, including by lot. The process could be supplemented by simultaneous chat group discussions.

Electronic links can be used for various purposes, including information sharing, consultation, debate, and decision making. For example, remote viewers and commenters might provide citizen input on an issue before a vote by parliamentarians, or electronic voting might be used to elect representatives. However desirable they may be, such cases are not direct democracy. To have electronic direct democracy, or direct cyberdemocracy, participants need to make the decisions themselves, for example, in the manner of initiative and referendum.

There have been a number of speculations, innovative experiments, and criticisms of the potential for computer networking to improve citizen participation and bring about cyberdemocracy (Abramson et al. 1988; Arterton 1987; Grossman 1995; Slaton 1992). These have both many strengths and some familiar limitations. The impact of information technology depends most of all on the aim of those who design the systems. It can be used for minor reforms in existing representative systems, such as politicians setting up web sites or pressure groups using E-mail to influence representatives. Direct cyberdemocracy by voting on issues—in effect, a series of instant electronic referendums—has the advantage of making participation easy. It has the potential disadvantages of limited deliberation, limited participation in designing questions to be voted on, and limited popular control over the format for information sessions

or debates preceding votes. Random selection could be used in various ways to improve the process, just as in the case of conventional initiative and referendum. It is important to debate various methods for implementing cyberdemocracy, but the real test is to see how they work in practice.

CONCLUSION

Direct democracy has a long and often exciting history. Because it is a radical challenge to rule by elites, it has been opposed by powerful interests in both revolutionary and everyday situations.

Direct participation is the key to this alternative, which is why it is called "direct democracy" or "participatory democracy." Normally, everyone affected can participate. Therefore, random selection is seldom used: the approach is seen to be fair as it stands. Even so, random processes can help to improve methods of direct democracy, for example, in choosing facilitators or speakers at meetings.

As the size of the group becomes larger, full participation by everyone grows more and more difficult. One solution is to turn to representation through elections, thus rejecting direct democracy. Another solution is to retain the key characteristics of direct democracy by breaking the large group into smaller groups. Once this process begins, random selection can play a useful role either in selecting the smaller groups or in selecting the smaller groups' delegates to the full group.

This suggests that random selection has a special role to play maintaining fairness in decision making in large groups. The larger the group, the greater the danger of insiders and vested interests controlling decisions. Random processes can be used to prevent this, producing a politics that is fair and seen to be fair.

Citizen Participation without Random Selection

[P]eople are almost desperate for this opportunity for small-scale discussion. It's just that it's dropped out. We don't have it really anywhere in the culture, the church doesn't do it very much, service clubs don't do it very much... that's the core challenge of the current moment. (Theobald 1998)

Direct democracy, as outlined in the previous chapter, occurs when people completely run the show, whether in a small group, a workplace, a neighborhood, or an entire society. Random selection can be used in a number of small ways to increase fairness in some forms of direct democracy, such as consensus and voting in meetings.

For radical advocates of democracy, direct democracy is an ideal and a goal. Most of the world falls far short of this ideal. However, even within systems of autocracy and representative government, it is possible to have degrees of participation in decision making. What we call here "citizen participation" refers to types of participation that occur within a system that is not fully participatory. Citizen participation can be considered both a good thing itself and, by some, a training ground or staging post for moving toward direct democracy.

In this chapter we look at some methods of citizen participation that do not involve random selection. Each method has strengths and limitations, and potentially can be improved through the use of random selection. We omit methods of consultation or participation that are oneway, involving very little discussion or debate, such as public meetings where information is disseminated, or focus groups or surveys where information is solicited.

SCIENCE COURTS

Science and society are often perceived as being worlds apart, with science dealing with objective facts whereas society is more a realm of value judgments and power. However, in practice, scientists have been heavily involved in technological developments, such as nuclear weapons and genetic engineering, that have major social implications.

One idea for dealing with contentious social issues involving science is the "science court," which would deal with scientific facts separately from political and value judgments. As proposed since the 1970s, it would involve three broad stages: initiation, organization, and procedure (Cole 1986: 250). The first stage was to establish administration to arrange funding, find a suitable issue, and create cooperative relationships with agencies. The second stage involved organizing personnel for the trial, including case managers to represent both sides, referees, and judges. The third stage included case managers developing factual statements, cross-examination by opponents, and rulings on facts by judges (Cole 1986).

Though much discussed, the science court has never eventuated. One of its purposes was to sort out disagreements about facts so that the differences over values would be more clearly articulated (rather than hiding in the midst of scientific controversy). However, since the time the idea of the science court emerged, much work in the social analysis of science has suggested that attempting to separate facts from values is a futile exercise (Barnes 1974; Feyerabend 1975; Hesse 1974; Salomon 1973). In practice, every fact is bound up with values, due to the influence of sources of funding, professional vested interests, and assumptions embedded in systems of knowledge. This means that trying to separate adjudication of facts from discussions about values, and keeping citizens from being involved in discussions about facts, actually serve to give scientific experts a privileged role in setting the agenda. In most of the really contentious issues involving science—such as controversies over forests, animal experimentation, weapons, chemicals, urban planning, and genetic engineering—the issue of what counts as expertise and who is an expert is a basic part of the dispute. Citizens do not expect to be involved in deciding which theory of black holes or radiative transfer

is correct, but they do have a role to play whenever science and technology impinge on their lives (Sclove 1995).

CITIZEN COURTS

External events overtook the science court idea, and enthusiasm waned (Cole 1986: 250). However, another model, which bore many similarities, did eventuate in Cambridge, Massachusetts: the citizen court. This court also was meant to consider controversial scientific or technological issues but was less formal (relying on laypersons rather than judges); the appointed citizens established their own procedures. The model still emphasized a two-sided (for and against) approach, maintaining the court model but without the cross-examination component (Cole 1986: 252). A significant difference between the two models lies in the contrast between the science court's assumption that technical matters can be considered in isolation from values and the citizen court's belief that such a separation is not possible (Krimsky 1986: 199–200).

Citizen courts have been convened in Cambridge on two issues: chemical warfare research and recombinant DNA (rDNA), in both instances in reaction to the siting of a laboratory within the city's boundaries. In relation to the latter, a panel of eight citizens was appointed by the local council to offer advice, specifically on whether federal rDNA research guidelines contained enough protection for the local community (Cole 1986: 252). It has been suggested that such a panel could work in tandem with a science court.

Inevitably, laypersons struggled with technical information and scientific arguments, though a process of seeking comprehensible information from witnesses alleviated this. The balance of time between witnesses presenting evidence for the two sides of the issue was often unequal. "In the end the court's suggestions involved a compromise solution including careful monitoring, public disclosure of activities, and broad participation by the public in risk assessment. The city council voted unanimously to accept the court's recommendations" (Cole 1986: 253).

Interestingly, the questions raised about the value of the citizen court could be applied to many methods of participatory decision making. First, the manner of choosing laypersons remains undefined and problematic. Second, members who are uninformed but articulate might be unduly convincing. Third, allowing citizen courts to decide about major issues can lead to inconsistencies between one panel and the next.

We can address the second difficulty with robust group processes and skilled facilitation. Random selection is relevant to the first and the third difficulties. Randomness eliminates many of the problems associated with selecting laypersons for a citizen court (perceived bias, nepotism, unrepresentativeness, and so on).

ADVISORY COMMITTEES

Advisory committees are a standard form of community participation in local government. When a similar participatory method is used in state or federal government, the committees often are given grander titles, such as advisory councils or standing committees. Advisory committees are seen as a way of soliciting advice from the wider community to assist the deliberations of elected representatives and/or administrators. The names of these committees can vary: an economic *think tank*, an airport *advisory panel*, a community consultation *forum*, a public transport *working group*, a floodplain management *committee*, and so on. The quality of the participation also can vary. Committees can have the appearance of participation without this being translated into influence.

In local government the levels of responsibility of advisory committees vary as much as their names. For example, in Australia a sports association committee might very well be allocated its own budget, which it can spend without constant reference to the local council. So might a community center management committee, which could be responsible for tenancy agreements and oversight of maintenance. Such committees are accountable, perhaps through annual reports, and the extent of their delegated authority usually is tightly controlled. However, it is not unusual for the functions to involve a higher degree of autonomy than might be implied by the term "advisory committee." Such budgetary allocation would not occur in the United States.

Local authorities adopt a variety of approaches in selecting advisory committee members. One method is to place a notice in the local newspaper and call for nominations. Community members respond with letters of application. Those responding must see the notice in the paper or be alerted by elected representatives or council staff, and be literate and confident enough to apply. Inevitably, such committees attract the strongly interested and the highly educated—those who want to change the way things are currently done and those who enjoy serving on a committee, talking, and making decisions. Meetings of advisory committees usually are held outside business hours, so members are inevitably drawn from those free to attend. This discourages single parents (usually women) and older people (who often are fearful of being out at night). A portrait is therefore emerging of the usual committee member: educated, middle-aged, and male.

Lyn Carson's analysis of one regional council in Australia showed this to be the case. There was a highly disproportionate number of middleaged or older, educated men. The majority of the committee members were in full-time, paid employment; 70 percent of committee members were senior managers, paraprofessionals, or professionals (Carson 1996). Just as most elected representatives have greater status and wealth than average voters, so citizens involved in advisory committees and lobby groups usually are higher in socioeconomic status than the people they claim to represent (Gittell 1980). This raises important issues of representation (that is, if representativeness is to be the basis for selection of committee members).

This approach, however, is not used very often. The more common method is for the governing body to designate or appoint a group of experts to come together for a few meetings, to assist in the policy's development. If there is a broad consensus among those in the government entity, then it is most likely that the advisory board will consist of experts who will be supportive of the consensus.

There is a catch-22 in this representative/unrepresentative issue. If only specialists (those who are keenly interested and involved already) are wanted for these committees, then advertising for committee members in the local newspaper probably is not the best strategy. Decision-making bodies need to be very clear about their goals and to determine the strategy most likely to meet these goals. For example, if an agency needs specialists, a better strategy could be to contact those known to be interested and involved, asking those persons who else would/could make a useful contribution, then phoning these persons and repeating the same questions. It takes very few phone calls until the same names are heard and the field can be narrowed down to those who have the most to offer. To achieve a range of views, potential participants can also be asked, "Whom would you suggest who would have an opposing view?"

However, if representativeness in terms of gender, age, occupation, education, and geographical location is important, then strategies involving self-selection are clearly inadequate. This is where random selection could be applied. If a precinct committee, for example, was made up of randomly selected people (one from each street or closely linked streets), a cross section of residents would be involved. This is particularly useful if a local council is interested in community opinion on planning issues.

Selecting randomly works less effectively, of course, if the issues are ones where the incensed and the articulate have most to offer—for example, in reaction to poor decisions on planning. In such an instance the participants are acting as lobbyists within a flawed representative system of government, and are indicative of an absence of timely consultation.

Issues of bias and conflict of interest inevitably emerge in advisory committees. For example, the conclusions of a floodplain management committee were repeatedly dismissed by nonmembers, who saw the committee as being made up of those who lived or conducted businesses in flood-prone areas. They had the most to gain from the construction of levees that would impact unfairly on those outside the floodplain. A sports association offered another example of perceived bias and conflict of interest. The association was often criticized as favoring one sport over another, depending upon the makeup of the current committee.

The above advisory committees also reflect a top-down approach to decision making with governing bodies *permitting* input from citizens. A similar charge of elitism could be leveled against some residents' action groups that emanate from citizens themselves. Such groups often replicate the hierarchies they are keen to criticize, though this need not be the case. However, representativeness even in community-based groups is not necessarily considered a priority, since fairness is not the basis of their formation.

CONSENSUS CONFERENCES

Consensus conferences (CCs) may offer a middle path between direct democracy (see chapter 3) and representative government, in relation to democratizing technology. They reflect a participatory, deliberative approach that can influence policy making, participants, and experts alike. Though they are an effective means of facilitating decision making, they have no authority other than to make recommendations. This places CCs in a position of power similar to the science courts discussed above (Joss and Durant 1995: 17). The CC, however, opened the doors of the closed science court design, moving beyond a panel of elite participants, instead allowing for public input and attendance.

The original concept for a CC was developed by the U.S. Institutes of Health in order to review existing medical knowledge, disseminate this knowledge, and provide counsel on the use of new technology. It was originally designed as a two-step process. The first step involved the establishment of agreement among experts (about the introduction of new technology). The second step was interaction with experts in other areas (policy, planning, administration, ethics). This second step never eventuated. There have been over 100 medical CCs conducted in the United States, and the idea has been taken up throughout Europe (Joss and Durant 1995).

The Danish Board of Technology has developed the model further, taking CCs beyond the medical domain (Fixdal 1997: 375). The distinctive difference has been the replacement of an expert panel by a panel of laypeople who have access to experts.

The Danish panel members are not required to have in-depth knowledge of the technology that is to be assessed (e.g., genetic engineering, food irradiation). In the early stages the panel members are given basic

information about the topic under consideration. They determine the agenda for the conference, which runs over four days, two of which are open to the public. This freedom to set the agenda is a distinguishing characteristic of CCs; such a significant self-managing element is often absent from other consultative mechanisms.

During a CC, expert witnesses—selected by the panel from a pool proposed by the steering committee—are called on the first day. These experts, representing a range of views and including both professionals and nonprofessionals, present information and respond to the panel's questions. The panel writes its own report and recommendations. These recommendations are publicized and passed on to elected representatives in the Danish Parliament. According to Simon Joss (1998), parliamentarians he surveyed showed a high awareness of the process and saw it as having been quite influential in final decision making. But Marcus Schmidt (personal communication, 17 February 1999), who has followed CCs closely, doubts that any Danish CC has had a significant impact on parliamentarians or legislation. Despite the time and expense involved in planning and running a CC, it costs less than such alternatives as a random sample survey or a traditional technology assessment project using experts.

Consensus conferences have been held in Austria, Britain, Denmark, France, Japan, Korea, the Netherlands, New Zealand, Norway, and the United States, and are underway in Australia and Canada. They can be considered to have two aims: to promote public debate and to contribute to the making of political decisions (Joss 1998: 5). Indeed, an important component of their success has been media exposure of their deliberations and findings. It has meant that the issues are discussed more widely than the debate that occurs at the CC itself.

The selection process is designed to create a committee whose members reflect a broad cross section of community values-actually, to be more mixed in this sense than a representative committee. Usually ten to sixteen panelists are selected following their response to newspaper advertisements and submission of a short description of themselves, the knowledge they have of the topic, and their reason for participating. They are volunteers who typically are unpaid, though the Danish Board of Technology compensates them for loss of income. The panel is selected to achieve a comprehensive composition on the basis of a number of demographic criteria: age, gender, education, occupation, and place of residence. Norwegian CCs have included an element of random selection: once responses have been collated, half the participants are drawn from a hat and the other half are selected by the organizers. Since the Danish Board of Technology purposely selects in such a way that lack of familiarity with the topic is essential, random selection would result in participants who are at least as knowledgeable.

Indeed, the Danish Board of Technology has begun to send direct mail invitations to people randomly selected from the Danish electoral register (Lars Klüver, personal communication, 9 December 1998). A British organizing committee plans to use randomness to select its lay panel for a CC on radioactive waste scheduled for May 1999 (Jane Palmer, personal communication, 10 November 1998). Other countries have been reluctant so far to follow this lead. The Canadian and Australian steering committees considered random selection to be more difficult, time-consuming, and expensive. They believed the sample that would result from using random selection would not necessarily result in a better cross section of the community than one derived from advertising for volunteers.

A counterargument is that random selection *does* make a difference, as suggested by studies surveyed in Chapters 5 and 6. There have been no suggestions that criminal juries be selected from volunteers, presumably because this would be seen to skew the composition of juries, or at least

would appear to do so.

The $C\bar{C}$ process holds great promise beyond Denmark, where it has become an accepted method for allowing more voices to be heard in the debate on technology. The Danish experience shows that technology has been controlled through the process. The lay panel's recommendations that the irradiation of food should not be supported were used to form the Danish negotiators' position at the European Community negotiations over food irradiation. Money was withheld from the 1987-1990 biotechnological research program following a consensus conference on gene technology in industry and agriculture (Joss and Durant 1995: 128). In 1998, as a direct result of a lay panel's recommendations about mapping the human genome, the Danish government passed a law on the use of gene testing for employment and insurance purposes (Lars Klüver, personal communication, 9 December 1998). However, a more skeptical view (Marcus Schmidt, personal communication, 17 February 1999) is that government decisions have not been greatly influenced by CCs, and that other influences or coincidence explain the correlation between CC recommendations and subsequent legislation.

Inevitably, the prevailing political climate will influence the extent to which a lay panel's recommendations are adopted. A significant by-product of CCs is the influence that the lay panel wields on experts, whose horizons may be widened by the unexpected questions and per-

ceptions of the panel members.

ELECTRONIC HEARINGS

In the United States there have been instances in which public hearings have been televised with a participatory twist—citizens watching the

televised hearings had the opportunity to testify at the hearing by telephone. In one example in 1987, telephone callers were linked into the Honolulu City Council's internal public address system when the Council was making its decision about whether or not to renovate Honolulu's Waikiki Shell. Citizens who were physically present and those calling from their homes waited their turn and were each given a brief (one minute) opportunity to testify.

This method can be combined with an opportunity to vote: viewers watch the proceedings, then call a telephone number to vote on a proposal—for or against. Compared with the usual U.S. public hearings, in electronic hearings access is broadened to include more citizens. Electronic hearings also have an advantage over a referendum in that, before a vote is lodged, participants have been exposed to discussions that canvass a range of opinions. The method of consultation is self-selecting, neither universal nor random, though these arguably could be factored into the process. For example, if large numbers called in to speak, the sequence of callers invited to comment could be decided by means of random selection, perhaps stratified by sex, age, location (as inferred from phone numbers), or other variables.

The strength of electronic hearings is a broadening of the participation base, increasing public involvement beyond any numbers that might be feasible for advisory committees or consensus conferences. Many people can watch and listen to a debate. Many people can either comment on or vote on the subject matter. This input from a wider public clearly can influence decision making. In the Honolulu example mentioned above, many of those physically present in the chamber had a vested interest in renovating the Waikiki Shell—they were involved with the developer or labor unions. Those who called in were far less impressed with the project, which lost the vote by a 3–1 margin (Becker 1998).

CITIZENS PANELS

The term "citizens panel" has been applied to a range of consultative approaches that can have different methods of selection. "Citizens panel" might be used to describe an advisory committee or a forum or working party, and members could be either self-selecting or appointed. Membership is usually defined, and the group may meet regularly (though not always). A forum might be a once-only event with an open invitation, little more than a public meeting. A panel would have a fixed membership and members could have been invited to participate in order to represent particular organizations. Participants have an opportunity to debate issues that are defined by the commissioning body, which also makes the decision about what to do with the results (Coote and Lenaghan 1997: 7).

"Citizens panel" also is sometimes used to describe a "citizens jury," which uses different methods of recruitment but relies on random selection as one component. Often the random selection will be by stratified sampling, to match a profile of the local population derived from census and other data. For this reason citizens panels/juries will be taken up in the next chapter, on citizen participation with random selection.

CONCLUSION

Without necessarily challenging existing political structures, the above consultative methods overcome some of the deficiencies of unilateral decision making. These methods could be described as two-step approaches: step 1 is consultation, and step 2 is decision making. They can serve a number of purposes.

- They can get public officials out of a jam. When an issue becomes too hot to handle, when opposition is building, a two-step approach shifts responsibility onto others.
- They allow public officials to respond to community demands for a greater say.
 Using an extra consultative step means that officials can reassure the community that their power has been shared.
- They can lead to better decisions. By testing acceptability through a consultative process, public officials know that the wider community is more likely to get the decisions it wants. By throwing open the decision-making process, more creative ideas are likely to emerge.
- They stand a better chance of ownership. If community members have been
 part of a decision-making process, they are more likely to own the consequences of that decision, even if it's not as good as was expected.
- They lead to a more empowered community, particularly if the agenda is controlled by community members and the decisions made are enacted.

These consultative methods take many forms other than those mentioned. Those using random selection are outlined in the chapters that follow, but many consultative methods do not use random selection. Consultative methods can be tokenistic or even manipulative of the general public. But at the other end of the scale, they also can be an exercise in partnership between government and citizens even if random selection is not involved. In theory, participatory processes can lead ultimately to citizens' control, though it would be difficult to find working examples of this.

However, the range of options is worth listing in more detail. The list of options we have offered (see Appendix) is not exhaustive, and relates only to methods that might be appropriate in a political decision-making or policy-making context. The options have been categorized as inform-

ing, passive consultation, active consultation, and partnership, to signify their level of genuine involvement and decision-making power (Carson and Roache 1996). The list includes options using random selection (e.g., citizens panels, surveys, polls) as well as those with the potential to do so (e.g., precinct committees, issues forums, strategic planning) and those which do not (e.g., listening posts, street corner meetings, public rallies). Let's turn now to those processes which use random selection.



Citizen Participation with Random Selection: The Early Days

I know of no safe depository for the ultimate powers of the society but the people themselves, and if we think them not enlightened enough to exercise that control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion. (Thomas Jefferson, letter, 1820)

In this chapter we look at the early days of citizen participation with random selection, in particular at the work of two men whose names have become synonymous with this subject. Any experiments with citizens juries or policy juries will inevitably begin with an acknowledgment of the work done by Ned Crosby and Peter Dienel, beginning in the early 1970s. Also often noted is the move toward workplace democracy that was occurring around the same time. It is to these pioneering and enduring efforts that we turn first.

The history of these methods actually starts in the late 1960s, when a number of people were independently arriving at similar conclusions about the ways in which citizen participation in political decision making might be organized. Notable for their synchronicity were the separate but similar developments that began in the United States and in Germany in the early 1970s. Known as citizens juries, policy juries, or planning cells, they had a number of identical components that are outlined

below. (For both a description and a critique, see Renn, Webler, and Wiedemann 1995.)

Given that many of the methods are modeled on criminal juries, let's take a moment to look at the current conception of a jury. Emery (1989c: 132) says that, as a theoretical ideal, juries have four elements in common:

- 1. All eligible adults have a duty to serve.
- 2. They are selected by lot, not by ballot, and are not appointed.
- 3. It is forbidden for others to lobby them because they serve in their own right, not as formal representatives.
- 4. They must seek consensus.

(As noted in Chapter 2, actual jury systems may differ from this ideal. For example, in Britain, property requirements for jurors were removed only in 1972, and majority [nonunanimous] verdicts were introduced in 1967.)

Coupled with these elements are the characteristics that would be most essential when conducting a consultation process. For example, Crosby et al. (1986) consider that there are six criteria for successful citizen participation. They distinguish lobbying from participation, noting that lobbying is based on the belief "that a particular view is correct" and that it is necessary to express that view to a public official (Crosby et al. 1986: 171). In contrast, in citizen participation, a diverse group of people is informed about a topic and then reaches a view about that topic. Crosby et al.'s six criteria are the following:

- the participants collectively should be [typical of the population from which
 they are drawn and] selected in a way that is not open to manipulation;
- (2) the proceedings should promote effective decision making;
- (3) the proceedings should be fair;
- (4) the process should be cost effective;
- (5) the process should be flexible;
- (6) the likelihood that recommendations of the group will be followed should be high.

With these components in mind, let's explore some experiments in citizen participation using random selection.

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CITIZENS JURIES, POLICY JURIES: UNITED STATES

Ned Crosby was a peace activist and social change agent in the poorer neighborhoods of Minneapolis, Minnesota, in the 1960s. While working on his political science doctorate on social ethics, he came up with the idea of a citizens jury and subsequently founded, in 1974, the Center for New Democratic Processes (renamed the Jefferson Center in the late 1980s). Without any awareness of Dienel's similar work in Germany, Crosby tested a consultative method that was designed to empower the participants. When Dienel and Crosby finally met in 1985, they were amazed by the similarities of their two methods (Crosby forthcoming). Crosby's citizens juries—sometimes called policy juries—were modeled on the existing jury system, which he thought was, in the United States, a familiar and trusted form of small-group decision making in public affairs. (The Jefferson Center has taken out a trademark on the name Citizens Jury.)

The use of juries in courts of law is based on a belief that an impartial panel of citizens drawn from a cross section of the community is the best means for making very important decisions—often about freedom or incarceration and, in some countries, life or death. The presumption is not that each jury will include a complete cross section of the community, but that prospective jurors will be selected without systematically excluding racial, religious, or other groups.

People are expected to serve on criminal juries as a matter of civic responsibility, even though in practice quite a few seek to avoid jury duty. Not all jurors are intelligent; some possess intuition or maturity of reasoning that does not rely on formal education; some have little to offer in a debate; others demonstrate leadership or debating skills. This reflects the wider population, and it is assumed that all have a right to join in judgment.

Participation in criminal juries is compulsory for those called, at least officially, though in practice quite a few are able to argue or otherwise wriggle their way out of the obligation. Jury duty is one of a small number of things that the modern liberal state compels citizens to do. The others are paying taxes, military service, and, in a few countries, voting. However, participation in citizens juries is not compulsory, and this makes a big difference. Random selection must be from volunteers, which means that special care is needed in choosing the sample.

The Jefferson Center's juries are convened most often at the request of public officials who are charged with making a decision on the issue being considered. Crosby and his colleagues randomly select citizens who attend a series of meetings to learn about a specific issue and to render their verdict on what should be done. The issues are usually tough, controversial, and complex.

Jefferson Center's citizens juries have been sponsored by a range of organizations, including government departments. The first juries dealt with issues such as agricultural impacts on water quality, organ transplants, and high school clinics to address teenage pregnancy and AIDS and other sexually transmitted diseases.

To begin, a sizable jury pool is compiled by survey technique. The survey involves an intensive telephone interview in order to ensure that important demographic variables are proportionately present on each jury panel. Questions are asked to determine age, sex, education, race, and geographical location. The telephone numbers are randomly generated. Once a sufficient number of willing people is found, random selection occurs until specific categories are filled. From a randomly selected pool of 100 (sometimes more), a jury of twelve to twenty-four people is selected. The jury meets over a period of four to five days. Jurors are paid an average daily wage for attending. Crosby has run these juries as once-only events or as a statewide project with multiple juries being convened in different regional settings, culminating in a statewide panel.

To ensure that participants reflect a balance of views in relation to the policy problem, the Jefferson Center stratifies the sample based on attitude to the subject matter, rather than on a demographic basis alone (Crosby et al. 1986: 174).

Random selection is central to the citizens jury, ensuring that bias is seen to be ruled out in selecting members, who are neither appointed nor self-selected. However, the voluntary nature of participation requires that random selection be carried out in an especially careful way. Consider, for example, the policy juries on school-based clinics for teenage pregnancy and AIDS and other sexually transmitted diseases (Jefferson Center 1988). The Jefferson Center ran eight policy juries, one in each of Minnesota's eight congressional districts. The initial approach to possible jurors was by phone, to determine whether they would be willing to be in a jury pool. Randomly generated phone numbers were used, taking into account relative populations in different area codes. Of all the people approached by phone, about one-third refused to be interviewed at all. Those who agreed went into the jury pool. The Jefferson Center finds that only about 20 percent of people in jury pools actually agree to join the jury. Since the Center wanted twelve members and four alternates for each jury, it aimed at creating a jury pool of 100 for each congressional district.

The jury pools were constructed by using stratified sampling. The aim was for members of each pool to collectively match the demographic characteristics of the entire adult population. In practice, this meant seeking to create pools with the appropriate ratios for the following demographic characteristics:

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- Sex (female and male)
- Race (white and nonwhite)
- Education (less than high school; high school graduate; some college; college graduate)
- Age (18-24; 25-34; 35-44; 45-54; 55-64; 65 and over)
- · Urban and rural.

One way to achieve the appropriate ratios is to set up quotas for each category, such as female, white, high school graduate, 55–64, urban. Using random phone numbers, new volunteers for the pool are assigned to their relevant categories until each category is filled up. In effect this was what the Jefferson Center did, though in practice the procedure was a little different. By using this method of stratified sampling, the jury pools were an accurate reflection of the demographics of the state.

In selecting the actual jurors randomly from the jury pools, a further stratification was used. All those in the sample were asked their opinions about school-based clinics, the topic of the juries. Then the jurors were selected randomly so as to reflect the same distribution of initial opinions. In this way, there could be no suggestion that the jurors were a biased sample based on their beliefs about the issue at hand. This example shows how random selection in jury construction can be tightly controlled to ensure that randomness determines precisely *who* is selected but that the jury overall is demographically and attitudinally typical of the population.

Once the jurors are selected, they are called together for the actual process. The Jefferson Center establishes the agenda and provides skilled facilitators to help the jury in its task. The facilitators take special care to avoid being partisan, since this would undermine the credibility of the process. This is similar to the neutrality expected of officials who organize elections and collect, count, and report the vote. In a policy jury, the agenda, the choice of speakers, and the facilitation are designed to avoid manipulation and to empower the participants.

The jury hears witnesses who present evidence or outline their positions on the issue under consideration. The Jefferson Center organizes proceedings to represent the major points of view in a fair and respectful manner. The aim is to allow, via a set of structured hearings that represent all viewpoints, sufficient learning to occur so that an informed decision can take place.

After running the eight policy juries on school-based clinics, a state-wide policy jury of twenty-four was formed, made up of three members chosen from each district jury. Rather than selecting the members for the statewide jury randomly, they were chosen (elected from volunteers) by the district juries. Whereas the district juries had demographic charac-

teristics closely similar to the state's population, the statewide jury did not, having, for example, fewer women, nonwhites, young people, and people who had not finished high school. This illustrates how self-selection and elections, even within the policy jury context, can lead to a choice of representatives who are not typical of the population.

Crosby notes that one of the strengths of the process is that jurors "offer reasons for their decisions and point out what they like and dislike about the alternatives" being considered (Crosby 1990: 37). One of the dangers, particularly for elected representatives who might consider convening such a jury, is that the outcome is not predictable. There must be faith in the jurors' ability to make wise decisions.

Again, there is a contrast with a criminal jury. The criminal justice system tightly constrains the role of the jury. Police and prosecutors make decisions about charges, and the judge and counsel make decisions about running the case. Jurors are not allowed to ask questions during the case and sometimes are not even allowed to take notes. The criminal jury makes a judgment within tight bounds, which often boils down to a choice between guilty and not guilty. In contrast, policy juries have much greater scope to question witnesses, propose alternatives, and develop their own recommendations covering a range of matters. With such a relatively open-ended process, it is not surprising that politicians are wary of giving too much power to citizens juries.

The four-to-five-day length of Crosby's jury process is both a strength and a weakness. Devoting so much time increases the possibility for genuine deliberations to occur. Jurors can take time to reflect, ask questions, consider the responses, and follow this up with further questions and discussion. The weakness is that many people are unwilling or unable to devote five days to a policy jury.

Since Crosby's jurors are paid, the convener must recognize the financial value in the exercise. Payment is, of course, a strength for participants who are too often called upon to give up their time in processes that are so frequently undervalued.

The biggest hurdle that Crosby has had to face is that politicians are seldom willing to fund or use the method. Since the outcome of a jury cannot be predicted or controlled, it is quite a risky procedure for supporters of the status quo to adopt. Frustration and idealism have occasionally led to its use (Crosby 1990: 35).

The greatest strength of citizens juries has been the response of participating jurors from all walks of life and all political persuasions. Participants have rated the juries very highly in terms of enjoyment, fairness, and for generally being a valuable experience. The results indicate that citizen jurors perform extremely well and usually arrive at reasonable, thoughtful, and widely acceptable solutions. The media also report fa-

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vorably on the process and its results, and some politicians also have praised them.

Juries convened in the United States have arguably had little impact on decision-making bodies, and are less often convened by them than they are by enthusiastic practitioners such as Crosby, even though they have attracted the favorable attention of the media. Crosby believes that the policy jury method will gain significant power only when the public trusts in the process and demands its use (Crosby 1990: 35).

PLANNING CELLS: GERMANY

Around 1970, Peter Dienel, at the University of Wuppertal in West Germany, developed the idea of the *Planungszelle* or planning cell. In 1973 he established the Institute for Citizen Participation and Planning Methods, and began experimenting with dialogue in small groups to improve governmental decision making (Crosby forthcoming). He did this by using randomly selected groups of citizens to deal with issues ranging from city planning to future energy paths. Planning cells normally are groups of about twenty-five people who work together for two to five days on problems of planning, assessment, or control (Dienel 1988, 1989; Dienel and Renn 1995; Garbe 1986; Renn 1986; Renn et al. 1984). During this time, the participants are considered to work as public consultants. Their living expenses and wages at their usual jobs are paid by government or employers. Dienel has worked with single groups as well as multiple groups dealing simultaneously with national issues (for example, seven groups in different cities).

Dienel's work was meant to create a new model of political involvement for German citizens, affirming their role as being sovereign in any democratic political system. Dienel was clear that he was not speaking about the "professional citizen" when discussing empowerment. His interest was not in elevating or maintaining the role of citizens who might already be publicly vocal because of their interest in a political career, personal benefits, or public image (Renn, Webler, and Wiedemann 1995: 120). He sought to find ways in which virtually anyone could be a decision maker if his or her life was affected by the decisions.

This latter motivation—that citizens should have a right to participate in decision making which affects them—is more contentious than it might at first appear to be. We have already noted that in representative government, that right arguably has been forfeited, given that representatives make decisions on behalf of the population. One might delve further into this and ask, "Should democracy be based on being affected?" (Seiler 1995: 146). That is, should participation be linked to the extent to which one is affected? Hans-Jorg Seiler, a Swiss lawyer, points

out that such a notion is often spoken of pejoratively in Europe. The European conception of democracy emphasizes the idea of a common interest, in contrast to the typical idea in the United States that a population is composed of factions with different interests.

Determining who is affected also has its problems. People might be affected by the construction of a multilane highway that could destroy fauna and flora and lead to increased greenhouse-gas emissions even though they do not live in the construction area. The next generation, too, may suffer the effects of current decisions. Their voices cannot be heard. A rehabilitated industrial zone that is being converted to a housing development has no affected residents with whom to consult—yet. So who would make the decisions in these scenarios? Dienel believed that these anomalies are best addressed by giving every citizen an equal opportunity to serve the wider community, and that this equal opportunity is best achieved via random selection.

Dienel also believed in equally sharing the complex task of decision making. No single individual need play the role of universal citizen (a role that elected representatives are asked to play). In order to involve many citizens in decision making on the same issue in a short period of time, Dienel proposed organizing simultaneous planning cells (Dienel and Renn 1995: 121). Citizens should be asked to serve for a limited time only. These features of random selection, temporary assignments, parallel problem solving, and division of labor have been combined in the planning cell model.

Planning cell participants are exposed to a range of information in different formats: hearings, lectures, panel discussions, videotapes, and field tours. The idea is modeled on a jury trial, with experts and stakeholders as witnesses. Most of the task work by the planning cell is completed in small groups of five, a process that encourages everyone to take an active role and enhances the possibility of creative solutions (Dienel and Renn 1995: 122).

Table 5.1 was developed by Dienel and Renn (1995: 123) to describe the structures and conditions that are necessary for planning cells.

Dienel and Renn also have documented the sequenced activities that occur in a typical planning cell. These steps are similar to those adopted by other practitioners. Dienel and Renn (1995: 124) present them as follows:

Step one. Introduction to the issue through lecture(s) and field tour.

Step two. Provision of background knowledge through lectures, written materials, self-educating group sessions, audiovisual information, field tours, and other means.

Step three. Introduction of conflicting interpretations of information through written materials, videos, hearings, panel discussions.

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Step four. Introduction of options through lectures (designed to be noncontroversial) or hearings (designed to highlight areas of disagreement).

Step five. Problem structuring with respect to each option through group sessions and plenary discussions.

Step six. Evaluation of options through the use of individual questionnaires and group discussions (captured in group response forms).

Step seven. Drafting of rough recommendations through work groups and plenary sessions.

Step eight. Articulation of recommendations in a citizens' report written by the facilitator after the completion of the planning cells.

Step nine. Feedback of citizens' report to participants (usually in an evening meeting two months after the planning cells).

Step ten. Presentation of the citizens' report to the sponsor, the media, and interested groups.

There is a subtle but clear difference in the role of stakeholders, those who are interested in or affected by a decision, in the German and U.S.

Table 5.1 Planning Cells: Structure and Conditions

Structure	Condition
Composition	Random selection of directly and indirectly affected citizens.
	Involvement of stakeholders and public officials as witnesses, not as participants.
Task	Evaluation of different decision options in accordance with personal values and preferences. Clear political mandate to draft recommendations for legal decision maker.
Operation	Full-time meeting over several days. Receiving information about likely consequences of each option. Incorporation of uncertainty and dissent through public hearings and videotapes.
Roles of participants	Identification of participants as "value consultants." Need for external, neutral, and unbiased facilitator. Low involvement of sponsor (confined to witness role similar to stakeholders).
Organization	Payment of an honorarium to each participant for working as value consultant. Local organization committee for facilitating the invitational process.

models. According to Dienel and Renn (1995: 127), in the United States, "stakeholders have a long tradition of being included in decision making," at least in theory. This is exemplified by the commitment to public hearings prior to legislation. In practice, those involved are less likely to be citizens and more likely to be those with a financial stake in the proceedings. In Europe it is more typical for stakeholder participation not to be legally mandated or ensured through tradition. In both places there is tension involved in the degree of stakeholder participation. A balancing act is performed in involving stakeholders or sponsors in the review of information materials, suggesting experts, and so on. A line is drawn to avoid any influence that might be exerted on the panel or cell, or on the recommendations that emanate from either.

Planning cells have been used not just in Germany but also in the Netherlands, Palestine, Spain, and Switzerland (Coote and Lenaghan 1997: 13). The Swiss experience provides an example of the culturally specific nature of random selection. In Switzerland, instead of using random selection, the oversight committee recruited and selected participants. The sponsoring agency was concerned "that random selection would not be seen as a legitimate way of choosing representatives," given that "lotteries as a political means of achieving equity [are] alien to the Swiss political culture" (Dienel and Renn 1995: 133). The Swiss, of course, have a tradition of heightened public involvement in decision making through their cantons and community councils. A similar resistance to random selection was expressed to one of this book's authors when organizers in Denmark were questioned about the absence of random selection in Danish consultative processes. Within the Danish tradition of participation, self-selection is seen as acceptable. A tradition of participation is compatible with use of random selection, but lotteries are more likely to be associated with fairness in some countries than others.

Other cultural differences emerge when a process is transplanted across continents, and it is clear that one needs to adapt a consultative technique to the affected community. According to Dienel and Renn, in West Germany participants apparently were "grateful and pleasantly surprised" that someone made the effort to plan and structure a participatory procedure, whereas in the United States, "citizens distrust prefabricated participation models and suspect hidden agendas" (Dienel and Renn 1995: 136). However, Crosby (personal communication, 21 January 1999) reports that his experience is opposite to this.

Residents of Denmark, according to a number of surveys, are far more knowledgeable and better informed than their counterparts in other European countries. Further, the notion of trying to achieve consensus surely has been nurtured in a country such as Denmark, where no single political party held a majority in the Danish Parliament for most of the

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1900s—open debate and negotiation is a political way of life (Toft 1996: 174).

The German experience of planning cells is an inspiring one. Organizers point out the significance of involving those who are not in paid work in planning cells; they see it as a way of sharing problem solving and public service. Participants report that the process helped them become better communicators and made them more confident in creating cooperative working styles. They recognized their role as consultant or advocate for the public good. Planning cells are recognized as a legitimate component of government decision making and usually are commissioned by the authorities that have power to act on their recommendations.

WORKPLACE DEMOCRACY: AUSTRALIA

We have been talking thus far about random selection being used in community planning or problem solving. Random selection is an adaptable technique, and the possibility exists for its transfer into the workplace. In the creation of industrial democracy, might workers' names be drawn at random and worker members become part of a departmental committee that involves itself in planning and coordination decisions?

Beginning in the 1950s at the Tavistock Institute in London, researchers including Fred Emery, Einar Thorsrud, and Eric Trist became involved in studying and promoting democracy at work (e.g., Emery and Thorsrud 1976). They observed that some groups of workers—for example, in underground coal mines—themselves decided how best to organize the work. Such systems brought out the best in workers and were quite efficient. This form of direct democracy at work inspired the researchers to investigate how to promote "sociotechnical design," in which workers helped to design participatory work systems. The idea was that technology and work practices would be chosen by all concerned—management, workers, and labor unions—to achieve commonly agreed objectives.

In any process of designing work, key questions are who makes the decisions and how they are made. In traditional bureaucratic structures, decisions are made by top managers, often by the chief executive officer, with or without consultation. When large numbers of workers participate, a wider range of options becomes possible, including consensus, voting in face-to-face meetings, election of representatives, and sortition. Fred Emery in particular was attracted to sortition for workplace decision making. He observed random selection in three workplaces: a fertilizer plant in Norway, a heavy electrical manufacturer in India, and a small high-technology company in Australia (Emery 1989c: 74). In each

case workers and managers decided on random selection after considering alternatives.

In the 1980s, Alan Davies introduced some of Emery's ideas into the trade union movement in Australia. Davies worked with the Tasmanian Public Service Union (TPSU) to help it restructure so as to become more effective (Davies 1985). As the first phase of a strategy for change, he conducted a search conference (see Emery and Purser 1996) of forty-two invited participants. In the second stage, 600 TPSU members were chosen randomly from the membership of 10,000. They were put into eighty-five discussion groups, whose meetings were convened by fellow unionists trained in facilitation. Davies described the randomly selected participants as a "deep slice" because the groups included members from all levels of the organizational hierarchy. The deep slice, using selection by lot, provided genuine input from rank-and-file members (Davies 1985).

Davies applied the same approach in working with the Administrative and Clerical Officers' Association (ACOA), a major Australian labor union covering government employees, with a membership of 50,000. In order to work out how to better organize and run the ACOA in a changing environment, four methods were used to learn views of its members. First was a search conference with executive members of the union. Then there were some 300 discussion groups involving 2,000 members chosen by lot. Third, contributions were invited from members with special knowledge or points of view. Finally, contributions were invited from the entire membership. Through use of these methods, input was obtained from a wide cross section of members. Some of the members' cynicism about the union was countered when they realized that the consultation was genuine (Davies 1982).

The discussion groups in these extended consultation exercises had varying attendance. For some groups everyone invited showed up, whereas in others no one appeared! The most important factor was personal contact: when the group convener personally contacted members, face-to-face or by phone, they were far more likely to attend.

In his lifelong pursuit of participatory democracy, Emery became ever more supportive of sortition (Emery 1989c). He was highly critical of representative systems, including workplace councils with employee representatives, a typical model for industrial democracy. Through choosing members of workplace councils by lot, there is less risk that those selected will become tools of management and isolated from their fellow workers. Emery (1989a) also advocated lot-based selection of policy advice bodies, such as industry councils, that are currently appointed by government.

The democratization of work is of crucial importance, given that work is where most people spend the greatest amount of their time. Decisions

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at work immediately affect the quality of working life, not to mention having wider impacts on productivity, social welfare, and the environment. When working environments are "rational"—decided at the top, without worker participation—human capacities are imprisoned in what Max Weber described as the "iron cage" of bureaucracy. George Ritzer (1996) has used the word "McDonaldization" to describe the change in workplaces toward the fast food characteristics of efficiency, quantification, predictability, and control. There seems to be little room for shared decision making or agenda setting within such dehumanized work processes.

CONCLUSION

The name used by those who convene a policy jury, a citizens jury, or a planning cell is significant. Language carries important messages, and the term "jury" is an especially powerful word, resonating with legal proof and grave decisions made by peers based on comprehensive evidence. Colin Brown asks whether the reactions might be the same to a consultative process that was called an "advisory panel" or a "workshop." Probably not. We need to be mindful that a citizens jury differs in a number of significant ways from a legal jury (Brown 1997). A legal jury deals with evidence that is strictly determined by the court and delivers a verdict that is decisive. A citizens jury can call any evidence it wants, but to date its decisions have been merely recommendations.

Are citizens better at making policy decisions than politicians or bureaucrats? Using citizens certainly minimizes the role of vested interests. But better at making the decisions? Perhaps not. This is not a problem of complexity. Ordinary citizens equipped with accurate and meaningful information and time in which to debate and deliberate will be as effective in making decisions as those currently making decisions on public policy matters. However, the same constraints that exist for those in authority will rear up to obstruct empowered citizens in their efforts to make "good" decisions. Constraints to effective decision making are structural, systemic, psychological, physical, cognitive, and interpersonal (Carson 1996).

Random selection is both a way to limit poor-quality decisions and a means to create a more robust process that might remove some of the more obvious impediments to effective decision making. For example, random selection might mean that there is less fear attached to the decision. There is no power base to be maintained, no career on the line, no electoral ramifications, no allegiances to abide by, no entrenched patterns of faulty institutional decision making to be perpetuated. It stands to reason that information should be written in a way that is comprehensible, that participants should be helped to complete their task, that

the participating group should not be too large, and that opportunity for equal participation must be incorporated in the process. Procedures should be fair and be seen to be fair. One needs to be careful about the sharing of information. If information is being doled out, then the agenda is beyond the control of participants. They must be free to set their own agenda and call for any additional information once the topic has been canvassed.

Any consultative process runs the risk of being an empty ritual when no clear agreement is made prior to the consultation that the decisions reached will be adhered to. Tentative work has been done in this area, in asking sponsoring authorities to sign a contract, so that participants are clear about the extent to which their final decisions will be enacted. Participants are less likely to feel let down if they know in advance the limits of the process. Authorities also are less likely to back down if they have committed themselves to adhering to a decision reached by citizens.

Juries can attend to short-term problem solving or long-term planning, local or national. Local juries can be convened that tie into a national configuration. Evaluations indicate that jurors are very satisfied with the process, but little is known about the wider community's knowledge or satisfaction. Since recommendations to date rarely have been formally adopted by agencies, the challenge would seem to be to lessen the community's dissatisfaction with current consultative practices by heightening their awareness of alternative processes.

The three key groups influencing policy are elected representatives, interest groups, and bureaucrats. This system may be entrenched, but it is not irreversible. How might decision making by an elite minority be converted into a shared process? This chapter began to answer this question. The chapters that follow will explore the question further by looking at some practical experiments that have built on the work of Crosby and Dienel.

Citizen Participation with Random Selection: Yesterday, Today, and Tomorrow

In this chapter we will look at more recent examples of citizen participation in political decision making that use random selection. These different methods have been used throughout the world. We survey experiences from Australia, the United States, and Europe, and comment on the methods' effectiveness. The various methods have been categorized by the location of the individual or organization that created or used them.

COMMUNITY CASE STUDIES IN RANDOM SELECTION: AUSTRALIA

One of the authors, Lyn Carson, had heard of the experiments in participatory democracy conducted by Ned Crosby and Peter Dienel that were described in Chapter 5, and wanted to use them in Australia. A number of opportunities arose that allowed her to do this. As an elected representative on a local council, she convened a randomly selected precinct committee in 1992. As a community representative on a school council in 1993, she formed a parent jury. In the following year, as an academic and consultant, she was asked to conduct a randomly selected policy jury in a neighboring town that was to consider a main street planning issue. These three examples of participation using random selection will be outlined.

Randomly Selected Precinct Committee

In 1992 a community consultation committee (CCC) was formed by Lismore City Council. Lismore is in eastern Australia, in northern New South Wales not far from the coast. Among the CCC's tasks was to establish and evaluate the effectiveness of precinct committees in the local area. Three precinct committees were to be formed, two urban and one rural. Carson recommended to the CCC that it include at least one randomly selected committee. She agreed to coordinate both the selection and the establishment of the Girard's Hill Precinct Committee.

Girard's Hill is a small precinct with only twenty-five streets so it was considered appropriate to have one representative from each street with a couple of longer streets having two representatives. Street numbers were randomly selected (literally drawn from a hat by the mayor). Each street had four numbers drawn, and these were labeled first, second, third, and fourth preference. It was assumed that there might be difficulty getting residents to participate, so it was important to have backups should the first-drawn participant decline to attend.

The CCC placed leaflets in mailboxes prior to the "lottery" to alert community members to the possibility that their names might be drawn. This leafleting was also considered to be of educational importance, as it drew the community's attention to the consultative process that was under way. Those whose names were drawn from the hat as first preferences were notified by mail of their selection. Carson and a colleague followed this up by contacting each selected participant by phone. Where the name on the list was an absent landlord, the tenant was visited personally. The aim was to involve not just the owners but also the residents who actually lived in each street.

Carson and her colleague assumed that people might be reluctant to represent a larger geographical area but would feel sufficiently connected to and responsible for their own street that they would agree to attend. The letter that was sent had emphasized the importance of selected participants representing their street.

The area had a higher than average proportion of older women. These women were reluctant to go out at night to attend a meeting or had reservations because of their failing health. Overwhelmingly they believed that the younger, male neighbors would have much more to contribute. Most of those contacted seemed quite surprised to be asked for their views, and considered that special expertise must be necessary in order to contribute anything meaningful to the discussion.

After Carson patiently explained that they were the very people who were wanted—people who knew what was needed to make their street and their community a better place to live—many were willing to "give it a go" (try it). Those who remained unwilling were replaced by the

next randomly selected person. A couple of people were extremely excited about "winning" the position on the committee and could not wait to be involved. Virtually all of the men who were contacted agreed to participate.

On the first evening only fourteen of the expected twenty-seven arrived. Tremendous cynicism was expressed by some participants about the value of the project and the likelihood that the city council would either listen to them or act on their concerns. As it transpired, this was quite an appropriate concern because the council (i.e., seven of the twelve councillors), decided to pull the plug on the whole project within weeks of the first meeting. It did this by withdrawing the very minimal funding that had been allocated to a staff person to service this project as a part-time precinct committee coordinator.

This experience highlights the reluctance of people, particularly women (and more particularly older women) to be involved in community decision making. It demonstrates the cynicism of participants toward elected representatives and government bureaucrats. It shows the hard work needed to follow up a selection process to convince people to be involved.

There was a distinct difference in the selection procedure used for these Australian projects and those used by the Jefferson Center. The latter compiles a pool of willing participants, derived by using random selection. Potential participants have been informed about the jury and have expressed a willingness to serve. They have committed themselves before selection, so there is a high turn-up rate. In the Australian case studies, the participants had to be persuaded to attend after their names had been randomly selected. The result may be a distinctively different cohort, since the disempowered, the less confident, and the less articulate inevitably will defer to others. Possibilities of providing opportunities for all citizens may be lost if no attention is given to encouraging all voices to be heard.

Parent Jury

The second jury that Carson conducted was held in 1993 (Carson 1994). Lismore Heights Primary School, like all schools in the state of New South Wales, had a school council, which was seen by the state government to be a way of devolving management responsibility to regions and then to each school community. The school council replicated traditional committee structures with formal roles assigned to officeholders, formal meeting procedures, and the exercise of considerable control over the agenda by the school principal.

Meetings of the existing parents association were poorly attended, and it was difficult to gauge a cross section of parents' views about the school. This school council therefore agreed to hold a parent jury, which Carson was to coordinate, in an effort to involve parents in setting the school's goals.

Advance publicity was sent to all parents in the form of an illustrated announcement that their names had been included in an important lottery. All students' names were placed in a large container and two names were chosen for each grade: kindergarten to year six. An equal number of male and female parents were designated. These parents were contacted and told that they had won the lottery, and were invited to attend an evening's discussion about the school's goals. Again, participants were followed up by phone.

A fairly reluctant group arrived on the night of the parent jury. Some had never visited the school before. Some said that they were far too ignorant to discuss such important issues. A skilled facilitator had been employed, so opportunities were given to parents to discuss their discomfort and reluctance. Many said they attended from either curiosity or guilt. Participating parents gradually began to feel at ease as they realized that they were as able as the next person to discuss one of the most important issues in their lives: how their children should be educated.

This gathering worked like a jury to the extent that evidence was presented by a teacher, a counselor, several students, and a community member. Each speaker talked about his or her educational priorities, and all avoided the use of jargon. There was wonderful, lively discussion from the parent group, whose level of empowerment appeared to rise by the minute.

Parents participated in small groups, and the results, including many practical suggestions, were enthusiastically reported back. The parents, who had arrived reluctantly three hours earlier, turned into a forceful group. It was hard to send them home at the end of the evening, so animated and excited was the discussion.

Throughout the evening these parents realized a number of things, and these realizations emerged in the evaluation at the end of the evening: they were competent to discuss these issues; some other parents shared their views and some opposed them; all viewpoints were valid; discussions about education could be stimulating and fun; expressing their views in this way could affect their children's future teaching and learning.

A significant blunder was made that is worth noting. A commitment was made to parents to pass on their comments and concerns to the teaching staff, which was done via the teacher who had attended as a speaker. The list of priorities was not received well by staff, who interpreted many of the comments as criticisms and felt that they were already doing many things which were seen as important by these parents.

With the wisdom of hindsight, it was clear that the facilitator should have been given the added responsibility of debriefing teachers who had misinterpreted some of the comments. Organizers had been very sensitive to the parents' needs but had stopped short of extending the same sensitivity to the teachers.

In the following year, with a new acting principal at the helm, a different process was used. A think tank was convened, and all parents were invited to discuss the strategic plan. The usual handful of interested parents accepted the invitation. A significant new process, the parent jury, has not been conducted again.

Neighborhood Policy Jury

In 1994 Carson was asked to undertake a project for the Ballina Information Service (a neighborhood center run by a paid coordinator and a number of volunteers). Ballina is on the east coast of Australia, near Lismore. The project, called "Our Ballina," was designed as a visioning exercise to gauge community opinions and ideas on development of Ballina's central business district (CBD).

With the help of a colleague, Carson trained three volunteers and the coordinator to plan and run their own policy jury. After a full-day training session and a little guidance, they wrote all their own publicity material, negotiated with speakers and shire council, organized the venue and catering, gathered materials for displays, and did a major mailbox drop throughout the area they wished to target. The training sessions took place in February 1994 and culminated in the neighborhood consultation six months later.

Volunteers had to work hard to convince residents to attend. They had done a promotional mailbox drop prior to the drawing of names and followed this up with a personal visit to those who had been randomly selected. Older women were particularly reluctant and believed they had little to contribute. On the day of the consultation, the expected twenty participants were reduced to fifteen (six women and nine men), and the majority were older residents. This accurately reflected the aging population of Ballina, although men were overrepresented.

The day began with introductions after participants had had a chance to look at the displays, which were designed to stimulate their interest in the possibilities for developing the CBD. An icebreaker followed, during which participants were prompted to think of a town other than Ballina that made them feel good about being there and another town where they felt reluctant to leave.

A number of speakers, chosen by the neighborhood center for their variety of views, offered their perspectives. They included a town planner, a lecturer in planning, an employee of the tourist information center,

a member of the local environmental society, a high school student, and a shire councillor. Participants were given a couple of minutes after each speaker to discuss any questions they might wish to raise at the end or any points that sounded interesting. This worked well. It can be overwhelming to hear a string of speakers without interruption, and it can be disruptive to have questions asked that may be answered by later speakers. Questions followed, and residents took this opportunity to make their own statements about issues of concern.

It had been suggested to the organizers that there be a brief exercise involving relaxation and visualization, followed by small-group work with clay, crayons, and crafts to create models. The organizers were decidedly resistant to having older people asked to do these "undignified" things but reluctantly agreed. This was a most successful session, with participants standing back watching until a few people began to draw or create models; then they started offering suggestions, and finally worked with the materials themselves. The group was very animated and came up with some innovative suggestions during this process. It was difficult to get them to stop for lunch.

After lunch the small groups reported on the key elements from their groups, then discussed and agreed upon a list of five things they valued about Ballina that should be retained and five things they would like to change. After reporting this to the large group, they voted to determine the large group's priorities. Volunteers from the Ballina Information Service agreed to compile a report for distribution to the Ballina Council, the participants, and the media.

In the weeks that followed, a number of participants stopped by the Ballina Information Service to chat and to see how the finished report was going. They were interested to learn what would become of the exercise. The reluctant participants gave volunteers the feedback that the day had been a successful one for them and that they found the process enjoyable.

The project was a good example of grassroots participation. The idea came from a neighborhood group, the project was organized and run by the group, and the final report was used to lobby the local government to act on the group's recommendations. Four years later, the redevelopment of the CBD is being widely discussed, though it's difficult to assess the extent to which the neighborhood group's activities have pushed this agenda.

CITIZEN SURVEY PANEL: UNITED STATES

Though modeled on Crosby's citizens jury, Boulder, Colorado's, Citizen Survey Panel (CSP) ran for an entire year. The panel's issue was Boulder's transportation system, a contentious subject. Some residents

and planners favored an extensive highway system, whereas others advocated facilities for cyclists, pedestrians, and mass transit riders.

The Transportation Panel Project was directed by Lyn Kathlene, who recognized the importance of involving citizens at the policy formulation stage. The CSP was supported by the Transportation Advisory Committee (made up of seven voting members), which was charged with creating the city's Transportation Master Plan.

Random sampling was a key feature of the CSP's formation. Seven hundred residents were selected randomly, stratified by location and housing type. Each received an invitation from the mayor to participate in the project (Kathlene and Martin 1991: 50). Responses were received from one-third of the sample, and a panel of 147 participants was finally formed. Participants were more highly educated and had a higher income than the general population, though other important demographic factors were comparable. According to the organizers, this was partly because of the required commitment to spend a year on the project. Thus home owners, who were less mobile, were more likely to participate. Nevertheless, later comparative surveys showed participants to be similar to the wider community in their assessment and use of city services.

A range of panel exercises ensued: four surveys involving mailed questionnaires, one phone survey, and two interviews at home. The city paid participants to use the bus system and report on the experience. To maintain continuity, each panel member was assigned to one of the ten interviewers. Only 10 percent of participants dropped out during the course of the panel's one-year life. The panel provided the Transportation Advisory Committee (TAC) with considerable input in a usable form. The data gathered from this large panel were used by the TAC in four different ways.

- 1. "Information that supported its policies and projects was readily held up as proof of community support."
- 2. Issues that divided the committee but had a clear community (panel) consensus were sometimes used to resolve a stalemate in the committee.
- 3. When the panel opinion differed from TAC opinion, this encouraged the TAC to ax or revamp policies.
- 4. Panel opinion that differed from the TAC forced it to justify its policies, which sometimes meant rethinking the approach. (Kathlene and Martin 1991: 54)

The TAC's radical recommendations were supported by strong community opinion (via the panel), and when they were announced, they received widespread support from the community. The panel did not directly make recommendations that were taken up by decision mak-

ers, but the panel nevertheless was useful in affecting the direction of policy making.

To run the CSP, a policy analyst and a team of interviewers were required to develop information materials, design and administer the surveys, collect and analyze data, and write up and present findings to the TAC. Over a long period the CSP used survey and interview techniques with a random sample of the city's population, providing a more typical cross section of the Boulder community than an open public hearing or an appointed advisory committee would have done. Organizers were surprised and pleased that citizens were so willing to make such a substantial time commitment to the panel, including reading background information, being interviewed, and filling out long written surveys. Few of those involved had previously attended public meetings; afterward, most said they were interested in becoming more active in policy issues.

Given its duration and scale, a panel such as the CSP is suitable for dealing with major projects, especially in new policy areas where the community's views are unknown. It appears to have a number of advantages over conventional forms of consultation, such as public hearings:

- The participants are a more genuine cross section of the population.
- The long duration of the panel allows great scope for deliberation and reflection.
- The use of a variety of consultative techniques adds confidence to the findings.
- The credibility of the panel means that its recommendations are more likely to be taken seriously.
- Participants report favorably on the experience.

DELIBERATIVE POLLS AND TELEVOTE: UNITED STATES

Conventional opinion polls have a number of deficiencies. In particular, responses may be based on little information or consideration of the issue (Barber 1992). In contrast, deliberative polls are designed to poll the views of typical citizens after they have been involved in considerable discussion of the issues. In a large-scale deliberative poll, a national random sample of citizens, several hundred in total, is brought together for a few days. They are given briefing materials in advance. When together, they discuss the issues in small groups and have an opportunity to hear and question experts and politicians. Participants have expenses paid, and may receive an honorarium and support to attend—for example, with child care and getting time off work. Their

views are polled before and after the event. The idea of the deliberative poll is to demonstrate "what the public *would* think, if it had a more adequate chance to think about the questions at hand" (Fishkin 1991: 1). The deliberative poll, as its name suggests, is like an opinion poll with the key extra dimension of deliberation.

Deliberative polls were developed by James S. Fishkin (1991, 1997). The first such poll took place in Britain in 1994 (Fishkin 1996) and was televised by Channel Four. In January 1996, Fishkin organized the National Issues Convention, bringing 459 randomly selected citizens from across the United States together in Austin, Texas, to discuss the issue areas of the family, the economy, and foreign affairs (Fishkin 1997: 177-203). His aim was to use the event, especially through associated media coverage, to exert a strong influence on public dialogue before the presidential primary campaigns. A number of other deliberative polls have been organized in Britain and the United States. Conventional opinion pollsters have analyzed, criticized, and debated the validity and value of these polls (Denver et al. 1995; Merkle 1996). Deliberative polls can be especially useful in dealing with topics about which most citizens know very little, such as local planning issues. They may be less useful on general questions where opinions are not changed much by deliberation and where views can be measured more easily and cheaply by conventional opinion polls.

Like deliberative polls, televote is a method of polling public opinion. It is also known as educational public opinion polling. Televotes began in the late 1970s and have been used in at least two countries: the United States (Hawaii and the city of Los Angeles) and New Zealand. These experiments, designed to create an innovative system of "civic communication," have been documented in depth (Slaton 1992). Unlike the deliberative poll, televoting does not take citizens out of their homes to a single site for group discussion. Participants in televoting sometimes are self-selected, but it is quite possible to introduce random selection.

A straightforward way to obtain a cross section of the community is to call randomly generated telephone numbers. If respondents agree to participate, they are mailed information on the issue to be discussed. This material includes opinions from experts and a discussion of alternatives. Participants are encouraged to read the information and discuss it with family and friends.

Televoting can be part of a wider process of involving as many people as possible in discussion of issues. For example, the 1982 Honolulu Electronic Town Meeting included a televote (with a random sample of 700), newspaper articles, and radio and television programs. To engage the audience, some of the television programs involved dramatic and satirical commentaries with singers and dancers. All the programs allowed

listeners and viewers to phone in their comments. Thus, the televote was the more "scientific" component of a larger process of promoting citizen engagement with the issues (Dator 1983).

Participants in televoting report that they are highly satisfied with the process. Televotes have been used to help government agencies make decisions on planning and policy issues. They also can be used to predict future voting patterns accurately (Becker 1998). Christa Daryl Slaton (1992), who has been involved in organizing and documenting televoting projects in Hawaii, Los Angeles, and New Zealand, recognizes the value of collecting opinions via televote but thinks that it also is important to allow people to set the agenda.

The deliberative poll assumes that it is valuable to bring people face-to-face for deliberation. Televoting allows people to remain in their homes, though it can readily be combined with electronic hearings, described in Chapter 4, in which participants watch a debate over television. It also is possible to use videoconferencing and, in the future, virtual reality systems to offer electronically mediated face-to-face deliberation. Which is better, physical or virtual interaction? Even when people can get together in a neighborhood, some may prefer to participate at an electronic distance. Further study is needed to elucidate the pros and cons of these options.

CITIZENS JURIES: UNITED KINGDOM

In 1996, as a pilot project, the Institute for Public Policy Research (IPPR) in the United Kingdom ran five citizens juries. Like the juries that preceded them, the IPPR series was "inspired by a critique of representative democracy and a desire to rebuild public confidence in the political process" (Coote and Lenaghan 1997: i). The IPPR modeled its work on Crosby's juries and Dienel's planning cells. All five juries addressed health policy questions. IPPR chose the jury model because it uniquely combined the factors of information, time, scrutiny, deliberation, and independence. IPPR assessed the extent to which other consultative methods matched the citizens jury's ability to embody these characteristics. Table 6.1 is a slightly simplified version of IPPR's assessment (Coote and Lenaghan 1997: 11).

Four of the five IPPR juries were commissioned by health authorities; the fifth, by IPPR itself. The juries were set the task of addressing important questions about policy and planning, such as "What can be done to improve the quality of life for people with severe and enduring mental illness, carers, and their neighbours?" (Coote and Lenaghan 1997: viii). The IPPR used a market research organization to recruit and run the juries of twelve or sixteen people. Two methods of recruitment were used, each seeking to create a jury that matched the population in terms

Table 6.1 Participation Characteristics of Various Consultative Methods

Model	Information	Time	Scrutiny	Deliberation	Independence
Opinion poll	0	0	0	0	0
Focus group	1	2	1	1	0
Referendum	2	2	1	1	3
Public meeting	2	2	1	1	1
Citizens forum	2	2	2	2	1
Deliberative poll	2	2	2	2	1
Citizens jury	3	3	3	3	2

Kev:

0 = no

1 = a little/sometimes

2 = some/usually

3 = a lot/a rule

Information: Are the participants informed about the background to the policy question? Time: Are the participants given time to consider the policy question before responding? Scrutiny: Do the participants have the opportunity to ask their own questions about the subject matter and receive answers before responding to the policy question?

Deliberation: Do the participants have an opportunity to reflect on the information before them and discuss the matter with each other before responding?

Independence: Do the participants have any control over how their response is interpreted and communicated to others?

of five demographic variables: social class, age, gender, ethnic back-

ground, and housing tenure.

In Method 1, profiles were drawn up for jurors so that the jury would statistically match, as closely as possible, the population according to these five variables. For example, one member might be expected to be a white working-class female, aged 20-30, in rental housing. Recruiters then would seek someone fitting this profile, going door-to-door and approaching people in the street, at the same time searching for individuals fitting the profiles for the other jurors.

In Method 2, thousands of letters were sent to local residents asking whether they would be interested in being involved in a citizens jury, but providing little information about the process and none about the topic. Those who responded and provided information requested about themselves were then put into relevant demographic profile groups. The actual jurors were selected by lot from these groups (Coote and Lenaghan 1997: 71-72).

The IPPR juries were brought together for four days with a team of two moderators; jury members were paid up to £200 (approx. U.S. \$320) for their time. IPPR set the agenda, and invited and briefed the witnesses. The jurors were given background information on the policy question, including written information and evidence from witnesses, up to four per day. They were able to cross-examine witnesses and discuss aspects of the topic in both small groups and plenary sessions. Since men often initially dominated the plenary sessions, women and men were separated in some of the small-group discussions (Coote and Lenaghan 1997: 15).

The jurors compiled their conclusions in a report. The IPPR expected the commissioning body to do several things, among them publicizing the event and responding publicly to the jury's report within a set time. When the jury made definite recommendations, the commissioning body was supposed either to act on them or to explain why it did not (Coote and Lenaghan 1997; 9).

The organizers have drawn a number of lessons from these citizens juries. First, citizens are both able and willing to confront complex policy questions. Second, the citizens jury works better in choosing between well-defined options and in formulating guidelines for decision makers than in dealing with abstract questions or producing detailed plans. Third, citizens, service users, experts, and interest groups should be involved in the consultation process; the consultation method chosen should be appropriate to the authority's purpose. Fourth, innovative models such as citizens juries may need to follow an agreed set of rules to ensure that they are credible and reliable.

IPPR noted that both its methods of selection involve an element of self-selection and are not truly random. It decided that "a jury recruited to achieve some degree of representativeness was less likely to incur criticism than a randomly selected jury that by chance excluded one or more significant groups" (Coote and Lenaghan 1997: 73). It should be noted that self-selection is always involved unless jurors are conscripted, because prospective participants can accept or decline, thus skewing the sample.

SHARED STRENGTHS AND WEAKNESSES

A stratified sample is necessary to compensate for unequal volunteering rates and for chance deviations from desired demographic characteristics, though the importance of the latter is arguable and may be issue-dependent. It could be said that none of the methods described above involves unconstrained random selection. One needs to distinguish between the various choices when one is discussing random selection. First, obtaining a random sample of the entire population probably is not feasible because it would involve conscription. It is possible to come close to this ideal by randomly selecting, then following

up personally to convince people to participate (as occurred with the Australian parent jury and the precinct committee). Second, random selection from volunteers—the method used for the Danish consensus conferences—is feasible but can be criticized for being unrepresentative. Third, stratified random selection from volunteers—the method used by citizens juries—is feasible and commands respect for its representativeness.

Some organizers have been reluctant to use random selection because of its perceived cultural inappropriateness. Others have feared criticism about the nonrepresentativeness that might occur by chance. In the examples above, organizers stratified their samples according to the sex of participants (to ensure gender balance) or the sector they would be from (a street, a school year, a health zone, welfare recipients, and so on), to avoid the chance occurrence of unrepresentative panels. Some methods began with a profile and randomly selected until the profile was matched. Random digit dialing could be seen to discriminate against those without a telephone (the lowest socioeconomic groupings), those unwilling to be forthcoming, and groups with fewer telephones per person.

Arguments occur about the importance of randomness. Since selected participants are never going to be a perfect cross section of the entire population (just as a criminal jury is not), is it not better to interfere in the selection to ensure that as many interests as possible are represented? Of course, a danger emerges when one assumes that a woman, an indigenous person, or a person with a disability is representative of the wider group. Feminists have wrestled with the shortcomings of seeing women as a homogeneous group, knowing that the life of a single black working mother in New York is very different from that of a married white childless female in Kansas.

However, there is a commonsense response: elicit as many views as possible. For example, when random selection is used to choose residents to consult about housing, ensure that both home owners and renters are represented, that those who stay at home and those who work are represented, and that the different needs of men and women with and without families are gauged. An organizer would want a sample of the resident population that allowed as many views as possible to be canvassed. If, however, the topic does not directly affect each participant—for example, a question like child care—then on what basis should selection occur? Might it not then be appropriate to select from volunteers at random?

Random selection, particularly for small groups, inevitably limits the chance of broad community participation. The size militates against broad participation, although some organizers have run parallel groups to counteract this. A trade-off occurs between practicality and pluralism.

Small groups have other potential weaknesses: they can be susceptible to groupthink (a herdlike response) or to being swayed by a charismatic individual. The methods outlined above have two components that guard against these possible scenarios. First, they employ trained facilitators to ensure that participants are heard and that domination is minimized. Second, most methods lead toward a consensus (unanimity), which lessens the possibility of manipulation. And, of course, the greatest strength of a small group is its ability to interact constructively and achieve worthwhile outcomes.

All of the methods mentioned above lack official authority. The extent to which recommendations are acted upon depends upon the sponsoring agency. The German planning cells (Chapter 5) are a good example of positive influence, as was the Citizen Survey Panel in Boulder. The Jefferson Center policy juries (Chapter 5) have had much less influence on policy makers.

This dependence on a higher authority to implement recommendations points to the top-down nature of political systems. Most of these citizen participation initiatives were promoted by government agencies or consultation practitioners. The neighborhood policy jury in Ballina is an exception, but was still dependent upon a local council to take up its recommendations. Is the effect of such consultation methods more on the participants than on the policy makers? Participants clearly enjoyed the experience and gained confidence from it. Assessment of the extent to which public involvement is a feel-good exercise or an exercise in social action clearly is linked to the extent to which the entire community takes such processes seriously.

Agendas were most often controlled by organizers, though some had considerable in-built flexibility for alteration. Information was provided by the organizers, and there were differences about the way in which it was compiled. Also, participants often were able to call for more information. Groups evidently were well informed, and this allowed for quality deliberations. The sorts of information-sharing and information-seeking activities in which participants engaged were varied. The activities included surveys, home or phone interviews, hearings, small-group discussions, videos, expert panels, written materials, field trips, craft work, and visualizations.

Randomly selected groups offer a much better alternative when officials are forced to negotiate an outcome that is agreeable to opposing parties. Participants are far more objective and act as advocates for the larger society rather than a particular interest group. Randomly selected groups obviously are useful in settling contentious issues. However, it would be unfortunate if this was the only motivation for using them, since their value in timely, long-term planning seems to have gone largely untapped.

The reality is that since government officials cannot predict the rec-

ommendations of randomly selected groups, they are wary of using them. Any formalized citizen input is a threat to the power of government officials. Despite support for policy juries, for example, in the U.S. experience, they remain relatively unused.

Colin Brown (1997: 172) notes that government officials value citizen input only when decisions are "tricky," and suggests that giving jurors "easy problems, where a number of different options are feasible and acceptable," would be much more worthwhile for the decision-making authority. He notes that there are two contrasting motivations behind initiatives for public involvement in decision making. One is increasing citizen participation, and the other is making better decisions. Though complementary, they are distinctively different, and go to the heart of any participatory process. Of course, helping authorities to make better decisions is a significant goal because it leads to better policies and practices, which in turn benefit citizens. However, having citizens make their own decisions is a very different exercise.

There is an additional motivation: dampening or co-opting citizen protest by channeling it into safe avenues, thus legitimizing decisions without seriously challenging power relations. At its worst, citizen participation becomes tokenistic, a form of placation, therapy, or even manipulation (Arnstein 1969).

The evaluations completed by citizens jury organizers indicate that randomly selected participants make "good" decisions. They are likely to use common sense rather than legal or other technicalities. Their recommendations have proved to be useful for government officials. The average citizen is capable of handling quite complex information when it is presented in an accessible, comprehensible form. Their contributions can be creative, fresh, and highly relevant, and should be valued. Payment is one way of both rewarding and valuing participants' contribution, as well as a means of compensating them for time and/or wages forgone. Some of the methods surveyed above involved payment to participants, at least enough to cover their expenses; others relied on volunteers. Payment is seldom a major motivation for attendance. It does allow participation by those otherwise unable to attend and shows that participants' input is valued.

There was considerable variation in the size of groups, from a cast of many hundreds in deliberative polls, to a survey panel of 147, down to the more common group of 12 to 20 in citizens juries. The time taken also varied, from a yearlong survey panel to a one-day or one-evening jury. Costs matched the scale—from very small-scale, low-budget affairs to more expensive nationwide events. Even large-scale citizens juries or planning cells are cost-effective when compared with, say, a large-scale public survey that involves expensive design, implementation, analysis, and reporting.

Because randomly selected groups are relatively untried, there is an

absence of protocols. This is changing as more organizations use and evaluate these methods. The more experience that is documented, the easier it will be for agencies to employ these strategies confidently, and to be able to match their needs to a particular method. The processes outlined above have been quite formal and systematic, and this remains a strength.

THE FUTURE

There is a danger in selecting a consultative method as one would a consumer product-off the shelf. It is better to think in terms of contextually appropriate strategies. Reading about the experiences of others alerts us to the difficulty of transposing one situation to another (Lane forthcoming). Context is crucial, and being open to the uniqueness of each situation will mean the difference between effective and ineffective consultation and participation. Approaching each situation without preconceived ideas, wondering what constitutes this particular community, will achieve far more than deciding the method in advance.

Many of the methods that have been outlined above are top-down approaches to the resolution of problems. That is, they are methods designed to allow those with less power to have some influence on those with more power, rather than to give decision-making power directly to the less powerful. This should not negate the worthiness of the methods, but as such they may do little to change inequitable structures and systems. Community members can choose to exploit top-down approaches to achieve greater influence, and the decision-making elite can use these approaches in the knowledge that they are bestowing a privilege on those who otherwise would be excluded. Government officials have a choice: to see the use of top-down approaches (1) as a once-only opportunity to make their own lives easier or to quell disquiet, or (2) as a way to genuinely involve the wider community in more participatory forms of decision making that may serve to transform current realities. With this in mind, how might advocates of participation operationalize the strengths outlined above and begin to avoid some of the weaknesses? What would an ideal (albeit top-down) consultative approach look like?

Ortwin Renn and others (including Peter Dienel) have documented a process that has been used many times in West Germany as well as the United States (Renn et al. 1993). The consultative process combines some of the best features of Dienel's planning cells with more traditional planning processes to form a three-step procedure, described below. This procedure is based on a belief that (a) "social acceptance of any policy is closely linked with the perception of a procedure's fairness in making the decision" and (b) "the public has something valuable to contribute to policy making" (Renn et al. 1993: 209). Random selection is a key component of two of the three steps.

Though not neglecting the contribution of experts and regulators, Renn et al. seek to draw on the competence and wisdom of the general public, particularly local knowledge held by community members. Their aim is to take advantage of citizens' full potential, systematically combining citizen input with contributions from experts and stakeholders. The three-step model draws on three kinds of knowledge: commonsense knowledge based on personal experience, expert knowledge based on technical skills, and knowledge associated with interest groups and advocacy.

Different groups are engaged in each of the three stages or steps. In the first step, the objectives or goals are identified. This is done by getting all relevant stakeholders—groups affected by the decision or perceiving themselves to be affected—to lay their values on the table and tell how they think different options should be judged (Renn et al. 1993: 190). A value-tree analysis is used to elicit these values and criteria. Individuals participating in this step can be selected by lot from relevant groups.

The second step involves either the research team running the procedure or an external team of experts. This team starts with the values and criteria for judging options derived in step 1 and transforms them into operational definitions and indicators. Then the group of stakeholders in step 1 reviews these results. Once they are approved, the agreed values and criteria are used to evaluate the policy options. A heterogeneous group of experts judges the performance of each option, the aim being to reach "an expert consensus via direct confrontation" (Renn et al. 1993: 191). The goal is to develop a profile for each option that tells how well it measures up to the agreed criteria.

In the third step, each option profile is evaluated by a group of randomly selected citizens, or sometimes by several such groups. This step employs processes similar to those used in planning cells (Chapter 5). Over three to five days, the citizens learn about the policy options from lectures, hearings, panel discussions, and tours of relevant sites. They evaluate the options, drawing on the profiles developed in step 2.

Table 6.2 shows the involvement of different types of actors—stakeholders, experts, citizens, sponsor, and research team—at each step. Although one actor has the most important part in each step (see boldface in table), every group can be involved in each step. For example, stakeholders are the main source of values in step 1, but others can contribute to establishing the value trees. Similarly, in step 2, performance profiles are primarily the responsibility of the group of experts, but others can provide input. Finally, citizens are the key group in step 3, but experts and stakeholder witnesses also are involved. The sponsor has input but is not a central player. The research team coordinates the entire process, providing drafts and ensuring there is approval of the joint value tree, performance profiles, and citizen report.

Table 6.2
Elements of Three-Step Participation Model

Actors	Step 1: Concerns and criteria	Step 2: Assessment of options	Step 3: Evaluation of options
Stakeholders (interest groups)	Establishing values and judgment criteria	00	Witnesses to citizens juries
Experts	Additions to concern list (generation of options)	Group delphi collection of expert judgments	Participation as discussants or presenters
Citizens (ran- domly selected)	Additions to and modifications of concern list	Transformation of expert judgments	Option evalua- tion and recom- mendation
Sponsor	Input to concern list (generation of options)	Incorporation of institutional knowledge	Witness to citizens juries
Research team	Transformation of concerns into indicators	Verification of expert judgments	Compilation of citizen report
Products	Joint value tree	Performance profile for each option	Priority of options and policy recommendations

Source: Ortwin Renn, Thomas Webler, Horst Rakel, Peter Dienel, and Branden Johnson, "Public Participation in Decision Making: A Three-Step Procedure," Policy Sciences 26 (1993): 192.

Planning cells—the third step in a three-step model—initially were used in urban planning when local governments were quite willing to give citizens an opportunity to contribute. However, this receptiveness may not be present for national issues with high stakes and entrenched positions. Adding the first two steps to create the three-step procedure may be more attractive and effective in these difficult situations. The main opponents of turning decisions over to citizens are stakeholders, who, especially in the United States, expect to be involved in decision making. In this context, one advantage of the three-step model is that stakeholders, experts, and citizens all have an input (Renn et al. 1993: 199–200). In using the procedures practiced by Renn et al., Carson (1998) found the combination of steps to be quite effective.

A number of steps seem to be missing, however, from the three-step model, though aspects of these additional steps may have been unstated but assumed in Renn et al.'s practice. For example, a significant first step has been alluded to in relation to a number of the methods already outlined: the early contractual period during which organizers and the final policy makers need to agree on their commitment to effect change. Whether the consultative method is a community or a government initiative, it is essential that organizers are able to inform participants about the possibility of any recommendations being enacted. Contracts need to be negotiated and signed so that they are available to participants. If participants know there is a low probability of enactment occurring, then they are able to approach the task realistically, knowing that the advantages for them in participating (education, skills acquisition, curiosity, etc.) do not include the possibility of imminent institutional change. This step might therefore be termed "contracting."

Also part of this first step is the necessity to inform the wider public about the consultative process. Random selection of small panels makes little impression on the general public unless publicity occurs. Such publicity serves a number of functions: to provide information to the general public about the issue under discussion; to raise awareness of the random selection process; and to create some interest in the possibility for selection. So informing is an important component of step 1 in this revised model.

CONCLUSION

For several centuries prior to the 1900s, the use of random selection for political decision making was virtually nonexistent. The criminal jury provided the principal means for direct participation by randomly selected citizens. The rise of opinion polling in the 1900s provided a means for citizens' views to be registered and fed into the political process. Then, in the last few decades of the century, beginning with the work of Peter Dienel and Ned Crosby, there has been a dramatic expansion in experiments with randomly selected citizens being involved in making judgments about specific issues following exposure to information and a process of discussion. Sortition may still be a neglected option, but it is fair to say that it is now being given more attention than at any time since the rise of representative government more than two centuries ago.

So far we have discussed citizen participation with random selection that has been promoted as a reform within present government systems, though some advocates definitely have a long-term goal of direct democracy. Proponents and experimenters have different and sometimes multiple aims, including the following:

- Influencing decision making by governments
- Obtaining an assessment of what public opinion would be in a society with widespread deliberation on social issues

- · Balancing decision-making inputs from experts and nonexperts
 - Developing the interest and capacity of citizens to participate in making decisions that affect them
- Reaching "better" decisions, especially ones reflecting the public interest rather than special interests
 - · Laying the basis for direct democracy using sortition.

To develop the last point in this list, we turn in Chapter 7 to some visions of a participatory political future integrally involving sortition.

Sortition Futures

Direct citizen participation in decision making is valuable because decisions are more likely to reflect people's interests. Also, direct participation helps prevent domination by a ruling elite. Even when there are elections, the input of citizens into policy making may be so limited that it's almost like an elected dictatorship.

As we described in Chapter 2, random selection played a key role in ancient Athenian democracy. Since then, the desire for popular involvement in decision making has repeatedly surfaced in many guises, including mass action against repressive regimes, the expansion of representative government, workers' self-management, and citizen protests against government actions. However, the ancient Athenians exceeded any society since in their extensive use of random selection to run society. In recent centuries, the criminal jury has been the only substantive decision-making entity drawing on random selection.

Beginning in the 1970s, political pioneers Peter Dienel and Ned Crosby showed that randomly selected citizens are willing and able to participate in the sort of decision making needed to run a society. In Chapters 5 and 6, we outlined the growing interest in and experimentation with citizens juries in several countries. However, citizens juries remain, in both conception and practice, a supplement to the conventional political system based on elected governments and standing bureaucracies. They

show that much more citizen participation in decision making is possible, but on their own go only a small distance toward structural change.

For all its undoubted flaws, ancient Athens remains a model for the extensive use of random selection. But can the Athenian model be transplanted into contemporary societies in which there are vastly more people and where new and complex issues, such as computer fraud and in vitro fertilization, need addressing? Citizens juries show that random selection can be a valuable tool in planning, but what about actually running the society?

One solution is to reduce the size of decision-making communities (Dahl and Tufte 1973; Kohr 1957; Sale 1980). Ancient Athens had no more than 60,000 citizens. If, today, communities of this size could be self-reliant economically and politically, then they might well employ the methods used by the ancient Greeks, including a mixture of full meetings, random selection, and voting, with strong controls over all office-holders.

While this might be attractive in some parts of the world, it has a number of flaws. Few, if any, communities in the industrialized world are as self-reliant as ancient Greek city-states, so a self-contained decision-making system doesn't make as much sense. There is a much greater division of labor today, with specialized occupations from building to biomedicine. Increased specialization also increases the requirements for decision makers. There are now many more issues requiring attention, often involving specialized knowledge intermeshed with wider community concerns and values.

If every citizen sits on a community panel to decide on policy for every issue, everyone's time would be taken up in decision making, with no time to do anything else. This can be considered the fundamental problem of participation: beyond a certain small size, not everyone in a group can be involved in every decision.

There are several possible solutions to this fundamental problem. One is to leave decision making to a small group. In the case of dictatorship, the rulers make up the small group. In the case of bureaucracy—including large corporations—the top managers make up the small group. In the case of representative government, the top elected officials make up the small group. The problem with these solutions is that participation is limited and power is concentrated. With representative government, the problem of overload on elected officials still occurs, though it is restricted to the top decision makers rather than everyone.

Another solution is to allow everyone to be involved in decision making, for example, through electronic referendums, as described in Chapter 3. The problem here is that many people will not be well informed—it is impossible to be well informed about everything—so decisions are made more on the basis of prejudice than of careful consideration.

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So, for any sizeable community, there seems to be a trade-off between two shortcomings:

- If everyone is allowed to participate in decision making, then many people will be uninformed, since there isn't enough time for everyone to become knowledgeable about every issue.
- If only some people make the decisions, then there is a concentration of power, which may become self-perpetuating as decision makers use their power to entrench themselves and their patrons.

Can random selection come to the rescue? In this chapter we introduce ideas for alternatives to electoral politics that go far beyond what many people see as possible or plausible today. Nevertheless, we think it is useful to consider such utopian ideas, since sometimes they provide an effective guide to developing and promoting alternatives in the here and now.

One idea is the citizen legislature. Rather than representatives being elected, they could be chosen randomly from citizens. Instead of a house of representatives, there could be a "representative house," a legislative body made up of randomly selected citizens, rather like a large jury (Becker 1976: 467–470; Becker et al. 1976: 183–185; Callenbach and Phillips 1985; Dahl 1970: 149–153; D. Mueller et al. 1972; Slaton 1992; Steele 1995).

A citizen legislature immediately solves some of the problems of concentration of power. Prior to being picked, randomly selected legislators cannot be endorsed, promoted, or advertised. Therefore, the power of political parties to set the agenda is reduced. Randomly selected legislators are less likely to be susceptible to special interests. If they are selected for one term of office only, then there is limited opportunity for special interests to cultivate relationships.

One objection is that some randomly selected legislators might be ignorant and prejudiced. They might be venal and open to bribery. They might not take their jobs seriously. But would this make them any worse than elected politicians? Politicians are well known to make compromises in order to be endorsed and elected, and to spend a large fraction of their time in cultivating favors, fund-raising, campaigning, and public relations, so they can be elected and reelected. Randomly selected legislators would have no need for these activities. They could just get down to the job. After a short term of office, they would return to their communities and have to live with their neighbors and colleagues, who would know how they had voted. Self-respect and peer pressure would be potent forces in reducing laziness and corruption.

Another approach is to use random selection to modify a process involving election or appointment. For example, in selecting the U.S. pres-

ident, many of those with the greatest influence—political party insiders, lobbying groups, and candidates themselves—are far more concerned about their own interests than the general interest. Including a random element in the selection process would curb the role of self-interest. For example, having the president selected randomly from the ten candidates who receive the highest number of votes in an election would reduce the attraction of putting big money behind a single candidate. Another possibility is that ten regions of the country would each elect a candidate, with the president being chosen randomly from the ten finalists. A U.S. Supreme Court justice might be selected randomly from 50 nominees, one from each state, thereby reducing federal-level politicking and reorienting the court to states' rights. Indeed, there are innumerable ways to incorporate randomness in selection procedures, some quite complicated. The precise method used can be chosen to minimize the role of political greed (Knag 1998).

Still, selecting officials randomly doesn't solve the problem of overload. When legislators, whether chosen by election or sortition, have to deal with every issue, they do not have the time to become familiar with all the arguments. The most likely result is sloppy decisions or dependence on support staff in bureaucracies, thus leaving much of the power in the hands of special interests. One way to cut through this dilemma is to question the assumption that a single decision-making body must deal with every issue. That's the way present-day legislatures and executives operate—and it leads to centralization of power. Why not break up the issues and have different groups deal with each one? That's the way much practical work is carried on. School systems make decisions about curricula, construction firms make decisions about materials, and farmers make decisions about sowing and harvesting their crops. Even legislatures rely extensively on committees to deal with specific issues.

In everyday life, most people focus mainly on issues with which they are directly involved. They don't rely on a single central body to make decisions about every issue. Could the same sort of approach apply to decisions that currently are seen as political?

Let's summarize where we are. Decision making by a single body of officials (elected or otherwise) has two major problems: abuse of power and overload on the decision makers. Using random selection reduces the potential for abuse of power. Dividing up the issues and assigning them to different groups reduces the overload. Combining these two methods gives a different type of system. It is sufficiently different from democracy that it's useful to have a different name for it: demarchy.

DEMARCHY

The word "demarchy" is the creation of philosopher John Burnheim, who developed the idea in his pioneering book *Is Democracy Possible?*

Table 7.1
Representative Government and Demarchy

Representative Government

Group	Role in Decision Making	How Selected
Elected politicians	make decisions	elected by citizens
Government bureaucrats	advise politicians; make administrative decisions	senior bureaucrats appointed by politicians; others ap- pointed by senior bureau- crats
Political parties	choose candidates	voluntary membership
Media	influence opinion	privately owned or govern- ment run
Lobbyists and activists	try to influence politi- cians, bureaucrats, and public opinion	volunteers or paid by interest groups
Citizens	vote for politicians	satisfy legal requirements (citizenship, voter registration, etc.)
Demarchy		
Group	Role in Decision Making	How Selected
Members of functional groups	make decisions	random selection from vol- unteers
Members of sec- ond-order groups	make decisions about the decision-making system	elected or randomly selected from members of functional groups
Media	influence opinion	privately owned or run by community
Lobbyists and activists	try to influence mem- bers of functional groups and public opinion	volunteers or paid by interest groups
Citizens	occasionally be a member of a func- tional group	satisfy requirements set by second-order groups

(Burnheim 1985; see also Burnheim 1986, 1990; for critiques see Lynch 1989; Hirst 1986). Demarchy is such a change from the familiar representative government that it's worth spelling out the basic elements of both systems for a systematic comparison; see Table 7.1.

In demarchy, there is no government "out there," administering every-

thing for the community. Rather, decision making is close to home, more on a scale akin to ancient Athens. The key decision-making processes occur in the functional groups. These are groups of citizens, chosen randomly from volunteers, who make decisions in particular areas—functions. Some possible functional groups might cover the following:

- Garbage collection
- · Child care
- · Music and theater
- Industry policy
- Construction
- · Roads
- Public transport
- Energy
- Water
- Research policy
- Health policy
- · Education.

So, instead of a single congress, parliament, or council dealing with all areas and running things through bureaucracies, there are many groups, each dealing with a single function. Each functional group can be considered to be just like a policy jury, except that it meets on a semipermanent basis.

Functional groups serve the local community. This probably would be a population of thousands of people, rather like ancient Athens. It might be 20,000, perhaps as low as 1,000, or as high as 100,000 or more. Experience would provide guidance as to the appropriate scale. So instead of a population of one million people having a single high-level parliament or congress, perhaps with regional and local government as well, there would be a patchwork of communities, each with a set of functional groups. For a population of one million, there might be 50 or 100 such communities, each with functional groups on all relevant topics.

Let's zoom in on a single functional group. How big? Let's say twelve people. Who are they? Anyone could volunteer to be in any group. The actual group members would be chosen randomly from the volunteers. Are you interested in water policy? You might be concerned about building more dams, the levels of chlorination and fluoridation, how water is paid for, promoting rainwater tanks, water pollution, dealing with drought, and a host of other issues. If so, you could volunteer for the group. Since water policy is not just a local issue, there would need to be coordination with groups in neighboring communities.

As we discussed in Chapters 5 and 6, members of citizens juries typ-

ically devote themselves seriously and conscientiously to their task, learn a lot, and come up with sensible sorts of findings. In the context of demarchy, it is more accurate to refer to policy juries rather than citizens juries because the groups make policy. Members' expertise initially is quite limited, but even so, policy juries soon become, on a collective basis, quite knowledgeable—certainly more so than the average citizen or even the average politician. A functional group would have the benefit of this sort of special attention to the issue, plus two advantages. First, the members would have far more than a week or two to deal with the issues. Over months and years, they would develop considerable insight into the issues. Second, the members would be chosen from volunteers for that particular group. Those with special interest and concern about a particular issue would be much more likely to volunteer for the relevant group. If you are interested in or concerned about water issues, then it would make sense to volunteer for that group, whereas if your main interests are in transport or child care, then it would be natural to volunteer for those groups.

While a functional group might well have greater knowledge of and experience with an issue than a typical short-term policy jury, the corresponding danger is that there would be too great a bias due to development of vested interests. One way to overcome this is to have strictly limited terms, perhaps one or two years, with no possibility of reappointment. The terms could be staggered, with a fraction of the members replaced at regular intervals, so that there is some degree of continuity. Another useful measure would be to require new members to sit in on meetings as observers for a few months before they can participate in decisions. That would provide a period for learning without the risk of making ill-informed decisions.

The other safeguard is random selection. No one would be able to guarantee his or her place on any committee. The number of people with special interests in a topic such as water policy will not be all that great, so before long, others, without an ax to grind, are bound to be involved.

The process of random selection leads naturally to several results. People chosen for the groups are there not because they have special knowledge (though they may), nor because they have wide support in the community (though they may), but simply because they were the ones whose names came up in the draw. Since they are there due to chance, with no electoral mandate, there is little justification for anything more than a limited term. This is similar to a criminal jury. Although jury members have more expertise after a case, they are sent home and a new jury is impaneled. This is quite a contrast to electoral politics, in which politicians often run for reelection. It has always been difficult to pass laws against multiple terms of office because it is in the interest of politicians to remain in power, and the rationale of experience and popular mandate works effectively to keep this situation unchanged.

Sortition creates a political dynamic that is quite different from that created by elections. With elections, certain people desire to gain positions of power. Many are ambitious, seeking power, fame, and wealth. To build support within a major political party as well as a wider voting public—the normal road to electoral success—requires cultivating others' support for one's own political ambitions. The individual who does not seek office but is pressured into standing for the good of the community is increasingly rare.

With sortition, there is no party or constituency that needs to be mobilized to be chosen: it's just a matter of chance. Furthermore, the limited terms of reference of any single functional group, and the limited term of office, mean that there is little power, fame, or privilege to be gained if one is selected. Many people are unenthusiastic about serving on a criminal jury; likewise, many people might well be unenthusiastic about volunteering for a functional group. Those who are ambitious would be better advised to seek wealth or to exert influence by becoming an expert in some field or a commentator in the media.

However, there are some functional groups in which membership would be eagerly sought: those that deal with issues that excite people's passions. Topics such as abortion, guns, drugs, crime, and pornography would be dealt with by some group or other. But how to exert influence if selection is random? The obvious approach is to encourage as many people as possible to volunteer for the relevant group. It wouldn't be effective, though, to get just people who agree with you to volunteer on the basis of a superficial familiarity with the issue. Group members would spend weeks and months studying evidence, hearing testimony from experts and community members, and discussing the issues before making a decision. To be an effective advocate for a particular cause, a volunteer would need to be an informed partisan, familiar with the arguments pro and con, and able to deal with new evidence and understand new options. Thus, the best sort of volunteer to serve a cause is someone who is knowledgeable, flexible, and committed to some general principles. This means that any special interest group seeking to get more sympathetic people onto a relevant group would need to engage in a process of community education involving those who are already sympathetic as well as those who are critical—the latter might be selected, too. The same would apply to a special interest group with an opposing

The result would be an intense process of promoting community education and discussion. It would not be enough just to sway people's superficial opinions—the sort of responses registered by opinion polls. This level of knowledge or commitment would be unlikely to withstand the intense scrutiny that would occur in a group. Instead, the aim would have to be to develop a deep level of understanding of the issues and a

commitment to principles that might withstand scrutiny and provide guidance in new territory.

In short, the politics of elections is one of ambition, special interests, and manipulation, with principles often subjugated to power seeking. The politics of demarchy is one of education, mobilization, and issues of substance.

Let's say that one particular interest group is highly effective in mobilizing supporters and getting them to volunteer for a certain functional group. Wouldn't this mean that the group's members would be atypical of the community? Most of the volunteers—and, therefore, most of those chosen randomly—might be men (or women), or managers, or from a particular ethnic group or religion, or from the same neighborhood. Random selection from *volunteers* might result in a very nonrandom group of people.

This was a serious enough problem for policy juries. In demarchy, where the functional groups are the actual decision-making bodies, and where canvassing could occur to encourage people to put their names forward for the ballot, the problem is likely to be greater.

As before, one obvious solution is to draw a stratified sample, putting tight constraints on the lottery to ensure desired characteristics of representativeness in the functional group. Consider a functional group for which it is thought highly important that half the members be male and half female—perhaps one dealing with family-related policies. Suppose that eighty women and twenty men volunteered for a ten-person group. To ensure equal numbers of men and women, five members could be chosen randomly from the eighty women and five from the twenty men. Alternatively, suppose exact equality of numbers is not so important, but it is thought there should be at least one of each sex. Then the first nine members could be chosen from the 100 volunteers. If the nine include at least one man and one woman, then the last member would be chosen from the remaining ninety-one volunteers. If the nine are all women, then the last member would be chosen from the twenty men volunteers. Similar methods could be used for other choices, such as ethnic, geographic, income, or religious criteria. If some minimum number of members is desired from any particular group, this is easily arranged. In many ways, this is not greatly different from representative government, in which there often are seats designated for particular regions (such as two senators from each state in the U.S. Senate) or, sometimes, ethnic groups (as in Fiji).

The reason for this sort of quota system is that some types of people are more likely to volunteer than others. In many cases it is men, the well-educated, those with higher incomes, and those from dominant ethnic and religious groups. There is an alternative to volunteering and quotas, of course: including everyone in the random selection process,

the way juries are selected. This would certainly produce a fair distribution of members from different sectors of the community. The disadvantage is that many people wouldn't want to sit on a functional group, especially on a topic they didn't care about much—just as many people try to avoid jury duty. Perhaps in highly participative, integrated communities, with a well-developed communal sense of obligation, it would work to include everyone in the selection process for every group. But without such a level of community solidarity, random selection from volunteers will result in groups whose members are far more committed to doing a good job. Then, because volunteers may be an atypical sample of community members, specifications can be put on the composition of the group, with appropriate sortition procedures to meet these specifications.

In ancient Athens, extensive participation was fostered through sortition at the possible cost of efficiency. Citizens of Athens volunteered for service and were scrutinized before, and especially after, their term of office. By putting tight controls on the powers of randomly selected officials, and drawing equal numbers from each of the ten tribes (the key form of stratification), Athenian democracy was able to use sortition in

a way never equaled since.

In demarchy, volunteering is for a more specific task, a functional group on a topic such as power supply or the arts. Since most volunteers will have a special interest in the topic, this is likely to improve efficiency, but at the possible expense of wider participation on any particular function. Following the model of ancient Athens, it would be appropriate to institutionalize scrutiny of group members before and after their terms. Objections to particular individuals, on specified grounds, could be considered by a meeting of citizens if a sufficient number of them petitioned for recall. At the end of a member's term, there could be a public hearing on his or her performance. There would need to be a balance between, on the one hand, sufficient scrutiny to promote and ensure adequate performance of duties and, on the other hand, sufficient tolerance and support for group members so that citizens are not discouraged from volunteering.

SECOND-ORDER GROUPS

So far we've talked about demarchy as a system of randomly selected groups that make decisions about particular issues, such as industry or education. But there are quite a number of other sorts of decisions about the way the system is organized:

- · How is the number of members in a group decided?
- How is it decided which particular groups should exist? For example, should there be a single group dealing with industry, or separate groups dealing with

agriculture, heavy industry, and light industry? Should there be a separate group dealing with a key local industry?

 How are quotas—such as minimum numbers of men or women—for groups decided?

In representative systems, these sorts of issues usually are decided by the government itself, such as when a parliament decides to change the voting system or the number of its members. Sometimes decisions are made by the courts or by statutory bodies such as an electoral commission that decides boundaries for electorates.

To deal with these sorts of issues in demarchy, John Burnheim came up with the idea of having "second-order groups," which are groups that make decisions about how the demarchic system operates, dealing with questions such as those above.

Burnheim suggested that members of second-order groups should be chosen from those who have served on functional groups—the first-order groups. How? Since the second-order groups require a lot of wisdom to keep the system running smoothly, Burnheim proposed that members of first-order groups should give confidential assessments of their peers' suitability for higher-order tasks. Those who get the best ratings would go into a pool from which the members of second-order groups would be selected randomly. However, one argument against this is that selection by colleagues—even with the element of sortition—would inhibit the free flow of discussion, since those seeking to get on second-order groups might seek to cultivate favor with others. An alternative is direct random selection from members of functional groups. There's no easy way to judge between these alternatives. The obvious solution is to try them and see which works better.

QUESTIONS ABOUT DEMARCHY

The basic structure of demarchy is fairly clear. In a community of thousands or tens of thousands of people, there are functional groups covering a range of important areas, each one making policy decisions. Members of the groups are chosen randomly from volunteers. To negotiate the structure itself, there are second-order groups, whose members are chosen from those with experience on the functional groups. Just as important as the structure is what does not exist. There is no central decision-making body—locally, regionally, or nationally. There are no government bureaucracies to execute the decisions of the functional groups. This means that there are a lot of aspects of demarchy that still need to be worked out. It is possible to propose ways to deal with these aspects, with the understanding that many things need to be

worked out through trial and error, using an experimental approach. Blueprints can be useful to stimulate thinking but may not be accurate guides to what will work. Here we will make a few comments on various issues.

Should membership in a functional group be equivalent to a full-time job, a half-time job, or just an occasional activity? It might be more attractive to community members if it was for a certain number of days per week or weeks per year.

How many groups should there be? This depends partly on the need for decisions and coordination. Consider, for example, a community of 10,000 people. Suppose one-quarter of the people are interested in serving on a functional group for, on average, one out of ten years (perhaps as a fractional appointment). Then there would be 250 people available at any given time to serve on functional groups, enough for 25 groups with 10 members each. In this picture, lots of people play a major role in community decision making, but at any given time only one out of forty people is involved—not a large burden. Indeed, by having more groups, the level of participation could be increased by a factor of five or more without an intolerable burden. If there get to be too many groups or if not enough people volunteer to make groups viable, then the second-order groups could step in to eliminate or combine some groups.

Would the groups need support staff? It might be useful for each group to have one or two people who would call meetings, collect information, arrange for visiting experts, and so forth. These facilitators would need to be neutral with regard to the issues dealt with by the group, just like the role played by Jefferson Center staff in running policy juries.

A concern is that the facilitator or steering committee has a disproportionate amount of power. One recent British consensus conference demonstrated that a lay panel feels sufficiently empowered to work alone if its members believe, rightly or wrongly, that the group's facilitator is biased (Simon Joss, personal communication, 1997). Contrary to the usual way of doing things, this group prepared its own report, thereby rejecting the external support provided to it. Steering committees for consensus conferences or citizens juries, in the experience of the authors, are kept honest by the selection of a group with a diverse and balanced range of views. Participants inevitably are biased, but processes can be put in place that allow for exposure and acceptance of these biases.

What about people not in groups? Could they participate in any way? If they have relevant expertise or practical involvement with the issues, they could appear before appropriate groups as experts or partisans. They could make written submissions to groups, write letters to newspapers

or join E-mail discussion groups, canvass door-to-door, produce leaflets, circulate petitions, hold rallies, go on strike, join boycotts, and engage in civil disobedience. All the methods of nonviolent public participation would be available, just as they are supposed to be available in representative systems. Such methods of participation might be even more influential in demarchy, since members of functional groups would have no mandate to follow some particular policy or party line.

How would the economic system operate? It might be a market-based system with small enterprises, or it might be a more cooperative system with collective provision of goods and services and worker-managed operations, among other possibilities. Large multinational corporations would not mesh well with demarchy. If big, remote government is replaced by functional groups, then it would be incongruous to have giant corporate bureaucracies, which are less accountable to workers than governments are to citizens. Perhaps large corporations should themselves be run, in part, on demarchic principles! Certainly corporate policy, planning, evaluation, and dispute resolution could be done this way.

Burnheim has ideas for using functional groups to regulate the money supply. Suffice it to say that there are many options and many questions to be answered.

How would coordination occur between groups? Groups might keep in contact with other groups dealing with similar issues. They might hold joint meetings. They might refer disputes to second-order groups. There are many unanswered questions here.

One important question is how to avoid groups attending to their own little patch of concern and not taking into account the wider context. For example, a group looking at water policy would need to look beyond the local geographical boundaries in order to consider wider ecological issues, future generations, social impacts, and many other factors. Coordination between groups is essential, but more is required to deal with this possible problem.

How would groups enforce their decisions? The answer is that they wouldn't and couldn't! Here is where the deeply radical nature of demarchy becomes most apparent: there is no authority that can exercise coercive power. Under a representative government, decisions normally are implemented by bureaucrats. If there is significant resistance, it can be overcome by use of courts and, if necessary, police and military power. States are, by their nature, systems relying ultimately on the use of force to maintain power, though in practice they seek to foster popular support or acquiescence, which usually works far better. The police power of the state is apparent in the use of police (and sometimes the military) to arrest and imprison those who challenge the system in a fundamental fashion. In capitalist systems this power typically is used

against challenges to private property, such as squatting in an empty building or strikes in essential industries. It also is used extensively in

wartime to impose conscription and repress dissent.

In demarchy, there is no state and no police power (though there might be police to deal with ordinary criminal behavior). How, then, can decisions of functional groups have any impact? The answer is that they have impact (1) because of their credibility as representatives of the community who have studied the issue in depth and (2) to the extent that their decisions seem sensible and compelling. This is similar to the current role of the criminal jury. Juries have credibility because they are made up of community members. In most cases jury decisions are unquestioned. Occasionally a decision gains publicity because it seems unfair. Juries maintain credibility to the extent that they are seen as making sensible decisions.

Functional groups would have several advantages over juries. They would not be hobbled by all the restrictions imposed on juries. For example, they would be able to seek out information themselves. They would be able to spell out their reasons for making a decision, at some length. The more controversial the topic, the greater the need for a careful explanation of the rationale for any decision.

Even when governments exercise coercive power to enforce their decisions, they cannot succeed in the face of widespread popular resistance. Prohibition has never worked when lots of people want to take drugs. Likewise, government controls over guns do not work when lots of people want to own guns. Governments cannot just make any decision they like and make it stick: they have to be sensitive to popular sentiment, or they may lose power through citizen resentment and discontent.

These same processes would operate under demarchy, but much more strongly. A rogue functional group that made a decision which convinced nobody would have little influence—people could just ignore the decision and carry on the way they preferred. If a functional group or other organization took action that adversely affected others—such as causing pollution above widely agreed levels—then various forms of nonviolent action could be used to address the problem, such as alerting the population, convincing others to refuse to supply goods or services, instituting a boycott, or organizing rallies or sit-ins. To be effective, functional groups would need to rely on their credibility as nonpartisan citizens and their good sense as to what is a workable decision.

It is a common belief that society requires coercive governments to control those who refuse to obey common standards embodied in laws. Actually, though, a great part of social life proceeds on the basis of cooperation or agreement about principles of behavior. Societies are sustained largely by acquiescence or support from relevant groups rather than the threat or exercise of brute force (Edelman 1971; Gramsci 1971;

Sharp 1973). Although law often is seen as the basis for order, in practice community members may maintain order without or despite the law (Ellickson 1991). This reliance on social cooperation is quite obvious in demarchy.

For example, nonbinding arbitration has been used to settle disagreements. Arbitrators are agreed to by the contending parties, who are expected to adhere to their decision. There are no laws enforcing this sort of arbitration (which has no legal or other formal guarantees); however, a party that goes against an arbitrator's decision would lose credibility with others, and probably would lose business and support. With a reputation for not holding to promises, such a party would have a difficult time finding anyone else to enter into an agreement (Watner 1997).

What about defense against aggression? If demarchy has no state and no government bureaucracies, that means it has no military forces. One solution to this problem is nonviolent community resistance to aggression through methods such as rallies, strikes, boycotts, and sit-ins, with social and technological systems designed to support such a resistance. This is called social defense, nonviolent defense, or civilian-based defense (Boserup and Mack 1974; Burrowes 1996; B. Martin 1993; Randle 1994; Sharp and Jenkins 1990). Although no society has ever organized itself for social defense, there are quite a number of historical examples that suggest the power of nonviolent action, such as the Czechoslovakian resistance to the Soviet-led invasion in 1968, the toppling of the Marcos dictatorship in the Philippines in 1986, and the collapse of eastern European regimes in 1989.

Social defense relies on the same sort of community participation and solidarity that is fostered in demarchy. It essentially means design of social systems and social mobilization to defend those things in society that people think are worthwhile.

CONCLUSION

Demarchy is a vision of a society that is participatory, eliminating the hierarchical structures of the state and bureaucracy while overcoming the problem in direct democracy that people don't have enough time or expertise to make decisions about every issue. The best evidence for the potential viability of demarchy is the experience with policy juries.

Nothing like demarchy exists today. That is not a reason to reject it, any more than the absence of democratic systems in the year 1500 would have been a reason for rejecting democracy. Demarchy is a possible model for promoting participatory politics in a complex society. Because demarchy is only an outline of an alternative, examination and experimentation are needed to see how it might be developed and improved. Just as the system of representative government requires a lot of fine-

tuning to ensure fair elections, controls over the executive, and so forth, so demarchy will require many ad hoc adaptations to become a viable form of political life.

Sortition is central to demarchy, ensuring that special interest groups cannot gain an entrenched hold over decision making as well as opening up participation without the carrot of ambition or the stigma of defeat that is so characteristic of electoral politics.

Strategies

Random selection in politics seems to have a lot of potential. It fosters participation, undermines the entrenched position of politicians and bureaucrats, and is widely perceived to be fair. But being a good idea isn't enough. For it to be introduced, there must be a strategy for promoting random selection.

To develop a strategy, it is valuable to know the goal. Several different goals can be discerned in work by proponents and users of random selection in politics.

Reform of the electoral process. The Jefferson Center's electoral juries, in which randomly selected groups of citizens study party policies and question politicians in order to recommend particular candidates, are one example. Building on this experience with electoral juries, Ned Crosby (personal communication, 21 January 1999) is preparing to run "citizens election forums," in which citizens juries would evaluate and rank candidates, with ratings widely distributed to potential voters. He hopes to have this reform adopted through the initiative and referendum process.

Reform of policy making. Examples include planning cells, citizens juries, and Danish consensus conferences that are using random selection. Members of consensus panels have a greater control over the agenda, making this a more potent reform.

Reform of direct democracy methods. As discussed in Chapter 3, random-

ness can be used to improve the operation of initiative and referendum, voting in face-to-face meetings, and consensus decision making.

Introduction of sortition-based alternatives to representative government. Various models of society involving sortition are possible. Examples include ancient Athenian democracy (Chapter 2), citizen legislature (Chapter 7), and demarchy (Chapter 7). In 1980 Ned Crosby postulated a system built around citizens juries controlling government bureaucracies, but was unable to get his book published. In 1976 Fred Emery proposed a system of participative democracy based on juries operating in networks at conventional levels (local, town, regional, national), with people at higher levels selected randomly from those at lower levels (Emery 1989b).

Although choice of strategy depends on the goal, there actually is a fair bit of common direction in these different goals. For example, promotion of demarchy is likely both to aid and to be aided by operation of policy juries. Hence, treating various forms of random selection in politics together may be satisfactory for a preliminary general discussion of strategy.

Since policy juries, demarchy, and most other uses of randomness in politics are not well known, there is not a lot of experience in promoting them. Therefore we cannot give a comprehensive assessment of strategies. Nevertheless, there are some points worth making. We begin by outlining the most important sources of opposition to and support for random selection, then look at possible opportunities for promoting it, and finally discuss some general principles.

SOURCES OF OPPOSITION

Sortition is a definite threat to those who gain power through some other mechanism. Politicians and political parties rely on the electoral system for their legitimation and power. Their skills and organization are geared to winning support from voters—for example, through public relations, campaigning, policy making, deals with interest groups, and ties to government bureaucracies. Holding office allows the exercise of political patronage, with benefits for favored individuals, organizations, industries, and sectors of society. Holding office also gives politicians considerable visibility and status. It is for precisely this reason that certain personality types are drawn to electoral politics, especially those who are ambitious, competitive, and good at making deals and projecting a positive image.

It is hard to imagine many politicians willingly giving up all the advantages they have gained through electoral politics in favor of a process of random selection in which they would have no more chance than anyone else. The most likely responses are total lack of interest, failure

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to understand the alternative, and active antagonism. The lack of interest is apparent in the failure of governments to promote experiments in citizen participation that might replace some of their own functions. There have been many successful planning cells and citizens juries over a period of decades, but politicians have not come knocking on Peter Dienel's and Ned Crosby's doors, asking how to implement them on a wider scale. As for demarchy, it is so alien to the consciousness of most politicians that they would be unable to grasp it easily, as we've noticed in a few conversations. After all, it involves getting rid of governments as we know them.

There's nothing new in this. Politicians and political parties resist other measures that might undermine their power, measures that could make the present representative system more accountable or fair. Proposals they have resisted include limited terms of office, setting of salaries by an independent tribunal, the right of recall, limits on donations to parties, removal of party affiliation from ballots, and rotation of the sequence of names on ballots.

Politicians are apt to be among the most vehement opponents of random selection, but there are others who also are likely to be resistant, including government bureaucrats, judges, lobbying groups, and establishment experts. Government bureaucracies are insulated from citizen input, which has to operate through voting and pressure group politics. Sortition would open up a different sort of accountability that would be unwelcome, especially to top bureaucrats who are intimately involved in formulating as well as implementing policy.

Judges can be opponents of juries usurping their power. Charles Mueller (1997) notes that antitrust legislation in dozens of countries has been left unenforced due to judges interpreting the laws in a way favorable to monopolies. He argues that citizens juries would be less susceptible to propaganda from the wealthy, and thus should be in charge of antitrust cases.

Lobbyists on behalf of groups such as doctors, the telecommunications industry, or farmers have a stake in the electoral system because they have privileged access to particular politicians and bureaucrats. By threatening to use their economic or voting power, or by making donations, they have an inside track to gaining advantages. Many interest groups make donations to all major political parties and keep on good terms with key bureaucrats, many of whom remain regardless of what happens at election time. The electoral system provides a degree of predictability for applying pressure. In contrast, it is much more unreliable to try to influence a committee of citizens selected by lot. Even if it was possible to make headway, the whole process would have to start again when new members are chosen.

Establishment experts also have a stake in the system. For example,

the practice of medicine is licensed by the state; health insurance systems provide payment only for certain categories of registered practitioners. The connection between the medical establishment and the state is the result of a long process of political mobilization by doctors. Introducing random selection might well destabilize this connection; establishment medical experts would have to make their case to citizens on its merits rather than relying on government endorsement. The same sort of thing applies to lawyers, engineers, psychologists, and many other experts who are licensed by the state and whose advice is open to challenge.

It's worth mentioning one additional source of resistance to random selection: many prominent figures in social movements and dissident political groupings. Many of these individuals are committed to promoting increased citizen participation. However, they occupy positions of status and power within an organization, and perhaps wider visibility as spokespersons for a cause. Promoting random selection might undermine their own status and power. This may lead to a lack of enthusiasm for random selection and support for the electoral system. Their disapproval of the status quo may be more about *who* is in charge and what policies are implemented than about the decision-making system itself. State-oriented socialists are likely to be especially antagonistic to sortition, given their commitment to a party line and belief in central planning.

We've commented that there is an obvious link between opposition to random selection and vested interests in the current system, whether those interests are those of politicians, judges, bureaucrats, experts, or leaders of dissident groups. However, most opponents would explain their opposition by using rational arguments. Individuals are not consciously biased. Rather, they think in certain ways that often happen to reflect their situation in life.

Promoting random selection will be difficult because of opposition from vested interests, but there is also a deeper-reaching obstacle: the entrenchment of the current system in people's minds and behavior.

At school, children are taught that what is called democracy—representative government—is the best political system. There is no serious discussion of possible alternatives that might be more "democratic" (more participatory).

The mass media also foster the idea that democracy is the ultimate political system. There is an intense focus on the political process, especially the personalities of political leaders, their jockeying for political advantage, and their struggles over policies. Quite a lot of coverage is a direct result of public relations, especially by governments. The media often show the seamy side of politics, including the peccadilloes of politicians and factional infighting, and sometimes expose payoffs and cover-ups. The underlying assumption, though, is that the system is

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okay, and that what needs to be fixed are errant individuals or bad policies. The electoral system as a method of governance is almost never questioned in any fundamental way (Ginsberg 1982). Even changing the system of voting—for example, from single-member electorates to mixed-member proportional representation, as occurred in New Zealand in October 1996—is rare. Deeper changes are not on the agenda so far as the media are concerned.

Finally, the present system is a part of most people's lives. Watching and discussing the activities of prominent politicians is a popular spectator sport. Voting is a ritual for many people. Others join the political process by writing letters to politicians, participating in organizations that apply pressure to politicians, or joining rallies and other protest actions aimed at influencing political decisions. Generally, political activity is assumed to be concerned with what governments do. The lack of participation in decision making at work and in local communities is ignored; it is assumed that participation is something only for the political sphere.

It's useful to think of sources of resistance to sortition, because it can be a waste of time trying to convert politicians and others with a vested interest in standard methods. Also, it's wise to be prepared for attacks.

SOURCES OF SUPPORT

While opponents of random selection often are linked to vested interests and familiar ways of behaving, it is harder to find an explanation for why some people support random selection. Here are some possibilities.

First, many social activists are committed to participatory group dynamics, such as the use of consensus in affinity groups, often because they themselves are seeking the satisfaction that comes from direct involvement in issues. Many such activists reject electoral politics as a sham, having seen the failure of the political system to deal with environmental problems, male domination, or some other problem they have experienced personally. Some of these activists are actively searching for participatory alternatives to electoral politics and are open to the idea of random selection.

Second, there is a disparate group of individuals who are promoters of participation. They include scholars, community workers, activists who overlap with the social activists mentioned above—and a few elected representatives. They have developed a commitment to participation and thus may be open to random selection as one option. The pioneers of planning cells and citizens juries fit in this category.

Third, there are people who are in search of a decision-making procedure that is widely seen to be fair. They include government workers,

corporate executives, and community activists who are seeking a way forward on difficult decisions that have the potential to cause serious rifts. Random selection may be supported because it solves a particular problem, though it might not be supported aside from this.

It is early days yet to know the basis of support for random selection. If citizens juries ever become established, even in a limited fashion, then sources of support will become more obvious. This is apparent in the case of criminal juries, which are backed by a wide range of legal scholars, lawyers, and citizens, and provide direct experience for jurors themselves. Until similar experience with citizens juries becomes widespread, support is likely to be limited and precarious, confronted as it is by vested interests and personal experience of electoral politics.

ARGUMENTS

Part of the struggle for a new system such as demarchy is developing persuasive reasons, arguments, and examples. Some opponents may be motivated by vested interests, but they are bound to justify their positions with rational arguments, or at least arguments that sound rational. Developing the case for demarchy and formulating responses to objections are of crucial importance.

One of the main advantages of sortition is to reduce the influence of vested interests and to increase the role of discussion based on more than self-interest and power trading (Burnheim 1995). Thus, promoting random selection through considered argument is nicely compatible with the goal of using random selection to foster participative and deliberative decision making. In other words, the means (considered argument) is compatible with the end (sensible decision making), unlike such familiar examples as defending the peace through armed force.

Arguments on their own are seldom enough to win the day. Ideas are never independent of social location and context. A sure sign that a person has a deep-seated emotional resistance to an idea is that, after giving good answers to his or her objections, he or she keeps responding with new objections and changing the terms of the discussion.

We have already outlined some of the arguments for and against direct democracy (Chapter 3) and random selection (Chapters 2, 5, 6, and 7). Rather than rehearse these again, we will revisit a couple of crucial concerns about random selection.

One objection is that random selection means that the most knowledgeable and experienced people may be omitted from decision-making bodies, whereas the ignorant, prejudiced, and uninterested may be chosen. This concern can be voiced by those who support establishment experts as well as those who have developed expertise that challenges the establishment. This objection reflects a deep-seated tension between

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expertise and participation. In technocracy—rule by experts—participation is by experts only, since they are presumed to know best for everyone. In various forms of democracy, expertise is subordinated to participation, including participation by nonexperts.

One response is that experts are not necessarily the best people to make decisions that involve broader issues. Expertise often is very narrow in scope. Does expertise in nuclear engineering by itself provide a suitable qualification to set energy policy in everyone's interests? Does expertise in econometric modeling by itself provide a suitable qualification to decide on how a society's resources should be allocated? After all, few politicians have relevant expertise in nuclear engineering or econometric modeling.

Even when experts are not on decision-making bodies, they can have a significant influence on decisions. They can testify to policy juries, give public lectures, write articles, and talk to whomever they wish, including the media. In this model, experts are effective by being persuasive rather than through their formal position. This is the premise that experts should be "on tap but not on top."

Many of the arguments against sortition boil down to resistance to participation and distrust of ordinary people, whether the arguments are couched in terms of expertise, merit, experience, or mandate, and whether the method of selection is appointment, competition, or election.

At the opposite end of the spectrum is a different objection: that those who are interested, educated, and confident are much more likely to volunteer for a position chosen randomly, leaving out those who are most disadvantaged. The alternative, requiring everyone to participate in a lottery, introduces compulsion with all its nasty side effects. The most obvious response to this problem is to stratify the sample sufficiently—by income, employment status, education, or whatever is required—so that people from any specifically defined disadvantaged group are selected. In addition to this there are methods for encouraging participation, such as adequate pay and other support for participants, education for participation, a supportive community climate, and tolerance. These and other foundations for participation are much the same whether they are achieved through self-managing groups, voting, or demarchy.

POSSIBLE OPPORTUNITIES

To move toward a wider use of sortition, it is easier to start small. Policy juries are much easier to introduce than a full implementation of demarchy in a community. Indeed, one of the big problems facing demarchy is the scale of the operation. Voting can be used in a small group; representative government is simply the combination of voting and

representatives for decision making. Is there some analogue for random selection?

One way to start is to use random processes more often in small groups when fairness or equalizing power is a key consideration. For example, in groups using consensus, it is standard procedure for the job of facilitator to be rotated. This could easily be replaced by a lottery (with no one chosen twice until everyone has been chosen once), thereby avoiding any subtle bias by which certain facilitators are chosen for certain types of issues.

The idea of functional groups, the second main element in demarchy (the other being random selection), also can be approximated in small groups. Consider twenty or thirty people, committed to consensus, who are faced with making decisions about five or ten topics in an afternoon. If every topic is dealt with by the full group, the process of reaching consensus can be agonizingly slow. An alternative is to break into small groups, each group dealing with one topic (or more, if there's time) and preparing a proposal for the full group. If there are no volunteers to deal with a particular topic, then perhaps it is not so important. We have seen this process work quite effectively, generating greater commitment to outcomes, speeding up decision making, and reducing aggravation. This is not the same as the functional groups in demarchy, but there are similarities. Random selection can be added in. For example, if nearly everyone wants to deal with a particular topic, some can be chosen by lot and the others can choose another topic. By introducing techniques such as these, people can get a personal feel of the elements of demarchy, making it much easier to grasp the wider picture. Only a few people are attracted to demarchy solely by reading theoretical accounts such as John Burnheim's Is Democracy Possible? (Burnheim 1985).

Creating even small-scale experiences of random selection and functional groups can be quite difficult. Asking a meeting to break up into small groups can generate resistance, especially from those who usually dominate the discussion. The official heads of groups have the best opportunity to experiment with different methods, though often the least incentive to do so. This includes schoolteachers, who can use random selection and small groups as innovative teaching methods, and chairs of formal committees, who are in the best position to argue for experiments. It will be quite a while, though, before the chair of the legislature is able to introduce random selection for membership of powerful committees!

As we described in Chapters 5 and 6, people have tried policy juries in a range of circumstances. What can we learn from this experience? First, even the best-designed and best run juries can easily be ignored by the political mainstream. The Wuppertal and Jefferson Center initiatives continued for decades with little apparent impact beyond their par-

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ticipants and sympathetic observers. Second, some level of resources is needed to run the juries; it can be provided through a university, independently funded center, or local government position. Third, participants usually think highly of the experience but seldom become ongoing advocates of the process.

There are several conclusions one can draw from this. One is that the time is not (yet) ripe for a wider adoption of random selection. Another is that efforts should be directed at more promising avenues, where random selection will be welcomed because it is seen to be fair.

One possible avenue is organizations that are in a deep crisis of confidence, perhaps due to scandals or poor performance (Burnheim 1985). This might be a school or hospital, for example, where there is an assumption of serving the public interest. If the crisis causes serious divisions in the community, then politicians may fear to intervene because they might be tainted, no matter what they do. Setting up a policy jury could be seen as a safer option.

Another possibility is that a progressive local government might set up policy juries as a way of dealing with contentious issues. In the debate over fluoridation of public water supplies, there have been hundreds of local referendums, which provide a convenient way for governments to shift responsibility for making a decision that may alienate one section of the population (Crain et al. 1969). A policy jury could be seen as a suitable alternative for such issues.

A large social movement committed to participatory politics could introduce random selection and/or functional groups as part of its own process of involving members and developing sound policies. Portions of the second-wave feminist movement, nonviolent action movement, and environmental movement were pioneers in promoting participatory mechanisms including affinity groups and consensus. It would simply be another stage for a movement to start living the alternative of sortition.

While all these are possible ways to spread random selection in politics, they will depend crucially on two things. The first is a core of committed individuals who will take on the task of promoting the alternative. The second is a change in the social climate so that it is more receptive to this particular alternative. These two things go hand in hand: the committed individuals help to change the climate, and an altered climate will make the efforts of individuals easier. Ultimately, random selection needs to become part of a social movement.

PROMOTING RANDOM SELECTION

Although the wider use of random selection in politics is likely to depend on a change in political climate and favorable circumstances, there are things that can be done in the meantime. Here we outline some things that we think are important if the full potential of random selection in politics is to be achieved.

Make the Idea Credible

There's not much chance of random selection being taken up unless people know about it and consider it to be a feasible alternative. Plenty of opportunities for introducing it have come and gone because no one knew about it. Hence one of the most important things is to raise the idea in all sorts of forums. This includes talking with friends or at meetings, proposing random methods when decision-making procedures are under review, sending letters to newspapers, commenting on radio, preparing manuals, establishing web sites, and producing videos.

Some ideas have strong backing from vested interests, which can fund journals, think tanks, and front groups. Random selection has no such backing (at the moment), so the task of promotion falls on committed individuals and groups.

Be Critical

Fortunately, there is no official line on random selection in politics. Instead, various ideas are being tossed around, from electronic polling to demarchy, without any central authority or guru to keep advocates on the straight and narrow. Key figures like John Burnheim, Ned Crosby, Peter Dienel, and Fred Emery have their individual preferred directions, to be sure, but none has tried to impose a "random orthodoxy." This is not just because there are too few followers to worry about, for many previous political movements, of minuscule size, have suffered debilitating splits. This toleration for a diversity of views may owe something to the nature of the subject: that what is being advocated is citizen participation without anyone being able to determine who is chosen. But this is speculative. Perhaps the present state of affairs is due more to the particular personalities involved, or the absence of any rewards of power and money. Would it be incongruous to be rigid about the implementation of random selection? The test will come when large amounts of money are poured into the process or when policy juries start being used to set government policy.

Meanwhile, we think it is vital that random selection options be subjected to an ongoing process of critique. New ideas should be encouraged, welcomed, and, when possible, tested, yet at the same time all ideas should be scrutinized. There simply isn't enough known about random selection in politics to warrant closing off options. Opportunities may arise in unexpected circumstances. It's worth being experimental. It might be that a long shot turns out to be a winner.

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There's a tension here: new ideas and experimentation are about opening up options and, in some cases, proceeding in the face of criticisms, whereas critique tends to look at shortcomings and to establish preferences between options. If both experimentation and critique are valuable, then this tension is inevitable. Living with it is part of the challenge of promoting random selection. (Does it have similarities to living with the uncertainty of the outcome of a lottery?)

Maintain High Standards

In running policy juries and other exercises involving random selection, it is vital to do them well. Poorly designed and run experiments can be used to discredit the whole approach. The work at Wuppertal and the Jefferson Center has set an extremely high standard. Projects are well designed, planned, and executed. This ensures a favorable response from most participants and generates supportive reporting.

Maintaining high standards will continue to be important as long as random selection is seen as an experimental, alternative approach. Voting is not subject to the same expectations. When voting fraud occurs, for example, the failure is attributed to corrupt individuals or regimes, not to the method of voting itself. In contrast, a major failure of a policy jury might easily be assumed to be a failure of the whole approach rather than a shortcoming in implementation.

As random selection becomes more widely used, it is likely to come under attack. Even the best-designed operations can be criticized on some ground or other, and it's also possible to label a process a failure even when it is entirely successful. In other words, doing everything right is no guarantee against unfair attack. Hence, fear of attack should not be allowed to become too great an inhibition, or experimentation will come to a halt. If random selection is to be developed, some failures are bound to occur along the way. Indeed, they are important in learning how to do better (so long as there's plenty of critique).

So here's another worthwhile tension to live with: maintaining high standards in using random selection, yet being willing to experiment and prepared to fail sometimes.

Keep the Goal in Mind

Random selection is not the goal itself, but simply a means to a goal, whether it is greater citizen participation, workers' control, or demarchy. It is important to remain attentive to the ultimate goal—which, of course, can change due to critique, new evidence, or dialogue.

For example, the electoral jury, in which citizen panels hear information about candidates for political office and reach conclusions about which ones are preferred, is a valuable means of increasing informed

participation in the electoral process. However, if the goal is demarchy—in which there are no elections, only sortition—then the electoral jury is a side track that may actually serve to legitimize elections and politicians. For promoting demarchy, direct participation in making decisions about the issues, especially by randomly selected citizens (as in policy juries), is a more appropriate means.

Build a Movement

Many of the beneficial changes in society have been pushed along by social movements, such as those against slavery, for universal literacy, for women's rights, for workers' rights, against torture, and for environmental responsibility. Representative systems were not introduced by benevolent monarchs, but were the outcome of a complex process that included energetic advocacy.

So let's set up the "Movement for Random Selection in Politics." Well, it's not a very good name, but that can be changed along the way. More important, what would be the focus for a movement? Is it for greater use of policy juries? Introduction of demarchy? Should it advocate a range of participatory alternatives, or focus on one? Should it be organized locally, nationally, or globally?

There are lots of questions about how a random selection movement might be organized and what it might do. Surely, if it practices what it preaches, it should use random methods itself. That would be its best advertisement, both for members and for outsiders. The task of achieving it lies ahead.

Appendix: Examples of Citizen Participation

INFORMING

Mailings, Flyers, Bulletin Boards, Newsletters

Agencies do direct mailings or mailbox drops, or distribute flyers (through key locations such as schools, clubs, shopping malls, or community centers), to their constituents, advising them of an issue, sometimes seeking input. The quality can vary according to the budget and the skills of the producers. Often this information won't make it to the mailbox, since residents increasingly display a sign stating "no junk mail" or "addressed mail only." Community bulletin boards are used to display information on issues, sometimes seeking input. All these methods are designed to reach the maximum number of people possible. Regular newsletters are distributed by government agencies or community-based organizations via the mailbox or other outlets to inform the community of an agency's activities. Only people with a direct interest in the agency's activities are likely to read such material.

Press. Radio. or Television Announcements

Agencies have regular newspaper columns or use the "public notices" section of newspapers (often to fulfill a statutory requirement) to inform

the community about issues (e.g., development applications). Agencies also publicize their activities on radio or television; the latter is more likely to be a public relations exercise than a dissemination of useful information. Talk radio offers a level of passive consultation; constituents have an opportunity to air their grievances or offer opinions.

Meetings or Interviews with Elected Representatives or Bureaucrats

Interviews can be arranged with a government representative to discuss, say, a contentious development or political issue. Regular interviews can be advertised, too, with constituents informed in advance. The process can be largely one-way, with elected representatives or staff members wishing to defend their position. Interviews or meetings have the capacity to be quite interactive, as a forum for lobbying or a means for useful dialogue or worthwhile negotiation.

Petitions

Petitions are most often activated by community members or special interest groups in reaction to a poor decision or in anticipation of an unacceptable decision. They amount to a written endorsement of a particular point of view. Petitions are a means to raise awareness and are good for giving information to decision makers as well as establishing a prima facie case. However, not all signers are likely to have access to adequate or balanced information, and some could feel pressured to sign. It is relatively easy to manipulate the process. Signatures are often sought at random.

Council Meetings, Parliament

Parliaments and local councils almost always have a public gallery from which constituents can observe activities that are not held in camera (behind closed doors). Some councils also offer a public access session in which residents can address elected representatives to present their opinions on a proposal. Excerpts from national parliamentary proceedings (in Australia, for example) are broadcast on radio or television.

PASSIVE CONSULTATION

Submissions

Government bodies are fond of calling for submissions, for example, when a controversial proposal is put forward. Submissions can be either

written or oral (see "Public Hearings," below). The "public notices" section of major daily newspapers indicates the extensive range of hearings or calls for written submissions. This request for public input may come in the early or later stages of decision making. Submissions are a means of public involvement, though the invitation is most often taken up by the educated or the articulate.

Public Hearings

Public hearings are the oral equivalent of written submissions. In the United States they are linked to legislation at all levels of government, and thus are mandatory and a common event. They are designed to gather information and opinion necessary to the legislative deliberative process. The U.S. experience, according to critics of public hearings, is that the process has been hijacked by larger special interest groups, and the general public is rarely, if ever, deeply involved. Hearings risk the danger of being controlled by powerful people who sit behind large desks and who use confusing language; thus they are largely inaccessible to the typical citizen.

Telephone Hot Lines

Hot lines are established fairly regularly for a whole range of issues. For example, a consultant who is conducting the community consultation phase of an environmental study might set up a hot line for people to register their views on various options that are being considered. The caller could find either a staff member or an answering machine at the other end of the phone. This method of consultation can allow people to receive information, register a vote, offer a suggestion, or lodge a protest. Hot lines are easy and cheap to use (particularly if a toll-free number is used) and feel more personal than a written survey, though they rarely allow for interaction. Hot lines also can be used to create a contact list of those interested in further involvement (Sarkissian 1994).

Polls

Opinion polls are used extensively in our society (see Chapter 2). For example, political polls surveying people on their attitudes toward political parties or their policies are common, particularly before an election. Whenever a major issue arises, someone will undertake a poll. People have a strong tendency to express appreciation for the status quo through opinion polls, but when the status quo is replaced by an unwanted alternative, appreciation for the alternative will emerge (Considine 1994). Polls fail to measure the potential for change. Political leaders

are increasingly being condemned for their love of polls and its impact on decisions—this is interpreted as "government by market research" or populism. Polls can be conducted by phone or personal interview, and sometimes are incorporated into telephone hot lines. Usually a yes/no or preferential response is all that is required. Those who are polled usually are randomly selected, and a statistically significant sample is considered essential.

Public Meetings

Public meetings most often are held to provide information on an organization's activities, a planned project, or an imminent decision that might be controversial. The emphasis usually is on information dissemination rather than opinion seeking. People are invited by public advertisement. Proceedings are formalized to allow objectives to be achieved in the limited time available. Public meetings are a good way of providing information to a large number of people (particularly if visual interpretations or displays accompany the "talking heads"). Public meetings have the potential to bring a wide range of people together, and may incorporate workshops or panels to create more interaction. Public officials and community members are cynical about public meetings—probably because they tend to attract the incensed and the articulate, and the process offers little genuine discussion (though small group activities can facilitate this). Often elected representatives use public meetings as a gauge of the importance of an issue—the more people who turn up, the hotter the issue. Community members are very resistant to the pervading style of public meetings—being spoken "at" or having governing bodies say, "Boy, have we got a deal for you."

Surveys

The qualitative equivalent of a quantitative opinion poll, the survey can involve structured questioning of a community or a subgroup that statistically represents the whole population. Surveys can be a way of involving the public in the early stages of decision making. Local people can be recruited to carry out surveys if training and income are provided as a way of encouraging community ownership of an issue. However, there often is little discussion and little interaction between participants. Surveys can be very unreliable, since respondents are prone to give the answers they believe are wanted. One needs to be very careful of bias, design flaws (particularly superficiality), or unrepresentativeness of respondents.

Street Corner Meetings, Field Trips

Street corner meetings offer a more informal and accessible way for residents to meet with elected representatives or government staff whenever a significant issue affects them. Residents are advised of the meeting beforehand. Similarly, field trips can involve both stakeholders and decision makers. Street corner meetings and field trips can combine information sharing and information seeking as well as mediation or a negotiated outcome. Their greatest strength is their accessibility to those who might otherwise be excluded (e.g., single parents, people with disabilities, or the aged). They offer a good example of government going to the people.

Listening Posts, Listening Days

Listening posts are a consultative method that arose from the work of Fran Peavey, an activist who traveled the world and sat under a sign that said "American willing to listen" (Peavey 1994). The idea has been used by one of the authors of this book on two occasions—once under a sign that read "Candidate willing to listen," prior to a local government election, and once, postelection, under a banner that read "Councillor willing to listen" (Carson 1996). Listening posts offer citizens an opportunity to be heard, and work best when the listener avoids a defense of his or her own actions or beliefs, instead genuinely listening to citizens' concerns that can be followed up later. Listening days are informal meetings between decision makers and those affected by particular decisions, and are more focused on specific issues or policies.

Suggestion Boxes

Many organizations, such as government departments, provide suggestion boxes or customer feedback sheets to give consumers and citizens an opportunity to make comments about services provided, as well as suggestions for how they could be improved. The extent to which suggestions are followed up is variable. Physical boxes have been superseded by electronic "boxes" using E-mail. This can be quick and cheap, and avoids paper use. Electronic suggestions also can lead to interaction between participants. One Australian government department found the process slightly problematic when suggestions were offensive, and staff members found analyzing the responses an unpleasant task. There need to be structured questions and clear guidelines about how suggestions will be processed, evaluated, and acted upon.

Internet and Other Networks

A number of government bodies now offer information on the internet. Web sites can provide information to constituents as well as encourage citizens to interact with the agency. Networking between agencies also is occurring. For example, "CouncilNet," a computer network linked to councils throughout Australia, is designed to help councils with their environmental management needs.

Public Rally or Street March

A public demonstration (rally or march) would seem *not* to be a "passive" form of consultation, but it belongs in this section because it usually is not interactive with policy makers. It's more like a physical petition. It's most often a community initiative arising from frustration with the political process (or lack of consultation), and is designed to shame or pressure policy makers into an alternative form of action. Rallies can help to create solidarity between like-minded people and spread awareness about an issue, and on occasions have proved to be extremely influential in changing a government's direction.

ACTIVE CONSULTATION

Delphi

Delphi is an interactive technique designed to promote participation. It is a series of questionnaires sent to individuals in order to build consensus. After each round of questionnaires, the results are fed back to the participants, who are able to change their opinions. Delphi employs the written form (though it also could be electronic) in order to focus on ideas rather than personalities. It's inexpensive and flexible. In developing consensus it can generate new ideas, dialogue, and fruitful discussion among a large or diverse group. It does not suit those who prefer personal contact, and can be quite a slow process. It's a microprocess that can be incorporated into a larger consultative process.

Convergent Interviewing

Convergent interviewing is a microprocess that combines elements of both structured and unstructured interviews. The content is left unstructured but the process is highly structured. Convergent interviewing allows for the collection of broad information that can be gathered quite efficiently. Participants respond to an open-ended question and are then encouraged to talk for a long period before any specific probe question

is asked. Convergent interviewing can be used (1) to gather information, (2) as the preliminary stage in deciding which questions to ask in a survey, or (3) in deciding which direction to go next with a large-scale consultation process.

Public Access Committee

A number of local councils in Australia have established public access committees. Consisting of four or five elected representatives and staff, these committees meet prior to ordinary council meetings and are available for any person to discuss contentious issues that are to be determined later by the governing body.

Issues Forums, Workshops, Seminars

Usually once-only events, workshops are a good way of gauging the level of community support for an issue or disseminating information and soliciting community views. They can involve a diverse group of people; participants usually are either self-selected or invited to attend. Workshops are a good means for testing ideas and can contribute to an overall consensus before an action is taken. Skillful facilitators are needed. On the negative side, forums, workshops, and seminars can attract polarized interest groups with entrenched positions, and also can be used to manipulate an unsuspecting public with slick presentations and displays. On the positive side, they can be an excellent way to encourage community input into agency planning.

Advisory Committees, Working Parties

Almost all organizations have committees. They vary from short-term working parties to advisory or statutory committees, the latter appointed by government (see Chapter 4). They are self-selected (in response to a call for interested members), elected, or nominated. The role of a committee is to advise an organization on specific issues or activities, and to provide ongoing advice and monitoring on community views or specialist issues. They meet regularly and have a formal structure; they generally are comprised of fifteen people or less. They keep records of their meetings in the form of minutes. They have a tendency to replicate the hierarchies that spawned them. Even when they emerge from an organization that challenges hierarchies, they often can become factionalized, with struggles for power occurring. Members can weary of the process if the committee does not have a specified life or time frame or purpose. Committees frequently are reluctant or indifferent to evaluating their own effectiveness, to determine whether they are actually achieving their goals. They offer a good

opportunity to gain experience in participation and a good channel for community opinion. They can be time-consuming, and have little accountability to the wider community. Committees rarely are representative, and can be dominated by members of higher status. They tend to bring together people with quite diverse views, and there is little potential for resolving issues. They also are vulnerable to conscious or unconscious sabotage by critical or negative members.

Precinct Committees, Residents' Action Groups

Local councils in Australia have established precinct committees to advise them on issues that affect their specific geographical area. Precinct committees also can be used by councils to provide feedback on shirewide proposals or developments. Some precinct committees grew out of residents' action groups, whereas others were established by more progressive councils. Generally they meet on a regular basis and often, though not always, are supported financially. The financial support is meant to cover administration costs, and some councils also appoint a staff member to coordinate the committees' activities. The committees are self-selected, though there has been at least one case of a randomly selected precinct committee (see Chapter 5). Residents' action groups grow out of a community's opposition to government decisions. Their role is a lobbying one, seeking to apply pressure to government. They can lead to considerable community empowerment and are an excellent training ground for activists or elected representatives.

Strategic Plan

Local councils and government departments complete strategic plans, which occur increasingly with public involvement. Such plans involve the community in an assessment of current and future needs, and often provide an opportunity to envision an alternative future. The result usually involves the setting of priorities, which are then referred to for major planning decisions. Strategic plans are notorious for taking up shelf space—not being referred to beyond the time of their creation and acceptance—but this need not be so. Some organizations make excellent use of strategic plans in their ongoing decision making. Involvement of the community can take many forms and can use a combination of consultative methods, such as workshops, surveys, committees, submissions, and so on. Participants usually are self-selected, invited, or nominated.

Citizen-Initiated Referendums

Citizen-initiated referendums occur when a government has determined that a referendum can be activated by citizens themselves. A spec-

ified number of signatures is required to activate the referendum process; typically the question goes to a referendum at the next election. This type of process is used extensively in Switzerland. In the United States, referendums also are known as propositions, and have a checkered (though recent) history. Participants are not randomly selected but all electors ultimately have an opportunity for involvement. Referendums can lead to shortsighted involvement of people not directly affected by the decision, and the issue can be reduced to simplistic arguments for and against, avoiding informed debate and discussion (see Chapter 3). With appropriate information and education, the community's judgment could be soundly based, and routine use of referendums also would stimulate political interest and understanding (as has been the case in Switzerland). Referendums need not be either/or—it is possible to offer a wider choice using a scale to derive a better indication of the range of community views. A major limitation of citizen-initiated referendums occurs when the outcomes are not binding on government.

Preferendums

A variation on referendums is preferendums. A preferendum is a multi-option, decision-making referendum that is designed to begin a debate. A preferendum could just as usefully replace a standard referendum to provide a more considered outcome. Anyone can put forward a suggestion, and during preliminary discussions, a list of six to ten options is drawn up that comprehensively reflects the content of the discussions. A preferential system of voting can be used, and a level of consensus on a complex issue is then expected to become evident. Rather than choosing either/or, voters can place their options in order of preference; their preferences will be reflected in the final outcome (Emerson 1998).

Citizens Juries, Planning Cells, Policy Juries

Citizens juries (also called planning cells or policy juries) involve, usually, the random selection of residents or other stakeholders who come together to deliberate on a specific issue (see Chapter 5). Citizens juries are addressed by a number of speakers who present various opinions. This allows for informed debate by jury members, who then work toward a consensus. Recommendations are compiled in a report that is referred to policy makers or service providers. The aim is to gather a cross section of the wider community, which can be particularly useful for planning or service provision. Ordinary citizens can be reluctant to participate in time-consuming processes such as these (often involving days), and the greatest remuneration offered is barely enough to cover

forgone wages. Jury members have given the process high marks. There is a varying propensity by elected representatives to use the process or to act on juries' recommendations when the process is actually used.

Telephone Trees

A telephone tree starts with a telephone call to maybe two or three people, advising them of the matter under discussion. Each person is then required to call three or four others to discuss the issue further. This means that a large number of people can be involved in a very short time in a very interactive way. This consultative method is often used by community-based groups, and is an effective and efficient form of communication and information dissemination. It is a quick and easy way of tapping into widespread community opinion on issues (usually among an existing group of activists). However, as a means of marketing it can be considered offensive.

Search Conferences

Search conferences typically run for one or two days and offer an indepth approach to complex issues (see Chapter 4). The search process, also known as "future searches," brings around thirty heterogeneous stakeholders together to undertake joint consideration and planning. Participants most often are invited by the organizers, and their selection is related to their level of interest or affectedness. The discussion is sequenced and structured, and aims to identify a broad cross section of views (Emery and Purser 1996).

Study Circles

Study circles involve a small group of people meeting on a regular basis to discuss ideas that need more in-depth discussion than community consultation allows for. They can be activated by community members or governments (the latter, for example, in Australia, in a government initiative in relation to civics education). Study circles have the potential to develop into lobby groups. They can require participants to gather in a single location or can occur via computers (the latter being particularly significant for those living in remote locations). Study circles provide an opportunity for information sharing, discussion, and action.

Community Conventions or Many Small, Short Meetings

The Kettering Foundation in the United States sponsors a project known as the National Issues Forum. The meetings are organized

through an extensive network of moderators. These 3,000 to 4,000 moderators can be mobilized quickly to hold meetings on specific issues. The meetings last for only two hours. The participants are self-selected but need not be—randomness could be introduced—and the recommendations could be used to influence political decision making (Crosby forthcoming).

Social Impact Assessment

Local government in Australia is beginning to use consultation strategies to assess the social impact of major developments. Research also is occurring throughout the world to find ways of measuring quality of life or levels of social capital, as an alternative or adjunct to existing economic indicators such as gross domestic product and current account deficit. Social impact assessment often is hindered by an absence of sound indicators that might be employed in the same way that environmental indicators are used in environmental impact assessment. Councils in Australia have begun to develop indicators that will allow an assessment of social impact before development applications will be considered. The completion of a social impact assessment is the responsibility of the developer, though it also can be completed by councils as part of their shirewide strategic plans. The public can be involved via surveys, interviews, or forums; existing demographic data also are incorporated.

Electronic Voting

Electronic voting is also known as televoting, and often is associated with electronic town meetings or electronic hearings (see Chapters 4 and 6). It usually involves televised meetings coupled with a phone-in voting facility for a dispersed electorate to express its opinion about an issue. It is particularly useful for small-scale decision making—for example, a labor union's vote on a motion—and also might involve a video linkup via satellite. Electronic voting is self-selecting. Participation is limited to those with access to a telephone.

Computer Conferencing

Computer conferencing, which allows instantaneous communication among large numbers of people across a country or across the world, involves messages typed into the participants' computers to be retrieved by others. The potential of computer conferencing is for rapid resolution of national problems (albeit superficially) or mass input into large-scale planning for citizens with varying degrees of knowledge and diverse

backgrounds. Again, it is self-selecting but need not be so. Participation is limited to those with access to a computer.

Youth Council

A few Australian local councils have established youth councils whose members are chosen through an informal election among youth interest groups. To achieve a cross section, some representatives must be elected from indigenous and rural youth, from non-English-speaking backgrounds, school students, and those who do not attend school. The youth council is then organized by the young people. It is designed to encourage people to be active in community affairs, especially in searching for ways and means to improve community life. The youth council offers recommendations to the local council in its formulation of youth-related policies.

Design-in, Community Mapping

When a local or regional area plan is being developed, government bodies often use a method variously called a design-in or community mapping. These are interactive approaches that utilize the skills of all participants. They might lead to the development of environmental, social, or land-use plans that can be highly visual, deemphasizing the written word. Photographs, illustrated plans, scale representations, or models, and so on have been used. Professional planners, architects, designers, and engineers join with community members to visualize alternatives, converting their visions into workable plans. The process is highly interactive and can exploit the community's creative resources, as well as allow less articulate people a voice.

Charrette

Similar to a design-in, a charrette (from the French word meaning "little cart") has come to mean "feverish work to meet a deadline with some public input." A charrette brings together a disparate group of community members and government officials in order to reach consensus. Using small group and plenary sessions, the participants work on aspects of the problem, reporting back by a prescribed deadline. Designers, planners, and architects collaborate with community members on the proposal until everyone reaches agreement and a workable proposal is assured. They can be very large groups of 500 participants. The small group processes ensure that everyone is heard and that a diverse group of people represent themselves rather than special interest groups.

Hypotheticals

Hypotheticals are scenarios in which participants play roles that simulate a real-life situation. They are designed to uncover longer-term effects of situations that are about to be enacted but whose impact cannot be firmly predicted. For example, the closure of a hospital or a service might lead to unanticipated outcomes. A hypothetical would simulate the situation, participants would be allocated various and relevant roles and concerns, and possible outcomes would be uncovered.

PARTNERSHIP

Mediation

A number of Australian local councils have introduced mediation policies as a way of requiring developers and those who object to their proposals to negotiate their way out of conflict. Mediation requires a willingness on both sides to embark on the process. There are limitations: it can be seen as a form of social control, as pacifying opponents, as creating unrealistic expectations if the parties are poles apart, as forfeiting important principles and values if the resolution is not binding. There also are strengths in the process: mediation can break down stereotypes (e.g., of developers or "greenies") and replace them with a recognition of people as real people; the community can be empowered by a process of negotiation that usually is denied them; mediation can provide creative options to help solve vexatious problems; and it can be a godsend for staff and elected representatives when criticisms are deflected away from them. The process inevitably is self-selecting, but if the issue involves a large enough group, there is no reason why random selection could not be employed.

Referendums

Like citizen-initiated referendums (see above and also Chapter 3), this statutory method has the potential to involve all voters. Referendums usually are binding if a proportion of the population (which may be more than 50 percent) supports them. Referendums represent a genuine decision-making partnership between government and the general public, and are a good example of direct democracy. However, they lack a strong deliberative component.

Community Management Committees

There are some rare instances of community management committees being given decision-making powers and resources to support their de140 APPENDIX

cisions. The committee could be comprised of either elected or randomly selected community members, and would have delegated authority to spend within a specified budget. In a couple of Australian local councils, these committees are allocated a proportion of the council's income from taxes that is to be spent on their local area. It can be very empowering for a local community to manage its own affairs in this way. A good partnership between the community and bureaucrats is required, as is a genuine commitment by elected representatives to share power with the constituents they represent.

Social Contracts

There have been attempts to negotiate social contracts, for example, between large developers and local authorities (Club Med and a coastal council in Byron Shire, Australia, provides one case study of this method). A controversy can be resolved by the drawing up of a social contract between the proponents, the opponents, and the governing body. These contracts are not legally binding but represent a commitment by a developer to satisfy certain community needs that may not be within the statutory power of the local council to apply or enforce. The details are negotiated between all parties.

Consensus Conferences

Consensus conferences (see Chapter 4) are a participatory, deliberative approach to policy making or problem solving usually involving technology assessment. In some instances (for example, in Denmark), their recommendations are discussed in parliament, thereby qualifying this method as a potential example of partnership. Participants most often are self-selected or chosen by organizers; random selection can be used. Organizers follow procedures associated with citizen panels: a small group (ten-sixteen) hears evidence, asks questions, discusses and reflects, then makes recommendations. Consensus conferences usually run over at least three days. Participants can vary the agenda and write their own report. They have been used in numerous countries in a limited way.

Combination of Methods

A combination of the above methods is possible, and there have been some impressive examples: a three-step procedure developed by Renn et al. (see Chapter 6) combines Delphi, citizens panels, visioning, and so APPENDIX 141

on. A citizen survey panel directed by Lyn Kathlene (see Chapter 6) combined surveys, interviews, an advisory committee, and other methods. The combinations are limited only by political will, determination, and the creativity of all actors in the participatory process.

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