Random selection in politics

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Published in 1999 by Praeger Publishers, Westport, CT

Available for purchase from Praeger

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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 into 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 those 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 which can be exercised to serve powerful interests, including their own self interests.

Most people attribute problems with representative government to individual politicians and specific policies. A standard assumption is that if only 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 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 large-scale 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.

There are various terms that can be used to refer to random selection in decision making. Typically we use the phrase "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 the term "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 to first 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 towards 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 between student applicants. Random selection is shown to be a fair and useful method for making decisions. It is, of course, fundamental to those legal 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 that are 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 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 those 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 in planning and policy making looks good.

Chapter 7 puts the case for random selection as a means of replacing representative government by direct citizen control. In "demarchy," groups of local citizens, randomly chosen from volunteers, deal with policy on different 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 neither to undertake a comprehensive critique of the present system nor a detailed examination of the literature. Rather we emphasize innovative experiments and possible applications of random selection, aiming 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 electoral 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 which 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 bureaucracy. It is useful to understand 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 themselves forward as a candidate for election. Every adult citizen has an opportunity to vote in elections for people who will represent their 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.

Note that 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 U.S. or Britain. Voting in Australia and Belgium is compulsory, which means that citizens are required to attend a polling booth. It is assumed that this is how it should be, that this is the basis of democracy — that candidates stand for election and citizens who are prepared to vote, have the right to do so. It is worth 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. This is despite its many flaws. Here we outline some of the problems under the headings of the nature of the party system, the effect of power on leaders, the effect of electoral politics on citizens, and the existence of bureaucracy.

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 get to choose between different candidates on the ballot, but 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. Voters may approve of some of the policies and not others, but they can vote only for the entire package.

There are many different systems operating even 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, by the way, 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 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 multi-member 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 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.

With 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 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 ever spent much time as typical workers. How many hairdressers, mechanics, or sales assistants are ever 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 US recognized the oligarchical or "aristocratic" tendencies 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 party pressure as well as pressure from lobbyists 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 many other activities necessary 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 and they are also likely to become enculturated into their elite decision-making bodies just like their state or national colleagues. One of us (Carson) speaks from personal experience from 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 "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, abused, and received obscene phone calls and death threats because constituents disagreed with their decisions (Carson 1996).

Critics of a process or an issue can often be 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 that 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 learnt 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 U.S., its enactment is a rarity. Therefore, should politicians prove to be bone lazy or ineffectual, they remain. There is no real obligation to meet 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. Conversely,

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 located in a number of countries, particularly Australia, New Zealand, and the U.S. The movement is directed towards a politics of connection rather than confrontation and of 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 activity and is mainly limited 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 a different agenda from their own.

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 individual's 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 (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 others 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). Even though opportunities for voting have increased, 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 do so 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 even 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 can also 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 post bureaucracy in which more consultative mechanisms must be instituted so that citizens can regain a degree of influence (Laffin & 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 U.S. 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 predictable hostility from a disgruntled community that is weary of pseudo-democratic 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, or 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 think about 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 would wish to use citizen involvement as a public relations exercise or a means to engineer an outcome (Arnstein 1969). If participation only leads to "citizens proudly and cheerfully [waving] their own chains" (Ginsberg 1986: 232), as it often does now, the cause would 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 towards men — that it is not gender neutral (Bussemaker and Voet 1998). This has been our experience and other practitioners' experience and, again, is discussed in the chapters that follow. Electronic democracy is often raised as a means to counteract sexual inequalities. It is necessary to be aware, however, of the shortcomings of some direct techniques, especially those that favor "under-comprehension" and simplistic reductions of complex arguments into a yes/no response. Any reform to 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 U.S. 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.

However, 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 do so has atrophied; with sufficient exercise this can change (Carson 1996: 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 "over consulted" feeling which 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 futile … 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 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 mouse-like when compared to the roar of the lions of capitalist enterprises

in an increasingly uncontrolled global market place.

Thankfully, a few of the globally affluent are beginning to express outrage at their own legal, but morally questionable, actions and the impacts these actions are having 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, this ideal which 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 towards 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 a sharing of power, joint setting of agendas, sharing 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 or to specific interests.

Decision-making approaches such as those in the following chapters are process-oriented and sensitive to different contexts. Such approaches are often not popular at a time when there is greater emphasis on the individual and a hunger for quick-fix solutions. The alternative decision-making processes that we outline are as relevant for those working at the grassroots, building communities, as they are for those in government who genuinely are seeking better ways of involving citizens in the decisions that affect them. It is possible to move beyond the cynical public realm of politics which 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 to begin to create civil societies based on increasing social capital. The following chapters endeavor to breathe life into a method of decision making which has always been available but has been suffocated by methods which are unfair, are stifling genuine debate, and inevitably are leading to poor decisions.

For democracy (in the government, the organization, or the community) to be strong it must contain the essential element of citizen participation, not just participation by a self-selected few but participation 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 inappropriate 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 various 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. Two-up, though illegal in Australia, was extremely popular, especially from the mid 1800s to the mid 1900s.

Imagine an alternative: each coin is held in one hand of a "coinholder," behind her back. After the betting, she puts her hands out, palms upwards, and reveals heads or tails. If the coinholder is totally honest, everything is fine. But some players may suspect that the coinholder, noting how the betting is proceeding, may be changing the coins. It doesn't matter whether the coinholder 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," namely 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 surreptitiously introducing double-headed coins. When all this is done properly, losers can only blame bad luck and 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 non-random result.)

In many lotteries and prize draws, the rules specify that employees and 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 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, rider, and start position. But of course not everything is known, since otherwise the winner could be predicted with 100% accuracy and there would be no point in holding the race at all. Chance factors play a significant role, such as a horse or rider being off color on the day, getting caught behind other horses, or 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 at another time. In baseball, the visitors bat first and the home team 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, though, 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 to 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 ever 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 some 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 alternate: one person goes one time, another person the next. But who goes first? Flipping a coin is a good method if there are no other ways 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 can also 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 out 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 that 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, then 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, for example 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 ways, either to screen applicants, determine culpability, or target likely users.

It is more comprehensive to test all workers, but this can be quite expensive. However, even without universal testing, it is possible to have a similar impact with random testing: any worker at any time may be tested 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 levels 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 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 from 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 spurious injuries or other excuses. In other cases only winners are tested, allowing current drug users to avoid testing by hanging back. Although only one or two percent of athletes test positive for banned drugs, informal opinion is that 10 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 surveillance 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 only bad 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 that 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 U.S. during World Wars I and II (Fienberg 1971), as well as in a number of European countries.

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 NSW government had

increased the area of national park in the southern part of the state, a major timber region, thus reducing the amount of pulp wood that could be harvested. As a method of cutting back on logging crews, the forestry multinational 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 determined largely by merit as determined by high school grades and performance on standardized tests. Scandals occur when cheating is detected, for example in the U.S. Scholastic Assessment Tests. 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 is also violated when certain students are given easier entry because they are children of graduates, live in specified regions, or fit 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 who 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 a high school result 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, and 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 most of their numbers eventually will come up.

The Dutch system is a response to the problem of selection error, namely that results in national examinations are not a perfect predictor of success at university. However, students who had 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 — have an equal entitlement to satisfying 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.

As well as 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 U.S. (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 — then 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 chances than do entry schemes based on test scores, high school grades, family connections, or quotas.

Justice by Lottery

Barbara Goodwin (1992) in her fascinating book *Justice by Lottery* 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 since there is such a huge investment in 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 random distribution of job opportunities, which could be 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, namely birth, determines much about our lives, especially our parents and our natural endowments. "Genetic chance" thus influences abilities and attitudes. Why, Goodwin 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 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 want 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% 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 depending on 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 dedicated to solving these sorts of problems, called "game theory." 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 says "Are you for or against the new tax on land worth over $1,000,000?" and asks 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 vote.

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 out 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 the earth is visited by spaceships from other worlds?" Suppose that one out of ten people believes that aliens visit the earth. It could be, just by chance, that all thousand people surveyed happen to be believers in aliens, giving a false result of 100% 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 one million people, some of whom support policy A, while 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% sure that the actual support for A is between 40% and 60% of the population. If you ask 2500 people and 1250 of them say A, then you can be 95% sure that the actual support for A is between 48% and 52%. The result is virtually the same whether the population is one 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 that 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 are likely to answer differently from men. Then it is vital to stratify the sample by sex. Suppose that women are 52% 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 men all 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 48% and 52% in this example.

In the case of 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 can also be directed to respondents as self-interested individuals rather than responsible citizens (Barber 1992). An opinion poll can be fair in the sense of being unbiased, but beyond that the concept of fairness isn't really 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 to 6. Once deliberation and interaction is 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 most well 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 reach a judgement. Criminal juries are used widely in the English-speaking countries, especially the U.S., 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 too (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, hard-working, 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 to be 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 juries 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, thus immediately excluding 95% 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 U.S., 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 are now often compiled using multiple lists, especially driver registration 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. The yield can be improved by removing occupational exemptions from jury service, providing better pay for jurors, and by a rigorous process of pursuing prospective jurors through a summons, follow-up letters, and 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.

As well as fairness, there are other rationales for the jury. 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 in defusing anger towards government officials. Some court cases are incredibly charged politically, such as murder trials concerning horrific crimes, and whatever decision a government or judge would make could unleash potent forces of anger and resentment against the government or judge

directly. A jury helps to defuse these emotions, since it is composed of many individuals — none of whom can be entirely blamed for the jury's decision — who are "ordinary citizens" who have no special connection to the defendant 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 U.S. 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 jury 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 10 of the 12 jurors — in 1967 (Enright and Morton 1990: 69-76).

Thus the jury is set up to be fair and 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 was seen in some famous U.S. cases, for example 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. The jury decision was discredited when it was revealed that the foreman of the jury was Luke Shaw who held an official position in the Young Nationals, the youth branch of the National Party.

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, in which verdicts can be reached although one or two jurors disagree, rather than unanimity. These changes usually have the intent of making decisions easier to achieve and reducing costs 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, due to 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 questionnaires — about 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. But what if the judge gets it wrong? That certainly happens sometimes. There is no ultimate way to determine whether juries are making mistakes, but the evidence that does exist suggests that 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 each provide 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 work towards a consensus. To be sure, this process often is 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 avoid bias and conflict of interest. Juries in practice reach verdicts that are usually the same as judges. 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 those European criminal justice systems where citizens and judges join in a non-adversarial 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 BC, 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 Council, which had 500 members, made up of ten sections of 50 each chosen by lot from one of the 10 tribes of Athens. Their term of office was one year. Each section of 50 in turn served as a *prytany* or committee, the order being determined by lot. The person serving to preside over the *prytany,* the Council, and the assembly was chosen by lot on the day it met.

Lot was also used to choose members of very large juries — with hundreds or even thousands of members — on 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 indeed do contemporary criminal juries, though in a far less planned and more attenuated fashion (Jacobsohn 1984).

Most public officials were chosen by lot. Various committees dealt with matters such as letting out public contracts, collecting revenue and inspecting markets. A typical committee had 10 members chosen by lot for a term of one year. Those who had served were not allowed to be reappointed to the same office. For example, Athens had 10 treasurers, 10

sellers and 10 receivers (dealing with, for example, mining contracts), 10 city magistrates, 10 market magistrates, 11 who ran the jails, five supervisors of road building, 40 dealing with private law suits, 10 auditors, 10 to perform sacrifices and run festivals, and nine archons to deal with processions and have initial charge of law suits — all chosen annually by lot from citizens over the age of 30. (About two out of three citizens were over 30.) When 10 officials were selected, usually one was taken from each of the 10 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 no political parties or organized campaigning.

Athenian democracy was far from perfect. Only citizens were involved in the democratic activities, and women, slaves, metics (resident foreigners), and children were not citizens. Furthermore, it can be argued that participation by citizens was not as active nor as welcome as presented in later accounts (Campbell 1989). Nevertheless, classical Athenian democracy shows that running a substantial society 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, in 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 and 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 30 years old. They were subjected to initial assessment on 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 10 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 into executive and administrative jobs had no mandate and because their positions could not be renewed, 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, in 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 participat-

ing 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

Ancient Athens is where sortition has been used most comprehensively for choosing public officials. But there are some other examples too (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, as well as preventing challenges to the aristocracy.

• Also in Italian city-states, sortition was used as part of a complex process also involving nomination and voting. This was most elaborate in Venice where it was used to select their chief magistrate, called the doge, who had to be chosen from among the several hundred members of the Great Council. To begin, 30 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 40, each of whom had to receive at least seven votes. These 40 were reduced to 12 by sortition. The 12 chosen then nominated and elected another new group of 25, who were reduced to nine by sortition. These nine nominated and elected 45 new names, who were reduced to 11 by sortition. The 11 nominated and elected 41, again none of whom could have been chosen previously. This final group of 41 elected the doge (Knag

1998). This procedure involving alternating turns of sortition and election was designed to prevent any family group or other clique in the Council from dominating the selection. Similar but less complicated procedures were used in Italian cities such as Bologna, Parma, and Vincenza, as well as in Barcelona in Spain. Lot was used longest in Venice, until 1797.

• In the 1500s, a lottery-based procedure was used occasionally 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 Merino, a procedure reminiscent of that in the old Italian city-states was used to select the state's two governors from the 60-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 for developing 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. Unlike in elections to the U.S. Congress, sortition does not lead to over-representation 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 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 office bearers 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, giving opportunities for a diverse range of people to participate in decision making and, on the other, 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 ever 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 successful. All were asked which selection criterion was fairest. Random assignment was considered the most fair. 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 both seen to be fair and 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) is seen as fair by 76% of respondents, (d) by 43%, (a) by 27% and (c) by only 14%. 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 not considered suitable for serious matters. Another problem is that the hikers don't have the same needs: some will be more thirsty than others. Finally, the procedure of selling water to those with surnames A through P may not even seem random, but arbitrary.

Erez (1985) asked hundreds of US 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 since 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 explained the benefits of random selection 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 that 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 the case of 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 that 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.

3

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 the word democracy with a descriptive word. 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 of 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 since people choose representatives who make decisions and is nonparticipatory since people do not directly participate 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 (namely, issues were discussed and debated by participants);
• concerned with issues affecting participants.

Another example is town meetings in New England (northeast United States). In these meetings, any citizen can attend, make contributions to the discussion and vote on motions. In this ideal form, these meetings are reminiscent of classical Athenian democracy. Similar to this is self-management in neighborhoods within cities such as Washington, DC (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 is also 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" in two of the four yards of Upper Clyde Shipbuilders, a government enterprise, in 1971-1972. The workers took over allocating jobs, arranging insurance, supplying orders, and providing pay for over a

year until the British 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, this 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 are 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. Some examples are (Guérin 1970; Root & Branch 1975):

• 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 most long-lasting experience of revolutionary direct democracy was in Spain from 1936-1939, which 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 crushed.

At the other end of the spectrum is consensus, a form of direct democracy in small groups. Using consensus procedures, 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 them. Consensus has the advantage of harnessing the commitment of group members, since when an agreement is reached, there is a maximal degree of support, unlike 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 using formal processes of consensus, 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 5 to 15 people. It can also 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 is also 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 in which voting is the official procedure. A small committee may discuss a topic and only take a vote as a formality 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 good will of every individual, is 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 opposed — carried," with scarcely time for a hand to be raised), hardly anyone takes notice since the result is fully accepted. But if a respected member expresses vehement opposition, then 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 is normally 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 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 require 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 toward accomplishing 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 own 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 are 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 whim 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, etc. — 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 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 after their own interests.* If people make decisions affecting their lives, they may only look out after themselves, for example by reducing taxes or blocking local developments (the not-in-my-back-yard 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 often favoring 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 — everyone — can't be replaced by a different set.

Actually, since everyone is responsible for decisions in direct democracy, and the community wears the consequences, there is a strong pressure to reach decisions that serve the community's interests. In parliaments, often the major parties 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 can also 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 out 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, with 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 is often easier to go along with their views rather than face the peer 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 even 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 are also 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 to 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 sex, age, ethnicity, and class.

When using consensus in larger groups, random selection might be used to 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 at 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 some experienced person, participants are invited to speak, motions are put, and votes are held.

If there is a strong commonality of interest, such as workers who are united against bosses, then disagreements are usually 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 brought on too soon, participants won't be fully aware of the arguments. If only some of those requesting to speak are given an opportunity, then 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. 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 bottom of a long agenda so that it is only dealt with after many participants have left (but loyal comrades remain!). Perhaps the agenda items could be dealt with in a random order. However, there are probably 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 go 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 to 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 to 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 compared to 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 only held 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 40 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 offload 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 because 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.

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 five 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 not have been involved in any interactions about the issue.

When governments run a referendum, there is no process of deliberation over 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. This includes 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 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 be the determinant 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 face-to-face but are otherwise interactive. An example is a telephone conference, with several people on the same line. This allows participation from people in different locations, even different parts of the world. It also allows participation from 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 meetings remotely 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, email 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," not a nice word!), namely the potential for everyone to be involved in contributing to the discussion as well as being a recipient of other people's contributions. Electronic networks can serve as a new type of public sphere, replacing or supplementing traditional civic squares and coffee houses, in which information is shared, issues debated, and democracy practiced (Tsagarousianou et al. 1998).

Decision making in networks can operate using consensus or voting. Random selection can play much the same role as in these systems, to select facilitators, speakers and delegates.

ELECTRONIC DEMOCRACY

If everyone can be hooked up with a computer and modem, then it's 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 video conferencing. 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 be used to 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 in other words 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 many strengths but also 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 email 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 becomes 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 in either 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 more 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.

4

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 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, as a training ground or staging post for moving towards direct democracy.

In this chapter we look at some examples of methods of citizen participation that do not involve random selection. Each of these methods has strengths and limitations and potentially can be improved through the use of random selection. We omit methods of consultation or participation that are one-way, 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 or 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 in the 1970s onwards, 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 as well as referees and judges. The third stage included a range of things including 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 the purposes of the science court 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 serves 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 that bore many similarities did eventuate in Cambridge, Massachusetts: the citizen court. This court was also meant to consider controversial scientific or technological issues but was less formal (relying on lay persons rather than judges) with the appointed citizens establishing 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 separate 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, lay persons struggled with technical information and scientific arguments, though a process of seeking compre-

hensible information from witnesses alleviated this. The balance of time between witnesses presenting evidence for either side 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. Firstly, the manner of choosing lay persons remains undefined and problematic. Secondly, members who are uninformed but articulate might be unduly convincing. Thirdly, 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 lay persons 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 are often 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" can also 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 that it can spend without constant reference to the local council. So too might a community center management committee which might be responsible for tenancy agreements and oversight of maintenance. Such committees are accountable, perhaps through annual reports, and the extent of their delegated authority is usually 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". This allocation of budget 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 a letter 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 spending time on a committee, talking and making decisions. Meetings for advisory committees are usually held outside business hours so members are inevitably drawn from those free to do so. This discourages single parents (usually women) and older people (who are often 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 middle aged or older, educated men. The majority of the committee members were in full-time, paid employment; 70% of committee members were senior managers, para professionals, 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 are usually higher in socio-economic 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 too 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 expert 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 is probably 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 is needing specialists, a better strategy could be to use a process of contacting those are known to be interested and involved, asking those persons who else would/could make a useful contribution, then phoning this person 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 "Who 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 should a local council be 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. The participants in such an instance 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. In the regional case study mentioned above, the conclusions of a floodplain management committee were repeatedly dismissed by non-members who saw the committee as being made up of those who lived or conducted businesses in flood-prone areas. They had most to gain from the construction of levees that would impact unfairly on those outside the floodplain. A sports association in the same regional city offered another example of perceived bias and conflict of interest. The association was often criticized as favoring one sport over another, depending upon the make-up 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 same 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. CCs reflect a participatory, deliberative approach that can influence policy making, participants, and experts alike. Consensus conferences, though an effective means of facilitating decision making, have no authority other than to make recommendations. This places CCs in

a similar position of power to the science courts discussed above (Joss & Durant 1995: 17). The consensus conference, 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 consensus conference was developed by the United States 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 amongst experts (about the introduction of new technology). The second step was to involve interaction with experts in other areas (policy, planning, administration, ethics). This second step never eventuated. There have been over one hundred medical consensus conferences conducted in the U.S. and the idea has also been taken up by its medical counterparts throughout Europe (Joss & 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 lay people who have access to experts.

The Danish panel members are required to have no in-depth knowledge in 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; this 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 of the conference. 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 who 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 ever had a significant impact on parliamentarians or legislation. Despite the time and expense involved in planning and running a CC, it costs less than alternatives such 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, Netherlands, New Zealand, Norway, and the U.S., and are under way in Australia and Canada. Consensus conferences can be considered to have two aims: to promote public debate and 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 designed to be more mixed in this sense than a representative committee. Usually 10-16 panelists are selected following their response to newspaper advertisements, submitting 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 area of residence. Norwegian consensus conferences have included an element of random selection: once responses have been collated, half the participants are drawn from a hat and the other half 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 recently begun to use direct mail invitations of randomly selected people 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. Both the Canadian and Australian steering committees believed random selection to be more difficult, time consuming, and expensive. Both organizing groups believed the sample which 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 counter argument 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 appear to do so.

The CC 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 support 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 & 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 perceptions on the panel.

ELECTRONIC HEARINGS

In the U.S. there have been instances in which public hearings have been televised with a participatory twist — citizens watching the televised hearing 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 the 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 to 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 could arguably 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 can clearly 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, being involved with the developer or labor unions. Home viewers 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. A citizens panel might be the term used to describe an advisory committee (described above) or a forum or working party and would be either self-selecting or via appointment. Membership is usually defined and the group might meet regularly (though not always). A forum might be a once-only event with an open invitation and might be little more than a public meeting. A panel would have a fixed membership and members could have been invited to participate, 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 & Lenaghan 1997: 7).

However, "citizens panel" is also the term sometimes used to describe a "citizen 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 one is consultation and step two 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 can also 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 those methods that might be appropriate in a political decision-making or policy-making context. The options have been categorized as Informing, Passive Consultation, Active Consultation, and Partnership to signify their level of genuine involvement and decision-making power (Carson & Roache 1996). The list includes those 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 that 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 panels 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 towards workplace democracy that was occurring around the same time. It is to these pioneering and enduring efforts that we first turn.

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 its synchronicity were the separate but similar developments that began in the U.S. and in Germany in the early 1970s. Known as citizens panels, policy juries, or planning cells, they had a number of identical components which are outlined below. (For both a description and critique, see Renn et al. 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 (1989a: 132) says that, as a theoretical ideal, juries have these 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 only removed in 1972 and majority (that is, non-unanimous) 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, citizen *participation* works in reverse: 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:

"(1) 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.

CITIZENS JURIES, POLICY JURIES: UNITED STATES

Ned Crosby was a peace activist and social change agent in the 1960s working in the poorer neighborhoods of Minneapolis, Minnesota. 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 being undertaken 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 between 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. (Note that 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, death. The presumption is not that each jury will include a complete cross-section of the community, with representatives of all economic, social, religious, racial, political, and geographical groups. Rather, this form of selection is based on a premise that prospective jurors are selected by court officials *without* "systematic intentional exclusion of any of these groups" (Bloomstein 1968 cited in Emery 1989a: 64).

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 will be intelligent; some will possess intuition or maturity of reasoning which does not rely on formal education; some will have little to offer in a debate; others will demonstrate leadership or debating skills. This reflects the wider popula-

tion 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, undertaking military service, and, in a few countries, voting. However, participation in citizen juries is not compulsory, and this makes a big difference. Random selection must be from volunteers, which means that special care is needed in selecting the sample.

The Jefferson Center's juries are conducted most often on the request of public officials who are charged with making a decision on the issue being considered. Crosby and his colleagues randomly selected 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, AIDS, and other sexually transmitted diseases.

To begin, a sizable jury pool is compiled by survey technique. The survey involves an intensive telephone interview process 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 12-24 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 as once-only events or as a state-wide 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 also 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 citizen 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, AIDS, and other sexual 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 one out of five people in jury pools actually agrees to join the jury. Since the Center wanted 12 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 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:
- sex (female and male);
- race (white and non white);
- 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 the procedure in practice 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 prior 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 for the jury 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 electoral 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 all designed to avoid manipulation and instead 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 which represents 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 statewide policy jury of 24 was held, 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 characteristics closely similar to the state's population, the statewide jury did not, having for example fewer women, non whites, 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 and there must be an act of 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 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 citizen 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 which are so often 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 biggest strength of citizen juries has been the response of participating jurors from all walks of life and all political persuasions. Participants have rated it 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 favorably on the process and its results and some politicians have been similarly praiseworthy.

Juries convened in the U. S. 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 from 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 25 people who work together for two to five days on problems of planning, assessment, or control (Dienel 1988, 1989; Dienel & 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 for either by government or employers. Dienel has worked with single groups as well as simultaneous groups dealing 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 less in elevating or maintaining the role of those citizens who might already be publicly vocal because of their interest in a political career, personal benefits, or public image (Renn et al. 1995: 120). His quest was to find ways in which virtually anyone could play the function of 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 first appear. We have already noted that, in representative government, arguably that right 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 affectedness?" (Seiler 1995: 146). That is, should participation be linked to the extent to which one is affected? Hans-Jorg Seiler, writing from the viewpoint of a Swiss lawyer, points out that such a notion is often spoken of pejoratively in European countries. The European conception of democracy emphasizes the idea of a *common interest*, in contrast to the typical idea in the U.S. 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 multi-lane highway that could destroy fauna and flora and lead to increased greenhouse 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 estate 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 which 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 & 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: via hearings, lectures, panel discussions, video-tapes, and field tours. The idea is again 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).

The table below was developed by Dienel and Renn (1995: 123) to describe the *structure* and *conditions* that are necessary for planning cells.

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.

Dienel and Renn have also documented the sequenced activities which 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, audio-visual information, field tours, and others.

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

Step Four
Introduction of options through lectures (designed to be non-controversial) 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 done 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. models. According to Dienel and Renn (1995: 127), in the U.S., "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 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 wielded 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 & 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 & 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 were apparently "grateful and pleasantly surprised" that someone made the effort to plan and structure a participatory procedure whereas in the U.S., "citizens distrust pre-fabricated participation models and suspect hidden agendas" (Dienel & 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 has been surely nurtured in a country such as Denmark where no single political party held a majority in the Danish Parliament for most of the 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 are usually commissioned by the authorities which 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 transference 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 departmental planning and co-ordination 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 & Thorsrud 1976). They observed that some groups of workers, for example in underground coal mines, themselves decided how best to organize the work. Such worker-managed systems brought out the best in workers and were quite efficient. This form of direct democracy at work inspired the researchers to see how to promote "sociotechnical design," in which workers helped to design participatory work systems. The idea was that technology and work practices are 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. 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 used in three workplaces: a fertilizer plant in Norway, a heavy electrical manufacturer in India, and a small high-technology company in Australia (Emery 1989a: 74). Workers and managers in each case decided on random selection after considering alternatives.

In the 1980s, fellow Australian 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 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 42 invited participants. In the second stage, 600 TPSU members were chosen randomly from the union membership of 10,000. The 600 were put into 85 discussion groups, whose meetings were convened by fellow unionists who were 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 different methods were used to find out views of ACOA members. First was a search conference with executive members of the union. Then there were some 300 discussion groups involving 2000 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 variable attendance. For some groups everyone invited showed up, whereas in others no one at all 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 1989a). He was highly critical of representative systems, including workplace councils with employee representatives, a typical model for "industrial democracy." By 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 (1989b) also advocated lot-based selection of various 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 at work immediately affect the quality of working life, not to mention wider impacts on productivity, social welfare, and the environment. When working environments are "rational," namely 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 towards the fast food characteristics of efficiency, quantification, predictability, and control. There seems 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 citizen jury, or planning cell is significant. Language carries important messages and the term "jury" is an especially powerful word, resonating with legal proof, grave decisions made by peers based on comprehensive evidence. Colin Brown asks whether the same reactions might occur to a consultative process that was called an "advisory panel" or a "workshop"? Probably not. We need to be mindful that a citizen 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, delivering a verdict that is decisive. A citizen jury can call any evidence it wants but its decisions to date 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 equally 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 include those that are structural, systemic, psychological, physical, cognitive, and interpersonal (Carson 1996).

Random selection is both a way to limit poor quality decisions as well as 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 facilitated to complete their task, that the participating group should not be too large, and opportunity for equal participation must be incorporated in the process. Procedures should be fair and 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 on 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 are also 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 which 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 with it. Since recommendations to date have rarely been formally adopted by agencies, the challenge would seem to be to match 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 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 which use random selection. These different methods have been trialed throughout in the world. We survey experiences from Australia, the U.S., and Europe and comment on the methods' effectiveness. The various methods have been categorized by the location of the individual or organization which created or trialed them.

COMMUNITY CASE STUDIES IN RANDOM SELECTION: AUSTRALIA

One of the authors, Lyn Carson, had heard of the experiments in participatory democracy conducted by Crosby and Dienel that were described in Chapter 5 and wanted to trial them in Australia. A number of opportunities arose which allowed her to do this. As an elected representative on a local council she was able to convene a randomly-selected precinct committee in 1992. As a community representative on a school council in 1993 she was able to convene 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 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 trialed, two urban and one rural. Carson recommended to the CCC

that it trial at least one randomly-selected committee. She agreed to co-ordinate both the selection and establishment of the Girard's Hill Precinct Committee.

Girard's Hill is a small precinct with only 25 streets so it was considered appropriate to have one representative from each street. 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 back-ups should the first-drawn participant decline to attend.

The CCC distributed leaflets to mail boxes 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 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 in Council decision making.

The area had a higher than average proportion of older women. These women were reluctant to come out at night to attend a meeting or had reservations because of their

failing health. Overwhelmingly they suggested younger, male neighbors who they believed 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 14 of the expected 27 arrived. Tremendous cynicism was expressed by some participants about the value of the project and the likelihood that Council would either listen to them or act on their concerns. As it transpired this was quite an appropriate concern because Council (i.e. seven of the 12 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 even more particularly, older women) to be involved in community decision making. It demonstrates the cynicism of participants towards elected representatives and government bureaucrats. It demonstrates 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 using random selection. Potential participants have been informed about the jury and have expressed a willing-

ness to participate. They have committed themselves before pre-selection so there is a high turn-up rate. In the Australian case studies, the participants had to be persuaded to attend once their name had been randomly selected. The result may be a distinctively different cohort since the disempowered, the less confident, and the less articulate will inevitably defer to others. Possibilities of providing opportunities for all citizens may be lost if no attention is given 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 that 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 office bearers, formal meeting procedures, and the exercise of considerable control over the agenda by the school principal.

The existing parents association was 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 that Carson was to co-ordinate 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 school year: 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 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 various opportunities were given to parents to discuss their discomfort and reluctance. Many said they attended either from curiosity or guilt. Participating parents gradually began to feel as ease and 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 spoke about their 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 and 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 which 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 doing many things already 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 with teachers who had

unfortunately misinterpreted some of the comments. Organizers had been very sensitive to the parents' needs but had stopped short of extending the same sensitivity towards 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 along to discuss the strategic plan. The usual handful of interested parents accepted the invitation and 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 was called "Our Ballina" and 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's training session and a little guidance they wrote all their own publicity material, negotiated with speakers and Council, organized the venue and catering, gathered together materials for displays, and did a major mail-box drop throughout the area they wished to target. The training sessions took place in February 1994 culminating in their neighborhood consultation six months later.

Volunteers had to work hard to convince residents to attend. They had done a promotional mail-box drop prior to the "draw" 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 was reduced to fifteen and the majority were older residents (six women and nine men). This accurately reflected the ageing

population of Ballina, although men were overrepresented.

The day began with introductions after participants had had a chance to look at the visual displays, 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 variety of speakers, chosen by the neighborhood center for their variety of views, offered their own perspectives. Those who spoke included a town planner, a lecturer in planning, an employee of the tourist information center, a member of the local environment society, a high school student, and a councillor. Participants were given a couple of minutes after each speaker to discuss with each other any questions they might wish to raise at the end or any points which sounded interesting. This worked well. It can be overwhelming to hear a string of speakers without interruption and it can also be disruptive to have questions asked prematurely which 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 craft to create models. The organizers were decidedly resistant to having older people being 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, finally working 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 back 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 Ballina Council, the participants, and the media.

In the weeks that followed, a number of participants called by the Ballina Information Service to chat and to see how the finished report was going. They were interested to see 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, 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 citizen jury, Boulder, Colorado's Citizen Survey Panel (CSP) ran for an entire year. The panel's issue was the transportation system of Boulder, 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) that 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 resident was mailed an

invitation by the mayor to participate in the project (Kathlene & 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 survey by phone, and two interviews held 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 10 interviewers. Only one out of 10 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 useable form. The data that was gathered from this large panel was 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 it 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 & Martin 1991: 54).

The TAC's radical recommendations were able to be supported by strong community opinion (via the panel) and when announced received widespread support from the wider community. The panel did not directly make recommendations that were taken up by decision makers but it is a good example of a panel's usefulness 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. The CSP used survey and interview techniques over a long period 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. 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; afterwards, 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 U.S. 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 U.S. Conventional opinion pollsters have analyzed, criticized, and debated the validity and value of deliberative 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 some 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 trialed in at least two countries: the U.S. (Hawaii and 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 purely 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 public issue to be discussed. This material includes opinions from various 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, 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 for 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 can also 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 also thinks that it 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 be readily combined with electronic hearings, described in Chapter 4, in which participants watch a debate over television. It is also 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.

CITIZEN PANELS: UNITED KINGDOM

In 1996 the Institute for Public Policy Research (IPPR) in the United Kingdom, as a pilot project, ran five citizen juries (called "citizens' juries" by the IPPR). Like those 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 & Lenaghan 1997: i). The Institute 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

citizen jury's ability to deliver on these characteristics. The table below is a slightly simplified version of IPPR's assessment (Coote & 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, for example "What can be done to improve the quality of life for people with severe and enduring mental illness, carers, and their neighbours?" (Coote & Lenaghan 1997: viii). The IPPR used a market research organization to recruit and run the juries of 12 or 16 people. Two methods of recruitment were used, each seeking to create a jury so that it matched the population in terms of five demographic variables: *social class, age, gender, ethnic background,* 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 accommodation. 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.

Table 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
Citizen jury	3	3	3	3	2

Key: 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?

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 & 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 for their time. IPPR set the agenda, inviting and briefing the witnesses. The jurors were given background information on the policy question, including written information and evidence from witnesses, up to four per day. Jurors 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 & Lenaghan 1997: 15).

The jurors compiled their conclusions in a report. The IPPR expected the commissioning body to do several things, including 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 to either act on them or explain why not (Coote & Lenaghan 1997: 9).

The organizers have drawn a number of lessons from these citizen panels. Firstly, citizens are both able and willing to confront complex policy questions. Secondly, the citizen panel 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. Thirdly, 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. Fourthly, innovative models such as citizen panels may need to follow an agreed set of rules to ensure that they are credible and reliable.

IPPR notes that both its methods of selection involve an element of self selection and are not truly random. IPPR 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 & 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 selection choices when one is discussing random selection. Firstly, obtaining a random sample of the entire population is probably 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). Secondly, random selection from volunteers — the method used for the Danish consensus conferences — is feasible but can be criticized for being unrepresentative. Thirdly, stratified random selection from volunteers — the method used by citizen panels — is feasible and commands respect for its representativeness.

Some organizers have been reluctant to use random selection because of its perceived cultural inappropriateness. Others feared criticism about the non-representativeness 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 socio-economic groupings), those unwilling to be forthcoming, and groups with fewer telephones per person (for example multiple occupancy).

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), then 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 for sure that the life of a single black working mother in New York is very different to that of a married white female with no children in Kansas.

However, there is a commonsense response: elicit as many views as possible. For example, when random selection is used to select 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 as well. 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 this 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 herd-like response) or to being swayed by a charismatic individual. The methods outlined above have two components that guard against these possible responses. Firstly, they employ trained facilitators to ensure that participants are heard and that domination is minimized. Secondly, most methods lead towards a consensus (unanimity), which also 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 is dependent 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 to this 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 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 is clearly linked to the extent to which the entire community takes such processes seriously.

The agenda has most often been controlled by organizers though some have had considerable in-built flexibility for altering that agenda. Information was provided by the organizers and there were differences about the way in which this information was compiled. Also, participants were often able to call for more information. Groups were evidently well informed and this allowed for quality deliberations. The sorts of information-sharing and information-seeking activities in

which participants were engaged 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 which 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 are obviously 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 been largely untapped.

The reality is that since government officials cannot predict the recommendations 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. Brown 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 that 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, or a form of placation, therapy, or even manipulation (Arnstein 1969).

The evaluations completed by citizen 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 foregone. 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 12-20 in citizen juries. The time taken also varied, from a year-long survey panel to a one-day or one-evening jury. Costs matched the scale — from very small-scale, low-budget affairs to more expensive nation-wide events. Even large-scale citizen 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 as yet of protocols. This is changing as more organizations trial and evaluate these methods. The more experience that is documented, the easier it will be for agencies to confidently employ these strategies, 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 on 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 currently 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, while the decision-making elite can use these approaches knowing that they are bestowing a privilege on those who would otherwise be excluded. Government officials have a choice: (1) to see the use of top-down approaches 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, ones which 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 U.S. (Renn et al. 1993). The consultative process combines some of the best features of Dienel's planning cells with more traditional planning processes into 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, namely common sense 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 different stages or steps. In the first step, the objectives or goals are identified. This is done by getting all relevant stakeholders — namely, groups affected by the decision, or that perceive 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 telling how well it measures up according 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 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 (bold face in Table 2), 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 are also involved. The sponsor has input but is not a central player. The research team co-ordinates the entire process, providing drafts and ensuring there is approval of the joint value-tree, performance profiles, and citizen report.

Planning cells — the third step in a three-step model — were initially used in urban planning when local governments were quite willing to give citizens an opportunity to contribute. However, this receptiveness may not be present on 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 U.S., 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.

Table 2. Elements of Three-Step Participation Model (Renn et al. 1993: 192)

Actors	Step 1 Concerns and criteria	Step 2 Assessment of options	Step 3 Evaluation of options
Stakeholders (interest groups)	**Establishing values and judgment criteria**	Suggestions for experts	Witnesses to citizen panels
Experts	Additions to concern list (generation of options)	**Group delphi collection of expert judgments**	Participation as discussants or presenters
Citizens (randomly selected)	Additions and modifications of concern list	Transformation of expert judgments	**Option evaluation and recommendation**
Sponsor	Input to concern list (generation of options)	Incorporation of institutional knowledge	Witness to citizen panels
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

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 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".

Part of this first step is also the necessity to inform the wider public about the consultative process. Random selection of small panels leaves 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 about 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:

- 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 next turn in Chapter 7 to some visions of a participatory political future integrally involving sortition.

7

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 citizen juries in several countries. However, citizen juries remain, both in 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 towards 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? Citizen 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 bearers.

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, with specialized occupations from building to biomedicine. Increased specialization also increases the requirements on 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 careful consideration.

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," namely 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; 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 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 US president, many of those with the greatest influence — political party insiders, lobby 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 of the states, 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 mainly focus 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 are currently seen as "political"?

Let's summarize where we've come to. Decision making by a single body of officials (elected or otherwise) has two major problems: abuse of power and overload of 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: demarchy.

DEMARCHY

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

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 appointed by senior bureaucrats
political parties	choose candidates	voluntary membership
media	influence opinion	privately owned or government run
lobbyists and activists	try to influence politicians, 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 volunteers
members of second-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 members of functional groups and public opinion	volunteers or paid by interest groups
citizens	occasionally be a member of a functional group	satisfy requirements set by second-order groups

In demarchy, there is no government "out there," administering everything 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:
- garbage collection;
- child care;
- music and theatre;
- 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 functional 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 semi-permanent basis.

Functional groups operate to serve the local community. This would probably be a population of thousands of people, rather like ancient Athens. It might be 20,000, perhaps as low as 1000 or as high as 100,000 or more. Experience would provide guidance as to the appropriate scale for functional groups. So instead of a population of one million people having a single high-level parliament or congress, perhaps with regional and local government too, 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 to a single functional group. How big? Let's say 12 people. Who are they? Anyone could volunteer to be on 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, about the levels of chlorination and fluoridation, about how water is paid for, about promoting rainwater tanks and grey-water systems, about

water pollution, about 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 citizen juries typically 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 citizen juries since the groups make policy. Members' expertise is initially 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. Firstly, 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. Secondly, 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 were in transport or child care, then it would be natural to volunteer for those groups.

While a functional group might well have greater knowledge 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 their 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 might), nor because they have wide support in the community (though they might), but simply because they were the lucky 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 the tenure of a criminal jury. Although jury members have more expertise after a case, they are turned out for a new jury. 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 simply because it is in the interests 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 people who seek 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 support from others 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 even 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 for 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, just to get people to volunteer who agree with you 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 yet 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 — since the latter might be selected too. The same would apply to a special interest group with an opposing view.

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 need 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 80 women and 20 men volunteered for a ten-person group. To ensure equal numbers of men and women, five members could be chosen randomly from the 80 women and five from the 20 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 91 volunteers. If the nine are all women, then the last member would be chosen from the 20 men volunteers. Similar methods could be used for other

grounds, such as on an ethnic, geographic, income, or religious basis. 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 are often seats designated for particular regions (such as two senators from each state in the U.S. Senate) or, sometimes, ethnic groups (such 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, like the way juries are selected now. 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 which they didn't care much about — just as many people today 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 10 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, namely 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 their 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. For example:

• 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 are usually 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 on their peers' suitability for higher-order tasks. Those who get the best ratings would go into a pool from which the actual 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 out different options and see which one 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, neither locally, regionally, nor 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 on 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 like a fractional appointment, a certain number of days per week or weeks per year.

• How many groups should there be? This partly depends 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 10 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 40 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 simply prepared its own report, thereby rejecting the external support provided to it. Steering committees for processes such as consensus conferences or citizen panels, in the experience of the authors, are kept honest by the selection of a group with a diverse and balanced range of views. Human participants are inevitably biased but processes can be put in place which allow for exposure and acceptance of these biases.

• What about people not on 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 on email discussion groups, do door-knocks, produce leaflets, circulate petitions, hold rallies, go on strike, join boycotts, and perform 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 well 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, in contrast, would not mesh well with demarchy. If big, remote government is replaced by functional groups, then it would be incongruous to still 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 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 are normally 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 is typically used against challenges to private property, such as squatting in empty building or strikes in essential industries. It is also 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 firstly because of groups' credibility as representatives of the community who have

studied the issue in depth and secondly 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 their own guns. Governments cannot just make any decision they like and make it stick: they have to be sensitive to popular sentiment, otherwise they may lose power due to citizen resentment and discontent.

These same processes would operate under demarchy, but much more strongly. A rogue functional group that made a decision that 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 is often 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, non-binding arbitration has been used to settle disagreements. Arbitrators are agreed to by the contending parties, who are expected to adhere to the decision of the arbitrators. 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 using 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; 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 mobiliza-

tion 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, much examination and experimentation is 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.

8

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. To be introduced, there needs to 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 citizen 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, citizen juries, and Danish consensus conferences which are now using random selection. Members of consensus panels also have a greater control over the agenda, making this a more potent reform.

Reform of direct democracy methods. As discussed in Chapter 3, randomness 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). Ned Crosby in 1980 postulated a system built around citizen juries controlling government bureaucracies, but was unable to get his book published. Fred Emery in 1976 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 1989c).

Although choice of strategy depends on the goal, there is actually a fair bit of common direction in these different goals. For example, promotion of demarchy is likely to both aid and 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 all 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 portraying a positive image.

It is hard to imagine many politicians willingly turning over 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. No, the most likely responses are total lack of interest, failure to even 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 citizen 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 are also resistant to other measures that might undermine their power, measures which 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 ballot papers, and rotation of names on ballot papers.

Politicians are likely to be among the most vehement opponents of random selection, but there are others who are also likely to be resistant, including government bureaucrats, judges, lobby 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. 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. Mueller argues that citizen juries would be less susceptible to the propaganda from the wealthy and 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 voter 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 whatever 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 is involved with 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. In terms of their own principles, many of these individuals are

committed to promoting increased citizen participation. However, they occupy positions in which they have status and power within an organization and perhaps wider visibility as spokespeople for a cause. To promote 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 it is politicians, judges, bureaucrats, experts, or leaders of dissident groups. However, most opponents would explain their opposition 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 a deeper obstacle as well: the entrenchment of the current system in people's minds and behavior.

At school, children are taught that "democracy" — namely representative government — is the best political system. There is no serious discussion of possible alternatives that might be more "democratic," namely 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 in-fighting, and sometimes expose pay-offs and cover-ups. The underlying assumption, though, is that the

system is 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 to change 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 just 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 are often 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.

Firstly, many social activists are committed to participatory group dynamics, for example 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.

Secondly, there is a disparate group of individuals who are promoters of participation. This includes some scholars, community workers, and 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 citizen juries fit in this category.

Thirdly, there are various people who are in search of a decision-making procedure that is widely seen to be fair. This includes some 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 citizen juries ever become established, even in a restricted 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, as well as providing direct experience for jurors themselves. Until similar experience in citizen 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 by rational arguments, or at least ones that sound rational. Developing the case for demarchy and formulating responses to objections is 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 familiar examples such as defending the peace through armed force.

Arguments on their own are seldom enough to win the day. Ideas are never autonomous of social location and context. A sure sign that a person has a deep-seated emotional resistance to an idea is when, after giving good answers to their objections, they keep 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 just 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 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 non-experts.

One response is that experts are not necessarily the best people to make decisions that involve broader issues. Expertise is often 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 still 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 idea that experts should be "on tap but not on top."

Lots 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 are methods for encouraging participation, such as adequate pay and life 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 towards 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 task of facilitation to be rotated around the group. 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), can also be approximated in small groups. Consider 20 or 30 people, committed to consensus, who are faced with making decisions about five or 10 topics in an afternoon. If every topic is dealt with by the full group, the process of reaching consensus can sometimes be agonizingly slow. An alternative is to break into small groups, with each group dealing with one topic (or more, if there's time), with the task of 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 book *Is Democracy Possible?* (Burnheim 1985).

Even to create small-scale experiences of random selection and functional groups can be quite difficult. Just 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 teachers of classes, 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, various people have tried out policy juries in a range of circumstances. What can we learn from this experience? Firstly, even the best designed and well 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 participants and sympathetic observers. Secondly, some level of resources is needed to run the juries, which can be provided through a university, independently funded center, or local government position. Thirdly, 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 uptake 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 possibility 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 since 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 off-load responsibility for making a decision that may alienate one section of the population (Crain et al. 1969). A policy jury could be seen as another 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 for the spreading of 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, among others.

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 each have their own 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 miniscule size, have suffered debilitating splits. This toleration for a diversity of views may owe something to the nature of the subject, namely that what is being advocated is citizen partici-pation 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.

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 experi-ments 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 most well 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, otherwise 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 being 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 be 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, which 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 decided along the way. More importantly, 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

Mail out, flyers, noticeboards, newsletters

Agencies do a direct mail out or a mail box drop 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 that is available and the skills of the material's producers. Often this information won't make it through the mail box since residents increasingly display a sign stating "no junk mail" or "addressed mail only". Community noticeboards 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 mail box or other outlets to inform the community of an agency's activities. Only people with a direct interest in the agency's activities would be 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 rather than a dissemination of useful information. Talk-back radio can at least offer a level of passive consultation as constituents have an opportunity to air their grievances or offer opinions.

Meetings, 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 of these arrangements 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, 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 good for giving information to decision makers as well as establishing a *prima facie* case. However, not all signatories 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 sought, often at random.

Council meetings, parliament

Parliaments and local councils almost always have a public gallery from which constituents can observe those 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 also 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 might 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 U.S. they are linked to legislation at all levels of government and so 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 behind large desks using confusing language, making them largely inaccessible to the typical citizen.

Telephone hotlines

Hotlines 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 hotline for people to register their views on various options that are being considered. The caller could either find a member of staff or a disembodied 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. Hotlines are easy and cheap for people to use (particularly

if a free-call number is used) and feel more personal that a written survey though they rarely allow for interaction. Hotlines can also 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 towards various political parties or their policies are common, particularly in the lead-up to 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 and then 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 either by phone or personal interview and are sometimes incorporated into *telephone hotlines*. Usually a yes/no or preferential response is all that is required. They are usually randomly selected and a statistically significant sample is considered essential.

Public meetings

Public meetings are most often held to provide information on an organization's activities, a planned project, or an imminent decision that might be controversial. The emphasis is usually 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 available time. 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 might 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 sub-group which 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 is provided as a way of encouraging community ownership of an issue. However there is often little discussion and little interaction between participants. Surveys can be very unreliable as respondents are prone to give the answers they believe are wanted. One needs to be most 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 method which allows residents to meet with elected representatives or government staff on the corner of their street whenever a significant issue arises which affects them. Residents are advised of the meeting beforehand. Similarly field trips can be undertaken involving stakeholders and decision makers. Both 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, sitting under a sign which said "American willing to listen" (Peavey 1994). The idea has been used by one of the authors of this book on two occasions — one under a sign which read "Candidate willing to listen" prior to a local government election and on another occasion, post-election, under a banner which 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 their own actions or beliefs, instead genuinely listening to citizens' concerns that can later be followed up. 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 more recently been superseded by electronic "boxes" using email. This can be quick and cheap and avoids paper use. Electronic suggestions can also lead to interaction between participants. One Australian government department found the process slightly problematic when suggestions were occasionally 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 offer information to constituents as well as encouraging citizens to interact with the agency. Networking between agencies is also occurring. For example, "CouncilNet" is a computer network linked to councils throughout Australia and 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 is not usually 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 proven to be extremely influential in changing a government's direction.

ACTIVE CONSULTATION

Delphi

"Delphi" is an interactive technique designed to promote participation. Delphi is simply 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 this could also 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 micro-process that can be incorporated into a larger consultative process.

Convergent interviewing

Convergent interviewing is another micro-process 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 collected quite efficiently. Participants respond to an open-ended question to begin and are then encouraged to talk for a lengthy 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 objectors 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 are usually either self selecting or invited to attend. They 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 can also 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'll vary from short-term working parties to advisory or statutory committees, the latter appointed by government (see Chapter 4). They are either self-selecting (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 15 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 tousles for power occurring. Committee members can weary of the process if the committee does not have a specified "life" or time frame or purpose. Committees are frequently 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. They are rarely representative and can be dominated by members of unequal status. They tend to gather together people with quite diverse views and there is little potential for resolving issues. They are also vulnerable to conscious or unconscious sabotage by critical or negative committee members.

Precinct committees, residents' action groups

Local councils in Australia have established precinct committees to advise councils on issues which affect their specific geographical area. Precinct committees can also be used by councils to provide feedback on shire-wide 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 are often, though not always, supported financially. The financial support is meant to cover administration costs and some councils also appoint a staff member to co-ordinate the committees' activities. They are self-selecting, though there has been at least one trial 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 and these increasingly occur 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 able to be referred to for major planning decisions. Strategic plans are notorious for taking up shelf space, i.e. not being referred to beyond the time of their creation and acceptance, but of course 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 could use a combination of consultative methods, e.g., workshops, surveys, committees, submissions, and so on. Participants are usually self-selecting, 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 specified number of signatures is required to activate the referendum process; typically the

question would go to a referendum at the next election. This type of process is used extensively in Switzerland. In the U.S. they are also known as propositions and have a checkered though recent history. They are not randomly-selected but all electors ultimately have an opportunity for involvement. They can lead to short-sighted 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 would also 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 is when the outcomes are not binding on government.

Preferendums

A variation on referendums are 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 10 options is drawn up which 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).

Citizen panels, planning cells, policy juries

Citizen panels (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). Citizen panels are addressed by a number of speakers who present various opinions. This allows for informed debate by jury members who then work towards a consensus. Recommendations are compiled in a report that is referred to policy makers or service providers. The aim is to gather together 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 most remuneration offered is only barely enough to cover foregone wages. Jury members have evaluated the process highly. 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 ring 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 of 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 in-depth approach to complex issues (see Chapter 4). The search process, also known as "future searches", brings around 30 heterogeneous stakeholders together to undertake joint consideration and planning. Participants are most often 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 & 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 particular 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 U.S. 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 so — 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 is also 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 or current account deficit. Social impact assessment is often hindered by an absence of sound indicators that might be employed in the same way as environmental indicators are used in environmental impact

assessment. Councils in Australia, however, have begun to develop indicators that will allow an assessment of social impact before development applications will be considered. The completion of an SIA is the responsibility of the developer though it can also be a process completed by councils as part of their shire-wide strategic plans. The public can be involved via surveys, interviews, or forums, and existing demographic data are also 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). Electronic voting 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 for a labor union to vote on a motion; this might also involve a video link-up 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 between 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 result from an informal election among youth interest groups. To achieve a cross section,

some representatives are required to 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 left to young people to organize and is designed to encourage people to be active in community affairs especially where it involves searching for ways and means to improve community life. The youth council offers recommendations to the 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 methods 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 a highly visual, de-emphasizing the written word. Photographs, illustrated plans, scale representations, craft, scale models, and so on have been used. Professional planners, architects, designers, and engineers join together 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, also allowing 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, working and reporting back within 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 out 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, 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, creating unrealistic expectations if the parties are poles apart, forfeiting important principles and values if the resolution is not binding. There are also strengths in the process: mediation can break down stereotypes (e.g., of developers or greenies) and be replaced by a recognition of people as real people; the community can be empowered by a process of negotiation which is usually 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 is inevitably 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 are usually binding if a proportion of the population supports them (which may be more than 50%). 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 decisions. 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 Council's income from rates 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 and 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 Australia, Byron Shire, 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 which 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 parliaments, thereby qualifying this method as a potential example of partnership. Participants are most often self-selecting or chosen by organizers; random selection can be used. Organizers follow procedures associated with citizen panels: a small group (10-16) 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 now 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 of this: a three-step procedure developed by Renn et al. (see Chapter 6) combines Delphi, citizens panels, visioning, and so on. A citizen survey panel directed by Lyn Kathlene (see Chapter 6) combined surveys, interviews, an advisory committee, etc. The combinations are limited only by political will, determination, and the creativity of all actors in the participatory process.

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