

Pedagogies of participatory democracy: an experiential inquiry into the critical possibilities of Citizen's Juries

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Background

*If there must be trouble, let it be in my day
that my child may have peace. (Thomas Paine,
cited by Dr Mike Newman, Keynote Address,
Critical Pedagogy Conference, 2008)*

We are at a time when, for many, participatory democracy is crucially important to address the pressing realities of our time and its consequences for the future. Such critical moments are opportunities to strengthen democracy rather than reduce it – however, not everyone sees it this way (Merkel 1995). For many, the answer to our ecological crises, for example, is the reduction of democracy and the installation of centralised authority to force communities into sustainable levels of living. There is an emerging tension between social stability, on the one hand, and participatory and potentially destabilizing democracy, on the other (Biscop 2008). Somewhere between the nightmare visions of Hogan's (1998) National Security State and the anarchy of mob rule, participatory democracy holds a much contested but crucial space.

While it is difficult to pin down the starting point of any new trend, the rise of Western participatory democratic interventions is surely being felt in Australia in recent years. Local Councils have been using deliberative panels in Australia since the mid-1990s, Rudd's 2020 Vision Forum was such an event, and the new Democracy Foundation's Citizen's Parliament in Canberra (2009) (<http://www.citizensparliament.org.au/>) also refers to such conceptual and methodological frameworks. The introduction of quadruple bottom line management, corporate social responsibility, democratic workplace reform and integrated planning in corporate and democratic governance systems all require similar forms of deliberative engagement.

Given the focus of the Critical Pedagogy Conference on the ways in which forms of learning can give rise to awareness of hidden powers at work, we were interested to test contemporary forms of deliberative democracy in the conference's conceptual framework. Can interactions commonly understood as "community engagement" or "deliberative democracy", do more than generate "informed" decisions? Do they provide learning experiences with a critical perspective and if so how? Is this learning about power valued within deliberative mechanisms and the democratic systems into which they play?

In our experience as participatory deliberative practitioners, we know that you *cannot stop* profound learning taking place at deliberative events. However, this is not usually exploited or strategically deployed by the commissioning governance systems with their focus on shovel-ready task delivery. Social learning is not of great interest to the deliberative movement itself either, preoccupied as it is with matters of representativeness, transparency and accountability.

This is partly due to underutilisation of the deliberative democratic potential by public sector commissioners. For example, even with regard to one of Australia's most celebrated examples of a State's commitment to deliberative interventions (the West Australian government's citizenship initiatives), commentators note that the lack of impact of these strategies was primarily due to the process being scripted and stage-managed and lacking sufficient resourcing for citizens to engage in "genuine inclusionary argumentation and social learning" (Maginn, 2007). There is also a lack of inclusion of adult learning theory in models of deliberative intervention, which tend to focus on information input to inform participant decision-making (Kanra, 2008). Hayward's (2005) theorising of ways of generating social learning through deliberation in the environmental sector in New Zealand is a refreshing exception.

Our suspicion was that it is not that deliberative mechanisms fail to generate social learning, even *critical* social learning, but that this outcome so essential to the integrity of democracy, is largely ignored. We wanted to ask the question: to what extent do deliberative mechanisms enable citizens to learn about and influence not only the substantive issue being contested (a new freeway or transport system, a new approach to bush fire control and emergency responses), but also the questions of power, accountability, ethics and responsibility that the substantive matter also brings to light? Participants know these questions of power are there and potentially available for public engagement if the "stage managing and scripting" is able to be kept at a minimum. It is arguable that exclusion from this level of influence is often the source of outrage that frequently expresses itself in the much-feared and over-used "public meeting".

The International Association of Public Participation (IAP2) has created a well-known "spectrum" of public participation which enables a governing body to move towards this question of influencing power in an ordered manner. The closer the quality of engagement moves towards the "participation" end of the spectrum and away from the "information" end, the more this question of sharing decisions to act moves into the public square. However, it is very rarely that this upper-end of the spectrum is used - in Australia at least. Most commissioners of deliberative strategies are content with "consult" which is but the second step in the five-step measure. As well as a belief that it is their role as leaders to make decisions for the public, we also hear stories from leaders and practitioners alike that reflect their real fear and a sense of incapacity to move towards the participatory end of the deliberative spectrum.

While decision makers may be fearful, an accepted criticism of participatory democracy is that it quells dissent, preserves authority, continues to hide that which should be open to public scrutiny and maintains the status quo. A chief concern is the failure to include the most marginalised in the opportunity to influence policy and to incorporate grassroots political action in the overall deliberative strategy (Wakeford, Singh, Murtuja, Bryant and Pimbert, 2008). Grassroots groups have a difficult choice to make: risk

collusion in participation in deliberative interventions or ongoing marginalisation in choosing to boycott them.

Many established democracies have, paradoxically, increased the number of government consultation initiatives, many of them CJs [Citizens' Juries], accompanying a decline in actual accountability and transparency of the decisions that are taken (Wakeford et al. 2008:335).

The authors go on to provide a comprehensive table, summarising ten deliberative events around the world since 2001, tracking the input of participants at the events, communication of outputs from the events and the extent to which participants helped build an "autonomous voice" beyond the events to claim back some parity in the action that the event deliberated about (ibid.: 336). While the evidence and parameters of their claims are not explicit, the findings regarding the capacity for deliberative activities to return democratic power to the people are not impressive.

This appears to be Wakeford et al's critique: *that deliberative mechanisms take the right and responsibility of democratic action away from people to locate it in a governance system which is far removed from grassroots political action.* If participatory democracy is about doing more than fronting up at a ballot box and if our pressing times demand that our democracies are more than this, how do systems of governance and those they are intended to serve navigate the divisions of power between jurisdiction and political leadership? And even if they do this successfully – which in our experience they often do - do they address the issues as they need to be addressed, or do they sustain a system of expert-based democracy at the expense of how the issues are really experienced and resolved in our everyday lives?

Does deliberative democracy afford us the suicidal luxury of sacrificing action to address our dire concerns, by means of a charade of political and social stability? Do its mechanisms get in the way - rather than pave the way - of a much needed political transformation from tax-funded services that do *for* us, towards tax-funded services facilitating us to do for ourselves *with* each other?

Surely, the latter is the only possibility of actually sustaining the scale of change we must achieve.

Process

Agency is located in the emotional relationship with the material. (Peter Taylor, Institute for Development Studies, Keynote Address, Critical Pedagogy Conference)

A great wealth of deliberative mechanisms is available to engagement managers and practitioners. The engagement toolkit extends into hundreds of models, face-to-face, on-line and telephonic, one-off events and sustained systems of on-going engagement which reference social and political science sources to guide their design and intended outputs.³

Perhaps the best known of these mechanisms is the "Citizen's Jury" (CJ). This is a model of engagement which, as the name suggests, draws its form from a legal reference. Its intention is to enable everyday people to hear from "expert witnesses" a variety of points of view about a contested issue. The "jurors", as the everyday representatives are called, interrogate the expert witnesses and independently of them

"deliberate" a verdict or decision which is documented and handed back to the governing interest. The whole interaction is overseen by a third group of people known as "observers", whose role is to keep the process true (see Gastil and Levine 2005).

Our workshop approach was based in experiential learning theory and practice, providing participants with an actual experience of a CJ, which they then reflected critically about, to draw some conclusions about its potential to generate critical social learning.

We began the facilitation phase of the session by checking with participants about the extent to which they were aware of the CJ model. Some history of the process was explained, which included the intent and aspirations of Ned Crosby and the Jefferson Center in the USA for the purpose of promoting citizen's juries as a method to strengthen participatory democracy.⁴

The focus question for the jury was:

What is the Australian State's responsibility to develop participatory democracy beyond the rhetoric of "consultation"?

We began with organising a "randomised participant selection" strategy, a process of ensuring that participation is reflective of democracy but not necessarily of investment in the issues being addressed. It is a way of balancing out influence from informed consent. Those who are critical of deliberative processes may see this as one of the first excisions of grassroots participation from representative democracy. Those supporting these approaches to governance may see it as a way of freeing governance from lobbyists and/or corrupt interests so that the issues can be understood in a new light.

On coming into the workshop room we invited the 18 or so participants to put their name into one of three columns on a large sheet of butcher's paper, the purpose of each column being unknown to participants when they wrote their name. At the beginning of the interaction and on describing how a CJ worked, we then revealed the three groups:

- a) The expert witnesses
- b) The jurists
- c) The observers of the interaction

We then separately briefed participants in two of the three groups. Max worked with the "witnesses" outside the workshop room and gave them prepared information sheets. Each sheet told of a case study of a specific Citizen's Jury event – some successful, some less so – which the witnesses were to read to the panel. The witnesses familiarised themselves with the sheets and the process, understanding that they would also need to answer questions and interact with the jury from the position that the information sheet declared. This is reflective of the role of expert knowledge in a Citizen's Jury.

Susan worked with the "jurists", letting them know that they were in charge of the process and could decide where the witnesses were to present, how they were to participate or otherwise in the deliberation, and the decision-making process regarding a response to the question that the jury was considering.

These briefings were overseen by the observers who took notes. Breaking with convention at the first opportunity, the jurists agreed that the witnesses should be physically included in their circle and participate fully in the deliberative and decision making of the jury

process. Susan checked that they were aware that they were breaking the form, but these young jurists had little regard for conventional form and were passionate about equity and inclusion.

The witnesses then came back into the room and the jurists advised them on how they wanted them to work with CJ model. We then commenced the interaction, as agreed. Following the reading of the information sheets, all the workshop participants deliberated on whether participatory democratic mechanisms were able to generate pedagogical and critical insights and actions. We did not get so far with answering the question about the role of the State in going beyond consultative engagement to enable full scale collaboration in democratic governance. Following this interaction the observers commented about what they noticed, how it related to their understanding of the key question and what they also considered to be the judgement.

In essence, our approach used the method being analysed to analyse the method, giving participants experiential understanding of the object of their judgement. We did this understanding that not everyone has had the benefit of participating in a Citizen's Jury. It also put the jury mechanism to the ultimate test of testing the calibre of its findings about itself.

Outcomes

The phrase "*pre-figuring future society*" resonated strongly across the conference. Elders rubbed shoulders with youngsters and newcomers in respectful as well as agitating ways. At times, this mix was suitably provocative, at others profoundly enlightening and still others simply practical, problem solving about working in developing communities or addressing the problem of plastic in our environment, for example. One could argue that, as an event, the conference prefigured the future, bringing global scale concerns and influences into our living local experience.

Our workshop was a part of this dynamic. At one level, it was quite practical and common-sensical – the mechanism of the CJ was described and delivered as intended and participants experienced it at work, mostly for the first time. On another level, we were spellbound by the rapid learning about how the process worked and how to make it work for the participants' own value system. It appeared to have strong possibilities for educational environments of many kinds.

Most participants offered strong (focused and generous) engagement with the process and the question of critical pedagogy. We did not come to any decision about the responsibility of the State, which did not appear to be of great interest. It was the CJ itself that held the passion of the participants' gaze. They were impressed by it. There were mixed feelings about the capacity for Citizen's Jury systems to have a critical and pedagogical role – one respondent thought very much so, another that unless the jury can directly influence decision-making, it is not a democratic process. Various responses 'in between' these positions appeared to argue against the likelihood of "*group thought*" or *expertism* destabilising the integrity of the process.

We were very impressed by the jurors' decision to include the witnesses in their circle physically and procedurally; they were quite strongly of the view that there should not be any exclusivity from either aspect of the power relationship: expert or decider. In this sense, the jury mechanism was able to outweigh the authority that sponsored the event (the orthodoxy of the CJ form and those

who presided over this orthodoxy – Max and Susan) by deciding for themselves on the relationships that determined the deliberative result. Feedback also suggested that a number of participants could see the benefits of a CJ approach to wrestling with complex issues in educational environments.

Conclusions

All problems are solved when they result in equity.

(Noted conference participant's comment).

Any mechanism is subject to the integrity of the users; we are being naive to think that CJs are failsafe against incompetence, duplicity of intention, or simply the scale of complexity in which it is placed. However, the converse is also true. When mechanisms are used well, they can work really well and it would be simply churlish and reactionary to maintain a generalised position of cynicism about the critically pedagogical power of CJs simply because we felt outrage about the state of our democracy in general. As members of the public we might need to do better than that.

Indeed, as this workshop showed, in the hands of visionary and informed young (and not so young) people, the ethos of equity was able to powerfully manifest itself in the CJ event itself. There *was* focused and honest wrestling with the strengths and weaknesses of the model as described in the case studies; people confronted each other and tested their sources, their claims and their positions.

We should also accept that any mechanism is incomplete – it is part of a whole system, which itself sits within multiple systems of culture, psychology, nature etc. If each element of a complex system has integrity, the system itself is likely to function better – but probably not perfectly. If we can deliver honest and powerful deliberative events, perhaps the crucial issue is as much about the nature of the linkages *between* the elements of deliberative democracy, as it is about specific mechanisms that make up the system.

Excellent practitioners and honest managers can deliver "*quality assured*" events; it's the connection between the event and the everyday of community life and governing systems that is the test.

The new Democracy's Citizen's Parliament that we helped run in Canberra 2009 was such a case in point. The event itself was professionally run and powerful. Three days later, participants were driving and flying home with tears in their eyes. We learned of this through following up with co-facilitators and participants we knew and also from our own team's emotional responses. The message was the same: the power of being heard was a profound experience for everyone, the grief of cynicism attached to what difference being heard would actually make, altogether different.

We were concerned about the ethical responsibility for participants, practitioners and commissioners regarding this matter. We invited a colleague who had attended the event to a meeting and, on providing the rest of our team with a wonderful report about the event, we asked her whether she thought we lived in a democracy. She works in a mainstream charity organisation supporting first world victims of poverty. Without a moment's hesitation, she stated that we lived nowhere near a democracy: if we could see what she saw everyday, the evidence was clear. Her experience of the Citizen's Parliament had been one of deep engagement with a sense of equity, which dissipated the moment she walked into the everyday.

Similarly, we saw the CJ mechanism at the Critical Pedagogy Conference light up awareness of democracy at work in the hands of people who had never seen such a process. It brought the ideas of democracy, even in their ancient and original forms, literally to life – a benchmark against which the participants will scrutinise many future "democratic" offerings and even everyday life in much the same way as the participants in the Canberra event were doing. It will accentuate their sense of inequity, disempowerment and immobilisation in the everyday. And possibly this stirring sense will lead to their participation in grassroots action as Wakeford *et al* recommend and modern democracy cannot do without.

Grassroots democracy depends on individuals deciding to continue to act under their own steam and, if we are overwhelmed and exhausted by our days, this significant additional requirement is also overwhelming. Where does the responsibility of government begin and end in this regard? Is it reasonable to expect that government does it all? Or is it about both – government and the governed in an ongoing collaboration? And if it is about this, do CJs and similar mechanisms allow for such a relationship to develop and do the difficult work regarding the issues we must address?

Our take-home finding from the workshop is that, if a well-designed democratic mechanism like a CJ is allowed to do its work with adequate resources and good practice, it does actually work. It did open up questions of power and equity in its own operation and, moreover, on learning about these matters, the participants acted on them to such an extent as to change the form of the CJ. The changed form was able to hold the deliberative and jury mechanism and also reflect equity and action. The fact that we did not answer the question about the role of the State perhaps indicates that the CJ needs to address questions that the participants care about – and, if allowed, the CJ can also be modified to refocus on the participants' question rather than the question that is posed by the governing authority (in this instance, ourselves as workshop authors and the conference selection committee).

However, if allowed to adapt to the participants' will in such a way means that the linkages between this element of the overall democratic system (the workshop in the conference) and its other elements (such as this paper and the magazine that will publish it, the people who will read it etc) are weak, then it is unlikely that the participants' will can influence the overall system. In this conference event, the democratic system was that of the power of deliberative democracy to enable and act upon the critical pedagogy that its deliberative mechanisms generate. To write this paper we had to change the title from the original workshop title so that the paper better reflected what actually happened. In this flexible system of conferences and papers, this was possible; in the more regulated statutory environments that participatory democracy works with, this may not be so. In such a situation whose will counts? The will of the authority determining the focus of the event, or that of the participants without whom the democratic will has no legitimacy and starts to point towards the National Security State?

How would we know if our conference event had adapted successfully and also influenced the linkages between itself and the broader participatory democracy?

If a new model of CJs was developed and used, so that critical social learning including the questions of power could be incorporated into the interaction and acted upon equitably by the authority and

the people, participatory democracy could show its true colours through such a CJ mechanism: a modicum of "grounded hope" for our futures.

Or would that simply be legitimising a spirit that is healthiest when it is denied?

References:

- Biscop, S., (2008) "The ENP, Security and Democracy in the Context of the European Security Strategy" Paper presented at the annual meeting of the ISA's 49th Annual Convention, *Bridging multiple divides*; 2008-03-26. Hilton San Francisco, SAN FRANCISCO, CA, USA Online <PDF>. Accessed 15-07-09 from http://www.allacademic.com/meta/p252999_index.html
- Gastil, John and Levine, Peter (eds.) 2005 *The Deliberative Democracy Handbook*, John Wiley & Sons.
- Hayward, B. M., 2005-09-01 "Effective Citizen Engagement and Social Learning in Environmental Policy: The New Zealand Experience" Paper presented at the annual meeting of the American Political Science Association, Marriott Wardman Park, Omni Shoreham, Washington Hilton, Washington, DC Online <APPLICATION/PDF>. 2009-05-25 from http://www.allacademic.com/meta/p41680_index.html
- Hogan, M.J. (1998) *A cross of iron: Harry S. Truman and the origins of the National Security State, 1945-1954*. New York: Cambridge University Press
- Kanra, B. (2008) Deliberating across difference bringing social learning into the theory and practice of deliberative democracy in the case of Turkey. Doctoral thesis, abstract. Retrieved 16.7.09, <http://dspace.anu.edu.au/handle/1885/47330>
- Maginn, P.J. (2007) "Deliberative democracy or discursively biased? Perth's dialogue with the city initiative". *Space and Polity*. 11.3. (Dec 2007) pp 331-352
- Merkel, C: 1995. Retrieved on 4/1/08 from <http://www.globalpolicy.org/globaliz/politics/95ibaseweet.htm> and no longer there:
- The assumption that free will of associated citizens is unable to self-limitation easily lends itself to expect rather (State) eco-dictatorship or (non-State) eco-terrorism than a happy and fertile marriage between democracy and sustainability. From there it is only a small step to a merger with the racist and exclusionist policy of the new right under the heading of a technocratic and hostile reading of sustainability.*
- Wakeford, T. with Singh, J., Murtuja, B., Bryant, P. and Pimbert, M. (2008) "The jury is out: how far can participatory projects go towards reclaiming democracy?" In Peter Reason and Hillary Bradbury (Eds) *The SAGE handbook of Action Research: participative inquiry and practice*. Second Edition (333-349). SAGE Publications, London

(Endnotes)

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- 3 See http://iap2.affiniscape.com/associations/4748/files/06Dec_Toolbox.pdf
- 4 See www.jefferson-center.org