

Recipes for Public Spheres:
Eight Institutional Design Choices and Their Consequences

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1. Introduction¹

For much of this century, theorists and observers of modern politics have lamented the erosion the public, or the public sphere, and its consequences for democracy.² Following these critics, I take the public sphere to be that region between individual citizens and their intimate associations of family, the economic sphere of market and firms, and the formal state sphere of political representation and public administration. In a healthy public sphere, citizens interact with one another to develop perspectives and opinions regarding their collective life together. Some of these opinions and criticisms address the harmful impacts of economy upon civic life, while others focus on defects of formal state activity: in law, regulation, and public policy. Some judgments and perspectives address conflicts of morality and principle, such as whether the actions of state and economy properly advance principles of equality and dignity, while others will focus on “policy” oriented concerns about the efficacy of economic and administrative actions.

Healthy democracies require healthy public spheres. Absent a robust public sphere, the preferences and interests of citizens will be uninformed and unreflective, and so the reality of popular sovereignty unattractive. In the Deweyan extension of this point, one crucial function of the public for democratic governance is to provide feedback to the state and economic sphere regarding the unintended effects of their actions. For him,

¹ I thank Joshua Cohen, James Fishkin, Joseph Goldman, Robert Goodin, Jennifer Hochschild, Sanjeev Khagram, Nancy Rosenblum, Charles Sabel, Lars Torres, and the participants in the Democracy Collaborative’s “State of Democratic Practice” conference for generous comments on previous drafts of this article.

² Lippmann 1922; Dewey 1927; Habermas 1989, 1992.

democracy is in large measure the continuous iteration of this social arc of state and economic action, public reflection upon their effects, and feedback. Without a public sphere, a cognizant and sensate public cannot form itself, and so there is no democracy. Then there is power. The public sphere is a space not only for citizens to discuss, clarify, from, and refine preferences and wills, but to organize to press those desires against state and economy. Much more than state and economy, it is potentially an arena for the weak, and the weak fare poorly when the public sphere declines.

Much of the scholarly commentary analyzing the public sphere and seeking to improve it has focused on macro-sociological trends and potential responses.³ Recent work on civic engagement has tracked the overall decline of associations and the erosion of their articulation to formal politics.⁴ The most prescriptive and constructive work in this vein recommends leveraging the substantial organization and capacity of existing secondary associations to improve democratic governance through deliberate and targeted public policies.⁵ Those who locate the decline of the public sphere in the structure of mass media or formal electoral arrangements recommend similarly large-scale measures, such as campaign finance reforms, to rectify those arrangements in part to improve the quality of the public sphere.

These ambitious approaches are understandable. They grow out of efforts to comprehend plate-tectonic shifts in political and social organization that affect the quality of the public sphere. From this God's-eye perspective, it is natural to think that improvements require shifting large plates—of associative behavior, electoral

³ Habermas 1989.

⁴ Putnam 1993, 2000; Skocpol 1999.

⁵ Cohen and Rogers 1992; Hirst 1994.

competition, or media ownership—this way or that. In normal times, however, individuals and organizations seldom have the wherewithal to affect such shifts. Consequently, activists, foundations, and even some scholars interested in improving the quality of the public sphere have pursued an array of more modest projects that do not require large scale social transformations. These highly artifactual projects rely on creating instances of more perfect public spheres, often out of whole cloth. They convene citizens, in the dozens or hundreds or thousands, but certainly not in the millions or tens of millions, in self-consciously organized public deliberations. Following Robert Dahl, I will call these efforts *minipublics*.⁶ Sometimes they resemble town meetings, and sometimes they function as purposeful associations. They look like, because they are, exercises in “reformist tinkering” rather than “revolutionary reform.”⁷

Perhaps for that reason, or because of their modest scale, these efforts have occurred mostly under the radar of democratic and social theorists. Nevertheless, those interested in improving the public sphere should pay more attention to minipublics for at least three reasons. Though small, they are among the most promising actual constructive efforts for civic engagement and public deliberation in contemporary political life. Second, given the fragmentation of cultural and political life, effective large-scale public sphere reforms may consist largely in the proliferation of better minipublics rather than improving one big public.⁸ Finally, even those who subscribe to visions of tectonic, macroscopic improvement will need to know something about the details of institutional

⁶ This terminology follows Robert Dahl’s notion of a minipopulus (1970; 1989) [***check 1970 cite] and Jack Nagel’s (1992) notion of Deliberative Assemblies on a Random Basis—DARBs. As explained below, my notion of a minipublic is both more inclusive and more connected to both civil society and the state than either Dahl’s or Nagel’s concepts.

⁷ Unger 1987.

⁸ Fraser 1992.

design for effective public deliberation. A close examination of these mini-publics will help generate that knowledge.

This paper analyzes several dimensions of these disparate efforts to improve the public sphere. Like minipublics themselves, my aims are modest. Many of these practitioners use the very same words—words like participation, deliberation, civic engagement, and the public sphere—to describe their projects, yet they choose very different designs and strategies. These choices are associated with trade-offs in the advance of central public values. Clarifying the stakes of such choices will advance knowledge and practice in this arena of democratic innovation. Toward that end, the next section makes the most important of these design choices explicit. Laying out the range of institutional options illuminates the diversity of these projects, may assist practitioners to reflect upon the reasons and wisdom of their particular choices, and help to spur a conversation among similarly situated actors pursuing divergent strategies. Furthermore, the public sphere has many potential functions. A healthy public sphere might, for example, foster deliberation, increase civic engagement, make citizens more wise or sociable, educate elites, make government more accountable, make policy more just, and mobilize citizens for political action. Section three develops several hypotheses about how institutional design choices make minipublics more or less likely to advance these salutary functions. The fourth section illustrates how design choices relate to public sphere goals by reviewing the experiences of five contemporary minipublics—James Fishkin’s Deliberative Polls, AmericaSpeaks’ Citizen Summits in Washington, D.C., citizen participation in the Oregon Health Plan, Chicago’s community policing program, and the Participatory Budgeting system of Porto Alegre, Brazil.

2. Institutional Design Choices

Suppose that you want to improve the quality of civic engagement and public deliberation and that you are in a position—through your access to a modicum of financing or state power—to carry out a project toward this end. You decide to create a minipublic that will convene citizens and perhaps officials to deliberate on some important public concern. This minipublic will contribute to the democratic project of reinvigorating the broader public sphere not just by modeling the ideal, but also by improving the quality of participation and deliberation in a significant area of public life. As with any project of political construction, you face many critical questions in the course of planning your minipublic. Here are eight important design decisions, each of which will shape the capacity of your minipublic to perform the various democratic functions of the public sphere.

2.1. Visions and Types of Minipublics

The first important design choice, informing all of the others that follow, concerns your ideal of the public sphere. Beyond simply convening citizens to deliberate with one another and participate in public life, what should a minipublic do?

In one vision, the minipublic is an *educative forum* that aims to create nearly ideal conditions for citizens to form, articulate, and refine opinions about particular public issues through conversations with one another. The conditions of deliberation in this minipublic would differ from those in the actually-existing public sphere in at least three respects. Whereas inclusion in actual public debate reflects many kinds of background

inequalities—wealth, gender, education, position, control over the means of communication and production—the minipublic would fairly include all of these diverse voices. Second, actual public debate frequently falls short of the ideal of deliberation and public reason. Participants who are governed by the norms of deliberation take each other’s reasons and arguments seriously. In particular, they offer justifications that others can accept because they are rooted in appeals to a common good or to common norms such as equity and fairness. Third, citizens often form ill-considered opinions because information is costly. A minipublic might therefore inform citizens by training them and by making briefing materials and expertise easily available. In a minipublic that addresses these problems of representation, reasonableness, and information, conversations between citizens would dramatically improve the quality of their public opinion. Of the explicitly “deliberative” programs sponsored by foundations and community organizations, educative forums are the most common.⁹ They include the deliberative polls invented by James Fishkin, the National Issues Forums begun by the Kettering Foundation,¹⁰ the study circles initiatives supported by the Topsfield Foundation,¹¹ and the 1998 Americans Discuss Social Security town-meetings organized by AmericaSpeaks and supported by the Pew Charitable Trusts.

A second type of minipublic might be called the *participatory advisory panel* because it aims not only to improve the quality of opinion, but also to align public policies with considered preferences. Participatory advisory panels do not stop after creating the ideal deliberative conditions of the first vision. They also develop linkages to

⁹ See, for example, Button and Mattson 1999.

¹⁰ See Matthews 1999.

¹¹ See, for example, Gastil 2000: 113-6 and the URL:<http://www.studycircles.org/> (last visited on May 1, 2002).

economic or state decision-makers to transmit preferences after they have been appropriately articulated and combined into a social choice. Participatory advisory panels have often resulted from partnerships between non-profit organizations devoted to public discourse and government offices seeking to solicit citizen input and enhance their own legitimacy.¹² One example of such a participatory advisory panel, discussed below, is the Oregon Health Decisions discussion process that convened town meetings all over the state to discuss public medical priorities. Another is the Citizen Summit priority and budget setting process in Washington, D.C.

A third type of minipublic might be called *participatory problem-solving collaboration*. Less Habermassian and more Deweyan, this type envisions a continuous and symbiotic relationship between the state and public sphere aimed at solving particular collective problems such as environmental degradation, failing schools, or unsafe streets.¹³ Two broad justifications support this more intimate relationship between public and state than that usually imagined. First, some public problems are so wicked that they defy even the best expert opinion and capacity. For some of these problems, citizens and officials, through participatory deliberation, may invent novel solutions that leverage resources and ingenuity from both the civic and state spheres; the central contribution of this kind of minipublic is creativity. Second, often the state cannot be trusted. Democratic skeptics who locate the central contribution of an improved public sphere in its ability to tether state action and make it publicly accountable will favor arrangements in which members of the public can keep a close eye on their public servants. This, in turn, entails

¹² See Gastil 2000 for a discussion of existing participatory advisory panels, including the citizen's jury, and his proposal for one kind of powerful minipublic of this type: citizen panels.

¹³ Cohen and Sabel 1997; Fung and Wright 2002; Weber 1999.

enduring and intimate, if not always amicable, connections between the public and the state.

A fourth vision, call it *participatory democratic governance*, is more ambitious than the other three. This flavor of minipublic seeks to incorporate direct citizen voice into setting the policy agenda and not merely in providing advice or solving collective problems. Proponents of such minipublic often view structures of representative legislation and insular administration as easily captured, or at least biased, toward wealthy and socially advantaged sections of the polity. Injecting direct, mobilized, perhaps deliberative citizen participation into democratic governance might favor the voices of the least-advantaged and so offer a procedural antidote that enhances the equity of legislation and policy-making. Such reforms require strong political support—most often from competitive left-wing political parties dedicated to redistributive policies—and are not at all common. Two examples are the Peoples’ Campaign for Democratic Decentralization in Kerala, India¹⁴ and participatory budgeting programs in various Brazilians municipalities.¹⁵

These four types of minipublics are differentiated according to their central purposes: education, policy alignment, problem-solving, and social justice. Adopting one or other of these purposes, however, favors some institutional designs over others.

2.2. Who? Participant Selection and Recruitment

Aside from their interests and associative connections, how should participants be selected? The most common mechanism is voluntarism: not to select explicitly at all.

¹⁴ Thomas Isaac and Franke 1999.

¹⁵ Baiocchi 2001; Santos 1998.

Public meetings and activities are often open to all who wish to attend. Sometimes they are required by law to be open in this way. Those who hear about the opportunity and have the interest and time participate. The difficulty with voluntarism is those who show up are typically more well-off—wealthy, educated, and professional—than the population from which they come. Nearly all forms of political participation exhibit participation patterns favoring high status persons, and more demanding forms tend to exacerbate that bias.¹⁶ This may be because those who are better off have greater desires (or senses of duty) to participate or because they possess more of the resources necessary to do so.¹⁷ Because fair participation of the poor and otherwise disadvantaged is almost always desirable in minipublics, voluntarism has serious drawbacks as a selection mechanism.

One solution is to choose specific participants who demographically mirror the general population. Deliberative polling efforts pursue this tact by selecting participants through opinion polling methods. A third option is affirmative action through recruitment. Selection in the Citizen Summits (discussed in section 4.2) was voluntary, but program organizers achieved demographic representation by publicizing the event in communities that would otherwise be under-represented.

A fourth option is to create structural incentives for low status and income citizens to participate.¹⁸ Participation patterns are determined not only by the resources constraints on citizens (favoring the better off), but also by the goods that participatory

¹⁶ Verba and Nie 1972; Nagel 1987

¹⁷ Verba, Schlozman, Brady 1995.

¹⁸ This mechanism is similar to the notion of selective incentives that help overcome collective action problems. Structural incentives differ from selective incentives in that benefits from the former inhere in the structure of minipublics and in particular in the subjects they address. Benefits for participants come from their potential collective and social effects rather than in ancillary “positive inducements” (Olson 1971: 133).

institutions deliver.¹⁹ In particular, if a minipublic addresses poor peoples' concerns, and if they expect that participation will yield results, then the poor may participate more than the rich. As we shall see below, voluntary selection mechanisms for minipublics that address urban crime and basic urban infrastructure result in disproportionately high participation by poor and less educated citizens.

2.3. What? Subject and Scope of Deliberation

Presuming that problems of participant selection and bias can be solved satisfactorily, the next large question concerns the subject of deliberation. What public issue will participants consider? Public deliberation is often considered to be completely general in the sense that its rules, structures, and benefits are not thought to depend upon the particular subject of deliberation. All subjects are thought to be fair game for debate in the broad public sphere, not least because excluding some subjects would improperly restrict liberty of expression and political freedom.

At the less abstract level of institutional design, however, the choice of subject importantly shapes the subsequent operation and impact of a minipublic. Will participants be asked to consider, for example, questions that turn on basic values and beliefs (e.g. whether there should be a legal right to abortion), judgments about relatively static and centralized policy choices (e.g. social security or proportional representation), how to improve some complex, fluid, and heterogeneous public problem (e.g. public safety, education, environment, or economic development), or issues of basic justice

¹⁹ Cohen and Rogers 1983.

(progressive tax rates or investment in rich vs. poor areas)? The choice among such subjects makes some styles of deliberation and discourse more or less appropriate.

The choice of subject also determines what, if anything, citizens are likely to contribute in terms of insight, information, or resources in the course of participatory deliberation. Some areas would benefit very little from deliberation because they are too complex²⁰ or because citizens have no special access to relevant knowledge.²¹ On the other hand, many areas of public concern stand to benefit from increased public deliberation. To identify these areas, institutional designers should consider whether citizens possess a comparative advantage over other actors such as politicians, administrators, and organized interests. How might a minipublic utilize these advantages? For some subjects (e.g. health care rationing in section 4.3), citizens can contribute information about their preferences and values that is unavailable to policy-makers. In other areas, reflective citizens may be better positioned to assess the impacts of policies and deliver this feedback to officials. In still other contexts, citizens enhance public accountability when civic engagement allows them to monitor potentially corrupt or irresponsible officials.

The subject of a minipublic also influences the profile of its participants and its sustainability. Is the subject one which will draw many different kinds of people, only some kinds, or none at all? If the minipublic is to convene more than once, then the subject should merit sustained popular attention by virtue of its dynamic character (“the

²⁰ See Robert Dahl (1989) on nuclear policy and the problem of guardianship.

²¹ Perhaps public education in wealthy suburban school districts offers an example of a policy area in which there is sufficient participation and public deliberation.

problem will be different the next time we talk about it, and we will know more”) or continued saliency.

2.4. *How? Deliberative Mode*

A fourth institutional design choice concerns the organization and style of discussions in a minipublic. In a simple formulation consistent with many of those in recent democratic theory, deliberation is a process of decision-making in which participants offer proposals for what the social choice should be.²² These proposals are backed by justifications that appeal to other participants and reasons that others can accept. These reasons, for example, may appeal to some common good (e.g. “This is the best way to improve our school because ...”) or common norms of fairness (e.g. “You do for me this time, and I do for you next time around.”). When each participant decides what the social choice should be, she should choose the proposal backed by the most compelling reasons. As a social choice mechanism, deliberation is distinctive because the only force is, as they say, the peculiar force of the better argument. Other decision methods, by contrast, rely on authority, status, numbers, money, or muscle.

Its proponents have claimed many benefits for deliberative processes. Decisions resulting from deliberation may be *more fair and legitimate* because they result from reasons rather than arbitrary advantages. The decisions may be *wiser* because they allow a broad range of perspectives and information to be pooled together.²³ Finally, discussion may *help individual participants* to clarify their own views and socialize them to become more reasonable and public regarding.

²² Cohen 1989; Gutmann and Thompson 1996.

²³ Fearon 1998.

At this level of generality, the theory of deliberation offers justifications for the institutional designer of a minipublic, but not much guidance. Any particular deliberative process will have more specific aims and obstacles that it must address through training, facilitation, and the structure of discussion. Consider three distinct deliberative aims that entail different modes of discussion.

One aim of the public sphere is to provide space in which individuals can reach their own considered views and gain confidence in their own perspectives; it is a space where the weak should be able to find their own voice. Some critics have objected that deliberative processes disadvantage those who speak less well, or who speak in ways that are devalued by the dominant culture.²⁴ The best response to this important criticism contends that public spheres should be constructed in ways that, first and foremost, allow those without voice and will to find and form it. Processes of reason-giving and taking cannot be fair absent this prior process of will formation and development that moves individuals from silence to self-expression. For example, the most important contribution of the public sphere in a Latin American city may be to allow a favela dweller to realize and effectively assert her rational self-interests in basic sanitation, water, and education. Developing reasonable capacities to limit these demands according to the property rights of the middle and upper classes, needs of other favelas, and limits of state financing comes later.

When a minipublic aims centrally to foster the formation of individual will and preference in this way, appropriate interventions include testimony, story-telling, relating

²⁴ Sanders 1997; Fraser 1992; Mansbridge 1980.

needs, principled advocacy, and the airing of conflicts and tensions.²⁵ Facilitation will seek to assure that the weak, and not necessarily those with the best ideas or arguments, have ample time to speak and express themselves. Less time will be devoted to developing proposals and solutions and to reaching consensus.

In contrast with this approach, some kinds of deliberation aim mainly toward generating firm consensus decisions and would follow the rules of proposal and justification outlined above. Deliberative institutions in this mode should offer training and education to create informed participants. In this mode, a facilitator both levels the field to allow participants to engage and guides the conversation toward emergent consensus. Deeply divisive issues and positions are sometimes simply ruled out of order. The premium on reaching a fair and good decision may favor the most articulate or popular (rather than the most needy). Indeed, Mansbridge reports that such “unitary” decision processes work to exclude those who reside on the political margins.²⁶

A third variety of deliberation aims to solve concrete problems by bringing citizens and officials together to develop practical strategies of public action.²⁷ Deliberations in this mode typically include stages to set group priorities, consider potential strategies, develop plans that include the most promising of those, implementation, assessment, and reiteration. As with unitary deliberative processes, training and facilitation are important to effective problem-solving. In this third mode, however, the facilitator has the added burden of integrating discussion with action, and to assure that the group moves in timely fashion through each of these demanding stages.

²⁵ Sanders 1997; Jacobs, Cook, Carpini 2000.

²⁶ Mansbridge 1980.

²⁷ Cohen and Sabel 1997; Fung and Wright 2002.

These practical considerations can restrict conversations and marginalize weaker participants, just as in unitary deliberations. However, under certain conditions, the burdens of practicality can also make deliberations open and inclusive. Agreements are tentative and problem-solving usually continues over time, and so participants have opportunities to revise past decisions. These minipublics are usually convened where diverse skills and perspectives contribute to effective public action, and so the location and content of authority and wisdom is uncertain. Finally, these deliberations are disciplined in time by their effects on the world. Because they aim to solve practical problems, participants and ideas are judged by retrospective assessments of efficacy: did Joe's plan reduce shootings in the park? If the stock of talent is unevenly distributed, this practical discipline may work to create an aristocracy of the talented or dedicated within problem-solving deliberations. These aristocrats, however, may not correspond to those who hold privileged positions in other hierarchies (e.g. local politicians or officials, heads of non-profit organizations).

2.5. When? Recurrence and Iteration

A fifth important design characteristic is the frequency with which a minipublic convenes. The participatory democratic impulse is that more is better. But this intuition is incorrect, for the frequency of minipublic meetings should follow from their purpose.

If a minipublic is convened to deliberatively form or ascertain public opinion on a nearly static issue, as in some educative forums or participatory advisory panels, then one round of deliberation would be enough if that round were conclusive. Further rounds would be justified if new information surfaced or relevant conditions changed.

Minipublics devoted to participatory problem solving or democratic governance should be convened more frequently, perhaps many times per year, because their decisions must be frequently updated and because monitoring officials is an ongoing endeavor.

While a minipublic's purpose helps to determine the optimal frequency of assembly, the feasible frequency is constrained by the willingness of participants to meet. Citizens are, after all, short of time, energy, and often interest and enthusiasm. For once-shot minipublics or those that convene infrequently, this constraint can be overcome through monetary compensation. Or, the novelty of the experience may draw sufficient participants. Designers of minipublics that convene more frequently, however, must attend to the incentives for participation. The benefits that citizens derive from participation depend, in turn, on the subject and scope of deliberation, their stakes in it, and whether discussion yields public action.

2.6. Why? Stakes

Since engagement depends upon interest, a designer should have a clear account of the stakes that participants have in a minipublic's deliberations. Does the discussion concern some issue that affects participants' welfare or deeply held beliefs? Are participants interested because the issue has become a public controversy? On one view, deliberation should be *cold*. Individuals with low stakes in a discussion will be open-minded, begin without fixed positions, and dispassionate. I tend to the opposite view; *hot* deliberations with participants who have much at stake make for better deliberation. More participants will be drawn to hot deliberations and they will be more sustainable over time. Participants will invest more of their psychic energy and resources into the

process and so make it more thorough and creative. The results of deliberation are more likely to be forcefully supported and implemented. So far as I know, we have no empirical evidence regarding the relative merits, and appropriate circumstances, of hot versus cold deliberation.

2.7. Empowerment

A minipublic is empowered just in case its deliberative results influence public decisions. Many minipublics should not be empowered. If the participants lack any claim to exercise voice in a decision, empowerment amounts to private capture or an illegitimate delegation of state power. Even when participants have some legitimate claim, the quality of their deliberations may be so poor, or the issue so important, that empowering them would degrade the wisdom or justice of public decisions. Since empowerment usually increases individual stakes in public deliberations, the reasons to favor cold deliberation also weigh against empowerment.

But there are strong reasons to empower some minipublics. When a democratic deficit manifests itself as lack of state accountability or when the minipublic is a component of a governance or problem-solving scheme, then empowerment follows from the purpose of public deliberation. As with hot high-stakes deliberation, an empowered minipublic can create powerful incentives by offering influence over a slice of state power in exchange for participation. Individuals may take deliberations in empowered minipublics more seriously than in forums where discussions are severed from tangible consequences.

2.8. Monitoring

Most minipublics are front-loaded in the sense that they aim, like an opinion poll or election, to generate public discussion and refine opinion about a candidate, issue, or policy choice. The expectation and hope is that politicians and officials will take these public deliberations into account in their subsequent decisions. Some minipublics, however, also incorporate back-loaded participation and deliberation that reviews the quality of ongoing policy implementation. If a minipublic generates sufficient interest to sustain the ongoing participation necessary for monitoring, important benefits can redound to participants.

Public learning is the first of these. Participants in a minipublic that does not monitor may nevertheless learn from one another in the course of pooling information and perspectives. In minipublic that convenes frequently to observe and consider the consequences of various policy decisions or problem solving strategies, participants also acquire experientially based knowledge—learning by doing—about what sorts of decisions are likely to work and which are not in various contexts. For many public actions, field-tested knowledge is the more valuable sort.

Accountability is a second important benefit. In environments where official actions depart from public interests, an important function of a minipublic might be to pressure officials to serve public ends or plans. In environments of distrust between government and public, the transparency made possible by monitoring can enhance legitimacy and good faith. A minipublic that does not monitor official action cannot contribute to public accountability in these ways.

The table below summarizes the main types of minipublics, their central aims, some examples, and the design choices before them:

Table 1: Types of Minipublics and Design Choices

| 2.1 Minipublic Types and Visions | Educative Forum | Participatory Advisory Panel | Participatory Problem-Solving Collaboration | Participatory Democratic Governance |
|---|---|--|--|--|
| Purpose | Educate citizens about issues and developed more informed public opinions | Develop informed opinion to shape policy | Engage resources, energies and knowledge of citizens to address public problem | Citizens deliberate to set public priorities, allocate resources, and sometimes solve problems |
| Examples/ Instantiations | Deliberative polls, National Issue Forums, Study Circles | Oregon Health Decisions, Citizens' Summits, Planning cells, Citizen Juries | Habitat Conservation Planning, Watershed Councils, Local School Governance, Community Policing | Participatory budgeting in Porto Alegre, Brazil and "democratic decentralization" in Kerala, India |
| 2.2. Who? Recruitment and Selection | Methods vary widely | Methods vary widely | Voluntary + institutional incentive | Voluntary + institutional incentive |
| 2.3. What? Subject and Scope of Deliberation | Specific policy issue set by organizers | Specific policy issue set by organizers | Relatively narrow policy and implementation questions | Largely open community development and resource allocation |
| 2.4. How? Deliberative Mode | Clarify Principles and Positions | Clarify priorities and retrospective feedback | Pragmatic problem solving | Interest articulation and assertion |
| 2.5. When? Recurrence | One shot | One shot or infrequent | Frequent, decentralized | Frequent, decentralized |
| 2.6. Why? Stakes | Low | Moderate | High | High |
| 2.7. Empowerment | None-Low | Low-Moderate | Moderate | High |
| 2.8. Monitoring | None | Low | High | Moderate |

3. Functional Consequences of Minipublic Design

A healthy public sphere, and by extension a healthy minipublic, performs a range of functions necessary for democratic governance. One cluster of functions concerns the character of participation in a minipublic: the quantity of participation, its bias, and the quality of deliberation. A second group concerns information and education: informing officials, informing citizens, and fostering citizenship. A third cluster connects public deliberation to state action: official accountability, the justice of policy, and its efficacy and wisdom. A final function of public deliberation and participation is explicitly political: popular mobilization. Consider several rough, *ceteris paribus*, working hypotheses about how the design choices described above affect a minipublic's capacity to advance these functions.

3.1. Civic Engagement as Quantity of Participation

By definition, all minipublics aim to increase civic engagement by drawing citizens to deliberate on some public issue. For many of them, the quantity of participation is an important measure of success.

Three factors affect the number of participants that a directly minipublic engages: ceiling, mobilization, and pull. Obvious design features—the capacity of meetings and their frequency (2.5)—set an upper limit on participants. Typically, however, those who organize minipublics do not approach this ceiling. Public apathy and malaise pose more substantial obstacles. Thus, the quantity of participation also depends heavily on the ability of organizers to mobilize individuals. Successful mobilization in turn depends on the presence of supportive community associations and their own recruitment capacity

(2.2). In addition to the “push” of mobilization, minipublics can also “pull” participants into the process by creating the structural incentives that make participation worthwhile. As discussed above, the subject of deliberation (2.3), the stakes that participants have in it (2.6), and the extent to which the minipublic is empowered (2.7) all create incentives for citizens to participate. Beyond the citizens who directly participate in a minipublic, many others may engage indirectly by communicating with those who have participated directly or by hearing about these proceedings through media.

3.2. Participation Bias

Another important dimension of civic engagement concerns the profile of those who participate. Are they disproportionately wealthy, educated, and professional, as they are in nearly all venues of political participation? If so, then a minipublic is likely to reinforce the same inequalities and relations of domination that exist in the larger polity rather than advancing political and social equality. Are they drawn evenly and representatively from all sections of the population? Or, as in two of the minipublics described below, are disadvantaged citizens *over*-represented?

The mobilization and pull factors governing the quantity of participation also affect the direction and magnitude of participation bias. One way to mitigate the natural tendencies toward over representation of the advantaged is for those who operate minipublics to concentrate their outreach and recruitment (2.2) efforts on disadvantaged communities. A second, “pull,” strategy is to create structural incentives that make a minipublic especially attractive to less well off citizens because it addresses their particular concerns (2.3, 2.6) and empowers them to act (2.7).

3.3. Quality of Deliberation

Minipublics also aim to foster high quality deliberation. Good deliberation has at least three features.²⁸ First, it is rational in the instrumental sense that participants should be able to evaluate, justify, and develop strategies, plans, and proposals to advance their interests. Second, participants should be reasonable in the sense that they willingly constrain the pursuit of their own rational self-interest in deliberations when demanded by norms of deliberation. Reasonableness may require participants to restrain themselves when others offer compelling reasons based on common group interests or commonly held norms such as respect, reciprocity, and fairness. For example, reasonableness may require someone to withdraw his support from a proposal that would best advance his own self interest because others are more needy. Third, participants should be equal in the sense that they enjoy the same opportunities and possess comparable capabilities to advance and evaluate ideas and proposals.

The first challenge for the institutional designer is to match the mode of deliberation (2.4) to the characteristics of participants and context of the minipublic. For example, it may be impossible to approach the ideal of deliberation as reasoned decision-making in contexts of highly unequal power, powerlessness, or those in which participants lack (and cannot quickly acquire) the knowledge and habits of thought need to exercise effective instrumental rationality in some policy area. In such contexts the best feasible deliberative contribution of a minipublic may be to foster the development and clarification of participants' preferences and views. This discursive mode aimed

²⁸ This discussion utilizes Rawls' coordinates of rationality, reasonableness, and equality.

mainly toward will-formation, discussed in section 2.4 above, may be a necessary precursor to a fuller deliberation.

Whether the aim of deliberation is will-formation or reasoned social choice, several design features are likely to enhance the degree of instrumental rationality in the process. Minipublics in which the subject of deliberation (2.3) is one in which participants have epistemic advantages will exhibit greater rationality. For example, citizens have privileged access to their own preferences and values. They may also possess local knowledge that is difficult for officials or outsiders to acquire. Recurrence (2.5) and monitoring (2.8) also increase the rationality of deliberations by making additional information available and by making experiential learning possible. Finally, hot deliberation—discussions in which participants have high stakes (2.6) and affect the exercise of public power (2.7)—tends to increase the rationality of processes; participants have greater motivations to correctly align their ideas and views with their interests and values.

Some of the same factors that increase rationality may inhibit reasonableness. Discussions aimed at fostering and clarifying individual preferences, for example by airing conflicts and advocating conflicting principles, may advance individual rationality while rendering participants less flexible and more self-interested.²⁹ Similarly, participants may be more inclined to restrain the pursuit of their own self-interests reasonably in cold deliberations—in which there are low stakes (2.6) and few implications for policy change (2.7). On the other hand, hot deliberation may drive participants to be reasonable when collective action depends on agreement and consent.

²⁹ Jacobs, Cook, Carpini 2000.

These general *a priori* considerations cut both ways, and so offer little guidance regarding the design choices that will foster reasonableness among participants. Additional insight into this question likely requires close empirical investigations of actual deliberations. Unfortunately, unlike rationality, there has been very little conceptual or empirical investigation of the conditions that instill reasonableness in citizens.

The quality of any deliberation also depends upon the skills of organizers in structuring discussion, guiding it, and facilitating it in ways that preserve openness, mutual respect, inclusion, and communication. These skills are crucial, subtle, and rare. However, the acquisition and exercise of these skills does not raise a difficult institutional choice because all minipublic designers should aim to have well structured, organized, and facilitated deliberations.

3.4. Informing Officials

One major benefit of successful deliberation is that participants learn—about themselves, the world, or their projects—from it. An important contribution of public deliberation, then, is that politicians, administrators, or other officials gain information from the process.

Educative forums and participatory advisory panels (2.1) appraise officials of the considered interests, values, and preferences of citizens. Beyond the design considerations favoring good deliberation generally, the subject of deliberation (2.3) largely determines whether officials can learn from discussion in a minipublic. Officials are more likely to reap informational benefits when the subject is one in which citizens’

possess special knowledge, or in which their views are divided, opaque, or especially likely to change in the course of deliberative consideration.

Problem-solving and participatory governance minipublics have more ambitious informational goals.³⁰ In these efforts, citizens enter into detailed and sustained deliberations with officials about the content, design, and effects of particular projects, strategies, or programs. Here, officials may hope to learn not only about the preferences and values of citizens, but also about their own operations and strategies: about what's working and what's not in their problem-solving and policy-implementation efforts. The institutional design considerations conducive to generating this higher-resolution information are just those necessary to for a minipublic to consider the details of public action as it unfolds over time: recurrence (2.5) and monitoring (2.8).

3.5. Informing Citizens

Most of those who champion minipublics see citizens, not officials, as their principal beneficiaries. In one survey of organizations that sponsor citizen dialogues, “45% reported that one of their major goals was simply to provide information.”³¹ Compared to public professionals, citizens typically have more limited access to information, less time and training necessary to process that information, and are asked to spread their attention over a much larger range of public issues. Most citizens are likely to clarify their views and preferences and learn about substantive policy issues in any effective minipublic.

³⁰ See section 2.1 above for a discussion of distinctions between these three varieties of minipublics.

³¹ Jacobs, Cook, and Carpi 2000: 22.

Several design considerations, however, are likely to make minipublics more or less informative. Again, the factors contributing to good deliberation (3.3) also produce information for citizens. Factors that create participant interest—such as stakes and empowerment—also enhance the incentives for citizens to pay attention and exert the energies necessary to become informed. Like officials, citizens also learn about public and action in much more detail when they participate in minipublics that contribute to sustained problem solving and governance.

3.6. Democratic Skills and Socialization

Beyond learning about policies and public affairs, participatory democrats have long claimed that deliberative arenas function as schools of democracy where individuals acquire the skills of citizenship and come to consider public interests more highly in their own preferences and dispositions.³² The extent to which participation imbues democratic skills and habits has received far more conceptual attention than empirical scrutiny. Absent the empirical basis from which to formulate firm hypothesis about the institutional design of minipublics, here are two working hypothesis that should be tested.

First, citizens are more likely to gain democratic skills and dispositions where deliberations have tangible consequences for them. In empowered (2.7) minipublics where citizens have high stakes (2.6), they also have incentives to conduct structured and purposeful deliberations. They will, furthermore, be inclined to engage in the give-and-take process of reason giving and settlement that requires, and so fosters, the skills of

³² Pateman 1970; Verba, Schlozman, Brady 1995.

proposal formulation, justification, listening, cooperation, and compromise. Minipublics with recurring deliberation (2.5) are more likely to contribute to the development of democratic skills and dispositions than those that convene once or only infrequently. Iterated interaction increases both incentives and opportunities for cooperation.³³

3.7. Official Accountability

Increasing the accountability of public officials and organizations is another potential contribution of minipublics. Through organized public deliberation, citizens can collectively examine the actions and policies of officials, assess the alignment of this state behavior with their own wishes and values, and attempt to bring the two into conformity. For example, the public generally has an interest in integrity that departs from the corrupt practices found in the governments of many developing, and some developed, countries. Similarly, officials may be accustomed to shirking their jobs or responsibilities in ways that can be corrected through appropriate participatory-democratic supervision.

This function is especially important, and likely to be exercised, where there the gap between public interest and state action is large. So, minipublics that focus on subjects (2.3) where there is an accountability deficit or where reflective public opinion differs substantially from official practice will be more likely to contribute to this function. Appropriate focus is a necessary, but not sufficient, design condition for

³³ This line of reasoning suggests that participation in consequential and ongoing minipublics such as school governance committees will have more salutary consequences for citizenship than participation in the juries (few consequences for the deliberators and one-shot) that Tocqueville famously lauded: “Juries are wonderfully effective in shaping a nation’s judgment and increasing its natural lights... It should be regarded as a free school which is always open. The main reason for the practical intelligence and the political good sense of the Americans is their long experience with juries” (Tocqueville 1969: 275).

advancing accountability. Citizens participating in a minipublic must also be able to identify accountability gaps and develop solutions to them. Those in a minipublic cannot increase accountability unless they can press for changes in policy or action that tighten the tether between public and state. These capacities depend in turn on the quality of deliberation (3.3), whether the minipublic is empowered (2.7), and its ability to monitor (2.8) official activities.

3.8. Justice of Public Policy

Minipublics also contribute to the justice of public policy and action when they allow those who are politically weak or excluded to form, express, and press for their preferences and values. Straightforwardly, minipublics that treat subject (2.3) areas in which there is substantial inequity and enjoy sufficient scope—for example authority over allocative decisions—are more likely to advance social justice. Enhancing the voice of the disadvantaged also requires their presence (2.2) and accessible modes of deliberation (2.4). Furthermore, a minipublic cannot advance justice without power (2.7).

3.9. Effectiveness of Public Action

In addition to accountability and justice, deliberation can contribute to the efficacy of public policy and deliberation in at least three ways. Public deliberation creates opportunities for those who will be subjected to a policy to criticize it, consider its justifications, and perhaps modify it. This discussion may enhance the legitimacy of a policy or agency, and so make citizens inside and outside a minipublic more disposed to comply and cooperate. Minipublics that have high quality deliberation (3.3) and affect

official action (2.7) are more likely to boost efficacy by generating legitimacy. Second, some minipublics address policy areas (2.3) where citizens possess comparative advantages—in terms of relevant resources or information—over officials. Third, minipublics can help to improve the details of implementation—its strategies and methods—over time by incorporating popular deliberation into the ongoing governance or problem solving efforts of public bodies (2.4). The activities of these minipublics will be sustained over time (2.5) and devoted in some measure to monitoring and evaluating official action (2.8).

3.10. Popular Mobilization

Turning from policy to politics, deliberations inside minipublics can contribute to the mobilization of citizens outside of it, especially when they are related to the more encompassing agendas of secondary associations or political actors. For example, citizens may come to support the substantive policy findings of a minipublic because that position is the product of reasoned discussion and open participation. These policy positions may also receive heightened media attention as a result of having been considered in a minipublic. In addition to supporting substantive policy positions, citizens may also be drawn to support the institution of a minipublic itself. A novel institution that effectively addresses some urgent public problem or creates channels of voice for those who were excluded may mobilize support for its continued existence. Similarly, political actors who sponsor successful minipublics may thereby attract popular support for themselves or their parties.

Several design factors are likely to contribute to the capacity of a minipublic to mobilize these varieties popular support. First, a minipublic will mobilize political activity only if it addresses a salient problem or need (2.3, 2.6). For example, crime and public safety is such an issue in many inner-city neighborhoods, but less so in safe suburban ones. Second, a minipublic is likely to mobilize only if it does, or can, make a difference with respect to some salient problem. This, in turn, requires the minipublic to establish a high quality of deliberation (2.4) and that it be empowered to affect some results of that deliberation (2.7).

The discussion above has ranged over many dimensions of design choices and their potential effects. Table 2 below summarizes these relationships. The columns list institutional design choices and their functional consequences appear in the rows. The important design features for each function are marked with an “X” and the crucial choices are indicated with a bold-face “**X**.”

Table 2: Consequences of Minipublic Design Choices
(more important factors in bold-face)

| | 2.2. Recruitment and Selection | 2.3. Subject of Deliberation | 2.4. Deliberative Mode | 2.5. Recurrence | 2.6. Stakes | 2.7. Empowerment | 2.8. Monitoring |
|--|---------------------------------------|-------------------------------------|-------------------------------|------------------------|--------------------|-------------------------|------------------------|
| <i>Character of Participation and Deliberation</i> | | | | | | | |
| 3.1. Quantity | X | X | | X | X | X | |
| 3.2. Bias | X | X | | | X | X | |
| 3.3. Deliberative Quality | | X | X | X | X | X | X |
| <i>Information Pooling and Individual Transformation</i> | | | | | | | |
| 3.4. Informing Officials | | X | | X | | | X |
| 3.5. Informing Citizens | | X | X | X | X | X | X |
| 3.6. Democratic Skills and Socialization | | | | X | X | X | |
| <i>Popular Control and State Capacity</i> | | | | | | | |
| 3.7. Official Accountability | | X | | | | X | X |
| 3.8. Justice of Policy | X | X | X | | | X | |
| 3.9. Efficacy of Policy | | X | X | X | | X | X |
| <i>Political Effects</i> | | | | | | | |
| 3.10. Popular mobilization? | | X | X | | X | X | |

4. Five Applications

This discussion of minipublic institutional designs and their consequences has been thus far necessarily abstract for the sake of generality. To render these concepts and hypotheses more concrete, and perhaps more believable, this section describes the designs and achievements of five actual minipublics. Though they do not constitute a full catalog nor even a representative sample, they do illustrate the great variation in the

institutional designs of contemporary projects that aim to improve the public sphere. They also show how particular design choices inevitably advance some desirable qualities of the public sphere while sacrificing others.

4.1. Deliberative Polling

The deliberative poll, invented by James Fishkin and his colleagues, attempts to create educative forums that model citizen deliberation under ideal conditions.³⁴ As Fishkin puts it,

The idea is simple. Take a random sample of the electorate and transport those people from all over the country to a single place. Immerse the sample in the issues, with carefully balanced briefing materials, with intensive discussion in small groups, and with the chance to question competing experts and politicians. At the end of several days of working through the issues face to face, poll the participants in detail. The resulting survey offers a representation of the considered judgments of the public—the views the entire country would come to if it had the same experience.³⁵

In each event, organizers select several hundred participants through a random process similar to those used in ordinary opinion polling (2.2). This method overcomes the obstacle of participation bias (3.2) and guarantees that the actual participants will mirror the underlying population demographically. Deliberative poll designers have also concentrated on creating highly informed deliberation (2.4) by distributing balanced briefing materials to participants prior to the event, facilitating small group discussions between participants, and making experts available to answer participants' questions. These efforts seem to have fostered open and searching discussions (3.3) in which

³⁴ Fishkin 1991: 93.

³⁵ Fishkin 1995: 162.

participants become more informed about policies and consistently alter their views upon fuller reflection.

On other dimensions, however, the design of deliberative polling seems to yield only moderate impacts. Because participants have very low stakes (2.6) in discussions and because they are one-shot affairs (2.5), deliberative polling is unlikely to substantially foster the skills or dispositions of citizenship (3.6) in participants. As described in two of his books, the subjects of deliberative polls have been general public policy questions such as economic policy, criminal justice, the European Union, and energy policy.³⁶ Citizens enjoy very little comparative advantage compared to experts in answering these complex policy questions. At most, they can appraise politicians and administrators about their values and preferences in general terms, but they are unlikely to provide information that improves policy. We therefore judge that deliberative polls have a relatively low potential to inform officials (3.4).

Deliberative polls are not designed to substantially advance popular control over state action or to improve policy. Because they are neither empowered nor well connected to the levers of state power and policy-making, the activities within deliberative polls are unlikely to increase the accountability of public officials (3.7), the justice of policies (3.8), or their efficacy (3.9). These events are typically connected to civil society and the broader public through media broadcasts and other news coverage.³⁷ In some cases, officials have adopted specific policy recommendations from deliberative polling, but this is not the norm nor is it integral to the design of this minipublic.

³⁶ Fishkin, 1991, 1995.

³⁷ Fishkin, 1995: 190.

Deliberative polling thus seems to have weak mobilizing capacities (3.10) and they are not highly empowered (2.7).

4.2. America Speaks Citizens Summit

Anyone who has been persuaded by the arithmetic case against participatory democracy—that the mode cannot possibly accommodate more than a few dozen participants if each is to be able to speak for more than a minute or two in a meeting of several hours—should attend one of the town halls organized by AmericaSpeaks.³⁸ On October 6, 2001, for example, some 3,500 residents gathered in the Washington D.C. Convention Center to deliberate about Mayor Anthony Williams’ Strategic Plan.³⁹ The event was called the second Citizen Summit; the first was held in November 1999 and drew almost 3,000 residents.⁴⁰ Though both meetings were open to all residents, organizers had targeted their outreach and recruitment (2.3) energies to low-income and minority communities to mitigate natural tendencies toward upper-class participation bias (3.2). These efforts were successful; the demographic profile of participants in both meetings was largely representative of the larger Washington, D.C. population.

The 2001 meeting featured the most impressive use of technology to facilitate large group discussion that I have witnessed. The group was organized into approximately 350 tables of 10 seats. At each, a trained facilitator led discussions and a volunteer recorded the major points of conversation on a laptop computer. The computers were networked together to instantaneously relay small group discussions to meeting

³⁸ They have also organized discussions on the future of U.S. Social Security, regional planning in Chicago and Cincinnati, and the redevelopment of lower Manhattan after the attacks of September 11th, 2001.

³⁹ Chan 2001.

⁴⁰ Cottman 1999.

facilitators, who compiled the views from the tables to present them back to the large group. Each participant was also given a polling keypad, resembling a television remote control, that allowed meeting facilitators to conduct straw polls, collect demographic surveys, and solicit quick reactions throughout the meeting. These wireless devices allowed organizers to instantaneously aggregate participant responses and display them for everyone to review.

Citizen Summits are participatory advisory panels that construct spaces for residents to reflect upon city priorities and communicate their views to the Mayor. The subjects of deliberation (2.4), then, are city wide issues such as economic development, education, government responsiveness, and the quality of neighborhoods. The discursive mode (2.5) among citizens is preference clarification; by talking with others residents and reflecting on official strategic plans, they clarify their own values and views about what city government should be doing. Citizens are likely to invest themselves in these discussions more than in deliberative polling because they have substantial stakes (2.7) in the disposition of public resources and behavior of city agencies. They need not reach a consensus with one another. Citizens are likely to gain substantial knowledge about city government, its plans, and its objectives through these discussions (3.5). Discussions in the second Citizen Summit, for example, were organized around a detailed draft strategic plan for the city that laid out major goals and action plans for several dozen city agencies and offices. Conversely, the Mayor and his staff evidently analyze this feedback quite closely (3.4). They provide focused, and otherwise unavailable, information about citizen values, preferences, and perspectives on the details of urban policy. Because these deliberations address the goals of city policy rather than details of implementation,

officials are unlikely to gain substantial insight into their operational successes and failures. On the goal of fostering the skills and dispositions of citizenship (3.6), the Citizens Summits by themselves are unlikely to have substantial impact because they recur (2.6) infrequently.⁴¹

In its design, this program empowers (2.7) citizens to steer city government by issuing advice regarding broad objectives. Ideally, they would utilize this feedback to align the city budget with popular priorities, re-task municipal departments, and create new programs or agencies where deliberation has revealed gaps and silences. One of the major findings of the first Citizen Summit was that citizens wanted greater voice in neighborhood-level planning and service decisions. The Mayor responded by creating a Neighborhood Services Initiative that devolved the coordination of agency services to the neighborhood level. More broadly and perhaps extravagantly, the Mayor claimed that, “You helped design the City’s budget. Since the first Citizens Summit, more than \$700 million has been invested to improve the delivery of services that you said were more important.”⁴² Against these optimistic claims of empowerment, the skeptic might respond that those investments would have occurred without the Citizens Summit, that the Summit attempts to build legitimacy for a pre-set agenda, and that deliberation has altered neither the shape of the budget or agency priorities. This dispute between proponents and skeptics concerning the extent of empowerment cannot be settled without a close examination of administrative decisions following each Citizens Summit.

⁴¹ It should be noted that Citizen Summits are one mechanism among others for popular participation in Washington, D.C. Another major component is the Neighborhood Planning Initiative, which allows residents to participate in strategic planning at the neighborhood level and is better described as a participatory problem-solving minipublic. The further development and integration of participation at these two level—city-wide advice and neighborhood problem solving, may yield a compelling hybrid.

⁴² Government of the District of Columbia 2001.

If we grant the charitable, optimistic account about the degree of empowerment and quality of articulation to City Hall, Citizen Summits modestly but importantly increase the accountability of city administration (3.7). They create opportunities for citizens to realign public action with their own broad priorities and to question the Mayor and his staff about their performance toward those priorities. Citizen Summits also potentially increase the justice of city policy (3.8). They are open forums that draw citizens from all backgrounds and walks of life. Citizen Summits seem less likely to increase the efficacy of city government (3.9). Their subjects—general city goals and policies—are ones in which citizens are unlikely to have special information which will improve the expertise of officials. Because they are not designed to monitor (2.8) policy implementation or agency action in any detail, this institution will not yield feedback that contributes to the operational capacity of agencies.

4.3. Oregon Health Plan

In early 1990, Oregon Health Decisions held a series of 46 community meetings throughout the state in which 1,003 residents gathered to “build consensus on the values to be used to guide health service allocation decisions.”⁴³ This public participation process was one component of the health care reform movement in Oregon that began in the early 1980s. At a time when many other states were retrenching, activists and policymakers sought to expand Medicaid coverage to include all of those in the state whose earnings fell below the poverty line.⁴⁴ In order achieve this expansion but keep it financially feasible, policy makers foresaw difficult and controversial choices regarding

⁴³ Hasnain and Garland 1990. See also Sirianni and Friedland 2001.

⁴⁴ Jacobs, Marmor, Oberlander 1998: 2.

the categories of medical conditions and treatments that would be covered by public health insurance. An eleven member panel of health policy experts called the Health Services Commission was charged with drawing up a list of prioritized treatments and conditions and determining which conditions would be publicly insured and which excluded. The Oregon Basic Health Care Act required the Commission to make these decisions based upon values established in a participatory community process. The Commission engaged Oregon Health Decisions to organize that process. Oregon Health Decisions, in turn, created a decentralized participatory advisory panel to solicit public input.

Two institutional design features—selection (2.3) and subject (2.4)—of the subsequent assemblies predictably skewed participation toward a narrow band of professionals and citizens of high socio-economic status. Because meetings were voluntary and little effort seems to have been expended to recruit from disadvantaged communities, participants were typically wealthy and highly educated; 67% were college graduates and 34% had household incomes greater than \$50,000. This minipublic addressed health care, and 70% (!) of participants were healthcare and mental health workers. The medically uninsured composed just 9.4% of participants.⁴⁵

Despite these serious defects in the character of participation, actual deliberations were well structured (2.4). I am unaware of any study that examines the quality of deliberation in these sessions (3.3). However, the careful attention to organization, facilitation, and the relatively high stakes of the subject for participants form the foundation for searching and engaging discussions. Deliberations were designed to elicit

⁴⁵ Hasnain and Garland 1990; see also Nagel 1992 for criticism and discussion.

the values that participants, upon reflection, felt should guide health care priorities. Meetings typically lasted two hours. Participants received informational materials, watched a slide show to orient them, and received individual questionnaires concerning health care priorities. Participants then discussed their individual rankings of health care priorities with one another and attempted to reach group consensus on the relative importance of various health care values. Oregon Health Decisions staff generated a summary ranking of priorities by aggregating the results of these community meetings. All of the community meetings ranked prevention and quality of life very highly. These priorities were followed by cost-effectiveness, ability to function, and equity. Somewhat lower in importance were mental health and chemical dependency, personal choice, community compassion, impact on society, length of life, and personal responsibility.⁴⁶

It is difficult to evaluate the degree to which participants learned about health care policy (3.4) or gained democratic skills and dispositions (3.6) in the absence of appropriate survey evidence. However, the process did seem to be moderately empowered (2.7). Health Services Commissioners attempted to combine their own expertise and judgments with the results of the participatory process. They developed a list of 709 Condition-Treatment pairs and ranked them into seventeen categories that roughly corresponded to the values from the community meetings. Their eventual rankings reflected the values identified by Oregon Health Decisions as most important—prevention and quality of life.⁴⁷ This outcome is consistent with the interpretation that officials learned and respected (3.4, 3.7) what was important to the public as approximated by these highly imperfect community meetings.

⁴⁶ Hasnain and Garland 1990: 5-6.

⁴⁷ Nagel 1992: 1978

According to close observers of Oregon health care reform, however, these details about deliberative quality and technocratic interpretation miss the crucial, and somewhat unanticipated, contribution of the participatory process.⁴⁸ By the mid-1990s, Medicaid coverage in Oregon had been successfully extended to cover everyone below the poverty line, and partial coverage—for children and pregnant women—for many above the poverty line. Between 1993 and 1996, the number of uninsured Oregonians fell from 17% to 11%. However, treatment had not been rationed. The funded portion of the condition-treatment pair list provided a substantially *more* generous coverage than the pre-Oregon Health Plan Medicaid package. Some cost savings resulted from the adoption of managed care, but much of this expansion was financed through new taxes. Political mobilization (3.10) in favor of this more generous and just (3.8) health care policy distinguished Oregon from the many other states where health care reform collapsed over this same period. Jacobs and his colleagues write that the Oregon Health Plan has become the “third rail” of state politics—you touch it and you die. Media coverage and attention, the close connection of this minipublic to health care reform organizations, combined with the legitimacy of a decentralized and open community process likely contributed to the deep public support for the Oregon Health Plan.⁴⁹

4.4. *Chicago Community Policing*

While these three minipublics use deliberation primarily to clarify and revise the preferences and values of participants and to communicate those preferences to policy makers, the fourth minipublic invites citizens to join police and other public agencies in

⁴⁸ This account follows Jacobs, Marmor, and Oberlander 1998.

⁴⁹ Jacobs, Marmor, and Oberlander 1998: 9.

the work-a-day activities of problem-solving around public safety issues. In 1994, the Chicago Police Department unveiled its community-policing program. Chicago's program emphasized direct citizen participation much more than analogous programs in other American cities. The Department divides the city into 280 neighborhood-sized beats. Since 1995, open meetings have been held monthly in each beat.⁵⁰ In these community beat meetings, police officers and citizens deliberate about how to improve public safety in their neighborhood. They set priority problems (e.g. a dangerous park or crack house), develop strategies to address those problems, agree to divisions of labor between police and citizens, review the success of prior strategies, and revise accordingly.

These meetings draw substantial levels of participation. On average, 17 persons attend each meeting, cumulating to a citywide attendance of approximately 5,000 people per month. In surveys, twelve percent of adults in Chicago report that they have attended at least one community-policing meeting. Though these meetings are completely open and voluntary, there is an obvious structural incentive (2.2) that makes participation particularly attractive to disadvantaged participants: well-off neighborhoods have very little crime, and so there is not much to discuss there. The ordinary participation bias favoring high SES participants is reversed in Chicago community policing (3.2). Residents from poor and less well-educated neighborhoods turn out at much higher rates than those from wealthy ones because they have high stakes—increasing their own physical security—in the subject at hand (2.3).⁵¹

⁵⁰ The account in this section is drawn from Fung 1999; see also Skogan and Hartnett 1997.

⁵¹ Within neighborhoods, wealthier residents and homeowners participate at higher rates than poor residents and renters.

The quality of problem-solving deliberation varies greatly across beats. Community organizations and central-office police personnel support the deliberations of residents and beat officers by providing training, organizing, and facilitation, but the coverage and quality of these services is uneven. Where support is strong, deliberation is frequently quite good (3.3). Participants (both citizens and police) follow the problem-solving process of identifying problems, prioritizing them, developing strategies, implementing them, assessing outcomes, and revising approaches. Discussions are empowered (2.7) when police heed (as Departmental policy directs them to do) citizens' reflective opinions about which neighborhood problems are most urgent in the neighborhood and how those problems should be addressed. These strategies frequently employ novel methods that lie outside far outside the repertoire of traditional police methods. For example, citizens form sub-committees that negotiate with problematic private parties such as landlords or business owners and they form court advocacy and watch groups. Some of the most effective strategies focus and coordinate services from a number of different agencies—such as sanitation, buildings inspection, and traffic in addition to police—to tackle persistent problems such as an open-air drug markets. When deliberation is effective and creative in this way, both citizens and officials learn (3.4-3.5) in ways that increase the efficacy of public safety efforts (3.9). Citizens learn about the shape, causes, and solutions to crime in their neighborhood, and they learn about the police. Police often gain important operational information—which problems are priorities for citizens as well as where those problems occur—as well as learning and inventing methods to increase public safety.

The iterated design of Chicago community policing also distinguishes it from the three minipublics discussed above. The repeated interactions between police and citizens and problem-solving focus of their deliberations creates opportunities for citizens to monitor (2.8) the activities of police over time. The poor quality of police performance and their shirking is a frequent topic of beat meeting discussions. This deliberative design thus increases the accountability of street-level police officers (3.7). Because the central goal of these meetings is to develop common agendas and strategies, citizens (and police) are likely to gain deliberative and cooperative skills over the course of community policing deliberations (3.6).

4.5. Participatory Budgeting in Porto Alegre, Brazil

Nowhere in the United States is there a political entity that possesses both a deep commitment to participatory deliberative democracy and sufficient power to make good on that commitment institutionally. Not so in Latin America. Therefore, our final minipublic examination considers the participatory budgeting system in Porto Alegre, Brazil as example of participatory democratic governance. Porto Alegre is the capital city of the state of Rio Grande do Sul and home to 1.3 million inhabitants. In 1989, a left-wing party called the Worker's Party (the Partido dos Trabalhadores, or PT) won the Mayoralty on a platform of advancing social justice through participatory democracy. These vague commitments were institutionalized into arrangements under which control over the capital portion of the municipal budget shifted from the city council to a bottom-

up decision-making process called the Participatory Budget (Orçamento Participativo, or OP) that combines direct and representative mechanisms.⁵²

It works roughly like this. In March of every year, large assemblies are held in each of the city's sixteen districts. Often drawing more than a thousand participants and attended by city hall staff, citizens in each assembly review the extent and quality of implementation of the projects in last year's budget (2.4, 2.8). The projects under the OP's scope concern basic urban infrastructure in areas such as sewage, housing, pavement, education, social assistance, health, and transportation (2.3). Participants in these meetings also elect delegates to represent specific neighborhoods in subsequent rounds of the OP process. The formula for representation creates incentives for mobilization; the number of delegates allocated to each district increases as a diminishing marginal function⁵³ of the total participants in that district's assembly. In subsequent rounds, representatives from each district and neighborhood meet to deliberate about the schedule of priority themes in their areas (e.g. 1: street, 2: education, 3: housing) and the priorities within each theme (1: street A, 2: street B). These reflective preferences are aggregated into a single city budget (2.7), detailed with particular works and projects, according to a weighted formula that incorporates (i) the schedule of expressed preferences, (ii) the population of each district, and (iii) the relative deprivation of each district (those with less paving receive a greater consideration for paving preferences).

⁵² This account is drawn from Baiocchi (2001) and Santos (1998).

⁵³ See Baiocchi (2001): The number of delegates for a district is determined as follows: for the first 100 persons, one delegate for every ten persons; for the next 150 persons, one for twenty; for the next 150, one for thirty; for each additional forty persons after that, one delegate. To cite an example, a district that had 520 persons in attendance would have 26 delegates.

Since its inception, the OP has drawn steadily increasing participation as citizens have gained confidence in the institution (3.1). In the 1999 and 2000 cycles, more than 14,000 residents participated in the first round of plenary assemblies. Observers estimate that some 10% of the adult population participates in the process annually, though precise estimates are difficult because much participation occurs in numerous informal neighborhood meetings and committee sessions. As with the Chicago community policing reforms, the design of open meetings combined with strong structural incentives for participation—the OP basic quality of life issues—by disadvantaged participants has inverted the ordinary high-SES participation bias observed in most political arenas. Poor people are substantially over-represented in OP meetings (3.2); while fifty-five percent of the city’s population earns more than five Minimum Wages,⁵⁴ only one-third of OP participants do. Indeed, proponents of the process consider the absence of middle class citizens to be a serious shortcoming of the program.

Like Chicago community policing, the process generates a wealth of detailed knowledge for officials (3.4). Some of this knowledge concerns the values and priorities of residents, such as the difficult trade-offs between issues such as clean water and schools. Officials also gain very specific knowledge about where particular works and projects should be located, and whether they operate successfully or fail. Conversely, residents also gain substantial knowledge (3.5) about where, and whether, public monies are appropriately spent, and about the detailed operations, successes, and failures of city agencies. Officials closely associated with the OP claim that it has had important political-psychological benefits of conferring voice, efficacy, and claim-making

⁵⁴ In 2001, a Minimum Wage was approximately \$60 U.S. per month. The poverty level is considered to be two Minimum Wages.

confidence—deliberative rationality in the discussion (3.3) above. Through participation in these discussions, citizens likely gain democratic skills of compromise and cooperation (3.6). However, because deliberations focus upon very local goods and needs, the institution has not disposed citizens to think about the greater good of the city, the just trade-offs between jurisdictions, or the good of the city through the long arc of time (3.6).

The OP has yielded dramatic gains for popular control and state capacity. It has reduced corruption and eroded traditional patronage relationships between city councilors, legislators, businesses, and local notables by making the financial decisions of city government more transparent. One result of this increase in official accountability (3.7) is that many fiscal leaks have been plugged and the actual revenues available for public investment have grown. Good government (through participatory democracy) has in turn increased the legitimacy of the municipal state and increased tax compliance. One explicit aim of the OP was to “invert priorities” of public administration: to redirect government’s investments and energies away from the wealthy and middle-classes toward the least advantaged. Advancing both the aims of justice (3.8) and efficacy (3.9), city agencies charged with building and operating public works have become much more productive and the lion’s share of new activity has occurred in poor areas:

Of the hundreds of projects approved, investment in the poorer residential districts of the city has exceeded investment in wealthier areas... Each year, the majority of the 20-25 kilometers of new pavement has gone to the city’s poorer peripheries. Today, 98 percent of all residences in the city have running water, up from 75 percent in 1988; sewage coverage has risen to 98% from 46%. In the years between 1992-1995, the housing department offered housing assistance to 28,862 families, against 1,714 for the comparable period of 1986-1988; and the number of functioning public municipal schools today is 86 against 29 in 1988.⁵⁵

⁵⁵ Baiocchi 2002.

The above treatment of these complex minipublics has been necessarily quite brief and omits many important details. Many dimensions of design and effect were discussed in an extremely compressed way. Two tables below summarize and clarify these variations and comparisons. Table 3 summarizes the institutional design features of the five exemplary minipublics. Table 4 summarizes the practical consequences of these design choices. In each table, the most distinctive design features and those discussed in the text are displayed in bold face.

Table 3: Institutional Design Features of Five Minipublics
(distinctive design features in bold-face)

| | 4.1. Deliberative Polling | 4.2. Citizens Summit | 4.3. Oregon Health Plan | 4.4. Chicago Community Policing | 4.5. Participatory Budgeting |
|---|--|---|--------------------------------|---|--|
| 2.1. Purpose and Vision | Simulate ideal deliberative conditions | Align public policy with considered citizen preferences | | Improve problem solving through participation | |
| <i>Design Features of the Public Space</i> | | | | | |
| 2.2. Who? Recruitment and Selection | Representative sample | Voluntary + targeted recruitment | Voluntary | Voluntary + institutional incentive | Voluntary + institutional incentive |
| 2.3. What? Subject of Deliberation | Large scale public policy questions | City-wide strategic plan | Health care rationing | Neighborhood public safety | Capital infrastructure investments |
| 2.4. How? Deliberative Mode | Clarify Principles and Positions | Clarify priorities / feedback | Assert and clarify priorities | Problem solving | Assert and reconcile priorities |
| 2.5. When? Recurrence | One-shot, Centralized | Infrequent, Centralized | One-shot, De-centralized | Frequent, De-centralized | Frequent, De-centralized |
| 2.6. Why? Stakes | Low | Moderate | Low-Moderate | Moderate-High | High |
| <i>Connections from Public Space to State</i> | | | | | |
| 2.7. Empowerment | Low | Moderate | Moderate | Moderate-High | High |
| 2.8. Monitoring | None | Low | Low | Strong | Moderate |

Table 4: Outcomes in Five Minipublics
(strengths of each design displayed in bold-face)

| | 4.1. Deliberative Polls | 4.2. Citizens Summits | 4.3. Oregon Health Plan | 4.4. Chicago Community Policing | 4.5 Participatory Budgeting |
|--|--------------------------------|------------------------------|--------------------------------|--|------------------------------------|
| <i>Shape of Participation</i> | | | | | |
| 3.1. Quantity | Low | Moderate | Moderate | High | High |
| 3.2. Bias | Representative | Representative | Positive SES bias | Inverse SES bias | Inverse SES bias |
| 3.3. Deliberative Quality | High | Moderate | Moderate | Moderate | Moderate |
| <i>Information Pooling and Individual Transformation</i> | | | | | |
| 3.4. Informing Officials | Low | Moderate | Moderate | High | High |
| 3.5. Informing Citizens | Moderate | Moderate | Moderate | High | High |
| 3.6. Democratic Skills and Dispositions | Low | Low | Low | Moderate | Moderate |
| <i>Popular Control and State Capacity</i> | | | | | |
| 3.7. Official Accountability | None | Moderate | Moderate | Moderate | High |
| 3.8. Justice of Policy | No | Moderate | Moderate | Low | High |
| 3.9. Efficacy of Policy | No | Low | Low | High | High |
| <i>Political Effects</i> | | | | | |
| 3.10. Popular mobilization | Low | Low | Moderate | Low | High |

5. Conclusion

Many leaders and organizations are now engaged in the important practical work of constructing spaces for civic engagement and public deliberation. They describe their efforts and motivations in strikingly similar terms: enhancing participation, creating deliberative democracy, improving civic engagement, making government more accountable, and increasing social justice. This homogeneity is perhaps unsurprising; public intellectuals and political theorists have described their own projects and ideals in similarly uniform terms. That uniformity—for example the understanding of deliberation

as decision-making through the giving and taking of reasons—is appropriate at a high level of abstraction.

These terms, however, obscure the rich and multidimensional variation evident in particular projects created by practical proponents of participatory and deliberative democracy—projects that I call minipublics. Because practitioners are inclined to invest their limited energies in improving their own projects rather than exploring details of like-minded ones, there has been surprisingly little discussion in either the scholarly or practical literature on these variations and their implications. In the pages above, I have tried to describe the most important dimensions of difference from the perspective of institutional design. Both ordinary reasoning and concrete illustrations show that these design choices have important implications for the capacity of minipublics to accomplish their many laudable goals. Bringing this variation to light and imposing conceptual structure on it will, I hope, contribute to comparative conceptual and practical discussions of the role of such efforts in contemporary democracies and how they might be improved.

I have focused on the details of the design and operation of actual minipublics. In important ways, this discussion lacks a beginning that justifies the existence of minipublics by describing their role within the array of contemporary democratic institutions and the range of political ailments that they might address. This discussion also lacks an appropriate end that would describe the objections to robust participation in minipublics, offer guidance among the described design choices, and address the unsolved problems that minipublics face. No minipublic that I know of, for example, has successfully developed mechanisms to integrate centralized deliberation over macroscopic priorities with decentralized local problem solving deliberations. All

empowered minipublics also raise questions of legitimacy, for they entail a delegation or transfer of authority from conventional institutions. The answers to those questions may come more easily through conversations between practitioners of democratic innovations and its theoreticians. Laying out the central questions and consequences of institutional design, as I have tried to do above, may help to advance that conversation and so spur further investigation.

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