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CONNECTIONS

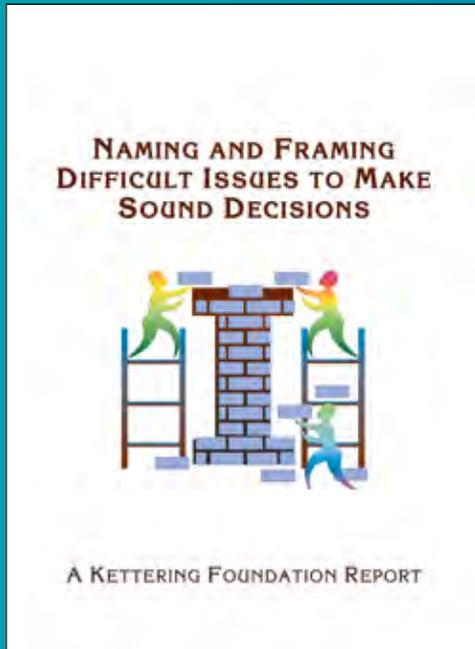
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2013

CITIZENS
in
Democratic
Politics



ADDITIONAL READING FROM KETTERING FOUNDATION



Naming and Framing Difficult Issues to Make Sound Decisions

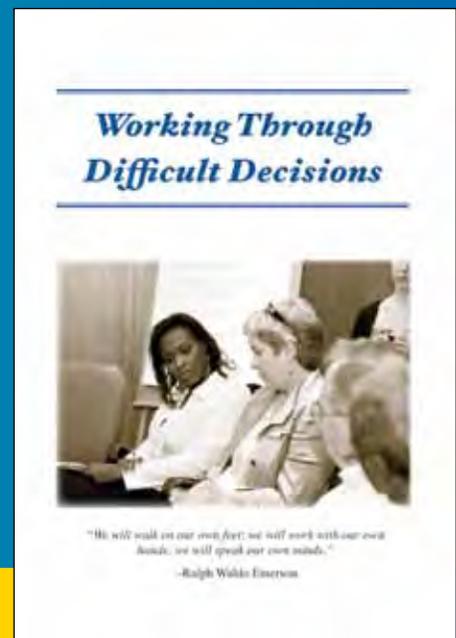
Naming and Framing Difficult Issues to Make Sound Decisions is a report for people who want a stronger hand in shaping their collective future and recognize that this requires working through disagreements on what the future *should* be. Replacing an earlier publication, *Framing Issues for Public Deliberation*, this booklet incorporates the foundation's latest insights on how people can describe problems and present different ways to address them so as to encourage sound judgments and avoid immobilizing polarization.

Kettering Foundation | 2011
FREE | 24 pages

Working Through Difficult Decisions

Working Through Difficult Decisions is a brochure for people interested in helping their communities work through their most challenging problems and for anyone interested in moderating forums based on National Issues Forums materials. The brochure speaks to how people can move beyond disagreements to arrive at shared and reflective judgments.

Kettering Foundation | 2011
FREE | 12 pages



▶▶▶▶▶ To read these documents, visit www.kettering.org.

The Kettering Foundation is a nonprofit, operating foundation rooted in the American tradition of cooperative research. Kettering's primary research question is, what makes democracy work as it should? Kettering's research is distinctive because it is conducted from the perspective of citizens and focuses on what people can do collectively to address problems affecting their lives, their communities, and their nation. The foundation seeks to identify and address the challenges to making democracy work as it should through interrelated program areas that focus on citizens, communities, and institutions. The foundation collaborates with an extensive network of community groups, professional associations, researchers, scholars, and citizens around the world. Established in 1927 by inventor Charles F. Kettering, the foundation is a 501(c)(3) organization that does not make grants but engages in joint research with others. For more information about KF research and publications, see the Kettering Foundation's website at www.kettering.org.

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Public Deliberation

from the **JURY ROOM** to Initiative Elections

John Gastil

The Kettering Foundation has worked with political communication scholar John Gastil for more than 20 years. In two recent visits to the foundation, he described his research, which reflects how citizens can be affected by single, but powerful, experiences of deliberation, and citizen capacity for deliberation. Gastil responded to questions about whether citizens are apathetic, what he has learned about citizen engagement over time, what he has learned about collective decision making, and what he sees for the future. This article draws his words from transcripts of Kettering meetings, as he recounts research about citizen juries and the Oregon Citizens' Initiative Review, two deliberative processes.

John Gastil: I look at deliberation through the lens of cultural cognition. Mary Douglas spoke of value orientations, for example the orientation to lean toward one tension or another, as with hierarchy versus equality or individualism versus communitarianism. The US public is distributed all across these values. The dimensions are quite powerful. You could say a more efficient political process has more carefully aligned with one dimension or another, resulting in a more polarized system. However, if you use these dimensions as cultural short cuts, they can predict attitudes. Deliberation can be used to structure situations that reduce the power of these value orientations so people will pay attention to a message before judging it good or bad.

When I first started working with Kettering, deliberative democracy was an interesting and provocative abstract idea discussed by almost no one. Interest in it has grown steadily and has not yet peaked. Instead, there is now a very crowded market. It is actually a really vibrant marketplace of tools for deliberation that have been tried, used, and tested.

But they are not really demonstration projects anymore. The world out there is full of things from the National Issues Forums (NIF), to participatory budgeting, to citizen juries. There are so many experi-

ments that they have grown into quasi-institutionalized practices the world over. I cannot help but be optimistic about the trend line. I realize there are other less promising trend lines, but I feel optimistic that we can move forward well.

Part of the reason for my optimism is that you can get people, even people who have historically been excluded, to engage and work on problems together in ways that make effective decisions based on the hard choices under the right circumstances. I focus on four structural elements, but they are more like ways of building our lives together. They are not just institutions, but habits and culture. The elements are time and space, information, responsibility, and structured interaction.

I've been doing a study called the Jury and Democracy Project, which examines the jury in the United States. What got the study going was a natural experiment. We took archives from courthouses all over the US and got records of who served on juries and then got electoral histories and matched them with the voter lists. We had their voting histories for years long before and long after serving on juries. I want to start with a quote from a juror who got our attention when I was writing the book, *The Jury and Democracy: How Jury Deliberation Promotes Civic Engagement and Political Participation*, with Pierre Deess, Philip Weiser, Cindy Simmons. In 1984, an anonymous letter writer described himself as a "common laborer" in a complaint to district attorney Elizabeth Holtzman about an experience in the King's County, New York, court. Here is a verbatim quote from his letter to the district attorney's office about the experience of trying to be on a jury:

There were at least sixty or seventy people sent to room 574 to pick a jury of twelve plus two alternates. The majority of the groups sent were Blacks. . . . After telling us what the law expected of us as possible jurors, which, as the judge stated, was common sense and a promise from each of us to be fair and impartial, then the selection began; it made no difference to the judge, the district attorney or the defendant's lawyer that the majority of the prospective jurors were Black. They

Public Deliberation from the Jury Room to Initiative Elections

managed to pick thirteen whites and one black *second* alternate, making sure of an all-white jury. . . . And so I ask you Mrs. Holtzman, if we Blacks don't have common sense and don't know how to be fair and impartial, why send these summonses to us? Why are we subject to fines of \$250.00 if we don't appear and told it's our civic duty if we ask to be excused? Why bother to call us down to these courts and then overlook us like a bunch of naïve or better yet ignorant children? We could be on our jobs or in our schools trying to help ourselves instead of in court house halls being made fools of.

It's a powerful note. Again, you'll never know who wrote it. But do you understand the sentiment? And it contrasts so effectively with exactly what the jury is supposed to be and what is supposed to have been instilled. You see someone who completely gets what the jury is supposed to be even though he hasn't personally experienced it that way. And hence he is incensed.

To mesh that powerful story with dull statistics, a colleague, Michael Neblo, did a striking study in the *American Political Science Review*, "Who Wants to Deliberate—and Why?" It looks at the question of whether people truly do want to deliberate. It had become fashionable to say that people don't really want to deliberate, and this whole business is too hypothetical.

Neblo found that people actually *did* want to deliberate, but what I'm focusing on from his article is that the top four reasons that people said, "You know, I think I won't participate," was not knowing enough about the issue. That is, people were afraid they would make a mess of things.

Second, they're too busy. You've got to give people a situation where there's real responsibility, there are things for them to do, as that prospective juror said. "Look, I've got work and school and family to take care of if you're not going to have me do something."

The third was that they dislike conflict. Again, structuring the interaction in a

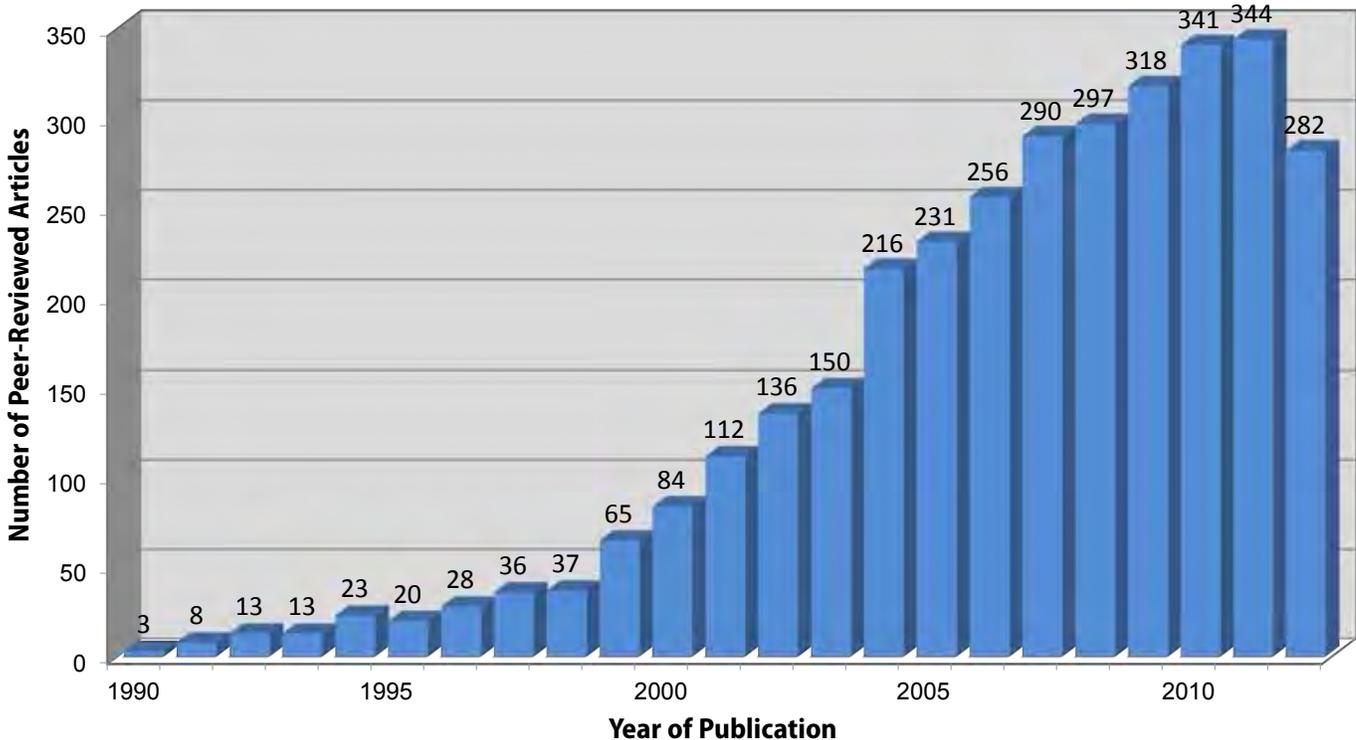
way that will make it a more meaningful deliberative experience as opposed to just bickering.

And then finally, "There's no binding decision there. So I don't know why we show up for this kind of an event." Again, this reason speaks to the question of responsibility, giving them real responsibility.

So if we translate these four circumstantial features that promote deliberation and civic engagement in the context of NIF, the time and space for the first criteria is absolutely created. That's what the forum is for. We create forums in many forms to create a place and sufficient stretch of time for deliberation. Information that is necessary and that these people want is provided by the NIF issue guides, among other things.

The sense of responsibility is proving more of a challenge. Some people will come away feeling like, "I talk and I don't know if I connected." That is something the foundation is very interested in; the emphasis on action reflects that potential deficit.

Articles on Deliberative Democracy



Number of peer-reviewed articles with search terms in record fields. Terms = (Deliberation OR Deliberative) AND (Civic OR Political OR Public OR Democracy OR Democratic). Full-text article search yields roughly 10x as many hits. Prepared by John Gastil & Jason Gilmore.

Public Deliberation from the Jury Room to Initiative Elections

Structured interaction is also important. Both the moderator and the choice framing itself are meant to structure the interaction in a way that can be powerful.

Now the reason we studied and wrote about the jury was that we were afraid that here we were thinking about deliberative democracy and forgetting about this incredibly important institutionalized form of deliberation so taken for granted that it didn't even come up in common conversations about deliberative democracy. But yet I can walk down those same four criteria, and you can see the masterful job the jury can do here.

Some dismiss this research as irrelevant to larger problems. But, juries change our understanding of criminal and civil law and are important to the community. We cannot ignore the jury as a delibera-

the things we are called upon to do as a citizen.

We just looked at impaneled jurors. The experiment was totally beyond their control—whether they ever got the chance to deliberate and who don't. We had such a large sample that enabled us to make many comparisons. If you deliberated, you became 5 percent more likely to vote after the experience. It is the deliberative complexity of your task that was key. The jury is a site for compassion and for community. If you reached a guilty verdict on a criminal jury you make me happy, because I asked tons of questions about how serving on a jury affected your community activeness. If you found a criminal guilty, you became more active in community life, and this is really encouraging.

There is very strong evidence that this citizen-to-citizen body does deliberate. The stereotypes of juries as irrational tend to be based on exceptional cases, or discriminatory jury selection.

As I said, we are now in this marketplace of tools and ideas and so obviously the jury is the oldest, right? It's actually one of the most venerable of the modern forms of deliberation, but there are many new ones. I

mention just one here, the Oregon Citizens' Initiative Review, which was created in 2009 to try to create institutionalized forms of deliberation. The state of Oregon has established a state law that in every initiative cycle, that is every two years, a couple of issues will be targeted for a special citizen deliberation. They select 24 random citizens, registered voters all, to study an initiative. They have a full week to study the issue, hear from pro and con advocates, bring in lists of witnesses, and develop a one-page statement that goes into the official voter's guide sent to every Oregon household. Time and space is given. A week is quite sufficient to study these issues. Information is provided through intensive study and meeting with witnesses and advocates. The responsibil-

ity is tremendous; they feel it. They know what it's like to be a voter, but here they are responsible for helping the voters understand the issue. And as they see the complexity, they even start debating about *how* to effectively convey information, not just what they need to know, but how to get it to busy voters.

And then finally, the structured interactions. I couldn't say enough positive things about this. When they ultimately wind up writing pro and con arguments on the measure, they split into pro and con caucuses on this citizens' panel and then they come back together to critique each other's arguments. Not to make final judgments together but actually to say, "Those arguments are okay, but what about this?" "Ah yeah, that's right." They edit each other's statements.

It is such a collaborative affair that many citizens have said that in the end they were surprised that they could not say what political orientation the other members had. They truly did not know. They had done such a good job of just being an evidence-driven body.

The quality of deliberation actually made people less certain of their views. It raised doubt. The deliberation was remarkable. In one panel, they turned on a very popular issue. In another case, the pro side won. They were very thoughtful in what they arrived at. In 2011, a divided legislature made this permanent.

So that is, in a sense, my answer to the totality of the questions about getting citizens to engage, making good decisions, decisions oriented toward the common good, and even including people who are historically marginalized. You see all these things coming together in a jury. You see them coming together in Oregon. And I think you see them in the National Issues Forums.

To wrap up, we do know how to deliberate, and in Oregon they are finding ways to get past simply cognitive shortcuts we usually rely on and can enable people not only to make better decisions, but also to feel better about themselves.

John Gastil is a professor in the Department of Communication Arts and Sciences and the director of the Democracy Institute at Pennsylvania State University. He can be reached at jgastil@psu.edu.

Juries change our understanding of criminal and civil law and are important to the community. We cannot ignore the jury as a deliberative body and continue to speak of deliberation without them.

tive body and continue to speak of deliberation without them. Public confidence in the jury is incredibly high and has been for a long time. This applies particularly to criminal juries. So, the public believes in the rightness of these juries. The jury has been the flame-keeper for the very word *deliberation*. Jurors talk about being jurors, even 50-60 years later, showing how powerful the experience is. The US public has much more confidence in a random sample of citizens than in any elected body. The jury does remind people about random selection and their ability to work effectively.

Our project was not to study the effectiveness of juries, but we focused on what happens to a person when they serve on a jury. It is a unique experience among



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