

Survey Article: Citizen Panels and the Concept of Representation*

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PARTICIPATION by lay citizens in technically complex political controversies often raises questions about the competence of participants and the quality of their contributions to decision-making. One way of addressing such concerns has been to establish temporary advisory bodies that involve lay people in cooperative deliberation informed by expert advice. Citizen juries, consensus conferences, planning cells and deliberative polls—referred to here collectively as “citizen panels”—seek to enhance both the rational justification for and popular sanction of political decisions.

Citizen panels present a genuine conundrum for theories of political representation. Both conceptually and institutionally, they fall into a gap between the informal deliberative institutions of the public sphere and the formal decision-making bodies of the state. Unlike many civic associations and interest groups, citizen panels do not have continuing members who develop loyalty to each other and commitment to a cause; unlike most standing advisory committees or public hearings, they restrict interest group representatives to a supporting role; and unlike referenda, negotiated rule-making or juries in the US legal system, they have no authority to make legally binding decisions. And yet it seems clear that citizen panels are representative in some sense—but which? This article examines two distinct aspects of this question. First, viewed in isolation, in what sense are citizen panels representative institutions? Second, seen in terms of their relationship to other political institutions, what specific contribution can citizen panels make to the broad network of values and practices that comprise representative democracy?

A number of studies have developed typologies of forms of citizen participation in complex policy areas.¹ Although the following discussion may be relevant for various types of citizen panels, this article examines only the

*Thanks to Mark Button, Lisa Disch, Johnny Goldfinger, Dave Guston, John Parkinson, the Editor, and three anonymous reviewers for helpful comments on earlier drafts of this article. Also helpful were audience comments on presentations at the 2004 meetings of the Western Political Science Association, the Society for Social Studies of Science and the Science and Democracy Network.

¹Rowe and Frewer 2000; Fiorino 1990.

four devices mentioned above. I take the institutional design of these types of citizen panels for granted and consider their implications for questions of representation. Despite important differences in format, these four types of citizen panels share certain features that distinguish them from other institutionalized forms of citizen participation: (a) they create opportunities for dialogue between experts and lay citizens; (b) they limit interest group representatives to participation as expert witnesses and steering group members, excluding them from the citizen panel itself; (c) they have no authority to make legally binding decisions; and (d) they address themselves to both public officials and the general public. As will become clear in what follows, each of these design elements has implications for the potential contribution of citizen panels to representative democracy.

Each of these types of citizen panels consists of a group of lay citizens who meet for a few days to learn about and discuss one or more complex political issues, confer with an expert panel and hold a press conference to publicize their views. Deliberative polls survey participants on their opinions regarding a range of issues before and after the deliberative meetings.² The other types of panels ask participants to write a report with policy recommendations regarding a single issue.³ All citizen panels aim to educate participants, stimulate public discourse and advise government decision makers. Although the precise meaning of “lay citizen” often remains unclear, organizers expect that participants will articulate goals and values different from those of most experts and politicians. Discussion among panelists is meant to follow a “deliberative” model in which panelists receive equal time to speak, treat each other with respect and eschew bargaining or self-interested claims in favor of reasoned discussion. To this end, participants often enjoy the services of a professional facilitator and secretarial staff. Organizers of those panels that require a final report encourage panelists to seek consensus, but they usually allow minority reports when consensus proves impossible.

The representative status of citizen panels has only recently become a topic of sustained investigation.⁴ Commentators on citizen panels often use scare quotes around the word “representation” or write of representation “in some sense,” suggesting a lack of clarity about the term. Some authors characterize citizen panels as exemplars of “participatory” or “direct” democracy and suggest they have little to do with political representation.⁵ One author even announces that “the panel members can only represent themselves.”⁶ Other commentators, in contrast, write that citizen panels are selected “to represent a microcosm of their community,”⁷ or “in such a way that several attitudes are

²Fishkin 1995; 1991.

³Dienel 2002; Coote and Lenaghan 1997; Dienel and Renn 1995; Sclove 1996; Joss and Durant 1995; Renn, Webler, Wiedemann 1995a.

⁴Brown, Lentsch, Weingart forthcoming; Smith and Stephenson forthcoming; Parkinson 2004.

⁵Durant 1995, p. 75.

⁶Fixdal 1997, p. 373.

⁷Crosby 1995, p. 157.

represented.”⁸ These vague and often conflicting references to political representation suggest that it is an issue of both importance and ambiguity for the operation and analysis of citizen panels.

In what follows, I begin by considering a few salient features of political representation in contemporary democracy. I argue that democratic representation is usefully conceived as a combination of five distinct elements, with some elements appearing more prominently in some institutions than in others. The remainder of the article explores, first, the extent to which citizen panels themselves exhibit each of these features of democratic representation, and second, how they might foster these features in other political institutions and in civil society.

I. POLITICAL INSTITUTIONS AND MODES OF REPRESENTATION

The concept of political representation has long had a somewhat dubious status in democratic theory. Citing the complexity of modern states and the perceived incompetence of lay citizens, so-called democratic realists have offered elitist theories of representation that restrict participation to periodic elections.⁹ Participatory and radical democrats, for their part, have tended to see representative democracy as a fundamentally second-best alternative to direct democracy, fostering civic passivity and elite indifference.¹⁰ This standoff between elitist and participatory conceptions of democracy has in recent years been challenged by authors who argue that representative democracy potentially enables a more vibrant, participatory form of politics than so-called direct democracy.¹¹ Representative government both fosters and depends on a critical public sphere that should be understood as part of, rather than existing prior to, political representation. From this perspective, representative democracy need not be any less radically democratic or participatory than direct democracy. Indeed, properly understood, radical democracy “describes an ideal, not a method for achieving it,” and so cannot be identified with any particular set of institutions.¹² It may well be that the institutions of representative democracy hold more promise for realizing radical democratic ideals than the direct-democratic procedures idealized by many democratic theorists.

One implication of this view is that the various interests, perspectives, facts, values and opinions that are represented are best understood as partially constituted by, rather than existing prior to, practices of representation.¹³ Just

⁸Grundahl 1995, p. 33; Joss 1995, p. 90. Smith and Wales (2000, p. 57) briefly argue that the planning cell format “transcends the issue of representation defined in terms of either the principal/agent or the microcosm model,” but they do not consider other models of representation.

⁹Schumpeter 1962.

¹⁰Fishkin 1995, pp. 33–34; Barber 1984, pp. 145–6.

¹¹Mansbridge 2003, p. 515; Urbinati 2000, pp. 766–768; Young 2000, pp. 124–125; Plotke 1997; Habermas 1996; Dahl 1989, ch. 16.

¹²Loomis 1996, p. 22.

¹³Young 2000, pp. 130–1; Seitz 1995.

as scientific representations of nature are mediated by various social practices and laboratory instruments, political representation involves more than a simple transmission or “making present” of constituent ideas and interests. Not only are constituent opinions often inchoate or nonexistent, but in a complex pluralist society, whatever constituent opinions exist almost always conflict. Political representatives are thus required to engage in various practices of mediation; they must elicit, educate, anticipate and aggregate constituent interests and opinions in the process of representing them. Such practices of mediation, moreover, are themselves mediated in various ways by, among other things, material structures, technological devices and scientific claims (e.g., government buildings, voting machines, opinion polls, etc.)¹⁴

Another key aspect of this view of representation is that it goes beyond the typical fixation on national political institutions to consider entire political systems. “What makes it representation is not any single action by any one participant, but the over-all structure and functioning of the system, the patterns emerging from the multiple activities of many people.”¹⁵ Moreover, global interdependence and environmental risk suggest that national systems of representation need to be extended, at least in some respects, to encompass future generations and people in other countries.¹⁶ Democratic representation depends on continuous interaction between decision-making in state institutions and various sorts of public talk, including both informal public discourse and the more structured forms of deliberation that occur in civil society.¹⁷

Not only does democratic representation depend on a variety of institutional and non-institutional venues, it requires that different venues make different types of contributions to representative democracy. This claim is grounded in both the institutional diversity of contemporary democracies and the internal diversity of the concept of representation itself.¹⁸ As Hanna Pitkin shows in her classic study on the topic, representation is a complex concept that includes multiple elements. Most theories of representation have privileged some elements over others. Hobbes thus focuses on the formal authorization of the representative, limiting the formal accountability and substantive obligations of both representatives and constituents. The Burkean or trustee view of representation, in contrast, emphasizes the substantive virtue and expert knowledge of the representative. The Jeffersonian or delegate model stresses participation by the represented. Finally, both Burkean and Jeffersonian models, as well as recent theories of identity politics, see a need for some sort of descriptive similarity or resemblance between representatives and their

¹⁴Jasanoff 2004; Latour 2004.

¹⁵Pitkin 1967, pp. 221–2.

¹⁶Young 2000, ch. 7.

¹⁷Habermas 1996, p. 485; cf. Mansbridge 2003, p. 519; Parkinson 2003, p. 188; Dryzek 2001, p. 666.

¹⁸Cf. Connolly 1974/1993; Gutmann and Thompson 1996, p. 131.

constituents. Abstracting from these historical models of representation, one might identify five distinct elements of the concept of representation: *authorization, accountability, expertise, participation and resemblance*. None of these elements logically excludes the others. And given that they have all played key roles in the history of modern democracy, it seems reasonable to conclude that genuinely democratic representation depends on their combination.

There is no reason, however, for each element of democratic representation to be present in every political institution. The various institutions and practices of representation are best evaluated not with reference to the concept of representation as a whole, but in terms of their specific contributions to a larger system of representative democracy. Allowing different institutions to represent citizens in different ways makes sense for reasons having to do both with the external relations among different institutions and the internal relations among citizens within institutions.

With respect to relations among institutions, a familiar justification for allowing different political institutions to embrace different modes of representation appears in the reasoning underlying the doctrine of the separation of powers. The separation of powers, as defended, for example, by James Madison in *The Federalist*, associates different modes of representation with different institutions as a way of dispersing power and ensuring that no branch of government dominates the others. It thus focuses on the effect of representational modes on the relationships among institutions. For Madison, the delegate model of representation and its emphasis on governmental “dependence on the people” was not sufficient to ensure either individual freedom or governmental stability, making necessary his famous “auxiliary precautions.”¹⁹ Among other things, these precautions involved tailoring the method of selection and term of office for each of the three branches to the representative tasks of its members. In contrast to the ancient notion of the “mixed” constitution, in which different institutions represent different classes of citizens, the US Constitution was designed so that the legislative, judicial and executive branches of government would each represent all citizens but in distinct ways.²⁰

A second rationale for dividing the elements of democratic representation among different institutions lies in the different educational effects of each element on those who participate in the institution.²¹ An association that represents its members primarily in the trustee sense, for example, requiring little input from its members, will not foster individual autonomy as much as one that

¹⁹Madison 1787/1961, p. 322.

²⁰Tullis 2003, pp. 208–9. Tullis differentiates institutions not according to their characteristic modes of representation but in terms of what each represents. He thus argues that the US Congress focuses on representing popular will, the courts individual rights, and the president national security. See also Williams 1998, pp. 38–42.

²¹See Warren 2001, pp. 60–93, 142–205.

represents in the delegate sense, requiring its members' active participation. At the same time, however, associations that cultivate individual autonomy through participation may lack a unified position on controversial issues, and thus may fail to effectively represent their members' views in the public sphere. Because no single association can achieve every effect to an equal degree, it is important that citizens have access to a range of different types of associations and hence to a range of different modes of representation. The remainder of this article examines citizen panels as a mode of representation, considering how each of the above-mentioned elements of democratic representation manifests itself both in citizen panels themselves and in their interactions with other institutions and civil society.

II. AUTHORIZATION

Authorization is a formal feature of representation and by itself says nothing about the substantive activity of representing.²² Someone who has been authorized to represent others may undertake that task in any number of ways. Nonetheless, insofar as the authorization of representatives coincides with their selection, authorization has a major influence on what sort of representation takes place. There are at least three ways of authorizing representatives in a democracy. The most common is direct public authorization by voters in popular elections. A second way is the indirect public authorization of members of courts, cabinets, advisory boards or bureaucracies through appointment by elected officials or their surrogates. In addition to the public authority thus delegated through appointment, many appointed representatives have an independent source of authority in their professional or technical expertise. To the extent that expert authority depends on formal authorization (e.g., licensing or certification by a professional association according to publicized criteria), one can speak of a third sort of public authorization. Those claiming to represent future generations, nonhumans or people in other countries often rely on authorization of this sort.

Considered as representative institutions in themselves, citizen panels are not authorized to act on behalf of others in any of these three ways. Although it might be possible to select citizen panels through popular elections, this would lead to representation by an "elect" group, thus clashing with the goal of providing a voice for ordinary citizens. When citizen panels are sponsored by an elected legislature, as they are in Denmark and the Netherlands, they might be said to have public authority delegated to them by the legislature. So far, however, legislatures have only authorized citizen panels to provide advice and not to make decisions binding upon others.²³

²²Pitkin 1967, chs 2–3.

²³Leib (2004) argues, in contrast, that the randomly selected members of his proposed "popular branch" of government should be granted authority to make law.

Each of the four types of citizen panels examined here employs some form of random selection to choose participants, and it might appear that this mode of selection lends the panels a form of authority analogous to that of technical expertise.²⁴ Random selection (i.e., selection by lot) played a role in every republican constitution from ancient Rome to the Italian republics of the Renaissance, but it disappeared as a constitutional device at the end of the eighteenth century, due in part to the rise of consent as a key source of political legitimacy.²⁵ Citizens might consent to have their governors chosen by lot, but selection by lot does not itself involve an expression of consent. Instead, random selection offers an impersonal, mechanical, quasi-scientific way of selecting representatives. Insofar as the authority of science is seen as a universally valid and hence public type of authority, random selection offers a symbolic form of public authorization.²⁶

The scientific authority associated with random selection, however, differs from that of appointed members of courts and bureaucracies, in that the latter are authorized holders of substantive expertise. Random selection, in contrast, is a technical procedure designed to produce a panel comprised of lay people who lack any relevant substantive expertise beyond that acquired in the context of the panel's work. Nonetheless, one might argue that if professional certification authorizes experts to represent the public's best interests, random selection does the same for lay people. Juries in the US legal system are chosen in part through random selection and they are authorized to make legally binding decisions. The authorization of legal juries, however, is limited to making decisions about matters of fact, or at most, matters of law. They are not authorized to make new laws. Moreover, at their best, jurors represent primarily in the descriptive sense of making representations of diverse social perspectives, thus enriching deliberation, a topic discussed below. They do not represent in the sense of acting on behalf of others, except in the very broad sense of promoting the general interests of society as a whole.²⁷ The technical procedure of random selection lends the participants on citizen panels a certain type of "lay authority"—the authority to make deliberative contributions based on one's personal experience, insight or emotion—but not authority to act on behalf of others.

²⁴Consensus conferences and citizen juries use stratified random sampling to assemble a cross-section of the relevant population; planning cells and deliberative polls use pure random sampling to make their panels statistically representative of the population. Planning cells consist of a series of small panels addressing the same theme in different cities; deliberative polls involve several hundred participants in a single event. Several democratic theorists have advocated the use of random selection for appointing citizen panels of one sort or another. See Carson and Martin 1999; 2002; Burnheim 1985, pp. 111–13; Barber 1984, pp. 290–93; Dahl 1989, p. 340; 1970, pp. 149–53.

²⁵Manin 1997, pp. 88ff.

²⁶On the political authority of numerical calculation, see Porter 1995. Manin (1997, pp. 52–3) notes that in the Italian republics of the Renaissance, selection by lot was seen as a way of depoliticizing the allocation of political office.

²⁷Abramson 1994.

Viewed in terms of their relationship to other institutions and to civil society, citizen panels have an ambivalent relationship to authorization. On the one hand, citizen panels can help make the authorization of representatives more informed and deliberative. James Fishkin explicitly conceived his deliberative polls, for example, as a way of enriching US election campaigns. On the other hand, if citizen panels are too closely linked to election campaigns or governmental decision-making, they can easily lose their critical potential. Citizen panels thus face a trade-off between seeking to shape governmental processes and remaining independent of the government's agenda.²⁸ Strictly speaking, however, the influence of citizen panels on acts of authorization by either voters or public officials amounts to advising decisions made by others. It is thus a contribution to the expertise element of democratic representation, considered below, and not to the authorization element as such.

III. ACCOUNTABILITY

Like authorization, accountability is in the first instance a formal feature of democratic representation and by itself says nothing about the activity of representing. Whereas authorization usually precedes representation, accountability follows it.²⁹ Elections thus function, ideally, both to authorize public officials and to hold them to account. Electoral accountability also facilitates "anticipatory representation": the promotion of interests that representatives expect their constituents to express in an upcoming election. In this respect, the purpose of holding representatives accountable lies not so much in sanctioning them for what they have done than in creating an incentive for acting in a way agreeable to their constituents.³⁰ In practice, however, the idea that accountability consists of voters holding public officials to account for actions definitively attributable to them is in most cases an "astonishingly optimistic" ideological fiction. It ignores the "inherent opacity of all human action," as well as the avoidance of responsibility encouraged by the separation of powers and the informational deficit of most citizens.³¹ The concept of accountability ought not to be limited to the reward or sanction of public officials through voting. Indeed, public officials today are held accountable primarily through criminal law and provisions for information access and governmental transparency.

Whereas studies of electoral accountability tend to focus on the idea of "holding someone accountable," deliberative democrats have examined accountability as a matter of "giving an account" for the reasons underlying political decisions.³² Representatives arguably owe an account not only to their

²⁸Joss 1998; Grundahl 1995.

²⁹Pitkin 1967, pp. 55–9; Dunn 1999, p. 340.

³⁰Mansbridge 2003, p. 518; Pitkin 1967, p. 57.

³¹Dunn 1999, p. 335.

³²Gutmann and Thompson 1996, ch. 4.

electoral constituents but also to their “moral constituents”—i.e., nonresidents, disadvantaged groups and future generations significantly affected by their decisions. Understood in this sense, the accountability element of representation overlaps with the participation element, insofar as ordinary citizens are also expected to articulate reasons for their political decisions.

Viewed as representative institutions in their own right, the participants on citizen panels are not held accountable by their constituents, the panel organizers or anyone else. It would be possible to administer various rewards or sanctions after the panel’s work is done, but without popular election, panelists would still not be held accountable *by* the public. Moreover, the idea of holding someone accountable makes sense primarily with reference to actions taken on behalf of others, and citizen panels, as noted above, do not act in this sense. As we shall see below, one task of participants on citizen panels is to make descriptive representations of their experiential perspectives, and people can only be held accountable for what they have done, not for who they are.³³ Representatives of this sort can at most be held accountable for presenting the perspective they promised to present when they were selected.³⁴ With regard to the second sense of accountability as “giving an account,” however, the participants on citizen panels hold each other accountable for their arguments. This sort of reciprocal accountability may foster the above-mentioned educational effects, helping participants learn to give an account of their views on controversial issues.

Citizen panels also promise a certain contribution to processes of accountability external to the panels themselves. In the first instance, of course, elected officials are accountable to their electoral and moral constituents and not to citizen panels. But given sufficient media coverage, citizen panels can serve as conduits for the information and arguments that voters need to make informed judgments about elected officials. Some citizen panels have even managed to establish symbolic “contracts” with lawmakers, obligating them to either adopt the panel’s recommendations or publicly explain their reasons for rejecting them.³⁵ Citizen panels can thus foster deliberative accountability external to the panels themselves.

IV. PARTICIPATION

Democratic theorists, as noted above, have long tended to view participation as fundamentally antithetical to representation. There are several good reasons, however, for understanding participation as an integral part of democratic representation. First, even the most direct-democratic assemblies, from ancient

³³Pitkin 1967, pp. 83–91

³⁴Mansbridge 2003, p. 522.

³⁵Smith and Wales 2000, pp. 60–1. Along similar lines, Bohman (1996, pp. 187–91) advocates the use of “public impact statements” and other mechanisms to compel administrators to show how they have taken diverse sources of public input into account.

Athens to New England town hall meetings, typically involve de facto representation of the shy and disinterested by the articulate and engaged.³⁶ Second, participatory critiques of representation tend to emphasize the agency of the representative, either construing it as replacement of the represented or focusing on its potential for domination of the represented. They thus neglect the agency of the represented, potentially advising, constraining and communicating with their representatives.³⁷ Third, because representative government leads to the formation of competing parties and coalitions, it fosters the sense that political authority is always partial and moral convictions indeterminate, thus underwriting pluralism and diversity.³⁸ Finally, by protecting citizens from the pressures of decision-making, representative government fosters a critical public sphere.³⁹

Many citizen panels have been organized with the specific aim of increasing public participation in complex policy areas. Consensus conferences and planning cells, in particular, were designed as approaches toward “participatory technology assessment.” The founder of planning cells in Germany intended them to serve as functional equivalents of the eighteenth-century bourgeois salons, coffee houses and political clubs famously idealized by Habermas.⁴⁰ Organizers of planning cells use random selection to prevent the process from being dominated by politicians, lobbyists, activists and other “professional citizens.”⁴¹ In a similar vein, Fishkin has argued that deliberative polls recreate the ancient Athenian practice of using selection by lot to fill many government posts.⁴² Indeed, in some respects, citizen panels capture the Athenian conviction that all citizens are fundamentally capable of participating in politics.

Citizen panels, however, are far less participatory than comparisons to ancient Athens might suggest. Citizen panels have so far engaged relatively few people, but more significant is the fact that Athenian citizens had to volunteer to participate in the selection process.⁴³ In every type of citizen panel examined here, in contrast, the initiative comes from the organizers rather than from citizens themselves. Despite frequently misleading formulations by proponents, random selection does not provide an equal *opportunity* for everyone to participate in addressing a given political issue. It provides merely an equal

³⁶Urbinati 2000, pp. 764–765; Plotke 1997, p. 26; Dahl 1989, pp. 225–31.

³⁷Plotke 1997, p. 28.

³⁸Kateb 1992, pp. 39–40.

³⁹Urbinati 2000, p. 768.

⁴⁰Dienel 2002, p. 75.

⁴¹Dienel and Renn 1995, p. 121.

⁴²Fishkin and Luskin 1999a, p. 8; Fishkin 1991, p. 89; 1995, p. 169. Athenian selection by lot was closely tied to the principle of rotation in office, and the two combined embodied the key Athenian principle of *isegoria* or equality of public speech. In this respect, and in contrast to Fishkin’s broader argument about the purpose of deliberative polls (discussed below), the Athenians used selection by lot less as a way of choosing some to speak for others than as way of promoting participation in self-government. See Hansen 1991, pp. 183–6, 197, 336; Manin, 1997, p. 32.

⁴³Hansen 1991, pp. 197–9.

probability of being chosen to participate. Those chosen must of course accept the invitation, and some panels rely on citizens responding to advertisements to assemble an initial selection pool, but in the end those not chosen have no option of becoming involved.⁴⁴ In sum, when viewed in isolation from other political institutions, citizen panels have a limited capacity to fulfill the participation element of democratic representation.

Looking beyond the panels themselves, however, it seems that citizen panels may be able to shape prevailing conceptions of participation itself. According to much anecdotal evidence and a few surveys, participants report an increased interest in politics well after the conclusion of the panel.⁴⁵ Indeed, one of the most significant features of citizen panels is their implicit claim that lay citizens are capable of making worthwhile contributions to political deliberation on complex topics. This claim is supported by studies showing that “lay knowledge” often provides perspectives either neglected by or inaccessible to those who approach matters from within a particular professional framework.⁴⁶ Many civic organizations, political parties and interest groups are far better situated than citizen panels to mobilize citizens and increase their sense of political efficacy. But citizen panels are unusual in setting strict limits on participation by those with relevant expertise, thus offering a public demonstration of the capacity of lay people to engage productively with complex political questions.

V. EXPERTISE

At the most basic level, the knowledge or expertise component of representation derives from the notion that democratic governments must serve the best interests of their constituents, coupled with the idea that people are not always immediately aware of their own best interests. Although the pluralism of modern democracy makes untenable any overarching vision of the good life, without some sort of distinction between citizens’ impulsive desires and their reflective interests it becomes impossible to criticize radical forms of populism and majoritarianism that pander to citizens’ worst impulses.⁴⁷ In a technically complex world, one feature of reflective interests is that they are at least

⁴⁴Manin (1997, pp. 39–41) makes the same point with regard to selection by lot in ancient Athens: whereas *isegoria* distributed power equally to all who wanted it, selection by lot, taken by itself, only distributed an equal probability of having power. Barber (1984, p. 292) addresses this concern by suggesting that one could require that citizens volunteer to join the pool from which participants are chosen by lot. See also Renn, Webler, Wiedemann 1995b, p. 353.

⁴⁵Smith and Wales 2000, pp. 60–1; Guston 1999, pp. 469–70; Andersen and Jæger 1999, p. 335.

⁴⁶Wynne 1996.

⁴⁷Arguments for deliberation thus usually include some version of the view that there are “right answers” to political conflicts. The “answers” found through deliberation may well be right only for the immediate participants, and thus not in any sense universally true. And the results of deliberation are probably best understood as bearing upon what it is right to do, and thus on action, rather than on what it is right to think or believe. See Goodin 2003, pp. 133–6; Shapiro 2002, p. 200; Bohman 1996, p. 27; Cohen 1989, pp. 18, 21.

minimally informed with available expertise. Although political decisions are often justified by expertise without being informed by it, if decisions consistently ignore expert consensus on relevant matters, their instrumental effectiveness is likely to suffer sooner or later.

Some scholars argue that because expert authority depends on sources “external” to popular sovereignty, expertise only contributes to democratic legitimacy to the extent that lay citizens adopt its prescriptions.⁴⁸ The problem with this view is that it easily leads to a decisionist or positivist conception of legitimacy that lacks a way to criticize incompetent decisions justified by appeals to formal authority, individual conscience or majority support. Another potential line of argument against giving an independent role to experts in democratic representation might draw on the Condorcet jury theorem to argue that as long as citizens have a greater than fifty-percent chance of getting the facts right, a majority vote on the facts is likely to be correct. This suggests that it actually makes little sense for majorities to defer to experts on matters of fact, since it is precisely with regard to matters of fact that majorities are most likely to be correct.⁴⁹ Unfortunately, in many contemporary policy areas, a complete lack of expert advice will render citizens insufficiently competent for the Condorcet theorem to hold. Citizens ignorant of the basic facts of global warming, for example, could deliberate for months without the majority ever reaching anything approaching a “right” answer to the problems that global warming poses for society. Moreover, many areas of politics today revolve around risks that remain imperceptible to the human senses, e.g., nuclear radiation, pesticides, ozone depletion. Lay people not only depend on technical experts for addressing such problems but for becoming aware of them in the first place. Although science is “value-laden” and expertise often politically biased, human efforts to change the world usually confront the world’s resistance, and such resistances must be taken into account if action is to be successful. As John Dewey put it, human action is “an experiment with the world to see what it will stand for, what it will promote and what frustrate.”⁵⁰ It seems appropriate to conclude that democratic representation depends to some degree on expertise.

It might at first seem odd to consider how citizen panels themselves incorporate the expertise element of democratic representation, given that they are specifically designed to provide a voice for lay citizens. Some commentators even refer to the lay participants as “value consultants.”⁵¹ Nonetheless, as noted above, citizen panels seek to foster dialogue between lay people and experts. Experts are chosen to achieve a balance of perspectives with regard to both fields of expertise and, when disagreements among experts are bound up with political

⁴⁸Parkinson 2003, p. 183. For an alternative view, see James 2004, p. 55.

⁴⁹Goodin 2003, p. 145, n. 53.

⁵⁰Dewey 1919/1982, pp. 48–9. See also Cohen 1986, p. 36; Gutmann and Thompson 1996, p. 15.

⁵¹Dienel and Renn 1995, p. 121.

disagreements, the political implications of expert testimony (e.g., for or against stem cell research). By formulating a deliberative and technically informed assessment of the public interest, citizen panels fulfill the expertise element of democratic representation—i.e., they represent their constituents in the trustee sense.

Looking beyond the panel itself, citizen panels can also advance the expertise element of representation in other institutions. Among other things, citizen panels might function as a sort of clearinghouse for expert knowledge on particular topics. The lay participants might draw on the expert panel and the briefing materials provided by organizers to clarify the extent and limits of expert consensus on their topic, delineate the various expert opinions and identify conflicts of interest and other factors that might affect the relative credibility of competing expert claims. These measures, taken together, would amount to proposals for institutional and conceptual boundaries between the technical and political components of complex sociotechnical issues. Given that such issues are characterized by the close intertwining of facts and values, any such boundaries will only be as strong as the coalitions that adopt them. But citizen panels might serve to either initiate or reinforce such boundaries, a process described in recent science studies as “boundary work.”⁵² Although boundaries between facts and values are always open to challenge, over time they often become quite stable. Creating contingently stable boundaries between facts and values facilitates democratic representation by helping citizens determine when to accept the majority view of the facts, as the Condorcet theorem suggests they should, and when to fight for their values and interests.⁵³

In addition to facilitating the public appropriation of expertise, citizen panels might provide advice on the production and use of expertise itself. Citizen panels can raise important questions about the priorities of public and private research institutions, the societal outcomes of scientific research, and the use and abuse of expertise in politics and policymaking. In this manner, citizen panels can foster the expertise element of democratic representation by making expertise itself more democratic.

If citizen panels can enhance the contribution of technical knowledge to democratic representation, can they do the same for moral knowledge? That depends in part on whether “moral knowledge” actually exists, an ancient question that cannot be treated here. For present purposes I will assume that an adequate conception of political morality must avoid the metaphysical claims of moral realism, on the one hand, as well as the complete rejection of cognitive claims associated with emotivism and decisionism, on the other. The former is incompatible with social pluralism and the latter offers no way of publicly

⁵²Gieryn 1995.

⁵³See the discussion of “the political rationality of persisting opposition,” in Goodin 2003, pp. 132–45.

justifying decisions.⁵⁴ If representatives are to justify decisions in ways that avoid pandering and demagoguery, seeking instead to build acceptance through argument and persuasion, then representative democracy depends on some conception of moral knowledge. Unlike technical knowledge, moral knowledge can be attained by anyone without specialized training. But like technical knowledge, moral knowledge is part of the cognitive component of democratic representation, traditionally captured in the idea of the representative as trustee.

Implicitly drawing on the idea of trusteeship, commentators have often portrayed citizen panels as representing the public interest. As one analysis puts it, “Participants of Planning Cells have no defined constituents to whom they are obliged. They are selected to embody and represent the interests of all citizens rather than a specific group.”⁵⁵ Because panelists are not beholden to interest groups or political parties, and because the process encourages participants to defend their views with reasons potentially acceptable to all, citizen panels are arguably well suited to identify ways of addressing public problems that accord with some conception of the public interest. An important risk associated with this element of democratic representation, however, is that it easily leads to the idea that deliberation by members of citizen panels can substitute for deliberation by their presumed constituents. As Fishkin puts it, “A deliberative poll attempts to model what the public *would* think, had it a better opportunity to consider the question at issue.”⁵⁶ Although Fishkin notes the importance of limiting deliberative polls to an advisory function,⁵⁷ he undercuts this point by portraying deliberative polls as providing what amounts to a scientific rather than political form of representation. A deliberative poll does not represent in the sense of communicating with or acting for its constituents. It is rather a “representation of the public’s judgment.”⁵⁸ Like a map that stands for a territory or an equation that stands for relations of force, deliberative polls “stand for the deliberations of the whole.”⁵⁹

If citizen panels are taken to “stand for” what they represent, one is easily led to the assumption that they might effectively substitute for it. After all, if Fishkin is right that deliberative polls tell citizens what they *would* think, *were* they to deliberate, why should they bother to deliberate at all? The work has already been done for them. This stance is not surprising, given Fishkin’s reliance on the

⁵⁴Habermas 1990, p. 44.

⁵⁵Dienel and Renn 1995, p. 126.

⁵⁶Fishkin 1995, p. 162, original italics. See also Dryzek 2001, p. 656; Rawls 1993, p. 77. For a critique of Rawls on this point, see Michelman 1997, p. 157.

⁵⁷Fishkin 1991, p. 95.

⁵⁸Fishkin 1995, p. 171.

⁵⁹Fishkin 1991, p. 93. Note that calling deliberative polls a scientific form of representation does not deny that political factors enter into their creation. Just as political representation depends on scientific expertise, scientific representation is often political in one sense or another. Note also that simply increasing deliberation in civil society would not produce the same results as a deliberative poll, because the diversity of participants in a deliberative poll far exceeds that of most real-world deliberative settings (Fishkin and Luskin 1999a, p. 7).

Antifederalist theory of representation, which saw the legislature as a “mirror” of the nation, substituting for ordinary citizens and acting as they would have acted.⁶⁰ This version of public interest representation clashes with the above view of representation as dependent upon ongoing interaction between representatives and constituents. Whereas ceding one’s judgment about matters of fact to a technical expert does not threaten a person’s moral autonomy, the same cannot be said for giving up one’s moral judgment to putative moral experts, be they philosophers or a group of deliberating lay people.⁶¹

Nevertheless, if one avoids portraying citizen panels as replacements for other forms of participation by ordinary citizens, they might be conceived as making advisory representations of the public interest. The public interest, moreover, is probably best conceived not in terms of a shared conception of the good life, which pluralist societies lack, but as a matter of specific political measures responsive to the concerns of all those with a stake in the decision. And to the extent that citizen panels make substantive claims about the public interest, they should try to show how these claims draw on already existing discourses in civil society. They ought to make explicit that their claims are not definitive conclusions to political dilemmas but contributions to an ongoing process of societal deliberation.⁶² Put differently, citizen panels might contribute to democratic representation, not by justifying decisions, but by increasing the store of technical expertise and moral arguments available for public deliberation and decision-making.⁶³

VI. RESEMBLANCE

The final component of democratic representation to be considered here is descriptive representation, which conceives representation in terms of resemblance or similarity between representative and constituent.⁶⁴ In contrast to the delegate model of representation, which binds representatives to their constituents through elections and communication between elections, the descriptive view assumes that descriptively similar representatives will spontaneously act in some way favorable to their constituents. The eighteenth-century doctrine of “virtual representation,” famously defended by Edmund Burke, located the authority for governance by a virtuous elite in the feelings and sentiments they shared with their constituents, grounded in a common

⁶⁰Fishkin 1995, pp. 57–63, 163. In a similar vein, Fishkin writes, “We can specify that political equality is served when those who participate are statistically representative of the entire citizenry and when the process of collective decision weighs their votes equally” (Fishkin 1995, p. 37). This reduces equality to numerical equivalence, ignoring its moral dimensions of equal respect and equal opportunity.

⁶¹Estlund 1997, p. 187.

⁶²Gutmann and Thompson 1999, pp. 277–8.

⁶³Hardin 1997, p. 105.

⁶⁴Young 2000, ch. 3; Williams 1998; Phillips 1995; Pitkin 1967, ch. 4.

identification with broad socio-economic groups.⁶⁵ In the late 1780s, Antifederalist critics of the proposed US Constitution employed a similar theory for more popular-democratic goals, arguing that because the US Congress would not be large enough to include the full range of socioeconomic groups, representatives would inevitably neglect the interests of ordinary citizens.⁶⁶ Descriptive representation appears today in the widespread notion that public officials should possess demographic characteristics similar to (or at least admired by) those they claim to represent.

Although descriptive representation has been conceived in various ways, it always begins with an assessment of who the representative is, rather than what he or she wants. In this respect, descriptive representation in politics is similar to descriptive representation in science and art, and its use on citizen panels poses dilemmas broadly similar to those of the scientific conception of the public interest discussed above.⁶⁷ First, any particular panel member will belong to multiple statistical categories, and it is impossible to know in advance how particular individuals rank their various identities in their self-conception and behavior. Second, one can always find people who experience themselves as members of a social group but lack at least some of the allegedly group-defining attributes, and vice versa. Third, casting panelists selected on the basis of their social identity as representatives of group interests falsely suggests that people are only capable of representing the interests of their own social group. Fourth, even people who define themselves as members of a particular social group may differ greatly in their political values and interests. And finally, assuming that participants have fixed interests associated with particular social categories forecloses the very process of informing and transforming interests that deliberation aims to foster. In short, not all identity groups are interest groups, and group identity often exists prior to and conflicts with any sense of shared interest.⁶⁸

Rather than thinking about descriptive representation as a means of interest representation, it seems helpful to view it primarily as a matter of representing—i.e., making representations of—what have been called “social perspectives.”⁶⁹ Unlike an opinion or an interest, a social perspective does not have a determinate substantive content. It consists rather in a set of shared experiences (e.g., racial discrimination, capacity to become pregnant), which tend to give rise to shared questions and concerns, though not necessarily shared interests or preferences. The internal diversity of groups means that members of a group may differ in the nature and extent of their identification with the group, and members may share a perspective in some contexts but not others. Attributions of social

⁶⁵Burke 1774/1976; Pitkin 1967, ch. 8.

⁶⁶“Brutus” 1787/1986, p. 270–80.

⁶⁷Smith and Wales 2000, pp. 56–57; Stark 2000; Pitkin 1967, p. 89.

⁶⁸Gutmann 2003, ch. 1.

⁶⁹Young 2000, pp. 136–41; Williams 1998, pp. 116–48.

perspective, therefore, and of the relevance of any perspective to a particular political context, should always remain open to challenge.⁷⁰ Nonetheless, groups of individuals can be identified who are *likely* to share certain common experiences, and thus are likely to share a certain view on social reality. The common experiences most relevant for political representation are those involving people's social position with reference to structural relations of power. Such experiences often correlate with demographic categories, but they need not, and membership in any particular social group is best understood as emerging through interaction between objective relations of power and the subjective self-conceptions of individuals.⁷¹

This conception of social perspectives as dynamically constructed and continually revised cannot eliminate the above mentioned problems associated with representing interests on the basis of social identity, but it may help avoid them. Because social perspectives are less determinate and less tied to concrete political goals, representing social perspectives rather than interests allows people greater freedom to adjust their perspectives through deliberation. Indeed, genuinely inclusive deliberation depends on a capacity to imagine other people's perspectives, as well as their opinions and interests.⁷² Social perspectives provide a starting point for deliberation, but the most fruitful deliberation will tend to take participants beyond the perspectives with which they began. Moreover, because the immediate aim of representing perspectives is deliberation rather than decision-making, the need to include all possibly relevant perspectives (impossible on small citizen panels) is less pressing than if the aim were to represent interests. Viewed in terms of perspectives, the inclusiveness of deliberation can be judged according to gradations of richer and less rich deliberation, rather than the less forgiving criterion of fair or unfair representation of interests.

The representation of social perspectives is especially well suited to emerging issue areas where problems are complex, knowledge is uncertain and interests have not yet crystallized. In such situations constituents may not be willing or able to formulate claims of either individual or group interest that anyone could represent.⁷³ Citizen panels have often addressed such emerging issues, especially in the context of new technologies. Indeed, complex and uncertain conditions have long provided occasion for what Mansbridge calls "introspective" or "gyrocentric" representation in mainstream political institutions.⁷⁴ Introspective representatives are driven not by external considerations of electoral success or constituent interests, but by their own internal principles and goals, which their

⁷⁰James 2004, pp. 55–6.

⁷¹Young 2000, pp. 92–102. Note that it is entirely possible for people with different social perspectives to understand each other's assessments of social reality, but it takes "more work" than understanding those whose perspective one shares (Ibid., 137).

⁷²See Goodin (2003, pp. 169–93) on "democratic deliberation within."

⁷³Mansbridge 1999, pp. 643–8.

⁷⁴Mansbridge 2003, pp. 520–2.

constituents share or admire. Trying to represent interests in this fashion tends to raise persistent doubts about whether the representative is the best person for the job. The lower stakes involved in the introspective representation of perspectives, in contrast, allows constituents to accept a looser attribution of similarity between themselves and their representative.

Although commentators and organizers all seem to agree that citizen panels should include socially diverse participants, it is often unclear whether the aim is to assemble a statistically representative sample or a demographic cross-section of the population.⁷⁵ In a statistically representative sample, the number of people representing each relevant social group is proportionate to the numerical strength of that group in the general population. A societal cross-section, in contrast, includes at least one person from each social group relevant to the topic of the panel. A cross-section thus provides no information about the relative numerical strength of different groups, but on a small or medium-sized panel it includes members of a wider range of social perspectives than would an approximation of a statistically representative sample. Only deliberative polls and planning cells are actually designed to select a statistically representative sample, but commentators often present the lack of statistical representativeness as a shortcoming of citizen juries and consensus conferences.⁷⁶ The reason commonly given for favoring a statistically representative sample over a societal cross-section is that the former provides each individual in the population with an equal probability of being selected, whereas the latter oversamples politically significant but numerically small social groups.⁷⁷ But if the purpose of citizen panels is to represent diverse social perspectives rather than political interests, as suggested above, then it seems that the injustice of oversampling minority groups is outweighed by the benefits of assembling a more socially diverse panel.

Viewed as representative institutions in their own right, more socially diverse citizen panels have a greater potential to give nonparticipants the sense that their perspectives have been publicly articulated. If panel members are publicly associated with particular social groups, they may evoke a symbolic form of representation—that is, a feeling of being represented—among people who identify with those groups. Even if nonparticipants do not identify with any particular member of the panel, those who identify with the value of diversity itself may see themselves as symbolically represented by the panel as a whole. Although symbolic political representation is easily misused for ideological purposes, it can also foster a sense of political membership and help decrease the alienation of excluded groups from political life.

With regard to the impact of citizen panels on other institutions, descriptive representation on citizen panels can help make both the overall political agenda

⁷⁵Cf. Parkinson 2003, p. 189; Bellucci et al. 2002, p. 39; Hörning 1999, p. 358.

⁷⁶Rowe and Frewer 2000, p. 13.

⁷⁷Fishkin and Luskin 1999b, p. 24. Leib (2004, p. 24) also argues against the targeted inclusion of minority perspectives.

and particular decisions more sensitive to the concerns of previously excluded groups. This may occur either directly or indirectly. Citizen panels can provide increased publicity for the specific concerns associated with particular social groups, and they can highlight the general benefits of social diversity for political deliberation. Although the diversity of a small citizen panel can never equal that of an entire society, it can help remind people of the “sheer fact” of diversity, perhaps fostering attention to the implications of political decisions for different social groups.⁷⁸

VII. CONCLUSION

Thinking about democratic representation as composed of different elements helps illuminate the specific ways that different institutions and practices contribute to representative democracy. Seen as representative institutions in themselves, the potential contribution of citizen panels to representative democracy resides primarily in the expertise and resemblance elements of democratic representation and to a lesser extent in the participation and accountability elements. By developing technically and ethically informed judgments of the public interest, citizen panels represent their constituents as trustees. By articulating the perspectives of diverse social groups, citizen panels may foster a symbolic sense of being represented among people who identify with those groups. Although participation on citizen panels is limited by the constraints of the random selection process, those who do participate can shape the representations of the public interest produced by the panel. Finally, if accountability is conceived as a matter of giving an account of one’s reasoning rather than being held to account for one’s actions, citizen panels may improve the capacities of participants to represent both their own experiential perspectives and their conceptions of the public interest during the meetings of the panel.

Because citizen panels are neither publicly authorized nor held publicly accountable, they lack two key elements of democratic representation. Nonetheless, they can enhance all the elements of democratic representation as they appear in other political institutions and in civil society. The authorization of public officials by voters is a matter of popular sovereignty and, as such, not subject to influence by citizen panels. But by providing a model of deliberative accountability, facilitating the public appropriation of expert knowledge and moral arguments, and enhancing the public understanding of diverse experiential perspectives, citizen panels can enrich deliberation among voters prior to election day. They can have the same effect on deliberation among legislators and other public officials. These considerations suggest that citizen panels have a limited but significant role to play in representative democracy. Their role, like that of

⁷⁸Goodin 2004, pp. 464–8.

other institutions, is shaped by the relationship between their particular institutional features and the different elements of democratic representation.

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A citizens' assembly (also known as citizens' jury or citizens' panel or people's jury or policy jury or citizens' initiative review or consensus conference or citizens' convention) is a body formed from randomly selected citizens to deliberate on important issues.[1][2][3][4][5][6][7][8]. It is a mechanism of participatory action research (PAR) that draws on the symbolism, and some of the practices, of a trial by jury.[9] The purpose is to recruit a cross-section of the public to study the selected issues. Information is presented to provide a common set of facts, available options are considered Citizen Participation and Democratic Deficits: Considerations from the Perspective of Democratic Theory. (forthcoming in *Activating the Citizen*. Edited by Joan DeBardeleben and Jon Pammett.Â The Concept of a Democratic Deficit The term "democratic deficit" originated in discussions about the political integration of the European Union (EU) (Bellamy and Castiglione 2000). As a problem frame, the EU debate does not directly generalize to the developed democracies, as the EU is not a "state" but rather a federation that emerged as an incremental consequence of market integration under the direction of the European Commission. Limitations to the concept of citizen engagement. As we have noted in other papers, "engagement" only makes sense where we are engaging people in something. 14 The concept is therefore most applicable for social innovations where there is a clear driver of the process, such as a public sector body, social enterprise or development agency that is driving the innovation activity and needs to incorporate more views, ideas and resources.Â This is especially problematic in the context of "citizen engagement", which focuses on the relationship between the citizen and the state. Just as the state needs to consider when and how to engage citizens, citizens also need to decide on what basis, how and when they want to be engaged. Survey article: citizen panels and the concept of representation. *Journal of Political Philosophy*, 14(2), 203-225, 204. 7 Brown, M. B., Lentsch, J., & Weingart, P. (2005).Â As with typical citizens' panels it begins by recruiting a group of participants through a random selection mechanism, ensuring representation of various population groups. Subsequently, the work of the planning cells consists of three phases: 1) providing the participants with access to information and expertise regarding the topic subject to consultation; 2) interaction between members of the planning cell, who are working in small groups and produce recommendations to be presented to the plenary; and 3) presentation of the outcomes (recommendations) produced by each group to the.