

Institutions of Deliberative Democratic Processes and Interest Groups: Roles, Tensions and Incentives

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There are inherent tensions between traditional, more pluralist forms of public participation and new deliberative democratic processes, such as citizens' juries. These innovative processes, known collectively as citizens' forums, challenge existing roles and power relationships between interest groups and the state. Instead of having key access to the policy stage, interest groups are required to be 'bystanders', 'information providers', and ultimately 'process legitimisers'. With such a radical shift in roles and power structure, there are few apparent reasons why interest groups would want to participate in such deliberative processes. In some cases, to the detriment of the process, they decide not to.

This paper draws on the recent experiences of a citizens' jury held in NSW on the controversial Container Deposit Legislation (CDL). It is postulated that citizens' forums challenge interest groups because they introduce new players to the debate, assign new roles and promote new conditions for deliberation. These challenges could be overcome with the help of incentives and some minor changes to the forum designs themselves.

Citizens are being called to play a greater role in policy-making and tensions are arising between pluralist and deliberative democratic models of public participation. On the one hand pluralists¹ and neo-corporatists² maintain that interest groups³ provide a focal point for defining public interest and that the role of the state is to co-ordinate between competing groups (see Dahl 1956, 1961; Hunold 2001; Schmitter and Lehbruch 1979; Truman 1951). This model of public participation, particularly the more inclusive corporatist forms, is also applauded by some difference democrats as it provides opportunities for oppressed groups to have a voice in policy (Young 1992:532). On the other hand advocates of innovative deliberative democratic processes such as citizens' juries and

consensus conferences seek to include a broad cross section of lay citizens. Advocates of these processes, referred to collectively in this paper as citizens' forums, argue that these politically unorganised citizens bring important perspectives to the debate and help reframe policy problems (see Crosby 1998; Fishkin 1995; Renn *et al.* 1995a; Wynne 1996).

The application of citizens' forums in policy development is still a relatively novel endeavour. To date these deliberative institutions have been applied in Europe and North America and more recently in Australia⁴ (see Australian Museum 1999; Fishkin and Luskin 2000; IDA 2001; ISF 2001b; Joss and Durant 1995).

These participatory processes are viewed in terms of their advisory capacity to policy development, rather than as a means to replace existing decision-making processes or representative forms of government.

While elected representatives and bureaucrats often view citizens' forums with some degree of scepticism,⁵ resistance appears to be rising from another set of political players: interest groups. This poses a potential problem to the future of citizens' forums because interest groups play two key roles in ensuring the

success and legitimacy of these processes. First, interest groups provide information and perspectives to lay citizens, and secondly their involvement serves to legitimise the process and its outcomes. In most cases interest groups see value in participating, because it ensures that their perspectives form part of the deliberations. However, as this paper reveals, in certain policy settings some interest groups remain threatened by the very idea and choose to respond by undermining the process itself.

The tension between institutions of deliberative democracy and interest group pluralism has been given relatively little attention in both theory and practice. In her overview of political theory, Iris Young (1996:486) states that theories of deliberative democracy 'have for the most part not grappled with the facts of modern mass democracy that nurtured the theory of interest group pluralism'. Preliminary work on the tensions between the deliberator role and the activist role have been forged by Carson (2001) and Young (2001). Others have identified the instability within deliberative democratic theory between the partiality of group representation and the impartiality of ideal deliberation (Smith 2000; Squires 2000).

Tensions have also been identified by those working in the practice of citizens' forums. For example, Dienel and Renn (1995:127–28) highlight that interest groups may be unwilling to commit to an open-ended process in which they have limited influence, while Crosby (1998:404) warns that powerful interest groups can present problems to the process.

The conflicts between pluralism and deliberative democracy have also been highlighted by those working on local, workplace and stakeholder deliberative mechanisms.⁶ Fung and Wright (2001) predict that deliberative democracy may 'disarm' interest groups by obliging them to behave responsibly, thus reducing their capacity to be radical. Furthermore, deliberative institutions could be 'dismantled' by interest groups 'if the deliberative apparatuses become sites of genuine challenge to the power and privilege of dominant classes and elites'. In response to this challenge, groups 'may turn to measures outside these new democratic institutions to defend and advance their interests' (Fung and Wright 2001:34).

This paper contributes to these preliminary discussions on the tensions between deliberative democracy and interest group pluralism by

drawing on the recent experiences of a citizens' jury held in New South Wales (NSW) on Container Deposit Legislation (CDL).⁷ The case study illustrates that interest groups will not always be willingly to participate in deliberative processes. Furthermore it reveals that in those situations where citizens' forums challenge interest groups, they may seek to undermine the process either by making claims of bias or by voluntarily withdrawing.

Citizens' Forums: An Institution of Deliberative Democracy

The first citizens' forums emerged in the mid-1970s from the area of planning and technology assessment in the form of *Planungszelle* (Planning Cells) (Dienel 1992; Dienel and Renn 1995).⁸ Since then a range of innovative processes have been developed including consensus conferences (Joss and Durant 1995), citizens' juries⁹ and a number of hybrid methods (Carson 1999; Renn *et al.* 1993). While there are some differences between these processes, they seek to bring a small panel of randomly selected lay citizens together to deliberate on a policy issue. After hearing from, and questioning a number of experts such as academics and interest groups, the citizen panel develops a set of written recommendations. This document then feeds into the policy process either directly (for example, tabled in parliament) or indirectly through wide public dissemination.

In recent years a number of other deliberative institutions have also been developed such as the deliberative poll (Fishkin 1995) and the televote (Becker and Slaton 2000). These processes aim to predict how the whole population would vote on an issue if they were given access to a range of expert views, and in the case of the deliberative poll, a chance to discuss the issues with other citizens. Whereas these polling processes focuses on ensuring statistical representativeness, citizens' forums place more emphasis on group deliberation. In citizens' juries, for example, the process encourages participants to work towards consensus (although there is room for dissent) in order to develop a set of policy recommendations. This contrasts with the deliberative poll where the deliberation is centred more around individual preferences and how these transform after exposure to information and deliberation.

The Role of Interest Groups in Citizens' Forums

Interest groups associated with the policy issue under discussion are typically invited by the organisers to participate in the citizens' forum and are assigned to two key roles. First, they are asked to play the 'expert' along with others such as academics and bureaucrats. This involves giving a short presentation to the citizen panel on their perspective on the issue which is then followed by an question-answer session. With the assistance of an independent facilitator, the citizen panel steers the deliberations by asking questions of the presenters.

The second key role played by interest groups in citizens' forums is that their involvement helps to legitimise the process. The process design implicitly assumes that its outcomes are legitimate to the extent that all the key groups have presented their perspective and perceive that they have received a fair hearing. Under circumstances where this is not the case, the both the process and its outcomes can be discredited as biased and therefore illegitimate.

Citizens' Jury on Container Deposit Legislation (CDL) in NSW¹⁰

This case study describes how interest groups responded to the recently conducted citizens' jury on Container Deposit Legislation (CDL) in NSW. The citizens' jury is significant for a number of reasons. It is one of the few Australian citizens' forums that have been directly supported by government, and the first to be conducted at the level of state government. This case study also marks a world-first in public participation innovation in that it combined a citizens' jury and televote¹¹ concurrently, with the aim of providing qualitative and quantitative data on community preferences.

The Policy Issue

Container Deposit Legislation, which requires a mandatory deposit on containers to encourage their return, has been a highly controversial litter and waste policy issue in Australia since the early 1970s. The highly polarised debate surrounding CDL encapsulates all that is 'wicked'¹² in public policy: poor and conflicting science, powerful interest groups, economic ramifications, inter-governmental conflict,

international pressure as well as strong positive community support versus strong industry opposition.

Different interest groups lay claim to being the voice of 'the public' either as representatives of citizens or consumers. Proponents, including environment groups and local government organisations argue that CDL places the burden of rising recycling costs on the consumers and producers of container products, rather than on local government and its ratepayers. They claim that since CDL receives strong community support, particularly in areas where the legislation is in place, it would result in increased recycling rates and environmental benefits. Opponents, which include powerful beverage and packaging lobby groups, claim that CDL would not only result in costly ramifications for industry and their consumers, but that it would be an ineffective, inconvenient and unhygienic means of reducing waste and litter.

The CDL Review

In late 2000, the NSW Minister for Environment commissioned Dr Stuart White from the Institute for Sustainable Futures (ISF) at the University of Technology Sydney, to conduct an independent review into Container Deposit Legislation (CDL). In addition to a technical analysis, Dr White and his research team conducted extensive social research to explore community attitudes and preferences on CDL. This research included both traditional and more innovative methods of public participation including: interviews with key interest groups;¹³ a call for public submissions; a televote; and a citizens' jury. Of particular interest was whether CDL should be introduced in NSW, the willingness of citizens to pay for CDL and the appropriateness of various deposit systems.¹⁴

Involving the Interest Groups in the Citizens' Jury

The hostility displayed by certain interest groups towards the CDL Review was evident from the early stages of the project. This was especially the case for commercial interest groups (who are opposed to CDL) because they had 'a lot to lose'. They entered the process reluctantly and on the defensive, viewing not just the citizens' jury but the entire Review as a conspiracy against their interests.

Despite attempts to engage and involve interest groups in the preparation of the CDL social research, some interest groups remained highly threatened by the jury concept. Four meetings were held with key interest groups working on CDL issues to engage them in the process, particularly in the preparation of the background documents for the jury and televote. Most of the initial enthusiasm and support of the jury process, soon transformed into scepticism and resistance. By the fourth meeting the communication between parties had degenerated into an adversarial 'dialogue of the deaf'.¹⁵ The commercial interest groups began to challenge the entire purpose of the jury and attacked the competency of both the organisers and the external Process Advisory Committee, which was established to ensure rigour in the social research.

Although some significant alterations to the jury processes were made to address the concerns raised by several interest groups, behind the scenes some groups continued to question the overall purpose of the process. For example, the commercial interest groups claimed that the process was not only biased but pointless given that their market surveys provide an adequate assessment of public opinion. They took to lobbying both the Premier and the Environment Minister but the state remained committed to the CDL Review and supported the independence and credibility of the organisers.

The strategic behaviour of the commercial interest groups culminated a week before the jury, with their withdrawal from the process. This move had the potential to jeopardise the entire citizens' jury, for without their involvement, the citizen panel could only be exposed to one half of the story and the process would then be open to more criticisms of bias. In order to ensure balance, the organisers had no other choice but to prevent other willing interest groups from presenting to the citizen panel.

The absence of all the interest groups resulted in modifications to the citizens' jury process. Various perspectives of the debate were presented by government officials and academics rather than by the interest group representatives. The deliberations were affected by these amendments to the extent that citizens were frustrated at not being able to directly interact with interest groups during question time.

While the CDL citizens' jury resulted in a successful process,¹⁶ this case study exemplifies the vulnerability of citizens' forums to strategic interest group politics. Despite the organisers' efforts to consult and negotiate with interest groups, the process was severely threatened by a set of powerful actors who decided to exit voluntarily. This case study also highlights the tensions which can arise when citizens' forums operate in highly charged political settings, particularly where interest group pluralism is rife.

Interpretations

The CDL citizens' jury can be interpreted in a number of ways. On one level the hostility displayed by some interest group towards the deliberative process could be largely attributed to the policy issue itself and its context. Yet on another level the case study offers some insights into the potential tensions between deliberative democracy and interest group pluralism. The following section draws on the author's exposure to the process as the manager of the CDL Review Social Research. These observations are enriched by a number of comments made to the author during interviews which were conducted prior to the CDL Review with some, but not all, of the relevant CDL interest groups on the issue of expanding public participation to lay citizens.

There were factors relating to the policy issue and its institutional context which made the CDL citizens' jury particularly challenging to interest groups. It is typical of many environmental issues in Australia, where a pluralist and, at times corporatist, policy framework has dominated. Under these conditions interest groups or peak bodies engage in discussions with the state, to the exclusion of the broader public. Extending the debate to involve lay citizens poses an obvious threat to the power relations between interest groups and the state. Furthermore, the CDL citizens' jury certainly threatened interest groups because the policy issue itself is highly polarised and historically fraught with conflict. Other case specific factors such as the location of the citizens' jury within broader independent CDL Review, and the sheer novelty of the jury process in that context, may have also contributed to the interest groups' response.

The case study highlights some of the inherent tensions between pluralist and deliberative democratic forms of public involvement in

policy. Why do deliberative democratic processes appear to challenge interest groups? How could these challenges be overcome?

I explore these questions by discussing three key challenges that citizens' forums appear to pose to interest groups. First, new players (lay citizens), who are not formally representative of a group and have no particular expertise on the issue, are invited to enter the policy discussions. Second, citizens' forums assign a new, but somewhat removed role to interest groups, that of the expert. This has the effect of distancing interest groups from deliberations reducing their direct influence on policy. Third, citizens' forums promote different conditions for deliberation, with an emphasis on exposing the debate to a public domain. In the final section I explore how these challenges might be overcome in future applications of citizens' forums.

New Players

The most obvious explanation for why citizens' forums might challenge interest groups relates to the introduction of new players to the policy table. Apart from the fact that these new players (lay citizens) alter existing power structures, they also challenge what it means to be a 'legitimate' participant. Unlike interest group models of participation, the 'legitimacy' of participants in citizens' forums is not associated with whether they 'represent' a sector of the community or whether they have specialised expertise on the issue.

In addition to deliberative democracy, citizens' forums resonate with certain elements of participatory democracy and civic republicanism. In seeking to extend political participation to the broader community, citizens' forums are consistent with the ideas of participatory democrats (see for example Barber 1984). For different reasons, citizens' forums also reflect elements of civic republicanism (see for example Sandel 1982), particularly with its emphasis on the need for political debate to focus on 'the common good'. In combining these two democratic ideas, citizens' forums provide an avenue for politically unorganised lay citizens to enter the policy arena where 'deliberation about and action on the common good proceed autonomously from the pressure of particular interests' (Cohen and Rogers 1995:22).

Given its affiliation with democratic models, citizens' forums can be perceived as inherently

anti-pluralist. This perception might be more extreme for those interest groups who have had a history of influencing policy either via pluralist bargaining or via neo-corporatist models of public participation. Under the latter, the state typically engages with civil society via interest groups using established processes, such as advisory committees or stakeholder roundtables. Over time these processes tend to transform into *elite stakeholder networks*, whose membership is often restricted to 'valid' groups carrying a 'vested' interest in the issue as well as some level of 'expertise'. While different groups in this network might be pursuing opposing policy outcomes, they share the same privileged access to the state. Any actors external to this *elite stakeholder network*, such as lay citizens are seen as illegitimate since they lack the necessary expertise and representativeness. From the state's perspective, the involvement of interest groups is said to improve political legitimacy, decision-making and policy implementation.

The introduction of new players to the policy debate, particularly in terms of their representativeness and legitimacy, was one of the key concerns raised by the interest groups in the CDL citizens' jury. Interest groups from both sides of the debate struggled with the concept of extending participation to lay citizens and repeatedly asked: *why involve people in policy who have no knowledge or interest in the issue?*

There were two key issues here. First, interest groups questioned the capacity of ordinary citizens to comprehend their arguments. This was particularly the case for groups whose contact with the public is limited to consumer or client relationships. Second, most of the CDL interest groups saw themselves as the only legitimate stakeholders. According to this viewpoint, citizens with an opinion or interest in the issue can only enter the policy debate via a valid group. Extending public participation to 'virtual stakeholders'¹⁷ such as lay citizens appeared to insult interest groups because it down-played their expertise and their long-term investment in the issue.

New Roles

Not only do these processes bring new players to the policy table but they also change the seating arrangements. Citizens' forum's assign

a role to interest groups (for example, the ‘expert’) which may differ from the role they play in more traditional participation processes (for example, the ‘deliberator’), or the role they wish to play in civil society (for example, the ‘activist’ or the ‘lobbyist’). Instead of having key access to the policy discussions, in a citizens’ forum interest groups are assigned the role of the ‘expert’ and the ‘cross examined’. Though they are engaged in the process through the presentations and question sessions they remain at the edge of the deliberations. The problem with this strategy of insulation as far as Cohen and Rogers (1995:26, 9) see it is that it ‘... fails to recognize the centrality of groups, the fact that they are unavoidable as political facts’, and merely ‘constructing cloistered deliberative arenas’ alongside a ‘pluralist bazaar’ is not enough to cure the mischiefs of faction.

However, there are good reasons why citizens’ forums insulate deliberations from the direct influence of interest groups and in some cases the media and broader public. The aim is to create a neutral deliberative space beyond the conflictual and competitive environments in which interest groups conventionally operate. It is the very fact that these processes work outside the state and outside the forces of interest groups, which make them effective for the democratic project (Dryzek 2000b:83).

All interest groups in the CDL case study struggled with the insulated nature of the citizens’ jury process. For example, in drafting the jury agenda, groups demanded that the structure be altered to allow them more presentation time. This contrasted with the aims of the citizen jury process, which emphasises the short presentations followed by a long citizen-expert question time. Many interest groups viewed the jury as a formal debate between opposing interests, rather than a process guided by the deliberations of the citizens. Groups were reluctant to entrust the agenda and rule setting to the citizens, possibly because it gave them too much power.

The insulated appearance of the CDL citizens’ jury was exacerbated by the establishment of two separate advisory committees: one for the interest groups and another for public participation process experts. An anti-pluralist conception of citizens’ forums was reinforced by keeping interest groups at a distance from process discussions. The

organiser’s intentional efforts to separate ‘process’ and ‘content’ resulted in a perceived dichotomy of ‘process controllers’ and ‘excluded interest groups’.

New Deliberative Conditions

Deliberative processes such as citizens’ forums challenge interest groups because they promote an alternative means of communication. The word deliberation has numerous qualifiers ranging from competitive and collaborative (Mansbridge 1992) through to rational and communicative (Dryzek 1987, 1990a, 2000a, 2000b). Citizens’ forums operate within the latter conception of deliberation ‘to the extent that its interactions are egalitarian, uncoerced, competent, and free from delusion, deception, power and strategy’ (Dryzek 1990b:202).

This communicative interpretation of deliberation is not the currency of conventional interest group politics. I would argue that interest groups largely conceive of deliberation through more competitive or collaborative terms. That is, it is one dimensional — focusing on what Dryzek (2000b:78) refers to as the ‘informational component’ of deliberation in which ‘new facts, interpretations and perspectives’ are brought to the awareness of others. Citizens’ forums extend pluralist notions of deliberation in three other dimensions: the argumentative, the reflective and the social (after Dryzek 2000b:78–79).

Interest groups tend to engage readily in arguments around scientific ‘facts’ and thus their deliberation is conventionally not argumentative in the deliberative sense. In interest group dominated processes such as stakeholder roundtables and advisory committees, arguments focus around the establishment of ‘hard’ scientific truths, resulting in a series of expert and counter-expert¹⁸ claims. Alternative forms of knowledge, values and subjectivity are not part of this speech. Issues under discussion can often become ‘reframed’ into lower level conflict issues which concentrate on technical evidence, within which policy actors are fluent (Dietz *et al.* 1989 cited in Renn *et al.* 1995b:357). Science is therefore seen as an infallible armour for debate with rather than a hypothesised interpretation of how the world works.

In contrast, citizens’ forums provide an opportunity for the subjectivity and value-judgments underlying scientific claims to be

exposed and challenged. Ordinary language is encouraged to enter the discussion and enlarge the frames of reference used to challenge and evaluate knowledge. The process enables the ... questioning of logical consistency of the position of others, uncovering of premises and assumptions, clarification whether disagreement is a matter of conflicting interpretations of facts or value, and elucidation of the interdependence of issues' (Dryzek 2000b:78–79). Moreover, citizens' forums present a new way of discussing information and scientific interpretations more consistent with post-normal science (Ravetz 1999). It allows for an 'extended peer community' beyond 'institutional accredited stakeholders' to be engaged in a dialogue, which recognises that 'no side necessarily has a monopoly on truth or morality' (Ravetz 1999:648–52).

The tensions between the objectivist view of science and post-normal science was a key sticking point in the CDL citizens' jury. For example, in developing the controversial background information in which different perspectives of the CDL issue were flagged, groups demanded unreasonably that the organisers specify what is a 'true' fact and what is simply a value statement.

The second deliberative extension challenging interest groups in citizens' forums relates to the reflective component of deliberation, in which 'individuals are induced to think about their own positions by listening to others, in the knowledge that these positions must be justified in terms that other can accept' (Dryzek 2000b:79). This notion of reflexivity is at the heart of theories of deliberative democracy. Theorists claim that deliberation, in which participants listen and are open to the arguments of others, will result in a shift of preferences towards the common good (Gutmann and Thomson 1996:174; Habermas 1996:147–48; Miller 1992:62). Some claim that this shift is towards more social and ecologically compatible policy recommendations (Barry 1999; Goodin 1996:847; Miller 1992:61, Dryzek, 1987:Ch 9:19). These theoretical claims are increasingly being supported by empirical evidence (see Fishkin 1995; Gunderson 1995; Hörning 1999; Mayer *et al.* 1995; Niemeyer forthcoming; Smith and Wales 2000).

Participants in a deliberative process must be open and willing to shift preferences on the strength of the claims made by other participants.

In adversarial, competitive forums it is unlikely that representatives of interest groups will be willing to transform their preferences away from 'the' policy position (Mansbridge 1995:140). Under these conditions, where deliberation is limited to elite group representatives and its rationality constrained by those protecting the organisation's position, there is little incentive or opportunity for preferences to shift. The fact that interest groups are less likely to be open to preference shifts reinforces why they are excluded from the deliberations.

A tension also lies in the fact that the outcomes desired by interest groups may not necessarily reflect what citizens deem to be in the common interest.¹⁹ The fact that citizens' recommendations tend to favour more ecologically and socially consistent policies is enough for many commercial interest groups to be wary. It is therefore not surprising that it was the business groups who withdrew from the CDL citizens' jury rather than the environmental and local government groups.

The third deliberative extension citizens' forums present to interest groups is the social accountability²⁰ of deliberation. These processes challenge and test arguments in a public space, which encourages presenters to argue their claims in socially rational terms. In a sense, citizens' forums provide a social sounding board for interest groups, many of which hold limited public accountability. The tensions arise when some groups have more capacity and desire to enter the deliberative public space than others. Warren (2001) argues that those interest groups whose objectives can be strengthened by 'going public' through using argument, rhetoric and demonstration have more capacity to contribute to public deliberations than those with status or individual material interests. In other words, certain groups perceive citizens' forums as nothing more than a potential public relations disaster.

Deliberation in citizens' forums also exposes the sincerity and authenticity of the speaker, which is what Habermas refers to as 'therapeutic discourse' (Webler 1995:70). As deliberative designs, citizens' forums promote a form of communicative ethics which exposes illegitimate use of power, attempts to manipulate agendas or distract discussions (Dryzek 1990a).

In the case of CDL citizens' jury, the commercial interest groups were highly sceptical

that the participants would be sympathetic to their arguments. They claimed that not only would the citizens find their arguments complex and counter-intuitive but they would also be simply viewed as the 'evil' private sector. Contrary to this, the panel of citizens was not as cynical of commercial interests as groups anticipated. In fact many of the participants were themselves businessmen and women and despite the fact that the citizens could not interact with the groups, they took commercial concerns on board in the final recommendations (ISF 2001a).

There are a number ways to understand why deliberative institutions such as citizens' forums challenge interest groups. From the list of plausible explanations, which is by no means exhaustive, some key themes emerge. Citizens' forums appear to threaten certain interest groups because the processes introduce new players, assign new roles and provide new conditions for deliberation. In short, they challenge interest groups' (and others') understanding of democracy, and what deliberation involves, and can produce.

Having identified possible explanations for the animosity some interest groups display towards citizens' forums, I now turn to exploring the second question: how might these challenges be overcome?

Incentives for Interest Groups Involvement in Citizens' Forums

Given the significant role that interest groups play in citizens' forums, appropriate incentives are necessary to address many of their misconceptions and concerns. Several incentives have been put forward by Dienel and Renn (1995:128).²¹ They suggest, for example, promoting the fact that lay citizens can help to overcome stalemated policy situations. Furthermore, these processes offer an alternative approach to mediation and arbitration where various people consider the case rather than just one potentially biased person.

Other incentives to involve interest groups in deliberative processes could focus on stressing that the forum represents just one part of an on-going policy discussion. That is, citizen forums should not simply be seen as a one-off instrument for achieving recommendations from

the public, but as a means of contributing value to the entire policy debate. Furthermore, the involvement of interest groups in citizens' forums should not promote fixed and static policy positions but rather encourage groups to see that issues are 'continuously constructed'.²² The increasing complexity of policy requires that groups need to take a more flexible and reflective approach to developing policy positions.

Interest groups may be more motivated to participate in citizens' forums if greater emphasis is placed on the organisational learning benefits of public deliberation. When groups choose not to participate in deliberative processes, the way in which they view their organisation and its relationship to the public is likely to remain static and misconstrued. Alternatively, by engaging in public deliberation, groups have the opportunity to listen to a public that they perhaps do not represent, or seldom hear from.

A few modifications to the forum designs themselves might also encourage interest groups to engage in a public dialogue with lay citizens. One suggestion could involve interests groups providing feedback to the citizens after their recommendations have been presented. This would give interest groups the opportunity to highlight what they have learnt and what, if anything, for them has changed. Another suggestion, as advocated by Mansbridge (1992:42, 1995:143) in relation to neo-corporatist structures, involves supplementing the views of elite group representatives with the views of those members under 'representation'.²³ Mansbridge argues that this restricts the distortion of represented interests, including 'public regarding interests', and thereby improves the public accountability of groups (Mansbridge 1995:143). In the case of citizens' forums, this could be put into practice by including not only group 'representatives' in the presentation sessions, but also group members. This could also involve encouraging interest groups at various stages of the deliberative process to deliberate on the issue amongst their rank and file.

Further consideration should also be given to the deliberations between the various interest groups and the process organisers. One positive step in this direction could be to facilitate greater interest group participation in process design issues. In the case of the CDL citizens' jury the 'process' advisory committee (containing

external public participation experts) and 'content' advisory committee (containing interest groups) could have been combined to ensure a cross-fertilisation of process and content issues.

Encouraging interest groups to participate in citizens' forum is no easy undertaking. There will always be a tension between keeping the process insulated from the strategic action of interest groups, while, at the same time, allowing them access to the deliberations. Ortwin Renn's (1999) three-staged Cooperative Discourse model may offer some solutions here. Under this model, public participation in policy development involves a sequential involvement of stakeholders, experts and the general public. Stakeholder groups are involved initially to elicit values and criteria. Experts are then brought in to develop performance profiles of policy options. In the third stage randomly selected citizens evaluate and design policies. A fourth stage has been recommended by Carson (1999) in which feedback from the community is sought in view of accountability and education. This fourth step model ensures that the roles of interest groups and experts is kept accountable by involving randomly selected citizens.

Conclusions

There has been an increasing recognition in deliberative democratic theory on how its institutional designs may threaten representative forms of democracy. This paper has sought to discuss how deliberative institutions such as citizens' forums also pose a threat to other actors in politics: namely interest groups.

The case study on a recently held citizens' jury in NSW reveals that innovative deliberative processes appear to threaten certain interest groups. The process design assumes that interest groups will be motivated to participate by a desire to ensure that their perspectives are given due weight in the deliberations. However, in politically charged policy settings, interest groups can strategically 'de-legitimise' the process by voluntarily exiting.

Drawing on deliberative democratic theory, this paper has provided some possible explanations as to why interest groups may not be willing to participate in citizens' forums. These processes challenge pluralist notions of public participation because they introduce new

players, assign new roles and promote new conditions for deliberation.

However, the fact that powerful interest groups are opposed to the notion of extending democratic decision-making to lay citizens, highlights that these innovative processes could play an important role in democracies dominated by interest group pluralism. Under pluralist conditions, the views of all citizens are increasingly being equated with clients or consumers of 'representative bodies'. Citizens' forums provide a deliberative space in which interest groups are held socially accountable for their perspectives on a given policy.

Notes

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1. By 'pluralists' I am referring to contemporary postwar advocates of pluralism who promote the role of interest groups in politics (for example Dahl 1956, 1961, 1967; Truman 1951). These authors differ from early pluralists (for example, Follett 1918; Laski 1917) and recent critical pluralists (for example, difference democrats such as Benhabib 1996) who advocate for greater recognition of public diversity in politics. For further discussion on the different generations of pluralism see Schlosberg (1999).
2. By 'neo-corporatists' I am referring to those who advocate for a more liberal and democratic form of corporatism in which a range of organised interests (beyond just economic and sectoral interests) are involved in governmental processes (for example, Cohen and Rogers 1995; Mansbridge 1995).
3. I am referring to a broad definition of *interest groups* as 'membership- or non-membership-based organizations or institutions that engage in activities to seek specific policy or political goals from the state' (Petraffa 1992:7) Interest groups are motivated by different objectives be they environmental, social, religious, cultural or commercial. Interest groups are also referred to as stakeholder groups, pressure groups, lobby groups, representative organisations and secondary associations.

4. In Australia, a number of citizens' forums including a Consensus Conference, two deliberative polls, a televote and several citizens' juries, have been conducted at the federal, state and local level. The issues under deliberation have ranged from broad policy questions such as Genetically Modified Organisms [Australian Museum, 1999 #159] to more specific issues such as establishing priorities for a social plan for disadvantaged residents in a local government region (Hardy 2000).
5. See, for example, Carson (2000:9) and (Hunold and Young 1998:93).
6. Although Fung and Wright (2001) cite five different case studies of Empowered Deliberative Democracy (EDD) they do not specifically discuss processes such as Citizens' Forums, which seek to involve randomly selected lay citizens.
7. Although this paper draws heavily on one case study, discussions with Citizens' Forum experts including Lyn Carson, Ortwin Renn and Ted Becker reveals that interest groups have reacted similarly in some American and European cases.
8. The development of innovative Citizens Forums' particularly boomed in Europe in the early 1970s in response to the shock of new social movements posed to political parties, governments and interest groups. However, in the USA, where political protest has had a longer tradition than in Europe, participatory innovations in the same period tended to focus on conflict resolution via regulatory processes, mediation and bargaining (Webler and Renn 1995:20).
9. In 1990, Ned Crosby of the Jefferson Center registered the name Citizens' Jury to prevent its misuse (Crosby 1998:157). See <http://www.jefferson-center.org/>
10. This section draws on text from Carson *et al.* (forthcoming).
11. The televote involved 400 randomly selected citizens across NSW in a two-staged informed opinion survey. Participants were surveyed over the phone, then sent information on CDL and then surveyed again. The Citizens' Jury (CJ) involved 11 citizens (selected randomly from a separate sample group from the televoters) coming together for three days to deliberate on CDL and to prepare a report with key recommendations. For more detail on the combined Televote and CJ see ISF (2001c) and for detail on how these processes worked in combination see Carson *et al.* (forthcoming).
12. This term was originally used by Rittel and Weber (1973:160).
13. Key interest groups included the beverage and packaging industry, recycling and waste contractors, local government organisations, environment groups and waste boards.
14. Deposit systems could include: returning containers to manufacturers via retailers; designated collection depots; reverse vending machines; part of an existing waste or recycling collection system.
15. This expression is borrowed from van Eeten (1999).
16. As verified by the Elaine McKay, an independent consultant engaged to evaluate the process (McKay 2001).
17. This term, borrowed from Cronberg (1995:130), refers to those with the potential to be affected by the policy issue.
18. This term counter-expert is borrowed from Hajer (1995:11)
19. See Dahl (1989:280–98) for a discussion on the issues surrounding the notion of 'the common good'.
20. In this paper I refer to 'accountability' in a public dialogue sense rather than in an institutional or motivational sense of the term accountability. That is, I am referring to the language-based nature of accountability which, in this context, requires interest groups 'to answer, explain, and justify, while those holding them to account engage in questioning, assessing and criticising' (Mulgan 2000:569).
21. These were developed in relation to Planning Cells but are equally applicable to Citizens' Forums in general.
22. This phrase was first used by Laumann and Knoke (1989). See also Mansbridge (1992:47)
23. This is also relevant in situations where a number of groups, who may hold diverse views on a particular policy issue, are collectively represented under one umbrella organisation or peak body.

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