

The Nanojury is out: How far can participatory projects go towards reclaiming democracy?ⁱ

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Summary

The citizens' jury has been wrongly viewed as a straightforward off-the-shelf method for public consultation. Instead, it has become a largely unregulated pseudo-trademark. It is attached to practices that can be placed along a continuum - from grassroots-based activism at one end, to attempts by policy-makers to re-engineer their systems of democratic accountability, or at least to be seen to do so, at the other.

The use and abuse of the citizens' jury label by different practitioners, and other actors, illustrates the political interests that pervade attempts to create or validate knowledge. Citizens' jury style processes from four continents demonstrate how such initiatives can:

- 1) further marginalize groups already experiencing oppression if appropriate safeguards are not in place;
- 2) fail to link to social movements that are powerful enough to allow everyday people's voices to act as a counterweight to the ongoing transfer of power away from them;
- 3) suffer from a clash between the drive for short term outputs and those who seek processes that could bring long term improvements.

We conclude that brief and small-scale initiatives, such as juries, must become part of larger and long-lasting initiatives jointly owned by those who have been denied a voice in the past.

Introduction

Over the last ten years the radical tradition of participatory action research (PAR) has been challenged in the UK and elsewhere. A new commercially driven and often politically biased consultation industry now threatens to undermine the work of previous decades. A particularly instructive case study is the recognition, modification and exploitation of the pioneering “citizens’ jury” (CJ) methodology, demonstrating how these forces (along with those identified by Chambers, this volume) threaten to undermine the potential of PAR to bring about social and environmental justice^{vii}.

Though diverse in their subject matter and style of delivery (see Box 2 and Table 1), CJs that embrace the broad principles of PAR include the following three elements.

1. The CJ is made up of “jurors” – people who are usually selected “at random” from a local or national population, with this selection process being open to outside scrutiny.
2. The jurors cross question expert “witnesses” – specialists they have called to provide different perspectives on the topic – and collectively produce a summary of their conclusions, typically in a short report
3. The whole process is supervised by an “oversight” or advisory panel composed of a range of people with relevant knowledge and a possible interest in the outcome. They take no direct part in facilitating the CJ. Members of this group subsequently decide whether to respond to, or act on, elements of this report.

In the US, where the term “citizens’ jury” was first used in the mid 1980s and where the Jefferson Institute subsequently trade-marked the term, the practice of CJs has been tightly regulated (Crosby et al. 1996). Outside the US however, CJs have been conducted in many different ways, and with many different objectives, and with varying success.

During the 1990s much of what had originally been presented as citizen participation became commercialised. In the UK at least, most CJ’s have become just one more item in a market researcher’s portfolio, amidst a flurry of branding and re-branding of different consultation tools. This trend continues unchecked because of a lack of effective critical assessment of different participatory approaches. It is exemplified by the plethora of handbooks that claim to allow an informed “choice” between the tools available whilst failing to explore the wider political and commercial context in which they are used (NEF 1999, Involve 2005, King Baudouin Foundation 2005).

As with much PAR, there is a great deal of controversy over what constitutes good practice or professionalism in the area of public consultation (Irwin 2006, Pimbert and Wakeford 2001). Lacking the methodological self-regulation that exists in some areas of PAR, or the legal sanctions available to the owners of the CJ brand in the US, consultation practitioners elsewhere are free to use almost whatever label they wish, without being limited to the approach taken by those who invented the particular tool. Conversely, many people have used all three elements above, yet called their processes by names other than a CJ, such as consensus conferences, citizen's councils, deliberative focus groups or, most commonly, citizens' panels (AEIDL 2006, Satya Murty and Wakeford 2001).

Our analysis here draws on our particular experiences, which are outlined in Box 1.

Box 1: Locating the authors

We are PAR practitioners who have been working together for several years. Along with others, we form part of a network called *Right to be Heard* - people from different backgrounds and locations who share a concern to see currently excluded voices influence policy via processes that are both participatory and inclusive. *Right to be Heard* includes facilitators, participants and funders of PAR initiatives. While benefiting from our interactions with many individuals over the years, this article is based on insights stemming from our role as facilitators.

Tom has been involved in promoting, planning and facilitating CJs in a range of contexts since the mid-1990s. He has been amongst those who have been critical of the model of CJs that employs them as a form of market research. He has attempted to develop co-production models that involve all participants both in CJ design and in the use of their outputs. All the authors worked together on CJs in East Lancashire, West Yorkshire (UK) or in India.

The participation paradox

We estimate that research, community-based or commercial organisations have undertaken at least five hundred CJ-type exercises in the UK between 1996 and 2006, with many more taking place in other countries. Perhaps the most striking aspect of the initial popularity, and subsequent scepticism, about CJs, is how closely their history parallels that of another PAR technique called Participatory Rural Appraisal (PRA), which had been introduced ten years previously.

PRA was named by Robert Chambers in the mid-1980s as a label for the introduction of participatory techniques to development work (Chambers this volume, Richards 1995, Pratt 2001). PRA thus became part of a policy-shift towards consulting citizens. Backed by some of the world's major aid agencies, PRA techniques evolved and spread with such rapidity that by 1996 they were estimated as being used in at least a hundred countries and had been embraced by the World Bank (Narayan et al. 2000) . In the widely cited review that gives this estimate, Chambers suggests that his approach has "much to offer the policy-making process (Chambers and Blackburn 1996). It

provides a way to give poor people a voice, enabling them to express and analyse their problems and priorities". "Used well", Chambers observed, "it can generate important and often surprising insights which can contribute to policies which are better fitted to serving the needs of the poor". In the same breath, however, he acknowledges there is "much debate about what constitutes 'real' PRA". "[T]he behaviour and attitudes" of those who bring it about are, he said, of greater significance than the methods used.

Though organisers of the first wave of CJs worked without reference to the PRA movement, the internationalisation of the technique occurred in a post-Chambers political landscape in which decision-makers have increasingly commissioned their own politically ring-fenced consultation initiatives, using methods such as CJs. The declared aim is to facilitate a dialogue with fellow citizens. Yet, at the same time, many of the systems of accountability established during the last century have become weaker, while the proportion of populations that elect governments remain at an historic low (Electoral Commission 2005, Norris 1998, McDonald and Popkin 2001).

In the UK and US especially, attempts to deepen democracy have been against an intensified ideological background of competitive individualism and consumer capitalism. By contrast, structures that acknowledge humanity's mutual interdependence, or allow the development of collective action and solidarity, have struggled to survive. In richer nations this weakening of civil society has occurred even despite the widespread uptake of potentially empowering tools such as the internet, and a rise in single-issue campaigns such as those against animal experiments, mobile phone masts or wind turbines.

Many established democracies have, paradoxically, increased the number of government consultation initiatives, many of them CJs, accompanying a decline in the actual accountability and transparency of the decisions that are taken. An example of this paradox is new technology, which is the subject of some of the CJs described here. Many assume that technology is both capable of providing solutions to global problems and is open to democratic control. Yet, the last ten years has seen most of the same populations who have been consulted becoming ever more powerless to influence the pathway technology takes or its impact on our lives. A rare exception is the remarkable grassroots coalitions that have so far kept genetically modified foods out of farming systems in some of Europe and the world beyond.

Box 2 Summary of the CJs compared in Table 1.

Consensus Conference on Radioactive Waste Management (UK, 2000). Initiated by NIREX (UK Government's radioactive waste disposal service). Followed a House of Lords sub-committee's recommendation that the government should 'seek to build public consensus before attempting to implement its chosen policy'. Early on in the process, one panel member resigned complaining of bias in the process in favour of nuclear power. NGOs claim process was an officially sanctioned strategy to re-frame the debate. References: Kass 2001, Wallace 2001

CJs on GM crops (Brazil, 2001-2) Initiated by ActionAid Brazil. Participants largely drawn from members of unions affiliated to the Landless Workers Movement (MST), the largest social movement in Latin America. A lawyer who was also a local member of parliament was pitted against local scientist as the main "witnesses", with jurors getting 1% of time to ask short questions. The CJ formed part of a wider and ongoing campaign by local and international NGOs. Reference: Toni & Braun 2001.

DIY Juries (UK, 2001-). Initiated by Rowntree Trust / Newcastle University (UK). Replicated with modifications in Blackburn with Darwen, West Yorkshire, Reading and Norwich. Found that some potential participants founds terms "citizen" and "jury" off-putting, the extent that might reduce inclusivity of the process. Later initiatives used name "community x-change". Reference: PEALS 2003b.

Prajateerpu (India, 2001-2003). Initiated by Andhra Pradesh Coalition in Defence of Diversity (APCDD), International Institute of Environment and Development (IIED-UK). A local language PAR team identified marginalised farmers, especially women, across the state. CJ took place in the language used by to poor people in the state (Telegu), rather than Hindi or English. State government and UK Government's Department for International Development (DFID) were initially hostile. Later DFID changed its aid policy in the State. Most jurors were non-literate - reflecting status of majority of state's citizens - and female, reflecting their greater practical role, but lack of voice, in agriculture. Facilitators summarised and translated the final recommendations (made in Telegu) into English. Jurors played prominent role in local and international advocacy. Plans to replicate the process through the state prevented by a lack of state/NGO capacity. Informed similar processes in Zimbabwe, Mali (see below) and elsewhere. References: Pimbert and Wakeford 2003, Wakeford T and Pimbert M 2004

Citizens Council (UK, 2002-) Initiated by National Institute of Clinical Excellence (UK)
Facilitation unintentionally led to suppression of marginalised perspectives, such as racial minorities. Impact unclear at the time of writing. References: Davies et al. 2005, Barnett 2006

Deliberative Mapping UK (UK, 2002) Initiated by Two universities (Sussex & UCL). Wellcome Trust. People's socio-economic background and gender listed in report, which was potentially disempowering. All analysis by academics and already-powerful stakeholders, except final report, a draft of which was discussed non-specialist participants. References: SPRU et al. 2003

CJ on GM food/crops (UK, 2003). Initiated by the Government's Food Standards Agency (FSA), delivered by Opinion Leader Research (OLR). Funder accused of manipulation of the result that made it suit its existing position (pro-GM food) when the result was broadly anti-GM crops. Major effort by FSA to "spin" coverage to make jurors result appear pro-GM. Condemned by some NGOs and PAR researchers for doing so. References: Genewatch 2003a, PEALS 2003a.

Meeting of Minds - European Citizens' Deliberation (2005-6) Initiated by King Baudouin Foundation and European Commission. Potential participants told the subject (brain science), leading to a bias in the sorts of people who volunteered. Process relied on written literacy and an interest in scientific research.

BBC CJ on the theme of "respect" (2005-6). Initiated by BBC Radio 4 Today Programme and Newcastle University. BBC reporter and PAR team. Jurors took findings to leader of local council and UK Government minister, reported by BBC. Low level of resourcing and short timescale adversely affected diversity and support to participants. Reference: BBC 2005.

Citizens Space for democratic deliberation and the future of farming, Mali (2006-)
Initiated by Regional Assembly of Sikasso, Mali and IIED, UK. Very similar methodology to Prajateerpu. Prompted a special meeting of the regional parliament. National and international publicity via written and broadcast media. Reference: IIED 2006.

The political economy of CJs

CJs were perhaps the inevitable product of two features of recent political systems, particularly in many Anglophone consumer-capitalist states: the thirst of politicians for political novelty, and their desire to be seen to be good rulers. Pierre Bourdieu's study of the French political elite concluded that "no power can be satisfied with existing just as power, that is, as brute force, entirely devoid of justification" (Bourdieu 1996). This same logic can motivate other political elites as a justification to consult their citizens. In the UK, the intersection of these two increasingly pervasive trends provided a niche occupied by post-Thatcherite think-tanks, management consultants and sometimes action researchers.

The political marketing revolution of the 1990s transformed concepts of participation among policy-makers. Traditional opinion polling techniques were supplemented by qualitative research, particularly focus groups (Lees-Marshment 2004). By the late 1990s, in the UK and US at least, market research, rather than grassroots political debate, had become the primary mode by which politicians understood the potential behaviours of their electorate. The only exception was groups of voters who happen to make the difference between one national government being elected and other. In the UK these are the marginal parliamentary constituencies (Cruddas in JRRT 2005), while in US presidential elections it is the swing states (Nusbaumer 2004). These relatively small regions receive immense amounts of campaign funds for leafleting, door-to-door visits and media coverage, while sucking in resources that might have been used to engage residents of the rest of the country. The decline in direct contact between most voters and those in power has been accompanied by a shift of resources by both governments and competing political parties towards the skilful use of the mass media.

Focus groups have been used extensively by large corporations for market research from the 1950s onwards allowing researchers to garner psychological and social insights to give an indication of the characteristics of the whole population. However, when transformed to the political arena, this approach fails citizens by denying them an opportunity to articulate their views to those representing them. Neither does it allow for dialogue or development of mutual understanding among citizens, or between citizens and their representatives.

The common feature of almost every one of the scores of consultation initiatives in a range of countries has been their failure to allow groups marginalised in society to influence the political process. Even those participating directly in such exercises are often left feeling their right to a voice has been violated (Skinner 1997).

Presented as a significant response to what centre-left think-tanks saw as the growing divide between the Government and its electorate, CJs were embraced by many of those close to Tony Blair prior to Labour's election victory in 1997 (Crosby et al. 1996, Mattinson 1998). Though rarely labelled as PAR, the UK has a rich history of community empowerment and citizen participation, remnants of which had even survived the eighteen years of Thatcher government assault (Loney 1983, Cockburn 1977, Popay and Williams 1994). However, while embracing and promoting the "new" methods such as CJs, think-tanks such as the Institute for Public Policy Research (IPPR) failed to acknowledge either a past or future role for traditional grassroots-based processes of democratic participation (Coote and Lenaghan 1997).

Within five years of having been first piloted, several hundred CJ-type exercises had been undertaken in the UK. These differed significantly in their aims and methodologies. Some are little more than adaptations of focus groups, while others are ambitious PAR initiatives aiming to build community capacity to directly influence policy. The small number of studies comparing these kind of initiatives (e.g. Kashefi and Mort 2004, Smith and Wales 2000, Wakeford 2002) is symptomatic of the need for short-term impact, rather than a long-term view, that has underlain many of these initiatives.

Initiators of CJs

The most common funders of citizens' juries in the UK and US have been local and national government departments and agencies. Far behind them in frequency are academics studying the deliberative process or media organisations wishing to report on it. PAR activists, community organisations and other types of civil society organisation make up a third group.

A safeguard against any citizens' jury process becoming biased by any single interest group or perspective is the control of key elements of a jury by a panel that contains representatives of "a broad base of stakeholders" (Coote and Lenaghan 1997). This involvement of organisations that can speak for a wide range of social interests via what is often called an oversight panel formed a key part of the original rationale of CJs in the US and UK (Crosby 1995).

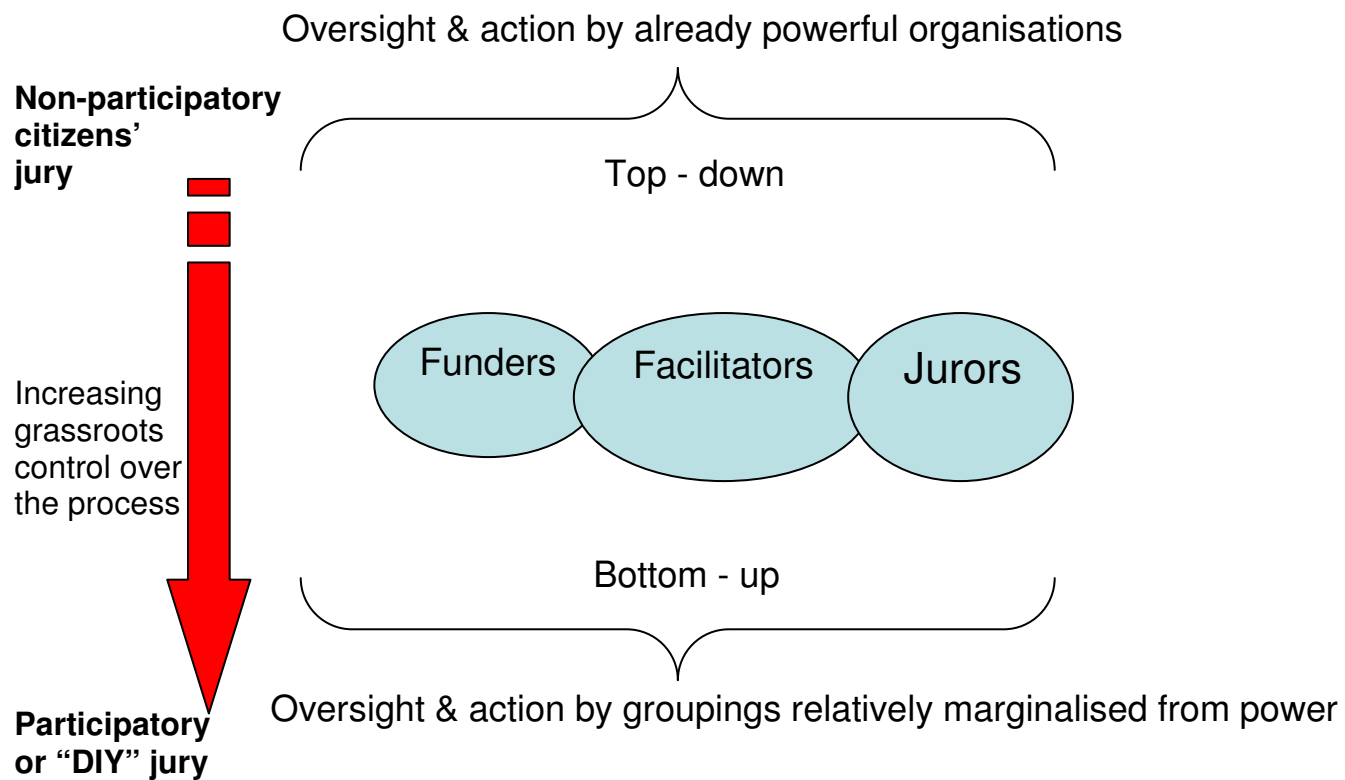
The balance of different interests on an oversight panel can play a major role in vital elements of the jury process such as the inclusivity of the jurors, witness choice and the use made of the jury's recommendations. As a result, whoever invites different organisations to join the oversight panel has the potential to shape the process.

Many of those initiating CJ in the UK after 1997 did not put the oversight of the processes in the hands of sufficiently diverse interest groups or make the contribution various organisations made to the jury process clear to jurors (Box 4 in PEALS 2003a). Commissioning bodies have often preferred to restrict control over key aspects of the process – jury selection, choice of subject and witnesses - to a narrow spectrum of stakeholders, whose interests and perspectives coincide with those of the funding organisation.

Bringing together co-inquirers

As in most processes of co-inquiry there is a potentially immense diversity of groups who might have a role in a jury process. Diagram 1 highlights three distinct groups of co-inquirers in a jury process – the funders, the facilitators and the jurors. Under the market research model of a jury, the relationships between these three groups is often merely contractual. Under this arrangement a funder pays a group of facilitators to conduct a jury process. One of these groups then invites the “jurors”, often with the offer of a payment for the time they will have given up to come along. At the other end of the spectrum, in a more PAR-based process – which we have called a DIY jury - funds or other resources come from community organisations which invite people from their own local area of work to be jurors.

Diagram 1: Different co-inquirers involved in a jury process, showing the continuum between a non-participatory “top-down” citizens’ jury, and a more participatory “do-it-yourself” jury that contains an element of grassroots control.



CJs can involve people from a wide geographical area, such as the whole nation state. However, the advantages of the symbolic national representativeness this provides must be weighted against the disadvantages. A nationwide spread is more expensive to run, and makes it much harder for jurors to continue their activities after the process has finished.

The inclusion of community-based organisations is also neglected in most CJs. If they are allowed to be co-producers of the process, these grassroots-based groups will find it easier to continue work with the jurors and other co-inquirers after the process has finished. Such alliances between citizens and community groups are at the core of DIY-jury approaches. They also make it more likely that policy recommendations that such juries generate will lead to policy change. Even on an issue that is national or international, local groups are far more likely to be able to achieve results that are measurable by people living locally.

The sorts of jurors who are drawn into a process will vary greatly depending on the strategy that is used to involve them. Attracting people via an advertisement in a local paper is unlikely to produce a process that is inclusive of the wide range of backgrounds and

perspectives that will be present in a local population. Such a mix requires a strategy of contacting and engaging groups that are normally excluded from consultation processes and are unlikely to push themselves forward. Facilitators attracted to this second, more challenging, approach are often those who are interested in using the exercise as a means of bringing about greater social justice.

Any organisation that is funding a jury is likely to agree to help oversee its implementation. Other stakeholder organisations may, however, decide it is not efficient use of their resources, or perhaps not even in their interests, to associate themselves with the process. If such groups predict that the recommendations of a jury process are likely to be uncomfortable for them, they are faced with a dilemma: whether to become an “insider” that is better able to make informed criticisms of the process, or an “outsider” that is better able to either ignore the process or discredit it without being tainted by association (Wakeford and Pimbert 2004).

Facilitating witnesses and deliberations

There are many approaches to the facilitation of CJs. In processes set up to deliberate controversial issues, facilitation is particularly prone to challenge. The facilitator’s key role in leading jurors through their interrogation of witnesses and the formulation of their final report can lead to suggestions that the process would have come to a different conclusion if the jurors had been left un-facilitated.

During the CJ meetings, facilitators should optimise the inclusivity and deliberative fairness of the process. Elements that are often key include: the time jurors have to deliberate, the equality of opportunity between different jurors in making their voice heard, and the attitudes to jurors shown by witnesses.

i) Time

Information provision in a CJ is usually by someone with specialist knowledge of the subject - a “witness”. The balance between the time given to the witness for an initial presentation and the time jurors have to develop their questions and subsequently cross-question the witness is easily measurable. A public lecture may allow three quarters of the time for the speaker, and one tenth for questions for the audience. In a jury, reversing this balance and allowing three quarters of the time for jurors to ask questions of witnesses, and discuss the answers they have had, ensures that jurors have a greater overall sense of ownership of the process and are more likely to find the information they receive useful.

ii) Equality

One of the most comprehensive studies of a deliberative process ever conducted focussed on a citizens' council, an adaptation of the classic CJ, which had been set up by the UK government via a market research company (Davies et al. 2005, Barnett et al. 2006, see also Table 1). The council met regularly over two years and was wholly controlled by a single stakeholder, the UK Department of Health. The research included analysis of the time spent speaking by each different participants.

A process in which just one or two participants, among a dozen, get to speak is unlikely to be as inclusive of diverse perspectives than one in which everyone speaks. However Davies and Barnett's research suggests that a simple measurements of time spent speaking could obscure more subtle processes of self-censorship in the presence of particularly vocal participants. Some members of the citizens' council made contributions that they presented as authoritative general statements, while others merely expressed monosyllabic assent or dissent on views articulated at more length by the more dominant members. This does not make their participation less valid. However, it raises the question of whether they would have enriched the deliberative process if they had fully articulated their thoughts, and whether facilitators allowed them sufficient opportunity to do so. The citizens council demonstrates the challenges of ensuring PAR processes are practically, and not merely rhetorically, inclusive (also see Lykes and Mallona, this volume).

Different styles of discussion will encourage jurors to articulate their views: not all will feel comfortable doing so in the full group, or in direct dialogue with particular witnesses. This is why we believe that facilitators in such processes should find ways to bring out as many different perspectives as possible from as many participants as would like to speak, including - but not restricted to - the questioning of witnesses and the formulation of the CJ's recommendations.

The inclusion of witnesses who speak from a variety of educational, professional and socio-economic backgrounds encourages jurors to engage with them. The greater the number of people that are present with the facilitation skills to allow potentially marginalised perspectives to have a space to be aired, the more likely it is to happen.

iii) Witnesses

The choice of witnesses in a community-based jury process is key to ensuring a good process. Witnesses in a CJ have the dual role of information providers and interpreters of that information. Some use a

style that is virtually unchanged from the professional context in which they normally communicate. In one CJ, a middle-aged safety expert gave evidence to a CJ using a projected series of computer slides as if he were at a meeting of fellow professionals. In another, a proud chemist passed a periodic table of elements that he kept in his wallet around the jurors.

Those jurors who are used to either receiving information in this form, or interacting with this type of person, will feel more confident in interacting with them. In contrast, a young woman witness with experientially-derived knowledge that she explains using personal stories, might speak more directly to jurors with other backgrounds. We believe the socio-cultural profile of people who are invited to be witnesses is an important, yet often neglected, aspect of the analysis of jury processes. A CJ dominated by experiential evidence and providing no technical information relevant to policy-making might be criticised as being short on “facts”. However, this is generally far less common than processes that become swamped by detailed statistical evidence to the exclusion of other forms of knowledge, in which there is a danger jurors will miss broader perspectives in forming their recommendations.

iv) Balancing deliberation and capacity for autonomy

We believe that CJs should not only be fair and competent deliberative forums, but also contribute towards the creation of an autonomous political space for those currently marginalised from power. Achieving this space requires careful thought about the necessary steps to allow a group of individuals, who are only connected by their joint attendance at jury meetings, to become a gathering of people who can attempt to build mutual respect and a common purpose.

Unfortunately, the scope of most CJs is limited by the perceived reality and institutional objectives of those funding the process. Jurors are unable to organise their own autonomous political space, and as a result their opportunity to voice their views is circumscribed by funding constraints.

Facilitators have to work to a tight schedule. Time should be available for participants to discuss their values with each other and to acknowledge the value of hearing from different perspectives. Most important of all is to address the longer term challenge of bringing political change, towards which a CJ can be an important first step. However, this step is often neglected, even among CJs using the principles of PAR.

v) Minimising oppression and facilitating mutual empowerment within the deliberations

Critics of styles of action research that use small groups of citizens have pointed to the danger of what they call “groupthink” – the supposed tendency for people to passively accept the opinion of a particular member of a group (Cooke 2001). This individual – perhaps a juror, or a facilitator – may be particularly charismatic, apparently better informed or just experienced at dominating discussion. Groupthink can be generated in a CJ if its funders and facilitators fail to design a process that allows all participants to feel their perspective is as valuable as everyone else’s, and that they have an equal right to be heard.

Whether it is a group or an individual who perpetrates it, meetings can be sites of oppression, which may be based on opinions, ethnicity, gender, age, style of dress, disability or supposed lack of knowledge (Davies et al. 2005, Kabeer 2005). CJs cannot be opportunities to further the cause of social justice if the process they undertake does not promote a fundamental respect by every participant for each other.

Those who wish to stand outside a CJ process to study what happens, rather than adopting the PAR approach of co-producing every element of the process with participants, are in most danger of increasing the marginalisation of certain groups via a CJ. While a purely academic approach may allow the facilitator to retain a greater distance and hence allow them to claim objectivity, in doing so they risk allowing a process to take place in which jurors are research subjects, rather than citizens with sufficient capacity to attain their right to have their voice heard in policy discussions.

Those undertaking CJs from a quantitative social research background are often keen that it is as statistically representative as possible of the population from which the jury is drawn. Most minority populations are already politically marginalised in society. Reproducing their numerical minority status on a CJ risks making it harder for them to have their perspective taken seriously by the majority of jurors who do not share this key element of their identity. For example, in an area of the UK where black and minority ethnic communities make up seven percent of the population, a jury of twenty four people should, statistically, contain only two faces that are non-white – increasing the facilitation challenges of ensuring non-domination by particular groups.

The organisers of a CJ process in India made the decision to constitute a jury with a high proportion of members from Dalit and adivasi ethno-cultural heritage groups, and a majority of women, in the light of the substantial over-representation of high-caste and male

perspectives in policy debates on the issues under debate (Pimbert and Wakeford 2003). There is a trade-off between appearing balanced to the naïve observer and ensuring a space for those otherwise lacking a say in decisions. It is a choice between juries that are notionally representative of their populations – with greater legitimacy in the eyes of some decision makers – and those CJs that allows oppressed or marginalised groups to have a greater influence on decision-making.

Recommendations

Only in very rare circumstances are CJ recommendations likely to fit neatly into a government decision-making process and timeframes. A potential exception could be the circumstances generated by the supposed “yes or no” option of whether to grow GM crops in the UK in spring of 2004. However, the extent to which the CJs that formed part of the public consultation influenced the subsequent decision is a matter of some controversy (Irwin 2006). More commonly, the jurors will have to use their provisional conclusions as a first step in building political alliances and gathering more information, which will enable them to influence decisions. The more this is made explicit in the jury process, the more realistic participants can be about the process of achieving positive political change. Such an approach also ensures that jurors will not be disappointed that policy-makers do not instantly take radical action, or even respond coherently, to their recommendations.

Some of those facilitating CJs design a process in which jurors must reach a consensus on any recommendation being put forward. We, however, believe that this can lead to exactly the kind of marginalisation of minority views described above. Establishing the level of support for various recommendations among the jury members can, if carried out sensitively, be an opportunity for informed deliberation, without certain perspectives becoming ridiculed.

We have observed that the prominence given to the inevitable short-list of recommendations that arises from a jury can direct those interested in the process from exploring the richness of the discussion within it. Stakeholders may comb the jury’s “verdict” for statements that support or potentially damage their interests, rather than engaging with the knowledge and insights the jurors have brought to the subject.

Standardisation and communication

Participatory initiatives are most effective when they acknowledge that each situation will demand a unique design, using a new combination of tools as part of a continuous cycle of action and reflection. Because any participatory initiative contains a unique mix of people and institutions, each process will necessarily include elements from a range of approaches and methodologies. Misguided attempts to strictly standardise and replicate protocols, in line with conventional practice in laboratories and much positivistic social science, will undermine a CJ attempting to use PAR principles. Although we have produced a handbook for community groups interested in running a DIY jury, we tried to focus on principles and tools, rather than a prescriptive methodology (PEALS 2003b).

In the politically controversial context in which CJs can sometimes be undertaken, facilitators may use additional means of demonstrating the fairness and competence of the process to complement the broad-based oversight panel described above. Audio and video recordings or transcripts, which, with the jurors' consent, can be made available to members of the oversight panel and the public, are another safeguard against criticisms of bias.

Having their voices recorded can affect the confidence of most people to be free with their opinions and insights. The CJ as a safe space in which to try out new ideas and express opinions that jurors may then want to retract is a vital element that may be compromised by the knowledge that their voices are being recorded (see Table 1). If they fear that they could be identified as holding a particular view, especially if it is unconventional, they may be less likely to express support for it. An extreme example of this was a jury process during which a national radio news programme, who had funded the initiative, expected to have access to the jury proceedings at all times, apart from a short period at the beginning of the first session when their presence was negotiated with the jurors (BBC 2005).

One potential compromise between these two competing pressures is to create periods during the jury's deliberations where all recording equipment and outsiders – potentially even the facilitators – are excluded. However, the reasons for removing this safeguard on the transparency of the process must be made clear, especially to those outside the co-inquiry process.

The safe space provided by PAR-style CJ processes may become an opportunity for jurors to present evidence that contradicts information on the basis of which one or more powerful organisations have formulated their policies. If the contradictions between the two sets of evidence are publicised, for example by the media, the large organisations can choose either to open a dialogue with those involved

with the jury, or try and discredit the process. If the CJ appears to expose significant flaws in an organisation, participants may become viewed as whistleblowers, provoking a defensive reaction. Yet a more open approach to such challenges by organisations could ensure changes takes place that satisfy both sides.

Although we know of many examples from around the UK and elsewhere, the best documented cases we have come across are in the case of CJ processes in Blackburn, UK (Wakeford et al. 2004) and Andhra Pradesh, India (Pimbert and Wakeford *ibid*). Both cases showed the vulnerability of the CJ process to criticism from those in power, as with many non-traditional forms of social research. Our refusal as PAR practitioners to pretend that we are objective observers of a process, and instead to emphasise our active role in it, is double edged. On the other hand our more engaged approach makes it harder for juries' concussions to be ignored.

CJs and authoritarian creep

i) Institutions

As we have seen, non-PAR CJs can all too easily end up as means by which powerful organisations can reduce citizens' influence on decision-makers, a tendency we call authoritarian creep. From our contact with a wide range of CJs over the last ten years, we suspect that by appearing to give grassroots communities influence, but actually re-legitimising current power structures, non-PAR juries have tended to serve the interests of governments and corporate shareholders more than they have empowered those whose lives these institutions govern (Barns 1995, Genewatch 2003a, 2003b, Perdue 1995, Wallace 2001).

If well designed, CJs using the principles of PAR can help to forge new alliances that can help diverse groups of people build more participatory decision-making processes together. However, the timescales over which funders and facilitators of jury processes operate are usually much shorter than those required for genuine democratisation. Funders often want to economise by providing short-term funding and to ensure media coverage to justify such an allocation of funds.

CJ facilitators are often freelance or short-term contract holders who are only able to raise funds for a process lasting a few months. Full-time staff who work on jury processes often do so in addition to their regular workload. CJs that attempt to use PAR principles will inevitably be seen as something unusual, likely to be tolerated rather than welcomed by colleagues who often have little knowledge of these

approaches. Facilitators who have jobs within large organisations will generally experience pressure from their colleagues to return to their normal duties promptly, which is likely to adversely affect their maintenance of their ongoing involvement for a sufficient period necessary for the long-term impact of any PAR process.

The lack of institutional acceptance of PAR often fails both sides. Those commissioning the exercise are no nearer to overcoming the anti-participatory inertia in their organisation. Jurors' and their communities are not supported in their attempt to promote lasting change. Referring to his experience with one such organisation, development analyst Nick Hildyard has suggested that:

'... perhaps the first thing that agencies serious about participation and pluralism might take is not to reach for the latest handbook on participatory techniques, but put their own house in order: to consider how their internal hierarchies, training techniques and office cultures discourage receptivity, flexibility, patience, open-mindedness, non-defensiveness, humour, curiosity and respect for the opinions of others.'

ii) Language and knowledge

Part of the popularity, and the controversy, that is associated with both community-led and more top-down CJs is their symbolism, which is drawn from the ancient tradition of legal trials by jury. Many organisations who are considering commissioning processes of public consultation are drawn to the CJ model, associated with decision-making that embodies fairness and justice. For potential jurors the appeal can include a sense that they are part of something important and that "justice will be done". However, critics have claimed that the appearance of fairness of a CJ can lead to participants and the wider population being deceived by seemingly pseudo-judicial processes that have few of the safeguards of their legal equivalents (Glasner 2001).

Another dimension of the language used in a CJ is that it may reinforce the popular perception that people in power or with expert knowledge are in a separate category from the rest of us. The CJ is made up of people with generally less decision-making power or conventional expertise than those they are trying to influence. Some may not even have been accepted as "citizens" of a nation state, potentially leading them to feeling alienated, even from the CJ.

Jurors make their recommendations in relative isolation from the witnesses who have provided the information. Conventionally, these conclusions are then handed to those organisations who funded the process. Yet, any strategic long-term process of co-inquiry would involve mixed groups of people with all different sorts of relationships

to power, and with different types of specialist and non-specialist knowledge of the subject under discussion.

Given PAR's aim of making the development of knowledge more of a co-inquiry among people from diverse backgrounds, it is perhaps ironic that CJs risk reinforcing a knowledge and power hierarchy. On something as technically complex as genetic modification (GM) or nanotechnology, jurors clearly need to be able to be equipped with the analytical tools to evaluate the information that is provided to them. However, there are three major dangers that arise from the brief interaction possible during a jury process. One is that they will not be allowed the time or deliberative tools to explore the technical information presented to them. Another is that they are not allowed the resources to analyse alternative ways of meeting the need addressed by witnesses, a particular failure of the juries on GM crops. Finally, like any of us, jurors will assess the evidence presented to them on the basis of the personal dynamics they develop with a witness, rather than on the information she has put across. As a result, CJs and similar processes can risk participants being so disempowered by the experience that they reject co-inquiry approaches in favour of "leaving it to the experts".

iii) Building juries into wider PAR initiatives

Whether they be local councils, private corporations, national government departments or international agencies, large organisations exist as structures of power, with procedures that are generally unreceptive to the fundamental challenge to their way of making policy that PAR-orientated CJs represent, in common with many other PAR processes, represents. However, as large organisations are increasingly experimenting with PAR (see Martin this volume), we recommend two strategies be employed by facilitators working with marginalised communities to maximise their potential impact. Firstly, PAR practitioners should work to ensure that any process allows diverse members of marginalised communities to negotiate joint control of the participation process with those who fund them.

Initiatives should prioritise people, issues and perspectives typically excluded from conventional consultations, including, for example, people from minority ethno-heritage groups, disabled and young people, the over 50s, gay, lesbian, transgender and bisexual people, the homeless and those with below-average incomes. Secondly, these marginalised groups should receive particular support to open discussions with decision-makers about more effective ways to involve them.

Two recent UK-based initiatives that are designed to work towards the objectives we have outlined here are *Right to be Heard* and *Involve*^{viii}. *Right to be Heard* is a network of people from different backgrounds and locations who share a concern to see currently excluded voices influence policy via processes that are both participatory and inclusive of participants and facilitators. Some of its members are also associated with a network set up by Oxfam UK, *Participatory Practitioners for Change*. *Involve* is an organisation of participation practitioners, particularly aimed at bringing together representative and participatory democracy. Both groups aim to improve the capacity of our elected representatives, policy-makers and the media to engage with participatory processes, particularly those that involve marginalised groups.

As realists we acknowledge that, for the foreseeable future, consultations will mostly be initiated by organisations with an interest in solving an immediate political problem of their own choosing, rather than one chosen by people who are marginalised from power. In the short term we can attempt to make these consultations a more two-way process where both top-down and bottom-up priorities can be addressed. However, in the long term, we believe that accessing alternative funding sources that can counter the power of large organisations is the only way that issues of importance to people who have been denied a voice for so long can become subject to truly emancipatory PAR processes.

Ten years ago the burst of enthusiasm in the UK for citizens' juries as a participatory magic-bullet was based on a mixture of the naiveté and ambition of some influential opinion-formers. We believe that juries can be a legitimate PAR tool. We would argue that the advantages of those CJs that are based on PAR principles, particularly as part of grassroots-led advocacy work, outweigh the disadvantages.

But, like other approaches to PAR, CJs very rarely become linked to social movements that are powerful enough to act as a counterweight to the perceived loss control of our systems of global, national and local governance. Future generations may see CJs as having been little more than a gimmick – a historical footnote in the slide towards consumer-capitalist authoritarianism. However, we hope that CJs will eventually become legitimate tools of grassroots social transformation that can engage with powerful commercial and political forces, rather than be captured by them. As to whether such a transformation is possible, the jury is most definitely still out.

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Table 1: Summary and brief comparison of some citizens' juries (CJs) and similar processes that took place between 2000 and 2006.

<i>Name and date of the CJ or other initiative</i>	<i>Bringing co-inquirers together, including oversight.</i>	<i>Ensuring, or not, equality between participants</i>	<i>Equality of exchanges (e.g. via specialist witnesses)</i>	<i>Impact on and/or response from policy-makers.</i>	<i>Including and supporting marginalised groups</i>	<i>Role of organisers Vs other co-inquirers writing the recommendations</i>	<i>Extent of replication or continuation of process</i>	<i>Co-ordination to communicate process outputs</i>	<i>Extent to which participants are helped to build an autonomous voice</i>
Rad-Waste Consensus Conf. (2000)	Advert, overseen by MSP	Complaints by some co-inquirers of bias.	Most witnesses had pro-nukes agenda.	Disputed.	None known.	Facilitators strongly guided the writing process.	Partially reconvened in 2002.	By funders and contractor.	None.
CJ on GM crops, Brazil (2001-2)	Via unions, no MSP.	Attempted by local facilitator against the odds.	Jurors got <1% of time to ask questions	Part of an ongoing NGO campaign.	Disputed	After deliberation, jurors answered an opinion poll.	Replicated, with modifications, in Brazil.	Wholly by ActionAid	None.
DIY CJs (2001-)	Electoral roll & local partners. MSP.	Comprehensive strategy.	Witnesses dominant.	Initial hostility. Now ongoing dialogue.	Lack of support for under-21s & non-literate.	Jurors largely in control.	Ongoing in all locations.	Newcastle University.	Yes, also R2BH.
Prajateerpu CJ, India (2001-3)	Via local university researchers. MSP	Women a majority. Local language.	Jurors dominant.	DFID changed policy. Ongoing.	Catered for non-literate status of most jurors.	Jurors largely in control.	Replicated, abroad, but not, as hoped, in India.	Local and UK NGOs together with jurors.	Ongoing through NGOs.
Citizens Council (2002-)	Advert. No MSP.	Some, of disputed impact.	Witnesses dominant.	No public response.	Included but sometimes suppressed.	Facilitators strongly guided the writing process.	Continued with revolving membership.	NICE	None
Deliberative Mapping (2002)	Commercial recruiters, with MSP.	Attention paid to gender difference.	Joint workshops, balance unknown.	None known.	Women given separate space.	Facilitators/academics largely in control.	None known.	By academic consortium to academic/policy-maker audience.	None known
CJ on GM food/crops. (2003)	Commercial recruiters. No MSP	Standard market research approach.	Witnesses dominant.	Funder accused of manipulation of the result.	None.	Facilitators ensured jurors addressed funder's "question".	None.	Funder accused of distorting the recommendations.	None.
European Deliberation (2005-6)	Commercial recruiters, no MSP	Some scientific literacy assumed.	Literature and witnesses dominant	None known.	None known.	Facilitators largely in control.	European Citizens Panel.	By consortium to media/policy-maker audience.	None known.
BBC CJ (2005-6)	Electoral roll & local partners. MSP	Possibly inhibited by BBC microphones.	Jurors dominant.	Meetings with senior politicians.	Young people disproportionately represented.	Jurors largely in control.	None at the time of writing.	Broadcast or webcast via bbc.co.uk.	No, but R2BH.
Mali CJ on GM crops (2006-)	Use of PAR team. MSP.	Majority women and smallholder farmers.	Jurors dominant.	Strong political contacts ongoing.	Attention to literacy and deliberative confidence.	Jurors largely in control.	Ongoing.	Mali NGOs and IIED.	Yes, ongoing.

Key:

CJ – citizens' jury

MSP- oversight by a multi-stakeholder panel.

R2BH - Participants invited and offered support to be involved in the Right to be Heard network

ⁱ Adapted from The jury is out: How far can participatory projects go towards reclaiming democracy? in Bradbury, H. and Reason, P. (eds) *Handbook of Action Research* (Second Edition) 2007 Sage Inc. New York.

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^{vii} This chapter is a shortened version of a report that is available for download via www.citizensjury.org

^{viii} See www.right2bheard.org and www.involving.org