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Organizing Deliberation: The Perspectives of Professional Participation Practitioners in Britain and Germany

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Abstract

Public authorities at different levels of governance are increasing the opportunities for citizens to deliberate on issues of public policy. With this practice comes a plethora of academic evaluations, influenced particularly by theories of deliberative democracy. However, the perspectives of one significant group of actors have generally been overlooked: the professional participation practitioners who are commissioned to organize and facilitate these events. It is these actors who work with public authorities in designing and implementing engagement strategies and who thus structure the democratic experience of those citizens who participate. Drawing on interviews with experienced practitioners in Britain and Germany, this essay explores the degree of diffusion of public participation designs; the extent to which practitioners express deliberative democratic principles; and the constraints they perceive to more effective institutionalization of public participation. While practitioners are committed to democratic ideals, too often the culture and practices of public authorities, as well as the pressures of the market-place, constrain their realization.

Keywords

Deliberative democracy, practitioners, public authorities. commercialization

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Organizing deliberation: The perspectives of professional participation practitioners in Britain and Germany

Emmeline Cooper and Graham Smith

The last decade or so has witnessed increasing experimentation by public authorities with new modes of engaging citizens in the political process at all levels, whether on the vision for a town's future, national issues such as the use of genetically modified crops, or EU policies affecting rural areas. A wide array of institutional designs for public participation have been developed that bring citizens (as opposed to 'stakeholders') together to discuss issues of public concern and offer more informed judgments (as opposed to top-of-the-head responses of opinion surveys). Examples include Citizens' Juries, Citizens' Panels, Planning Cells, Deliberative Polling, Visioning, Citizen Summits, Twenty-first Century Town Meetings and Online Discussion Forums amongst others (Smith 2005).¹ These forms of citizen engagement are rarely granted any de jure or de facto decision-making power. Mark Warren categorizes many of these developments as 'governance-driven democratization', differentiating 'a domain of political experiments that may have democratic potentials' in the sense that 'they increase the chances that those potentially affected by collective decisions can influence those decisions' (Warren 2009: 4). Such institutions share certain family resemblances: for example, they are often created as a response to perceived democratic deficits and tend to be elite-driven (p.6), with public authorities themselves initiating 'invited spaces' (Hendriks and Carson 2008: 297) for citizens to deliberate on public policy issues. Governance-driven democratization can

¹ See *participedia* www.participedia.net – a wiki-based knowledge platform on democratic innovations around the world – for up-to-date details of the variety and spread of public participation initiatives.

be contrasted with other spaces of deliberation initiated by civil society groups or grassroots community-based organizations. While such invited spaces are commissioned by public authorities, it is often professional participation practitioners² working in the private or non-profit sectors who are commissioned to design, manage and deliver these processes.

The increasing use of such techniques to engage citizens has caught the attention of democratic theorists and political scientists, particularly those influenced by theories of deliberative democracy. The literature is rife with the analysis of different institutional designs, generally asking the question as to whether a particularly novel design or example of its implementation can be viewed as an instance of democratic deliberation (see, for example, Davies et al. 2006; Fishkin 2009; Fung 2004; Fung and Wright 2003; Gestil and Levine 2005; Smith and Wales 2000; Warren and Pearse 2008). On the rare occasions that analysis is comparative in nature, the focus tends to be on ‘exemplary’ institutions such as Participatory Budgeting in Porto Alegre, Chicago Community Policing and the British Columbia Citizens’ Assembly on Electoral Reform (Fung 2003; Smith 2009a). This focus on designs that have gained international prominence tells us little about the everyday, more mundane use of engagement techniques by public authorities.

This study responds to a perceived limitation of existing research on public participation. While there is an expanding literature on the potential democratic contribution of institutions designed to increase and deepen citizen participation, less is known about the intentions, commitments and perspectives of those who organize

² We prefer the term professional participation practitioner to ‘deliberative consultant’ (Hendriks and Carson 2008). The term ‘consultant’ (rightly or wrongly) often carries a pejorative meaning and implies employment in the private sector.

and facilitate many of these new institutions: the growing cadre of professional participation practitioners. We are witnessing an increasing professionalization of public participation – the development of a ‘participation industry’ within which practitioners form a ‘community of practice’, with practitioners building careers, supported by professional organizations, networks and resources (Hendriks and Carson 2008: 304). But we know relatively little about this group of actors who play an increasingly important role in organizing participation initiatives. A small number of studies have paid some attention to the role of facilitators in shaping the success of particular designs. For example, in his analysis of Chicago Community Policing, Archon Fung indicates how in one area meeting the change of facilitator to an individual trained in group dynamics enabled more inclusive deliberation and attention to the needs of the most marginalized (Fung 2004: 173-97). Celia Davies and colleagues offer an example of how poor facilitation of the Citizen Council established by the National Council for Clinical Excellence (NICE) in Britain undermined effective deliberation between participants (Davies et al. 2006: 92). But these are studies of the role of practitioners in the success or failure of single initiatives. More relevant to this essay, Jane Mansbridge and colleagues (2006) worked with facilitators to investigate the norms of facilitation. Carolyn Hendriks and Lyn Carson (2008) pay particular attention to the broader impact of commercialization, examining the emerging practitioner industry and the potential effect of professionalization on deliberative democracy. Similarly, Caroline Lee (2011) provides an analysis of the socio-historical and institutional context of the development of this field of activity. Both studies enhance our understanding of the context within which deliberation is enacted. The aim of our essay is to build on such work by offering a more systematic insight into the intentions of professional

participation practitioners and how their perspectives shape deliberative processes in practice. In particular, we pay attention to: the design choices available to them; the manner in which democratic commitments shape their decisions; and the barriers they perceive to further institutionalization of public participation, including their perspective on commercialization. As public authorities outsource much of the organization and facilitation of participation initiatives, the role of professional participation practitioners becomes ever more important to the practice of democracy. Our research engages with practitioners who between them have organized hundreds of participation initiatives for public sector clients. The research is comparative in ambition, focusing on established practitioners in two large, advanced industrial democracies: Britain and Germany. As representatives of two different political systems and cultures, the two cases allow us to investigate the extent to which practices have diffused across polities, and whether practitioners in different political contexts vary in their democratic commitments and perspectives on the barriers to institutionalization. By focusing on the judgments and commitments of practitioners in these two countries, our approach is weakly constructivist or ideational in character (Parsons 2007; 2010): the interpretation these significant actors give to their choices and actions helps us better understand the potential of this growing area of democratic practice.

The paper progresses in four main parts. First, we provide an account of our methodological choices, including the choice of Britain and Germany as interesting cases to compare and our approach to sample selection. Second, we survey the range of techniques that are used by practitioners to ascertain the degree to which diffusion of participation practice has taken place across political-administrative boundaries.

However, simply offering a description of the techniques used by professional practitioners gives us no indication of the democratic commitments that inform their design choices. This is the subject of the third section of the paper. Academic commentators are typically interested in the extent to which designs realize democratic goods or principles; thus it makes sense to interrogate the manner in which practitioners reflect on the democratic characteristics of designs and how this affects their decisions. In the final substantive section we turn our attention to the constraints that practitioners perceive to more effective institutionalization of citizen participation. Given that practitioners have intimate practical knowledge of working with public authorities (who sponsor most of the initiatives they organize), they are in a privileged position to provide an account of the barriers and opportunities to more systematically and effectively embed public participation. Within academic commentary we find a variety of positions on the role of state institutions in promoting public engagement: at one end of the continuum are those who believe that citizen participation has the potential to reshape democratic practice; at the other, those who hold that the participation agenda is another form of cooption on the part of public authorities. How do professional participation practitioners who actually organize public participation initiatives perceive the intentions and actions of public authorities? Further, we analyze the pressures of the market-place on the choices of practitioners. There is some concern about the commodification of the deliberative ideal (Hendriks and Carson 2008) and a degree of suspicion about the role of professional practitioners. We explore how practitioners themselves view the impact of commercialization on how deliberative projects are designed and delivered. One response to the pressures of commercialization is professional quality standards; an issue that emerged from our interviews, particularly in Britain, where Involve and the

National Consumer Council (NCC) were consulting practitioners on the development of a code of conduct ostensibly to improve the quality of participation events. The perspectives of practitioners on this and similar initiatives forms a coda to the final section before we offer some concluding comments on the ways in which the intentions, commitments and perspectives of professional participation practitioners are shaping democratic engagement.

Method

Our interest in understanding the expressed intentions, commitments and perspectives of professional participation practitioners who deliver participation initiatives for public-sector clients was realized through a series of semi-structured interviews in Britain and Germany. These practitioners are based in different types of organizations: social and market research and consultancy companies, academic departments and not-for-profit institutes. Some are more commercially orientated than others, an issue that we return to later in the essay. The research focuses primarily on well-established, experienced practitioners in large organizations with a significant market presence that offer a range of institutional designs to clients, rather than those which promote a single approach.³ Practitioners in such contexts make daily choices as to which designs or combinations of designs to promote to clients.

Why practitioners in Britain and Germany? While both are large European advanced industrial democracies, there are significant differences in political system and culture that are likely to have an effect on the practice of citizen engagement and the potential for institutionalizing forms of democratic deliberation. While we have witnessed the

³ There are a range of organizations that only promote a single type of deliberative forum such as Open Space, Planning for Real, etc.

emergence of asymmetric devolution in Britain since the late 1990s, in comparative terms it remains a highly unitary system with power residing at the national level. This is certainly the case when compared to the federal system in Germany. Particularly significant for policy towards citizen participation is the different relationship in Britain and Germany between national and local government: after all, most participation initiatives are sponsored by local authorities. In England (where roughly half of the practitioners we selected are based and generally operate), local government is restricted to those functions explicitly granted by central government (Stoker 2004). Government policy towards citizen participation can have a profound effect on the activities of local government. In comparison, a federal system such as in Germany designates specific competencies to national, regional and local authorities with local government's powers more formalized: German Basic Law, state constitutions and municipal charters embed statutory political and administrative powers (including tax-raising) for local government, although there are regional variations (Gabriel and Eisenmann 2005). The capacity of central government to shape the activities of local government is much restricted compared to the British case.

In terms of participation rhetoric, policy and practice, there are then important similarities and differences between the two polities (EIPP 2009; Rocke 2009). The rhetoric of democratic deficit – related to reduced electoral turnout, lower membership of political parties and trade unions, perceived distrust of politicians and political institutions, and the like (Stoker 2006) – is prevalent in both nations, albeit emerging later in Germany following the initial enthusiasms of reunification. In both countries, local authorities in particular have sought to engage communities through a

range of consultative and participatory institutions as part of their diagnosis and response. Arguably the public participation agenda has been more systematically developed in Britain. For example, the British variant of new public management (NPM), introduced in the 1980s, required user engagement on the part of service providers (Parkinson 2004). Under the Labour administrations in the 1990s and 2000s, participation efforts expanded beyond ‘consumer’ engagement, with participation methods such as Citizens’ Juries, Panels and Visioning promoted under its modernization agenda (Wilson 2005; Stoker 2004). New Labour’s national policy towards local participation culminated in the 2008 White Paper *Communities in Control: Real People, Real Power* and the 2009 *Local Democracy Act* which made specific provision for promoting public engagement and the transfer of powers and resources to local communities by local authorities. While the government also published *A National Framework for Greater Citizen Engagement* in 2008, in contrast to the pressures placed on local authorities, it strongly emphasized the pre-eminence of parliamentary representative democracy (Smith 2009b). The Conservative-led coalition’s Big Society agenda is arguably further embedding this policy direction, with a specific focus on increased citizen control of resources at the local level, potentially to the further detriment of local authorities. Germany has also implemented NPM strategies, although with less emphasis on user involvement. Given the division of labor that the federal system represents, there has been much less direct promotion of citizen participation at the national level. Two initiatives highlight the general policy direction at the national level: the Bundestag committee with the specific remit for citizen participation and the report by the Enquete-Kommission (2002) both tend to focus more broadly on civic engagement and the health of civil society rather than citizen participation in the political decision-making

process (EIPP 2009: 16-17). At the municipal level, while there has always been a tradition of public participation in urban planning, the 1990s saw increasing evidence of interest in and organization of citizen participation across other policy areas as local political elites attempted to reinvigorate local politics (Wollmann 2002). However, local representative institutions remained intact: local government has not faced the degree of reform pressure from national government that is in evidence in Britain. While the political context varies, both countries offer opportunities for the emerging participation industry to facilitate citizen engagement.

Sampling the field of professional participation practitioners in both countries is not a straight forward task. At the present time, there is no professional registration of practitioners or organizations in either Britain or Germany, making it impossible to gain an accurate picture of the population. Drawing on our knowledge of the field we were able to invite experienced practitioners from the most active organizations for initial interviews. Further organizations and practitioners were then selected through peer-recommendation (suggestions from the initial set of practitioners) and from contacts in think-tanks that promote citizen participation. In total eight practitioners from a variety of organizations in each country were interviewed. Our knowledge of the industry and cross-checking with the recommendations of our interviewees gives us confidence that this number of interviews more than adequately covers the most significant organizations active in each country. As experienced professionals in the field, these practitioners have organized hundreds of participation initiatives for public-sector clients at all levels of governance in Britain and Germany. Two interviews were conducted with experts in citizen participation (one in each country),

both of whom worked for think-tanks that promote public participation on the part of public authorities.

Given the broadly constructivist approach to the research – our interest in practitioners’ design choices, their democratic commitments and perceptions of barriers to institutionalization – qualitative, semi-structured interviews were the optimum research method. A study based on the observation of the practitioners in action, facilitating one or more initiatives, would not have provided broader systematic insights into the perspectives that guide their practice and would have added little to the existing knowledge base. The structure of the interviews provided an opportunity for practitioners to reflect on a series of pre-determined issues, but with space to develop their responses and sensitivity to different contexts (particularly important for cross-national research).

The data was collected by one interviewer (Cooper) between June and November 2007. Interviews began by asking practitioners to discuss the full range of methods and techniques they use in their work, and a prompt sheet of methods and techniques was used to aid this process. We discuss in more detail later the definitional problems that arose from this task. Our approach to uncovering the democratic commitments of practitioners was not framed as a direct question in the interviews. Rather we aimed to draw these commitments out inductively through a discussion of the pros and cons of different institutional designs that practitioners worked with on a day-to-day basis. In this way we were able to reach some understanding of the extent to which democratic principles were evoked in their everyday considerations and decision-making. Finally,

practitioners were asked directly about the barriers they perceived to more effective forms of public participation in the political decision-making process.

Interviews took place in English, although small amounts of German were spoken on occasion to clarify points. An interpreter was available for the German interviews, but was used only rarely to clarify particular terms. Interviews were audio recorded and then fully transcribed by the interviewer afterwards. All transcriptions were imported into the qualitative software package Nvivo7 to organize and code the data. An analytical coding frame was developed prior to the analysis (based, for example, on design names, democratic principles, types of barriers), but as the analysis of the transcripts progressed, this was supplemented by additional codes which emerged from the data itself.

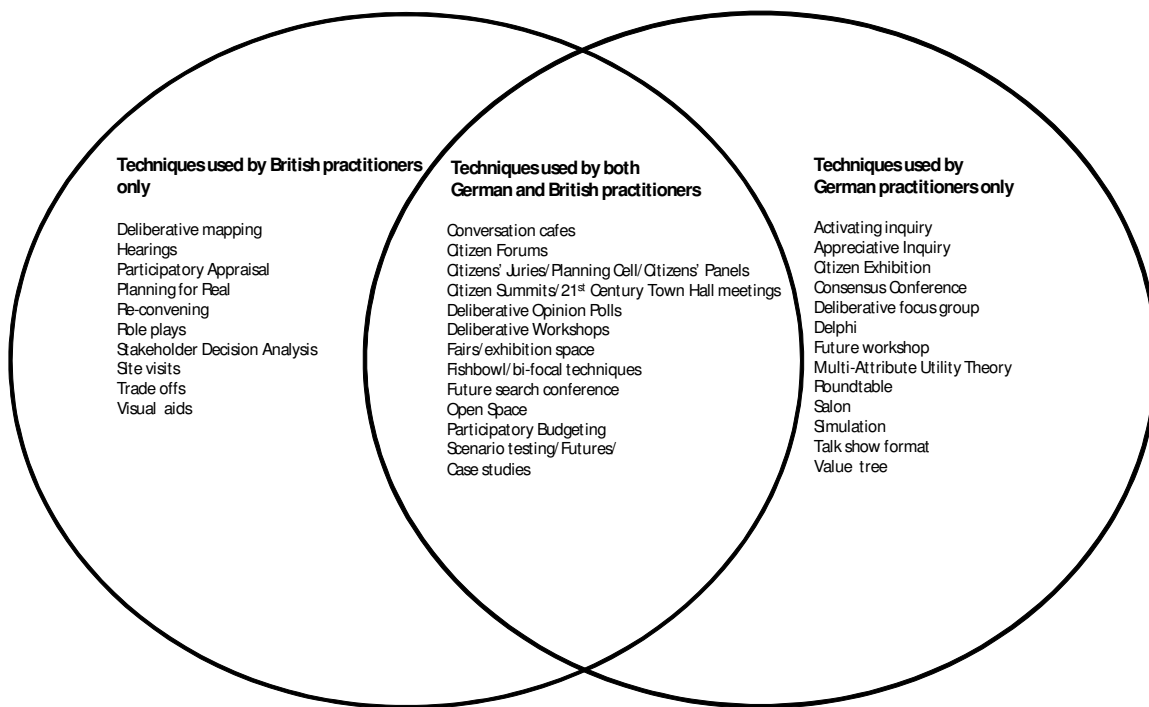
What's in the Toolkit? Design Choices in Britain and Germany

One of the aims of this research is to understand the degree of diffusion of public participation designs: To what extent are there differences in the use of techniques and models to organize citizen engagement in Britain and Germany? To this end we asked practitioners to list the various techniques which they or their organization offer to clients. This apparently simple task is rife with difficulties. First, there are significant definitional problems when discussing models (see also Rowe and Frewer 2005). For example, the Citizens Jury and Planning Cell are sometimes referred to as a Citizens Panel, which is also a term widely used in Britain to describe a regular quantitative survey of a panel of citizens – a totally different form of engagement. Additionally, some designs, such as a Deliberative Workshop, are highly nebulous in their definition, and can be used to describe a diverse range of processes. Second,

most of the practitioners mention that although they are influenced by a range of models, they may not necessarily implement them exactly as described in the literature; they develop variations in light of their own knowledge and experience. So it is perhaps more accurate to say that participation initiatives as organized by professional practitioners are influenced by these designs, rather than being defined by them. Designs are used quite flexibly – or ‘customized’ in the words of one German practitioner – either as a stand-alone process, or incorporated into a hybrid form (such as the use of World Café techniques within a Citizen Forum); or indeed they may sit alongside each another as part of a longer-term participation process (for example, a Future Search Conference followed by a Planning Cell). Accordingly, the techniques and models listed should be viewed as both the elements, and overall processes, that are used to create participation initiatives for public authorities. This customization and adaptation makes it difficult to simply ‘name’ institutional designs and be sure that practitioners mean the same thing. We addressed these problems to a degree by asking practitioners to describe their understanding of the techniques and models they named, to ensure that their perception of a specific design is sufficiently similar to other practitioners. Clearly this tells us nothing about the quality of application of the designs – for example, whether any particular project the practitioner organizes is ‘deliberative’ in character. The discussion of democratic commitments in the next section teases out some of the practitioners’ intentions in this regard.

Figure 1 indicates the commonalities and differences across the British and German practitioners. Practitioners from both countries reference twelve common designs, many of which originated in the United States and have subsequently gained

Figure 1: Public participation techniques used by practitioners interviewed



international recognition, such as Conversation Cafés, Citizens’ Juries, Deliberative Polling and Twenty-first Century Town Meetings. This indicates the extent to which there has been significant diffusion of practice across polities and that there are networks of practice that stretch across Europe and the United States (and, with the inclusion of Participatory Budgeting on the list, into Latin America). As Lee (2011) suggests, there are signs of isomorphism within the deliberative community of practice: the more established the industry becomes, the more processes become standardized and homogenous. The presence and active international networking of nonprofit organizations such as the Deliberative Democracy Coalition and the National Coalition for Dialogue and Deliberation in the United States, Involve in Britain, the Stiftung Mitarbeit in Germany and the fledgling European Institute for Public Participation, provide one important means through which such diffusion of practice takes place (see also Hendriks and Carson 2008).

Amongst this common list of techniques and models, there were some national idiosyncrasies. The way in which practitioners described Citizens' Juries, Citizens' Forums and Planning Cells involve so many similarities that we group these mini-public designs together. However, there is a nationally-based preference for Citizens' Juries in Britain and Planning Cells in Germany. There is a path dependency in operation here. German practitioners have been influenced by the work of their compatriot Peter Dienel who developed the Planning Cell model in the 1970s (Dienel and Renn 1995). By comparison, the Citizens' Jury model designed independently of Dienel by Ned Crosby in the United States, was popularized in Britain in the 1990s by the Institute for Public Policy Research and other think-tanks (Stewart et al. 1994; Crosby and Nethercut 2005) and has spread to other English-speaking countries such as Australia (Hendriks and Carson 2008). As we shall see below, the specific application of mini-public design has implications for judgments about democratic quality.

Alongside these similarities there is also some significant diversity, with the responses of practitioners suggesting a range of designs specific to each national context: ten designs appear to be unique to British practitioners, and a further fourteen to those working in Germany. Prominent designs that are apparently country-specific are Participatory Appraisal and Planning for Real, which, amongst our sample of practitioners, are used solely in Britain, and Future Workshop, Activating Inquiry and Roundtable in Germany. While a more 'globalized' participation industry has emerged, there are still noticeable national idiosyncrasies.

Democratic Commitments of Practitioners

The commonalities and differences in the use of certain designs in Britain and Germany is interesting in itself, but it tells us little or nothing about the intentions of practitioners in their use; in particular, whether the choices of practitioners are guided by democratic principles. As we noted earlier, democratic theorists have been keen to analyze many current participatory designs organized by such practitioners in relation to the principles of deliberative democracy. Given this tendency, we are interested in the extent to which democratic commitments – and in particular deliberative democratic principles – shape decisions of practitioners about design choices. Rather than directly asking practitioners about their democratic commitments (after all, who wouldn't be in favor of political equality, publicity, and the like in general terms?), we applied an inductive approach, drawing out the way in which they consider democratic principles in their day-to-day work through a discussion of the pros and cons of the different designs that they listed.

In all cases, the principle that is most commonly appealed to is political equality, the realization of which is viewed as fundamental to the legitimacy of public participation initiatives. Practitioners articulate political equality both in terms of presence (who participates) and voice (ability of participants to make a contribution). This finding should not surprise us, given that political equality is widely regarded as the core principle of democracy (Dahl 1998). Practitioners wrestle with what Arend Lijphart terms democracy's unresolved dilemma – namely unequal participation across social groups (Lijphart 1997). They stress that unless carefully designed, institutions such as Open Space will tend to reinforce existing socio-economic differentials in participation, dominated by what British practitioners often call 'the usual suspects',

or in Germany ‘professional citizens’ (‘Berufsbuerger’): ‘Citizens that engage again and again and again and participate in every event. And if you only have those you of course get a very narrow view of what is in favor or not’ (German practitioner).

Given that this concern looms large for all practitioners, it is not surprising that their desire to realize inclusiveness attracts many of them to mini-publics: forums constituted by forms of random sampling that guarantee engagement of a cross-section of the population. As one German practitioner states, ‘What I see as really good is random selection – this is totally different to inviting ‘professional citizens’ who are active and who represent the extremes.’ But there are differences across the sample, with a tendency to divide along national lines. The source of the difference is the number of citizens that need to be involved to ensure legitimacy. Much of the difference can be traced to the pattern of development of mini-publics in the two countries – as we discussed in the previous section, a preference for Planning Cells in Germany and Citizens’ Juries in Britain. Thus in Germany we tend to find participation projects based on a number of Planning Cells involving 12-25 citizens run in conjunction using simple random selection; while in the UK we find similar-size Citizens’ Juries typically run in isolation and selected using quota sampling. German practitioners are quick to challenge the engagement of smaller numbers: ‘One of the major problems of a heterogeneous society like Germany: if you ask twelve people to be the judges for a very sophisticated thing, the legitimacy is not there’ (German practitioner). While often defending the legitimacy of smaller numbers, British practitioners recognize that this might be a problem in the eyes of the media and the general public. As one states: ‘It is harder to diss the views of a thousand

people than it is to diss the views of 12-16. Numbers give obvious legitimacy’ (British practitioner).

The focus on equality of presence is universally complemented by discussion of equality of voice – the importance of ensuring that the voice of the politically marginalized is heard during the participation process. Practitioners continually highlight the need to create a space within which all participants feel able to contribute. Equality of voice is explicitly or implicitly tied to achieving good quality deliberation (a term that practitioners refer to throughout the interviews). Thus all practitioners place a strong emphasis on facilitation techniques which encourage less confident citizens to voice their views and perspectives. There is concern again that models of engagement such as Open Space are ‘very difficult for people who are not so much used to engaging’ (German practitioner) and much discussion of how small group work that promotes intimacy, and/or relatively structured processes (such as those which take place in a Conversation Café or Activating Inquiry) could provide the conditions under which less-confident participants feel able to contribute. German practitioners in particular are not just sensitive to facilitating the less-confident, but also to eliciting the full range of opinions and perspectives, in particular ‘avant-garde’, unusual views and positions that are widely held but rarely voiced. These could be expert or lay perspectives. Minority viewpoints of citizens are regarded as sometimes difficult to tease out and integrate within deliberations. Within this context, Delphi techniques adapted for the group environment are considered by some German practitioners as a particularly effective means of highlighting outlier views, rather than discussing the common middle ground of the majority. Additionally, practitioners explicitly discuss the ‘trade-offs’ between the desire to be inclusive and

promote good quality deliberation, expressed simply as ‘small numbers – much greater depth and intimacy – or larger numbers’ by one German practitioner. For this practitioner, where public participation initiatives are too short in length to facilitate genuine deliberation, they become ‘essentially glorified focus groups’.

Practitioners not only reflect upon the nature of the deliberative interaction between citizens, but also the importance of developing a deliberative process between citizens and public authorities. But constructive dialogue between citizens and public authorities is seen as harder to achieve (a theme we will explore in more detail in the next section). Mini-publics such as Citizens’ Juries are seen as relatively weak on this score by a couple of practitioners, since they can lead to an adversarial orientation towards clients. As one British practitioner argues, public participation should not be organized only to generate a decision, but also as a process ‘in which cultures are shaped too’; which can lead to ‘an epiphany from the client’s side, as well as getting to an answer.’

While the realization of political equality and deliberation are central in the accounts offered by practitioners, other principles are appealed to, but less frequently, at various points in the interviews. Publicity – or more specifically, the problem of achieving publicity – is also a discussion point amongst practitioners. Their perspective often reflects Michael Saward’s (2003) assertion that it is not good enough for the enactment of democratic principles simply to be done; transparency ensures that it is seen to be done. Like political equality, the realization of publicity is tied to achieving legitimacy. On more than one occasion, practitioners mention how

impressed they are by the ability of large-scale models, such as Twenty-first Century Town Hall Meetings, to attract media coverage. Such designs are:

highly visually attractive which is something that citizen participation often lacks. You can't overstate it: it's attractive to cover in the media, it's attractive to be a part of, it makes you feel like you're part of something big... it creates what I would call, a participation experience. It's taken much more seriously, it's picked up by the media, by policy makers. (German practitioner)

A final principle that attracts some discussion is empowerment. While empowerment is a crucial aspect of the mobilization of citizens within more marginalized social groups, practitioners occasionally refer to broader empowerment beyond the specific initiative organized by practitioners. And here there is an interesting split, represented at one extreme by one British practitioner arguing that when well organized, certain designs are a 'tool for activism'; and at the other by a German practitioner arguing that connecting a 'deliberative process and a revitalization of democracy in general' is 'fairly naïve.'

What our analysis demonstrates is that practitioners express key democratic principles in discussing their day-to-day work and design choices. The emphasis placed on political equality and deliberation and the manner in which these principles are articulated as key to achieving democratic legitimacy has strong resonances with debates on deliberative democracy. This is an interesting finding in its own right and one that should dampen some of the suspicion towards private sector involvement in organizing public engagement (Hendriks and Carson 2008). The practitioners'

particular interest in mini-publics is certainly mirrored in the academic world, where the democratic qualities of mini-publics – in particular Citizens’ Juries, Deliberative Polling, and more recently the impressive Citizens’ Assemblies in Canada – have become a central focus of much of the discussion of the institutionalization of deliberative democracy. In a similar way to practitioners, academics wrestle with the legitimacy of sortition, debating the extent to which it is inclusive and representative and the degree to which numbers of participants affects legitimacy (for example, Fishkin 2009; Smith 2009a; Warren and Pearse 2008). And whereas democratic theorists have only recently turned their attention to the necessary trade-offs between democratic principles (or goods) in practice (Smith 2009a; Thompson 2008), practitioners have to confront the democratic implications of design choices on a daily basis. Our initial research suggests that democratic theorists could have much to learn in this regard from further attention to the decisions and actions of practitioners. But we also have to recognize the limitations of our research design: we are not in a position to test the extent to which the democratic principles expressed by practitioners are themselves compromised by (or traded-off against) other goals in their work. For example, Jane Mansbridge and colleagues, in one of the rare studies of professional practitioners, found that they tend to privilege more task-oriented standards such as participant satisfaction and group productivity in their assessment of good quality deliberation (Mansbridge et al 2006). Similarly, we cannot confirm or deny Lee’s observation that while ‘avowed commitments to equality and diversity are omnipresent’ amongst practitioners, this does not necessarily translate into an effective response to ‘structural inequalities’ within the community of practice and deliberative events that disproportionately impact on women and people of color (Lee 2011: 15). We are limited to the observation that the manner in which practitioners

reflect on their democratic commitments resonates in a strong sense with the way in which democratic principles are articulated in theoretical and empirical work on deliberative democracy. Finally, practitioners' divided responses to the overarching question of whether democratic innovations can be seen as part of a broader strategy of democratic revitalization (Fung 2003) or whether that is hopelessly naïve (Blaug 2002) is mirrored in the academic literature.

Constraints in Practice

While the democratic commitment of professional practitioners is clear, they work within a context that may constrain their capacity to organize public participation that realizes democratic principles effectively. The academic literature is divided on the question of whether public authorities are able to promote authentic democratic engagement. There is a degree of consensus that too often public officials do not take participation seriously: studies of engagement exercises often find little systematic evidence of their effect on political decision-making (Lowndes et al. 2001: 452; Crawford et al. 2003; Newman et al. 2004). As Daniel Fiorino recognizes, public participation can be organized to 'give at least the appearance of individual and community involvement, legitimate decisions already made, warn the agency of potential political and legal obstacles, satisfy legal or procedural requirements, and defuse the opposition' (Fiorino 1990: 230-31). But there is a distinction to be drawn between those who argue that administrative and political interests will by their nature subvert the possibility of authentic engagement (Dryzek 2000; Blaug 2002; Cooke and Kothari 2001) and others who hold that such democratic experiments, even though (or perhaps because) sponsored by public officials, can represent new forms of democratic practice (Fung and Wright 2003; Smith 2009a; Warren 2009).

Not unsurprisingly given their choice of career, practitioners do not hold the view that participation can never be authentic. That said, the comments of two German practitioners are not uncommon in sentiment: ‘Sometimes you think, is it really about citizen participation, or is it just a show?’ ‘Is this only symbolic or is this also real?’ Similarly a British practitioner states, ‘My concern is that it gets done and then they [public officials] go back to work as usual.’ Practitioners highlight a series of constraints to more effective institutionalization of public participation which can be summarized as, first, a failure by public authorities to fully understand the demands of participation; second, impediments caused by the broader structure and culture of public authorities; and third, the impact of commercialization of public participation.

Failure to Understand the Demands of Participation

While recognizing that citizen participation might be employed for purely strategic reasons, practitioners generally believe that most of their clients (namely public authorities) have some degree of democratic commitment. However, practitioners are often exasperated that clients frequently have not thought through the implications of engaging citizens. In this account, negligence or lack of understanding on the part of public authorities is the cause of poor practice rather than explicit manipulation. As one British practitioner argues, ‘Often clients are not manipulative, they just don’t know how to deal with something.’ Another surmises, ‘I have the feeling that they don’t know enough what they really want.’ Similarly, a German practitioner states, ‘It’s always disappointing and surprising that politicians don’t know what they want.’ This is a broad theme that emerges time and again in the interviews: public authorities

– in the shape of both politicians and civil servants – lack an understanding of the demands of organizing and responding to effective participation.

This shortcoming is expressed in a number of ways. For example, there is frustration that clients follow a particular fashion in public participation, often pressing for inappropriate designs rather than considering the best model for the particular issue and context in question – a ‘let’s have one of what Gordon’s [Brown, the then British Prime Minister] having mentality... where the scope for any creative design is limited, if not non-existent’ (British practitioner). The attraction of the latest design tends to dominate public officials’ imagination regardless of appropriateness. ‘Now you’re getting all this coverage of Citizen Summits everyone’s interested in them. Twelve years ago Juries were the big thing, eight years’ ago Citizen Panels were the big thing. So people want to pick something new’ (British practitioner). But this is not simply a British problem. A German practitioner describes a similar experience and the way in which he often has to challenge the prejudices of commissioning bodies:

Often clients have a very clear idea of the sort of thing they would like, so they think they know: this is how many people we’d like to involve, this is where we’d like to do it. But once you ask them what kind of outcome they’d like to reach? How it’s connected to decision-making? Once we’ve asked those sorts of questions, often times the initial assumptions change, and often the budget – these are dependent variables not independent variables. (German practitioner)

Not only do practitioners have difficulties weaning clients off inappropriate designs, they also share frustrations with the ways in which clients often wish to frame the charge: the issues that will be discussed. Practitioners contend that public authorities actively ‘close down’ issues so that the wider political context is not taken into account. As a British practitioner argues, clients are not always ‘honest about what’s up for grabs and what’s not.’ He offers GM Nation? – a large-scale consultation sponsored by the British government on the commercialization of transgenic crops in 2003 (Horlick-Jones et al. 2004) – as one example of the effect of poor framing: ‘It wasn’t about flavored tomatoes, it was a much wider set of issues such as who owns this technology, who benefits, what we want from agriculture in the late 20th century. Lots of conversations were closed off by a very very narrow framing, which ultimately meant that everyone came out worse.’ Concern about the reaction of the media is commonly mentioned as a significant variable in poor framing, particularly for large-scale national-level projects. And practitioners often mention that the lack of understanding of the demands of participation extends beyond public authorities, to the media and the broader public itself. As a German practitioner argues:

The public is not well informed about the process and results of citizen participation reports and other participation methods. It’s not in the heads of media journalists. It’s difficult to write about it, because they want to write about scandals, about controversial things. Public participation is directed towards understanding, compromise and consensus and it doesn’t involve famous people. That’s the problem.

This is one explanation of the resistance from public authorities often experienced by practitioners: a fear on the part of many clients of losing control of the process and the subsequent reaction of the public and the press. As another German practitioner notes, clients ‘don’t know what could come out. If they have the usual suspects involved they know what to expect...they want to have control over the process and the outcome. It takes a lot of courage to say “whatever comes out, comes out”.’

But it is not always an active strategy on the part of clients to control the agenda; sometimes they simply do not understand how to frame a charge effectively. More than one practitioner in both Britain and Germany expresses surprise in public officials’ lack of capacity to articulate the problem or question they wish to take to citizens:

You not only have to bring them the solution you have to describe their problem first. If you look at it closely, they don’t really have a clear view of what their problem is, what the question is...They don’t think as clearly as I would have thought it to be necessary. That was my first surprise. (German practitioner)

Structure and Culture of Public Authorities

Beyond the framing of charges or questions, practitioners commonly stress the difficulty of affecting change in the culture and practices of public authorities: too often participation is seen as a one-off event with no long term impact on decision making. It is difficult to embed change in the culture of an organization such that the results of public participation have a meaningful effect on the way that public

authorities operate. A British practitioner captures one aspect of this challenge, describing how the policy process in British government means that ‘maintaining memory’ of participation events was difficult, if not near impossible. Public engagement may be commissioned by the team responsible for generating a White Paper, but the day it is published ‘the team will disappear’ (British practitioner). One cause of this problem is that there is no long-term, ongoing relationship between clients and practitioners; the latter are simply consultants, typically brought in to work on a single project. Hence the common view that participation is often no more than a short burst of activity between ‘business-as-usual’.

Interviewees from both countries continually reinforce the extent to which the culture of particular public authorities, agencies or departments at different levels of governance affects the impact of public participation. Interviews indicate that there are differences in certain policy areas across the two countries. In British and German interviews, projects with health authorities are discussed with contrasting perspectives on the experience, offering some indication of how different professional cultures can affect democratic practice. In Britain, more than one practitioner warmly recounts the pleasure of working with the Department of Health:

It’s probably the lead department in developing all these methods...you just talk to people in the Department, policy makers, and it transformed them. And suddenly they stop designing policy in an ivory tower on behalf of people and they start designing it with real people, and their language is different. (British practitioner)

Contrast this with the German experience where ‘the Department of Health had a different attitude. They are professors and doctors of medicine, and it’s one of the last parts of our culture where there is real hierarchy and where people think they know better’ (German practitioner).

The problems associated with institutional culture are reinforced by the complex institutional form of contemporary governance. Practitioners may be commissioned to organize public participation on a particular topic, but the client may not have the power or authority to act on issues beyond their area of competence. A British practitioner highlights how in working with just one Ministry there will be ‘different departments and sub-departments [that] want something else.’ Returning to the GM Nation? example discussed earlier, one of the fundamental challenges to embedding change was that the public debate was commissioned by the environment ministry, but the issues relating to genetic modification cut across government: ‘It’s difficult because Government departments have a focus, and quite often if you talk about things in the round it falls into other areas.’ For German practitioners the problem appears even more challenging, given the federal nature of the state:

I think that the biggest problem is what happens with the results. And it has not always been possible that the commissioning body give a report of what they have done with the recommendations of the citizens. It’s very difficult to do something like that because in Germany we have the communes, we have the counties we have the districts, we have the länder, we have the federal level and we have Europe – and the competencies are scattered across these. So, how can one address a citizens’ report and say I have taken up these

recommendations? Often you can only say ‘I can talk about it with people on the federal level or the communal level, but what they do is theirs.’ This structure is very complicated, and still becoming more complicated. (German practitioner)

Finally, given that public participation represents a form of political intervention, a number of practitioners highlight how the impact of their work is affected by the electoral cycle: a change in political leadership means that public participation organized under a previous regime is viewed with suspicion and generally ignored. Ruining the fate of one project, a German practitioner recalls that ‘after a report there was an election. The situation in a city changed. The new politicians distanced themselves from the report, and there was frustration on the side of the people working on it.’

Whereas academic commentators are often rather blunt in their portrayal of the intentions of public authorities, the practitioners offer us a nuanced account of the different types of barriers that they confront in their daily work. They can all point to examples of well-organized designs that had the desired impact; but too often their stories are of frustration.

The Commercialization of Deliberation

The commercial client-consultant relationship between public authorities and practitioners can pose challenges to the organization of effective deliberative processes; it is the market-based element of the relationship that concerns many commentators (Hendriks and Carson 2008). Practitioners in both Britain and Germany

recognize that there has been a significant expansion in the market as public authority demand for public participation has increased.

But there are differences in how practitioners respond to the changing dynamics of the market. While the shared professional interests and networks of practitioners indicate a community of practice, there are different motivations at work. Those practitioners from the not-for-profit sector (including academic institutions) are less affected by commercial considerations. Those working for private-sector organizations are conscious of the dual demands they face: the need to enact deliberative ideals and the commercial bottom-line. As one British private-sector practitioner comments:

‘Ultimately, we’re trying to make money as well, so you can’t be too precious about it.’ Compare this attitude with the thoughts of a German practitioner working in the not-for-profit sector: ‘We’re a company, but we’re a non-profit company... so there’s no commercial pressure to accept everything that comes in.’ Private-sector practitioners in particular articulate the need to distinguish themselves in the market place; to sell their expertise and products, sometimes through trade-marking. But it is clear that some are more commercially minded than others. A German practitioner is confident in his marketing strategy as the ‘market leader’, while a British practitioner is more circumspect: ‘I’m less interested in badging things, but I know that’s not terribly helpful in a marketing sense.’ Although many practitioners have commercial interests that affect their judgments, they are also aware that their clients – public authorities – are paying from the public purse and they need to demonstrate value for money. One British practitioner comments: ‘If you’re spending £900,000 you need to ask whether that is a good use of money and what people are getting out of it’.

Practitioners highlight two contrasting tendencies in the current marketplace. First, at times demand has expanded faster than the participation industry can respond. This was particularly the case under New Labour when practitioners were overwhelmed with work: relatively few organizations able to supply large-scale events dominated the supply side, the market place was uncompetitive and arguably lacked innovation. ‘It doesn’t help that there are three main companies going for [contracts]... it’s not a healthy situation’ (British practitioner). But practitioners are also concerned that the expansion of the market and demand from public authorities at all levels has also led to the emergence of a number of practitioners and organizations which are less scrupulous and lack the relevant skills and experience to effectively organize deliberative events. The impact of poor practice is a degree of disenchantment and disillusionment amongst participants, commissioners and practitioners. As one British practitioner notes, ‘Suddenly all these people started doing Citizens’ Juries that we would look at, frankly, in horror.’ Similarly in Germany, ‘The problem is that we have some people active in the field who are not investing enough in quality control.’ One response has been the call for an industry code of practice to safeguard quality.

Coda: Towards a Code of Practice?

While in the field interviewing, many of the British practitioners were involved in discussions about the development of a code of practice with the aim of ensuring quality in public participation on the part of providers. The process was spearheaded by Involve and the National Consumer Council and resulted in the 2008 publication *Deliberative Public Engagement: Nine Principles* (Involve and National Consumer Council 2008). Again the title of the document indicates the extent to which ideas associated with deliberative democracy have filtered into practice (and arguably vice

versa). This initiative mirrors a growing worldwide interest in standards for deliberative processes, such as the IAP2's Core Values, the Brisbane Declaration, Equator Principles (Hendriks and Carson 2008) and NCDD Public Engagement Principles (Lee 2011).

Given its aim to improve the standard of public participation, we include practitioners' reflection on the process in our interviews. This was also possible in Germany given an aborted attempt in the mid-1990s to organize a code of conduct (ironically, according to one interviewee, it failed because of insensitive facilitation of the process!) and because certain sub-sectors of the industry are developing their own response: 'Within the field of Planning Cells we came up with a group of 15 institutions who decided to meet twice a year for 'Planungzelle protagonisten treffen' who discuss minimum standards' (German practitioner).

The initial idea of a code of conduct in Britain was eventually watered down to a set of general principles on a number of grounds. First, practitioners are concerned that a strong code would restrict creativity and experimentation: 'The more specific it becomes the harder it is to sign up to' because 'each project is tailor made to the particular environment, the issues, the involvement of politicians, etc.' (British practitioner). Second, there is a commonly held view that less-established and, to their mind, less-principled practitioners are always willing to organize events at a lower price regardless of the existence of a voluntary code. Recalling our analysis of the impact of commercialization, one British practitioner wryly admits: 'If you get a brief from a company, it's a big financial decision to say, "No, we're not doing this". It's

quite an expensive ethical stance to take, I guess. Because you can guarantee another company will do it, if you don't.'

But there are other practitioners (albeit a minority) who want to see stronger regulation of the industry. That said, the type of franchise system operated by James Fishkin for Deliberative Polls and America Speaks for Twenty-first Century Town Meetings is viewed with skepticism. Such a system had been proposed at one time in Germany for Planning Cells but was abandoned because it was believed that it would hinder the development of the model. As one practitioner argues: 'I can't see how a law could describe the steps that lead to a citizens' report...sometimes you want to include other elements' (German practitioner).

Those practitioners who are looking for some level of regulation, believe that it has to be beyond the self-regulation expressed in a set of guiding principles or a code of practice. Government needs to be directly involved. A British practitioner argues: 'It has to be owned in government because it starts with the commissioning.' To a limited degree, this has happened in Britain where the Central Government Office of Information (COI) 'now has guidelines on what constitutes deliberative, what is and isn't.'⁴ For this practitioner, 'That's a really good positive move, because so much is commissioned through COI.' A German practitioner makes similar arguments, stating that 'democratic states have a responsibility to guarantee the minimum quality of democratic processes.' He draws a comparison with elections where there is 'a minimum standard which should be guaranteed. And we have observers of elections. This has to become normal for other democratic processes too.'

⁴ The COI is due to close in March 2012, with much of its work to be taken on by the Government Procurement Service. It is not clear what impact this change will have on the practice of public participation.

Where this argument is developed, the preferred solution is a semi- or quasi-governmental agency to oversee the development and application of standards. This is not a new proposal: according to one of the German practitioners, in the 1970s Peter Dienel, the architect of the Planning Cell model, had called for an ‘accounts court for citizen participation.’ More recently a similar approach to oversight has been proposed by Jay Blumer and Stephen Coleman in relation to online engagement: an independent publicly-funded agency that would be responsible for ‘promoting, publicizing, regulating, moderating, summarizing, and evaluating’ public online discussion and consultation on the activities and proposals of public authorities (Blumler and Coleman 2001: 19). They argue that its independence from government would enhance the transparency of official consultations and help remove public suspicion of manipulation. Blumler and Coleman argue that such an agency would be designed ‘to forge fresh links between communication and politics, and to connect the voice of the people more meaningfully to the daily activities of democratic institutions’ (p.16).

But not all practitioners are so keen on such a development. One German practitioner comments that it would prove ‘very difficult because it ends in bureaucracy and I think you would end up with a tick-box mentality’ (German practitioner). Another prefers voluntary agreements because of concerns that too much government involvement in regulating designs could undermine the legitimacy of public participation: ‘People would say it’s biased towards government and what government wants.’ There is a clear dilemma: a desire to ensure the implementation of high-quality public participation designs, but understandable concern about

detailed codes of practice and the heavy hand of bureaucracy that may stifle creativity and innovation.

Conclusion

What can we learn from the choices, intentions and perspectives of professional participation practitioners? First, we have some evidence of the extent to which practices of public participation have diffused across borders: what is common in the application of designs in Britain and Germany is greater than differences. Second, in reflecting on their work and day-to-day design choices, practitioners express strong commitment to core democratic principles, most explicitly political equality and deliberation. And the manner in which they articulate these principles and the practical trade-offs they face in designing public participation initiatives resonates with current debates in the deliberative democracy literature. The intention of practitioners across both countries is to create spaces in which inclusive deliberation between citizens can occur. Whether this happens in practice is another matter beyond the scope of this paper. But we believe strongly that understanding the intentions of practitioners is important in any evaluation of the state of public participation and the possibility of institutionalizing more deliberative practices. In this regard, practitioners offer us an insight into the different types of barriers that limit more effective institutionalization of participation, one more nuanced than the accounts often presented in the theoretical literature. In relation to their clients (public authorities), there is some concern about explicit manipulation, but generally practitioners point to constraints created by clients' lack of understanding of public participation and to aspects of the culture and structure of public authorities. In terms of the impact of commercialization, there are differential effects depending on the

sector in which organizations operate (for-profit or not-for-profit) and some concern about the impact of less experienced organizations offering cheaper, but lower-quality processes. This has led to reflection by some on the need for a code of conduct or stronger forms of regulation on the design and application of public participation. But there remains a high degree of skepticism about such an approach and a desire that public-sector clients focus on their own commissioning process. Our research indicates that experienced professional participation practitioners are part of an impressive community of practice that makes many of the same design choices, has strong commitments to realizing deliberative democratic principles in their practices and recognizes the barriers to institutionalization of more effective deliberation. Whether the culture and practices of public authorities and the perverse effects of market-based relationships can be reshaped to allow the democratic ambitions of public participation practitioners to flourish remains an open question.

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