This report explores what elected officials know and think about public deliberation, as well as what they need to know to assess the potential value of public deliberation as a governance tool. Data from interviews with twenty-four state legislators and senior staff for federal legislators yielded some provocative results with practical implications for the field of public deliberation.

Only four respondents had familiarity and/or experience with deliberation. The majority of those interviewed for this study did not know what public deliberation was, and even after explanation, had trouble understanding how this approach differs from what they already do to engage their constituents. With few exceptions, the respondents conflated it with their present engagement practices such as polling, public hearings, town halls, tele-town halls, and opportunities to hear individual stories. Perhaps most interesting was the sheer skepticism lawmakers expressed about the feasibility of deliberation. Given that lawmakers generally did not believe public deliberation is possible, they were hampered in assessing its utility.

All the legislators recognized that constituent engagement is a job requirement (“a necessary part of the game”) and essential for political survival. Standard forms of engagement were also seen as a way to foster connections and two-way communication between legislators and constituents – to enable lawmakers to hear and respond to the concerns, needs, and positions of the “real people” as distinct from special interests.

Despite these benefits, lawmakers were quick to point out several challenges and risks of engaging constituents, including limited resources and complicated logistics, dealing with an “angry” and “hostile” public, and the difficulty within a partisan political environment of engaging constituents in a realistic discussion of legislative options. Each of these drawbacks to “traditional” participatory mechanisms has important implications for public deliberation. Simply put, these risks and challenges shape and color the way lawmakers think about citizens, the role of public officials, and the potential of public deliberation.

While the lawmakers could generally see the intellectual, ethical, and philosophical reasons for using public deliberation, they had trouble imagining how it could be employed in the “real world.” Beyond their suspicion that deliberation would be logistically challenging and resource intensive, they doubted the motivation and willingness of citizens to participate in such processes; were fearful of being attacked by angry, partisan, and uninformed citizens; apprehensive of cultivating critics, being caught off guard, or subjected to negative press...
coverage; and worried that such processes would be “hijacked” or “commandeered” by organized interests. They argued that deliberation was not politically feasible and expedient because they are forced to cater to the loudest and most extreme voices and the people with money to finance campaigns. They felt trapped in and saw fellow legislators as corrupted by a legislative system that is itself not civil and deliberative. Few saw political incentives to support the use of public deliberation, except perhaps, as some state legislators suggested, on issues that are politically ‘unwinnable’ – where there are tough decisions to be made, the politics are polarized and partisan, public misconceptions about what is possible abound, and there are no incentives for legislators to compromise.

Given these experiences and perceptions, it is unsurprising that legislators said they would need to see and understand the methods and processes of public deliberation for themselves before they would be able to assess the value of the deliberative approach or the content of a particular deliberation. Personal exposure would enable them to understand how deliberative processes are different from, and in some contexts and for some purposes, better than, what they already do. Proposals for a deliberative process would need to align with the interests and concerns of the member, be implemented at a district (as opposed to national) level, and with the buy-in of the member and her/his staff from the start.

Five specific considerations emerged as critical:

1. Lawmakers want to know who organizes the deliberation and how the event is structured. They overwhelmingly indicated that it would be important for the organizers, conveners, and moderators to be neutral, balanced, and non-partisan, and to be perceived as having these qualities.

2. All of the interviewees indicated that it would be important to ensure that participants in such processes are demographically, politically, and ideologically diverse.

3. The majority of lawmakers were interested in seeing evidence that public deliberations are civil, informed, and take account of the complexities of the policy issue under discussion.

4. Lawmakers were curious about the likely impacts of deliberation on participants, particularly in terms of trust in government, learning, understanding the complexities of issues, openness to different perspectives, and increased political engagement.

5. Some lawmakers wanted to know how public deliberation might influence the policymaking process, and were interested in evidence demonstrating the public’s willingness to confront and address tough choices and tradeoffs. Information showing that all perspectives were considered, and that new, politically viable and attainable options or ideas were generated would be welcomed.

Based on these findings, we offer four broad recommendations intended to help the democracy and civic reform community advance the use of public deliberation as a governance tool.

**Invite lawmakers to witness public deliberation – educate them through involvement.**

Hearing about deliberation does little good; description is not enough, lawmakers need to participate in, or at least observe, a deliberative process to understand it. Participation should not
be limited to a familiar format (e.g. being on a panel as part of a plenary session), but must include exposure to what is most distinctive about public deliberation, namely discussion among ordinary citizens. Invitation by a known and trusted person or group is the golden rule of legislator recruitment.

**Build the capacity of the field to respond to the interests, needs, and concerns of lawmakers, as well as the characteristics of the political and legislative process.**

For public deliberation to become a regularly used governance tool, the field must build its capacity to address issues central to the realities of modern lawmakers. Promising capacity-building approaches include: 1) focusing deliberative events on lawmakers’ priorities and concerns; 2) the development of a robust network of neutral, balanced, experienced, locally trusted, and non-partisan organizations who can partner with legislators to deploy deliberation on issues as they arise; 3) the use of consistent, opportunistic, and locally-driven follow-up to deliberative events; and 4) the purposeful design of public deliberations to address, in advance, lawmakers’ perceptions about legitimacy and utility.

**Build documentation and evaluation into the design of public deliberation processes, and communicate the results to legislators promptly after deliberation.**

Key documentation and evaluation indicators will include whether 1) the organizers, conveners, and moderators of the event, as well as any informational materials used during the event, are demonstrably neutral, balanced, and non-partisan; 2) participant recruitment is carried out in a way that produces demographic, political, ideological, and geographic diversity; 3) the deliberations are structured so as to promote informed, civil, constructive, serious, open-minded, and productive discussion; 4) the deliberation helps create a ‘better public’ and ‘better citizens’; and, 5) the conclusions reached by participants are informed by a broader range of perspectives, generate new options or ideas, and are politically viable and attainable.

**Develop and implement a comprehensive and concrete education campaign organized around specific deliberations and aimed at politicians, policymakers, the press, and the public.**

While we recognize the limitations of any educational effort that does not include personal exposure to the process, we recommend that the field develop and implement an education campaign that is responsive to the concerns and suggestions of the lawmakers. It will also be important to educate the public, the media, and other policymakers about the methods and value of public deliberation. For each of these audiences, vividness and concreteness will increase the likely success of such efforts.

The next phase of this SOND initiative will use these findings as the framework for presenting data from several major deliberative initiatives conducted in 2010, supplemented by generic information about public deliberation assembled over the years. The resulting presentations will be shared with key stakeholders, including groups representing elected officials at the state and national levels, interested funders, and the public deliberation community at large. The reactions to those presentations will further inform the field’s ongoing effort to make public deliberation useful for democracy.

Download a free copy of the full report at [www.deliberative-democracy.net](http://www.deliberative-democracy.net)