Santa Clara University

Scholar Commons

1-2013

Good publicity: The legitimacy of public communication of deliberation

Chad Raphael
Santa Clara University, craphael@scu.edu

Christopher F. Karpowitz

Recommended Citation

Good Publicity: The Legitimacy of Public Communication of Deliberation

Chad Raphael and Christopher F. Karpowitz

Chad Raphael
Department of Communication
Santa Clara University
500 El Camino Real
Santa Clara, CA 95053-0277
Phone: 408-554-4516
Fax: 408-554-4913
craphael@scu.edu

Christopher F. Karpowitz
Department of Political Science
745 SWKT
Brigham Young University
Provo, UT 84602
Phone: 801-422-2788
Fax: 801-422-0580
chris_karpowitz@byu.edu

Author's Note: Chad Raphael is Associate Professor of Communication at Santa Clara University. Christopher F. Karpowitz is Assistant Professor of Political Science at Brigham Young University.

Good Publicity: The Legitimacy of Public Communication of Deliberation

Abstract

Although deliberative democratic theory values the principle of publicity, few empirical studies systematically assess the public communication of civic groups that deliberate over policy. The proliferation of such groups in contemporary politics, and of uncertainty about their legitimacy, suggests the need for such study. Drawing on contemporary deliberative theory, we derive a set of Legitimate Publicity Indicators for assessing how well groups report their deliberative processes and policy conclusions. We demonstrate the reliability and utility of these measures in a comparative content analysis of the final reports of three common kinds of deliberative bodies – a government-stakeholder task force, an activist strategy group, and a citizen consensus conference. We conclude by suggesting an agenda for further research on the perceived legitimacy of publicity about deliberative processes, outcomes, and impacts on the policy process.

Introduction

There is growing interest in a broad range of forums that incorporate citizen deliberation in the formation of policy recommendations and even in enacting reforms directly. These efforts aim to enhance democratic participation and public opinion formation, institutional accountability, and the legitimacy of the policy-making process in contemporary pluralist democracies (Fung & Wright, 2003; Gastil & Levine, 2005). Such groups deliberate, rather than engaging in other forms of communication, when they partake in "debate and discussion aimed at producing reasonable, well-informed opinions in which participants are willing to revise preferences in light of discussion, new information, and claims made by fellow participants" (Chambers, 2003, p. 309). Because deliberation is oriented toward arriving at positions on issues

or making decisions about them, it can be distinguished from dialogue, which simply asks participants to achieve greater shared understanding and mutual tolerance, and from discussion that aims only to improve participants' civic capacities (Cramer Walsh, 2007; Thompson, 2008).[1] In this definition of deliberation, participants exchange views in order to arrive at well-informed individual positions or group decisions, justify their conclusions to others who are affected by them, and reveal the process by which the group reached those conclusions.

Given the growth of forums for engaging the public in policy deliberation, it is surprising how little empirical research addresses the legitimacy of how civic groups disclose their deliberative process and express their decisions. Instead, much of the empirical research examines how well such groups talk among themselves according to normative criteria for good deliberation (for summaries, see Fung, 2003; Gastil, 2008; Thompson, 2008). One major strand of this research examines how elements of design and control (such as recruitment of participants or decision-making rules) shape conditions of discursive equality, reciprocity, or transparency. Another main strand focuses on deliberative discourse, measuring how well participants engage in reason-giving, consideration of counter-arguments, orientation to the common good, and other criteria for high-quality deliberation. Each line of research may attempt to explain deliberation's perceived legitimacy by others and its effectiveness at influencing policy.

Unfortunately, this often involves skipping over what is likely an important step: the reporting of deliberative groups' decision-making process and recommendations to policymakers, citizens, and the news media. Because the whole polity cannot directly participate in even the most ambitious deliberative event, the perceived legitimacy and influence of deliberative groups depends in part on how they communicate with outsiders. Yet this aspect of deliberation is a largely unexplored black box in studies of deliberative civic forums. Research

on journalistic reporting on deliberation suggests that the news media often simplify, sensationalize, or ignore much deliberation (Page, 1996; Parkinson, 2006a, 2006b). Therefore, deliberators must improve how they communicate both to the news media and "around" them (i.e., directly to the public and decision-makers).

We focus on defining legitimate publicity by civil society assemblies and quasi-governmental forums that take place outside of traditional state structures, where the lines of authorization, accountability, and authority are less firmly established in democratic theory and practice. Examples of the kinds of civic forums in which we are interested include stakeholder task forces and commissions appointed to advise government; meetings convened by social movements and other civil society actors to identify goals and strategies; and meetings that assemble a microcosm of a larger public to arrive at policy recommendations (e.g., Citizens Juries and Consensus Conferences) or a representation of well-informed public opinion (e.g., Deliberative Polls). At each kind of forum, government officials may participate but they are there to engage with a public, whose preferences are expected to be the focus of the event.

As the prevalence and influence of such forums has grown relative to traditional state structures, so has anxiety about their legitimacy.[2] From the standpoint of deliberative theory, if such forums aim to influence policy or public opinion, they should practice publicity unless it would defeat the ability to deliberate – for example, by encouraging external coercion of participants, such as jurors (Warren, 2007). Thus, our focus is on how organized deliberations involving members of the public (as residents, citizens, activists, or stakeholders) should be reported, rather than contexts that may not require publicity, such as everyday political talk among the public, or forums that simply aim to educate participants or build their civic capacities.

In this article, we prepare the ground for research in this underexplored area by deriving a set of Legitimate Publicity Indicators (LPI) from contemporary deliberative theory. We demonstrate the LPI's reliability and utility by comparing the quality of reports on a common issue that emerged from three typical kinds of deliberative bodies – a government-led stakeholder task force, an activist strategy group, and a citizen consensus conference. This pilot study illustrates how several important questions about deliberative democracy might be addressed by opening the black box of communication about deliberation. Finally, we suggest a broader agenda for future research that can assess more systematically how reporting of deliberation helps to explain the perceived legitimacy and effects of deliberative groups on public opinion and policy making.

The Importance of Publicity

Legitimacy is the "moral basis of political authority" (Birch, 1993, p. 32), which establishes grounds for why citizens and officials should consent to policy decisions made by others. Because most outsiders cannot directly observe the totality of a deliberative process – including the selection of topics and participants, the choice of background information, and each moment of the group's discussions – outsiders must depend on how the group summarizes its process and proposals in policy documents, press conferences, and the like. It is primarily through these channels that most policymakers and citizens will be able to assess the legitimacy of deliberative decisions and weigh whether to support them.

The need to achieve external legitimacy is especially important given the "scale problem" of deliberation, which has difficulty accommodating more than a small group and allowing for meaningful participation by all. It is not self-evident that non-participants should consent to agreements reached in small deliberative policy forums in which the chosen few are not clearly

authorized by the wider public they aim to represent and may not be held sufficiently accountable to them (Parkinson, 2006a). Thus, if such groups aim to influence policy or public opinion legitimately, they must not only deliberate well internally, but must also persuade onlookers that they have done so.

Researchers' lack of attention to external communication is in part a legacy of formative theories of deliberative democracy. Several influential theorists initially grounded deliberation's legitimacy solely in an appropriate discursive process (e.g., Benhabib, 1994; Cohen, 1989), most notably Habermas' (1990) influential discourse ethics. Critics of proceduralism argue that deliberation must also be judged by whether the resulting decisions respect substantive principles, such as individual rights to liberty and equality of opportunity (Gutmann & Thompson, 1996). But legitimacy goes beyond the procedures and outcomes of the deliberating group to involve the wider public. As Mutz argues, "it is difficult to conceive of inherent legitimacy benefiting a democratic society without also being perceived as such by its citizens" (2008, p. 524). In sum, if deliberators' choices flout widely respected norms these decisions may be both morally suspect and rejected by public opinion.

In response to these problems with basing a theory of legitimate decision-making in a perfect "micro-deliberative" process (Parkinson, 2006a, p. 6), many theorists now advocate for creating a better macro-deliberative system. This entails improving the quality of deliberation in many arenas, from representative government, to consultative bodies, to social movements, journalism, and informal political conversation (Gastil, 2008; Habermas, 1996; Mansbridge, 1999; Thompson, 2008). In this view, shortcomings in the deliberative quality of any one element of the system might be offset by other elements, thereby complementing one another's strengths and balancing one another's weaknesses. If such a system is to work, citizens must be

able to forge their opinions in a vibrant public sphere and convey them effectively to other actors in the system, while decision-makers must fully explain the bases for their positions to each other and to citizens. Legitimate external communication becomes the glue that holds a deliberative political structure together.

Such a system must rely heavily on the principle of publicity, which requires that deliberative processes and outcomes be made public if they are to be valid (Gutmann & Thompson, 1996, 2004; Parkinson, 2006). Publicity as *accountability* encourages deliberators to respect and consider others' arguments more fully and to clarify how the group's decisions relate to others' positions. Publicity as *education* informs onlookers about deliberators' insights into issues, tensions between values, novel re-framings of dilemmas or solutions to problems, potential for common ground, and remaining differences. Publicity as *transparency* allows outsiders to give informed and authentic consent to a group's decisions by assessing the process and reasoning that informed the group's choices.

The Legitimate Publicity Indicators

We can derive some of our conceptual and operational measures of legitimate publicity about deliberation by adapting criteria that are widely used to assess the internal deliberative process of a group. However deliberative democrats do not share a single vision of deliberative quality and researchers have employed a wide range of empirical measures of the concept (for summaries, see Haug & Teune, 2008; Lyu, 2008). In response, we aim to create categories that can be employed across studies of publicity for theory building, and to which others can add measures to test more specific concepts unique to particular deliberative theories. As we show below, many of these core measures reflect broadly shared values among deliberative theorists about what makes for legitimate deliberation, such as arriving at conclusions; supporting them

with reasons, evidence, and normative claims; consideration of opposing views (or reciprocity); and transparency about the deliberative process. Other measures are unique to the moment of publicity, such as how faithfully its authors reflect the group's views. We organize these measures into two broad categories: argumentation (reporting the *content* of deliberation) and transparency (disclosing the deliberative *process*).

Argumentation

When a civic forum reports its conclusions to external audiences, the participants' deliberation is transformed into a kind of argument, which can be assessed using many of the categories that are basic both to deliberative democratic theory and to the study of argumentation (e.g., Toulmin, 1969). Deliberation is oriented toward making decisions, which are expressed in a group's *conclusions.* These we define as decisions or recommendations that are presented as having been endorsed by at least a majority of the deliberators.[3] Conclusions may involve statements of the group's goals, strategies, solutions, or favored policies. Conclusions include statements about what other people should or must do, and descriptions of what the deliberative group or its allies want or seek to do, or are trying to get approved or passed.

Legitimate public communication of deliberation does not simply list conclusions but supports them with *reasons*. For many theorists, deliberative democracy's "first and most important characteristic . . . is its *reason-giving* requirement" (Gutmann & Thompson, 2004, p. 3; see also Cohen, 1989; Habermas, 1984-1987). Conceptually, we define a reason broadly as any statement that "answers the 'why' question" about the basis for one's position (Mansbridge, 2007, p. 261). Our operational definition of a reason is any statement that explains why a conclusion is desirable (fair or effective), but which is not immediately backed by evidence in the same sentence (in order to distinguish reasons from evidence, which would otherwise be

difficult to disentangle). We include not only rational argumentation but also affective reasoning, which is increasingly recognized as making a valid contribution to deliberation (Gastil, 2008; Thompson, 2008). Reasons include presentations or summary descriptions of events, ideas, and needs that justify conclusions.

Good deliberation is also based on broad access to information (Gastil, 2008). In publicity, information is presented as *evidence*. Evidence is an especially important kind of reasoning that consists of the "empirical or quasi-empirical claims on which moral reasoning often depends to achieve its practical purposes" (Gutmann & Thompson, 1996, p. 56) – a definition that reflects the broad range of evidence that deliberative democrats now accept as contributing to rational discourse (Ryfe, 2005). We define evidence operationally as any reasoning that is accompanied with immediate backing (in the same sentence or in a footnote) by statistics, research findings, stories or anecdotes, personal testimony, or analogies or contrasts to actual events. These kinds of backing distinguish evidential statements (e.g., "75 percent of Americans believe X will solve this problem") from other kinds of reasoning (e.g., a non-evidentiary reason, such as "X would solve this problem quickly and cheaply").

Deliberative legitimacy also depends on making the moral bases of one's position public. The theory of deliberative democracy is, first and foremost, a normative theory about how politics *ought* to be conducted (Thompson, 2008). The theory's demand that deliberators support their decisions with reasons that can be justified to all who are subject to them stems in part from a "commitment [that] entails the integration of substantive moral argument into democratic processes" (Gutmann & Thompson, 2004, p. 50). In this view, policy analysis, whether conducted by experts or citizens, involves clarifying not only strategies but underlying norms, which are seen as too often unexamined. Therefore, we code for the presence of conclusions and

reasons that are *normative* (i.e., which explicitly state why a conclusion or reason is morally right, just, or fair) and *non-normative* (which do not make such appeals). Normative statements refer explicitly to individual and group rights, duties, or obligations, or to justice, fairness, or morality (including their opposites, such as exploitation, discrimination, or immorality).

Deliberative publicity also prizes consideration of *opposing views*, which demonstrates that deliberators have considered different positions than the ones they ultimately endorsed (Chambers, 2003). Deliberators who can offer more arguments for and against their position, while resolving these differences in favor of their own stance, may be considered to have communicated their choices more legitimately than those who mention fewer counter-arguments (Cappella, Price, & Nir, 2002). A willingness to engage with opposing views may also reflect the sort of civility and mutual respect that normative theorists of deliberation prefer. For us, an opposing view includes any conclusion, reason, or evidence that is explicitly presented as contradicting one of the deliberative group's conclusions, reasons, or evidence.

Because deliberative theorists especially value *respectful* consideration of alternative positions, we also distinguish the level of respect with which opposing views are treated (following Steiner, et al., 2004). Opposing views may be presented as illegitimate when they are introduced as unworthy of consideration through attacks on the arguer's motives (e.g., "Companies, who care only about their profits, demand X"), use of negative adjectives or adverbs ("Some wrongly call for X"), caricature ("One purported 'need' is X"), or other pejorative language (including negative language that opponents would not use themselves in public to characterize their position). Opposing views also may be presented neutrally, without explicit comment on whether they are worthy of consideration, even if they are ultimately rejected ("Some call for X, while others advocate for Y; we think Y is best.") Or alternative

perspectives can be presented as legitimate, even if they are not embraced ("We agree with some people's concerns about Y, but we still think that Y is preferable to X.")

High quality reporting of deliberation does not merely include the elements discussed above, but makes clear the connections between participants' conclusions and related reasons, evidence, opposing views, and norms. Therefore, as a threshold measure of *coherence*, we also code for whether each conclusion in the document is supported by at least one reason, piece of evidence, and so on, elsewhere in the document. Because this is a fairly low standard, we also offer a summary judgment about the explicitness of the connections between conclusions and the other categories in the entire document. This measure focuses on whether the supporting elements of argumentation are consistently connected to conclusions *proximally* (in the same section of the document) and *logically* (related specifically and directly instead of vaguely or ambiguously).

Transparency

Deliberative bodies also honor publicity by practicing *transparency* about their process, defined as disclosing information about the control, design, intended influence, and evaluation of the deliberation, as well as the fidelity of the publicity to the deliberation it represents (these categories expand upon Kadlec & Friedman, 2007). A commitment to transparency is what distinguishes deliberative publicity from other kinds of public communication, such as strategic rhetoric and public relations. Disclosure is important because the particular designs and conditions of deliberative forums can have significant impacts on their perceived legitimacy and their policy proposals (Fung, 2003). Transparency has emerged as especially important to scholars and practitioners of citizen deliberation, where it can act as a check on manipulation or co-optation of citizen participation by officials and powerful interests (Levine & Nierras, 2007).

Knowing that their deliberations will be made public can also encourage deliberators to respect and consider others' arguments more fully and clarify how the group's decisions relate to others' positions. Transparency can also check the power of publicity's authors, who are rarely identical with the deliberators themselves. The kinds of coercion that some deliberative theorists fear can happen *within* deliberation can also be committed against the group *after the fact* by the authors of reports – including presenting an illusory consensus, suppression of less powerful members' ways of reasoning and norms, and airbrushing of opposing views and conflict within the group. A focus on fidelity also helps us to distinguish the legitimacy of the deliberation itself from the quality of the publicity about it. For example, if a deliberation did not succeed at getting participants to discuss opposing views, then the deliberation is to blame, not the publicity (although the publicity could be expected to acknowledge this failure). When these many elements of transparency are practiced, it allows outsiders to give informed and authentic consent to the group's process and decisions.

We operationalize transparency by coding for the presence of disclosures about who *controls* the deliberation, including the mission of the organization(s) that initiated the process, their sources of funding, and their organizational partnerships. We also record revelations about the *design* of the deliberation, including criteria used for selecting and recruiting participants, participants' representativeness of the larger population, the agenda (initial questions or tasks presented to participants), the structure and facilitation of deliberation (such as how often, how long, and where participants met, and how their conversations were moderated), the deliberative format (such as a consensus conference or citizen jury), the decision-rule used to arrive at the final conclusions (e.g., consensus or majority rule), and other dynamics of the deliberation (how quickly, strongly, and easily the group agreed on conclusions, and any information about

changes in the participants' opinions or knowledge after deliberating). In addition, disclosures about the *intended influence* of deliberation include their purpose (to spark wider public discussion, as binding upon or merely advisory to a specific governing body, etc.), and their primary audiences (e.g., ordinary citizens, stakeholder groups, particular government bodies). Transparency about *evaluation* includes formal assessment by participants or others of the fairness or effectiveness of the process (including of briefing materials, facilitation, discussion, conclusions, etc.) and of participants' changes in knowledge, attitudes, or dispositions during the deliberation. Practicing *fidelity* is defined as explicit reporting on the group's authorization of the publicity (the criteria used to decide how the group's conclusions, reasons, evidence, and consideration of opposing views were included in publicity and whether these criteria were agreed to by the group as a whole). Fidelity also involves a measure of authorial *accountability* to the deliberators – a disclosure of whether group members thought the authorizing criteria were applied accurately in the final form of the publicity.

Expectations for Legitimate Publicity

How can these measures be used to distinguish more and less legitimate examples of deliberative publicity? Higher quality publicity would involve more *comprehensive* argumentation, which employs each element (conclusions, reasons or evidence, norms, and opposing views) at least once, and preferably more often. Argumentation would also be more *coherent*, meaning that more conclusions are supported by at least one reason or piece of evidence, norm, and discussion of an opposing view somewhere in the document; and the example of publicity as a whole would be structured and worded in a way that clearly links conclusions and supporting elements both proximally and logically. More legitimate publicity

would also be fully *transparent* by disclosing each element of the deliberation's control, design, intended influence, evaluation, and fidelity.

Clarifications and Limitations

It is important to explain why we are not including measures of some common concepts in deliberative theory, to clarify some methodological issues, and to note the relationship between publicity and effectiveness of policy conclusions.

Some deliberative democrats may wonder why we have not included statements oriented toward the common good or toward achieving consensus as central to legitimate public communication of deliberative outcomes. Inspired by Habermas's (1984-1987, 1990) early communicative ethics, many other empirical studies have focused on these categories, including perhaps the most developed coding scheme for the quality of public deliberative talk – the Discourse Quality Index developed by Steiner et al. (2004). However, in contrast to Habermas's initial promotion of appeals to the common good, many deliberative theorists increasingly accept that the "articulation of self-interest [has] a legitimate role in democratic deliberation, particularly in discussions of fair distribution" (Mansbridge et al., 2006, p. 5). Other theorists have leavened the desire for consensus with an appreciation for productive disagreement that encourages exploring differences and allows room for negotiating those differences or putting them to a majority vote (e.g., Karpowitz & Mansbridge, 2005). In short, achieving consensus and orienting all talk toward the common good do not appear to be consensually accepted elements of deliberative theory today.

Several methodological clarifications are also in order. First, we are measuring the quality of communication *about* deliberation, not of the group's deliberation itself. Excellent deliberations may be communicated poorly to the public (e.g., by reporting that reveals nothing

of the group's reasoning and process) and poor deliberations can appear to be communicated well (e.g., by publicity that supplements the group's actual discussion with reasons it did not consider and presents a misleadingly rosy view of its process). Thus, we are not attempting to offer an indirect measure of the legitimacy of a group's deliberation by coding its final report. Second, we are concerned here with the *formal* aspects of publicity that are widely supported within deliberative theory. Therefore, our measures do not assess the *substantive* legitimacy of publicity; while the LPI can capture whether a report appeals to norms, such as some conception of rights or justice, our measures do not attempt to distinguish "good" norms from "bad" ones. While deliberative theorists call for grounding decisions in norms, there is less agreement among them on the scope of specific rights or principles that decisions must respect.

Third, while deliberative forums may be publicized through many means – including the organizers' web sites, press releases, and media coverage – we focus on final reports for this pilot study because they are the most common form of publicity for all three kinds of forums we chose and because they are under the organizers' control (unlike media coverage, which depends on journalistic interpretation). Because reports represent just one step in the chain of publicity from deliberative groups to the media, political forums, and the public, in our conclusion we suggest ways of incorporating other forms of publicity into a larger research agenda.

Fourth, we aim to propose realistic standards for any deliberative publicity by a group that seeks to affect public opinion or policy-making, rather than an ideal standard, such as Habermas' (1984-1987) Ideal Speech Situation. We think that publicity can incorporate each of the elements of argumentation and transparency, at least briefly, regardless of the issue, context, or audience for the deliberation, unless doing so would expose the participants to external pressure that makes deliberation impossible. For example, in regard to argumentation, even

highly moral issues (such as abortion) involve disputes over evidence (such as when human life begins or the experiences of women who have had abortions) and even the most technical issues (such as the safety of genetically modified crops) implicate norms (such as the rights of consumers to full information about the ingredients in their foods).

Fifth, while it is possible to aggregate our measures into a single index of legitimate publicity in order to compare reports, we are wary of doing so. It may be misleading to assign a consistent normative weight to each element of publicity in all contexts. Thompson (2008) argues that aggregating to a single indicator of deliberative quality obscures the distinct strengths and weaknesses of different kinds of deliberation, and the same is true for publicity. For example, it may be that a report that boils down a welter of competing policy proposals to a relative handful of conclusions, devoting most of its attention to thoughtful explanation of the group's reasons for endorsing them over a few key alternative proposals, is normatively superior to a report that lists many more conclusions and opposing views, but reveals little about how the group chose between them.

Finally, while we think that practicing high quality publicity is likely to be necessary for most groups to influence future policy decisions, we make no claims that deliberative publicity is sufficient to determine policy. It would be naïve to ignore the role of political expediency, including the timing of conclusions to fit windows of opportunity, costs of proposals, fit with interests of powerful constituencies, and so on. But it would also be naïve to assume that communicative legitimacy has *no* bearing on the adoption of conclusions. Moral authority is always a resource in politics (Kratochwil, 1989). In addition, many elements of legitimate publicity overlap with aspects of effective policy analysis and writing. Scholarship on the rhetorical aspects of policy analysis (e.g., Fischer, 1995; Majone, 1989) and public policy

textbooks (e.g., Bardach, 2009) emphasize the persuasive value of offering thorough rationales for proposals, credible evidence, and clear evaluative criteria (normative reasoning), as well as addressing multiple alternative courses of action and trade-offs (i.e., exploring counter-arguments).

Reliability and Utility of the LPI

As an initial demonstration of the reliability and utility of our measures, we tested them on a sample of three final reports by deliberative groups that issued conclusions on a common issue: how to increase public access to broadband Internet service. Our research design allowed us to compare reports that emerged from three common kinds of deliberative consultative bodies: a citizen consensus conference organized by two university centers (Santa Clara University Center for Science, Technology, and Society & Broadband Institute of California, 2006); a task force of stakeholders from business, philanthropy, and the non-profit sector that was formed to advise a municipal government agency (San Francisco Department of Telecommunications and Information Services, 2007); and a strategy committee of media activists convened by an independent think tank (New America Foundation & Center for International Media Action, 2006). Our interviews with the organizers of each group and the reports themselves indicate that threshold conditions for deliberation were met in each case, including the presence of disagreements (over the agenda, policy goals, strategies, and priorities), at least some participants' openness to revising their preferences, an exchange of reasons for positions, eventual agreement on some conclusions, and some basic disclosure of the deliberative process in the reports or accompanying web sites.[4]

These policy documents were chosen in part because they offered rough controls on several variables. The reports focused on a common issue: maximizing public access to

broadband. They were published at a similar moment in the issue's lifecycle, within the same six month period, when there was a common public debate over whether cities should build their own broadband networks in order to reach underserved residents, a prospect that was strenuously opposed by private Internet service providers as a form of unfair competition by government with industry (Hammond & Raphael, 2006). Each document reported the conclusions of an almost identical number of deliberators (12-14 people). The groups spent a similar amount of time in face-to-face discussion (about 15 hours for the citizen conference, 12 for the activist group, and 10 for the stakeholder committee), although the activists and stakeholders spent additional time conferring via email and conference calls.

However, these documents were also selected because they offered an opportunity to compare reports that emerge from three different models of deliberation that are often encountered in the policy making environment. Distinctions between these models include the missions of the sponsoring organizations. The organizers of the consensus conference aimed to boost citizen engagement in broadband policy making. The government agency that convened the stakeholder task force articulated a service mission that entailed "empower[ing] people to effectively use computers and access the Internet" (SFDTIS, 2007, p. 2). The think tank's activist mission focused on building a coalition of activists for "successful advocacy for spectrum/wireless policy in [the public] interest" (NAF/CIMA, 2006, p. 1).[5] Not surprisingly, each group recruited different participants: citizens; representatives of local businesses, charities, and non-profits; and media activists from diverse communities.[6] The mode of deliberation differed as well: the consensus conference and stakeholder task force incorporated public hearings, while the activist group did not. In addition, the stakes in each deliberation were different. Although the consensus conference participants had direct access to planners of a

regional municipal broadband project, they had no formal guarantee of influencing the project. Nor were the activists assured that they would have a direct impact on policy. The members of the stakeholder task force had the clearest potential to shape policy directly, because they were convened by a government agency tasked with increasing broadband access.

Perhaps most important to our interest in publicity, the decision-making rules for adopting conclusions, the authoring process, and the audiences for each report also differed. In the consensus conference, organizers drafted conclusions based on the group's discussion but all participants reviewed and agreed upon the wording of each part of the final report, while in the other two cases participants gave input and feedback on drafts of the document but the final decisions on adopting and expressing conclusions lay in the hands of the organizers, who were ultimately identified as the authors of each report. The primary audiences for each document were also different. The citizen panel addressed itself to a broad policy making community of "government, industry, and advocacy groups working on broadband" (http://broadbandforall.org), while the stakeholder report was presented to the public as a city planning document, and the activist report aimed to inform fellow "advocates and organizers working on issues of community media, technology and telecom" (NAF/CIMA, 2006, p. 2). While we will refer to these groups as stakeholder, activist, and citizen deliberators for brevity's sake and because our focus is on analyzing publicity (not the underlying deliberation or the impact of process designs), these are shorthand labels for a larger set of differences among the groups.

At the same time, we see these differences as fairly typical of the three kinds of deliberative bodies whose reports are examined here and therefore as strengths of the sample rather than as shortcomings. Our inability to isolate the independent effects of each variable that

might have influenced the final reports might be troubling if we aimed to measure the quality of the deliberative process indirectly by looking at its outcomes, but we do not. Instead, we are assessing how the deliberative process and conclusions are *communicated* to wider audiences. We are interested in whether our indicators can be used to compare how these reports vary in the way that they fulfill our criteria of good publicity and in demonstrating the usefulness of this kind of analysis for research on publicity's role in the larger deliberative system, points to which we will return in the conclusion.

Our primary aim for the pilot study is to illustrate how analysis of publicity can be used to inform debates over the relative value of contributions to democracy by different actors within the deliberative system. Stakeholder groups' claim to legitimacy stems from representing the views of community leaders who represent important constituencies, have policy expertise, and are empowered to influence government. Yet critics express doubts that government can act as an honest broker among competing stakeholders because official deliberative processes can fail to produce agreement on recommendations, result in "back-room" deals that sacrifice the interests of non-participants, conceal commitments to values beneath technical language, and co-opt or ignore the views of the least powerful stakeholders (Hendriks, 2006; Levine & Nierras, 2007). Whereas some see social movements as particularly fertile ground for free, authentic, and equal civic deliberation that is separate from state and market pressures (e.g., Dryzek, 2000), others appeal to a Madisonian fear of faction to raise suspicions that movements and interest groups are unlikely to hold themselves accountable to society as a whole and consider alternative views because these groups are too narrowly and passionately committed to their own economic or ideological pursuits, or too prone to group polarization (e.g., Sunstein, 2005). If citizen forums draw legitimacy from representing enlightened public opinion, skeptics contend that

citizens lack sufficient information, expertise, rationality, and interest in grappling with political disagreement to play a constructive role in policy formation. These claims are raised not only by advocates of elite democracy (e.g., Berelson, Lazarsfeld, & McPhee, 1954) or "stealth democracy" (Hibbing & Thiess-Morse, 2002), but sometimes also by social movement activists concerned that ineffectual civic forums co-opt and displace civic protest and pressure on elites (Hendriks, 2006; Levine & Nierras, 2007). While we cannot generalize from our small sample to publicity of all stakeholder, activist, and citizen deliberation, we can show how well the reports we analyze address typical concerns about the legitimacy of the deliberative groups, thus illustrating one especially important use of our measures.

Methods

Each report was analyzed independently by at least two coders in two stages using the definitions of our categories introduced above. (Full operational definitions of all coding categories can be found in the codebook, available from the authors). In the first stage, each sentence in each report was coded into our categories for argumentation (conclusions, reasons, etc.) and transparency, yielding a total of 858 total sentences across the reports. Subject headings and subheadings were excluded because their meanings were too fragmentary or ambiguous to code reliably, while images were coded along with their explanatory captions as a single unit of content. While we defined our categories to be mutually exclusive (e.g., a conclusion was defined differently from a reason), a sentence could be coded as falling into more than one category (e.g., as containing both a conclusion and a reason). There were two exceptions to this rule. A sentence could not be coded as both a reason and as evidence (because we defined a reason as lacking immediate backing in the same sentence and evidence as

accompanied by backing in the same sentence). Nor could a sentence be coded as "other

material" and in any additional category.

In the second stage, a new set of coders assessed each document's coherence by coding

whether each conclusion (a total of 330 across the three documents) was linked to a relevant

reason, evidence statement, norm, and opposing view somewhere in the document, and also by

making a summary judgment about the document's coherency as a whole (whether it

consistently linked conclusions and other elements of argumentation both proximally and

logically).[7] Coders also noted the presence or absence of each element of transparency. Over

two-thirds of all coding was done by six different research assistants, while the rest was

completed by the authors.

Both stages of the content analysis yielded high levels of intercoder reliability (see Table

1). First, reliability for coding sentences into each category of argumentation (conclusions,

reasons, etc.) was tested using a sample of approximately 15 percent of the sentences in each

document. Almost all of the variables reported here scored at .90 or above across multiple

indices of intercoder agreement, except for "other material" (.867).[8] Second, coders' ratings for

coherence (connections between conclusions and the other categories) were examined in a

sample of approximately 25 percent of the conclusions in each document. While reliability

levels for coherence judgments were slightly lower, they continued to meet accepted thresholds

for high levels of intercoder agreement, especially for exploratory research (Lacy & Riffe, 1996).

The sample of three documents was too small for a formal test of intercoder reliability on the

document-level summary measures of coherence, but the coders agreed perfectly on these

judgments.

Table 1 around here

Findings

Argumentation

Table 2 presents an overview of our coding for the argumentation categories. The top

portion of the table shows the extent to which each of our measures was present in the three

documents. Because the activist document was longer than the stakeholder document and citizen

document, the percentages of each report devoted to conclusions and other categories is more

revealing of their argumentative emphases than raw counts of sentences. Significant differences

emerging from two-tailed difference of proportions tests are bolded, with the appropriate point of

comparison indicated by the superscript.

Table 2 around here

The results highlight several important deficits with respect to our categories of

legitimate publicity. Most notably, the citizen report includes no evidence and the stakeholder

document contains no references to opposing views. In the case of the citizens, the absence of

evidence may be partially offset by the report's relative strength with respect to non-evidentiary

reasons for conclusions. The citizen report devoted much more space to reason-giving than did

the activists and stakeholders, with differences well exceeding standard levels of statistical

significance. If we combine reasons and evidence as complementary kinds of explanation for a

report's conclusions, we find that even with no evidence, the citizen report still devoted the

greatest percentage of sentences to providing rationales for its conclusions, significantly

exceeding both the activists and stakeholders.

Potential publicity deficits can also be found with respect to both normative statements

and opposing views. Table 2 shows that in all reports, both kinds of statements were quite rare,

never exceeding 6 percent of the sentences coded in any document. The stakeholder report

scored exceptionally low in both categories. When we examine the content of the sentences coded as normative, we find that the stakeholder report made brief reference to the rights of all city residents to "digital inclusion and digital empowerment" (SFDTIS, 2007, p. 6). In contrast, the citizens rooted their claims in appeals to equal access to broadband, equal economic opportunity, and equal privacy protections for all Internet users, while the activists raised a broad range of norms that might underwrite increased Internet access, including broadcasters' public interest obligations, public rights to the spectrum, treaty obligations to Native Americans, the public good, and a healthy democracy.

Beyond highlighting major shortcomings, the coding also reveals other meaningful differences in the reports' reasoning patterns. For example, in addition to the fact that all three groups differed in their attention to evidence, we also find important differences in the kind of evidence contained in the reports (not shown in Table 2). Stakeholders focused almost entirely on presenting evidence in the form of statistics and research findings (92.90 percent of all evidence sentences), most of which documented which demographic groups had the lowest levels of broadband access and the importance of broadband for educational, economic, and other benefits. In contrast, while the activists devoted just over 6 percent of the sentences in their report to evidence, most of this evidence was stories (13.80 percent) and especially testimony (68.80 percent) about experiences and lessons learned in local projects to increase Internet access.

In our approach, publicity's legitimacy depends not only on including the elements of deliberative argumentation but also on how well they cohere into a clear overall argument. For example, the top portion of Table 2 shows that the reports differed in their attention to conclusions, with the activists devoting a significantly lower percentage of their report to

conclusions than did citizens and stakeholders. However, the key sign of high quality

deliberative argumentation is not necessarily the sheer percentage of conclusions, but the extent

to which they are grounded in reasons, evidence, norms, and comparison with opposing views.

This approach to assessing the quality of argumentation is summarized in the middle

portion of Table 2. The sentence-level coherence measures present the percentage of the

conclusions in each document that could be plausibly linked to the other categories, at least once,

anywhere in the document. The results show that while the activists devoted a lower portion of

their document to conclusions, their conclusions were often supported by the other categories of

argumentation, including the highest percentages of conclusions supported by reasons, norms,

and mentions of opposing views. The stakeholder document was least successful at supporting

conclusions with reasons. Because the citizen document included no evidence, both the activist

and stakeholder documents scored much stronger than the citizens on the link between

conclusions and evidence. However, when we ask whether conclusions are linked to either one

reason or one piece of evidence, all three documents are approximately equal.

Differences in the documents are most profound in how they treat opposing views.

Because the stakeholder report includes no opposing views, none of its conclusions can be linked

to opposing perspectives, while in both the citizen and activist documents, approximately one-

quarter of the conclusions could be compared with an opposing view. When the citizens and

activists considered opposing views, they tended to present broadly-framed alternative views that

countered multiple conclusions. For example, although the citizen report called for city

governments to build public broadband infrastructure, the report also acknowledged that "local

governments can be less efficient than private companies in operating networks" (BBFA, 2006,

p. 2). The activists contrasted their efforts on behalf of "freedom to innovate" with

telecommunications' companies' "opposing agenda" designed to "Control/limit threatening innovation and competition" (NAF/CIMA, 2006, p. 2).

However, these examples illustrate important differences between the activist and citizen documents in the level of respect they showed for opposing views (not shown in tables). The activist document tended to present opposing views as illegitimate – 70 percent of conclusions associated with any opposing view were linked to a counter-argument that was depicted in pejorative language not likely to be used publicly by the group's opponents (e.g., "threatening innovation"). By contrast, in the citizen document, 69 percent of conclusions were accompanied by an opposing view presented as worthy of consideration and no conclusions were compared with illegitimate opposing views.

To what extent, then, were the conclusions in each report supported by the other indicators of argumentation? Table 2 presents several different summary measures that shed light on this question. Fully supported conclusions are linked to at least one form of reasoning (either evidence or other kinds of reasons) *and* one norm *and* one opposing view. Partially supported conclusions are linked to at least one reason/evidence *or* one norm *or* one opposing view. Unsupported conclusions are linked to no reasons/evidence, norms, or opposing views.

Using this standard, each report partially supports a large percentage of conclusions, but no report fully supports all its claims.[9] The activist report had the highest percentage of fully supported conclusions, followed by the citizens and then by the stakeholder report, which supported no conclusions fully because the document contained no opposing views. These differences in levels of full support are all significant at the .05 level or better. Nonetheless, even in the activist document, barely over one-third of the conclusions are fully supported.[10] And in all three documents, a significant percentage of the conclusions were accompanied by no support

whatsoever, with the percentage of unsupported claims exceeding 20 percent in the stakeholder report. To the extent that deliberative publicity ought to explain *why* a group supports its policy conclusions, all three documents could be improved.

What kinds of conclusions tended to be stated without support? Across all reports, some conclusions were unsupported because they were ambiguous (e.g., the activist report's recommendation that movement actors should "focus on surfacing knowledge needs" [NAF/CIMA, 2006, p. 17]), while others were simply unaccompanied by any further discussion. Many of these latter claims involved recommendations of specific strategies. In the citizen report, unsupported strategies tended to focus on how cities should provide outreach and training to people who did not know how to use the Internet (by partnering with non-profits and educational institutions, creating a traveling "Techmobile," and the like). In the activist report, strategies without rationales frequently focused on how to manage the power relations between the national think tank that organized the deliberation and the participants from local advocacy groups, such as how the local groups could play a more active role in setting the agenda for future meetings. The stakeholder report contained two main gaps in reasoning: why the city should offer different tiers of broadband service (including a no-frills tier for free and advanced services for higher rates) and the roles in managing access to the network that would be played by a city agency, two private companies that would build and manage the network, and various partner organizations that would offer training to new Internet users. While both the citizen and the activist reports included a good deal of argumentation for and against the idea of cities building and controlling their own broadband networks and whether such networks should provide tiered or equal services, in the stakeholder report these decisions were simply announced without justification.

We also asked coders to make other summary judgments of the extent to which the connections between conclusions and the other elements of argumentation were both proximate and logical. In this step, coders stepped back from the sentence-level analysis to consider the relationship between conclusions and the elements of argumentation in the document as a whole. These judgments are presented in the bottom portion of Table 2, and they reveal a slightly different set of publicity concerns. While the activist document had the highest percentage of fully supported conclusions, these connections were nonetheless more difficult to discern than in the other two reports. In part, this is because of the report's structure, which began with a section on "Why Telecommunication Matters" filled with reasons and evidence, then presented a "Public Policy Agenda" and "Strategies for Action," which were almost all conclusions about articulating demands, how to frame issues, identifying allies and opponents, and identifying resources. As important, each section tended to present long lists of bullet-pointed text written in fairly dense language that presumed background knowledge of debates over spectrum policy. As a result, coders found it difficult to link conclusions in the latter part of the document with the fragmentary rationales provided in the opening section. In contrast, the citizens and stakeholder reports were organized by topic (e.g., how broadband could be made more accessible to the disabled, to non-English speakers, and so on) and each section integrated conclusions with supporting reasoning, alternative views, and, in the citizen report, with norms. These reports were written in a more accessible style that presumed little prior knowledge of the topic. If we think of the reports as jigsaw puzzles, reading the activist work was like putting together a partially disassembled puzzle in which most of the elements could be pieced together with effort (at least by those with some prior knowledge of the topic), while reading the other two reports

was like encountering fully assembled puzzles, even if a few more pieces (especially evidence and opposing views) were missing.

Transparency

Next we turn our attention from argumentation to the question of transparency. The top line of Table 3 contains the percentage of sentences in each document coded as including some element of transparency. The results show that the activist report devoted six times more attention to transparency than the stakeholder report and citizen report, mainly because the activists included a two-page introduction about the group's purpose and three pages of biographies of the participants.   But again, the percentage of sentences is only part of the story. The remaining portion of Table 3 shows the extent to which different elements of transparency were present in each document. The checklist shows that the activist report not only devoted many sentences to transparency but also revealed many different aspects of control, design, intended influence, and fidelity, addressing nearly 70 percent of the transparency categories. But Table 3 makes clear that the citizen document also practiced many kinds of transparency, despite the low number of sentences devoted to this category. Thus, it is possible to achieve a relatively high level of disclosure, even when the sheer number of transparency sentences is relatively low. The stakeholder document, by contrast, included few sentences about transparency and also scored very low on the checklist of transparency elements, with less than 20 percent of the elements included. None of the documents mentioned evaluation of either the deliberation itself or the deliberators.

Table 3 around here

Discussion

Strong levels of intercoder reliability demonstrate that our indicators can be used to measure many aspects of the legitimacy of deliberative publicity. While our small sample means that we cannot generalize to reports by citizen, activist or stakeholder groups more broadly, our comparative findings demonstrate that these measures can reveal significant contrasts in the quality of publicity in these three reports.

Our results also lend support to the idea that in content analysis, multiple measures can reveal different views of the documents' strengths and weaknesses. Our research strategy involved sentence-level coding into categories, an assessment of the relationship between the categories in each document, and several document-level summary evaluations. These multiple views allow us to see deliberative publicity from several useful angles. For example, while the activist report offered the largest proportion of fully-supported conclusions, the quality of that support was compromised by the report's disjointed structure and fragmentary logic. And although the citizen document devoted many fewer sentences to transparency than the activist report, those sentences revealed about as many different facets of the deliberative process as the activist report.

This pilot study also illustrates one way the LPI can be used to assess publicity's contribution to a deliberative democratic system. Of the three groups, the stakeholder task force focused most on communicating conclusions, grounding them most fully in research or statistical evidence, and least fully in norms and consideration of opposing views. The government-organized task force report seemed most successful at expressing agreements among contending community leaders and conveying issue expertise, yet least successful at addressing the moral rationale for equal access to broadband and grappling with alternative views. The document also

demonstrates the lowest level of transparency in the sample. Thus, the report does not seem to address fully the criticisms of stakeholder democracy for being overly technocratic and posing a danger of co-opting the voices of weaker participants in a government-imposed consensus (because no disagreements within the group are discussed). A deliberative democrat would likely urge the authors of such reports to pay greater attention to differences of opinion (especially within the task force), to the normative bases of the proposal, and to disclosing the process by which stakeholders were consulted.

The citizen report also contradicted and confirmed some frequent claims about the contributions of civic deliberation to democracy. The report excelled at reason-giving, making normative claims, and paying attention to opposing views (at least relative to the low level of norms and alternative views found in all three documents). In addition, the opposing views were presented respectfully, rather than as unworthy of consideration. These findings run counter to the fears expressed by skeptics of deliberative democracy that citizens are less capable of communicating their views to others rationally, less aware of their own value commitments, and less willing to contend with disagreement than other policy actors. This case supports prior claims that citizen forums are more likely than technical and policy experts to consider the ethical impacts of policy proposals (e.g., Sclove, 1996). In addition, it is surprising that the report of citizen deliberation paid significantly greater attention to opposing views than a government-organized stakeholder report, given that the latter report included input from a diverse range of interested parties and that public policy analysts are trained to demonstrate discursively that they have considered trade-offs, unintended consequences, and potential objections to policy options (Bardach, 2009). While deliberative democracy's skeptics focus on survey data indicating that citizens rarely gravitate toward political discussion with those who

hold contrasting views on issues (Hibbing & Theiss-Morse, 2002), our example report jibes with a body of research (summarized in Gastil, 2008) indicating that well-structured deliberative forums can help participants to wrestle with and resolve opposing views. However, because the report included no evidence, it also failed to challenge the skeptics' view that citizen deliberation is ill-informed. Publicity of citizen deliberation such as this report could enhance its legitimacy for its intended audiences by including examples of evidence considered by the deliberators.

The activist report contributed unique kinds of evidence in the form of stories and testimony, which have been seen as more accessible forms of evidence for less educated and empowered citizens (Young, 2000), so it is somewhat surprising that it was a group of professional policy advocates who conveyed these kinds of evidence more than the citizen group. The activist report also offered extraordinary attention to its own transparency. It may surprise those who criticize interest group politics as self-absorbed and sectarian that this report was much more concerned with revealing the dynamics of the deliberation, including how it was controlled and designed, as well as its intended influence. The report took pains to demonstrate inclusion of diverse interests (in this case, of representatives of the full range of social groups with the least access to broadband). But the activist document also scored the lowest in summary measures of the coherence of the argument, in part because it was organized largely around long lists of demands and political strategies, and because it presumed a great deal of prior knowledge of the issue. And while the document did present opposing views, it often framed them as illegitimate. These limitations may fail to dispel concerns that activist deliberation is insular and polarizing. While we do not suggest that activists ought always to respect opponents' views, reports such as this one, even if aimed at an audience of other activists, may achieve greater legitimacy by addressing disagreements *within the group* more explicitly (and, presumably, they

would do so respectfully). Reports like this one could also challenge themselves to explain

clearly those shared meanings and arguments that are taken for granted within the group, even

for an audience of other activists, who were unable to take part in the discussion and who may

not be as knowledgeable about the issues as the participants.

Why did each report practice publicity as it did? While an exhaustive exploration of this

question would require more space than we have here, our interviews with forum organizers and

our own involvement in the citizen forum suggest several factors were especially influential: the

organizers' goals and issue framings, the intended audience, the decision rule used by the group

to arrive at conclusions, and the authoring process for each report.[11] For example, the goal of the

city telecommunication agency that organized the stakeholder task force was to gather advice

from this group about how a planned municipal broadband network could best reach underserved

residents, but not whether the city should build the network, who should operate it, or how its

tiers of service should be priced. Therefore, the city's policy about network operation and

pricing was publicized without a supporting rationale and the opposing views expressed within

the committee on these contentious issues were not reported because the city staff member who

authored the report was empowered to frame this debate as outside the group's purview.

Because the report was intended to justify the city's policy to the public, the author emphasized

research and statistics about which groups had the lowest levels of Internet access and the

benefits that would accrue to the city if tax dollars were invested in connecting these underserved

groups.

The purpose of the citizen report, by contrast, was to communicate to policy experts the

views of residents from groups without broadband access. The need to address a policy

community divided over whether cities should invest in providing broadband networks

influenced the report to present alternative views neutrally or with respect, rather than dismissing the views of those who opposed municipal broadband. Amplifying citizens' voices led the organizers to choose the consensus conference format, in which a broader scope of issues was open to deliberation than in the stakeholder task force, starting with the question of whether cities ought to build their own networks, and, if so, who should operate them, and what should be done to maximize access to them. The forum followed the typical decision-making and authoring process in a consensus conference, which includes a line-by-line assessment by participants of draft report language culled from the deliberators' conversations, retaining only the language that all deliberators approve. This authoring process and report structure tends to enhance coherence between conclusions and rationales by presenting them proximally, by topic area, for the full group's review. However, because the report was patterned after examples of other consensus conferences that did not discuss evidence, the organizers failed to prompt participants to buttress their arguments with the research and statistics provided in briefing materials, or with members' own experiences, which were discussed extensively in deliberation and increased participants' issue knowledge (Authors, 2009). Here is another reminder that publicity can be influenced more by authoring decisions than by the quality of the underlying deliberation.

The activist report was intended to summarize local organizers' advice to a national think tank on broadband policy work and to build an advocacy coalition among them and other activists beyond the group. As part of this goal, the organizers asked participants to "provide stories, data, and examples of actual community experiences that can be used to support and bolster public interest positions in spectrum/wireless policy advocacy" (NAF/CIMA, 2006, p. 1). This kind of evidence was sought, and reported, to help activists communicate the importance of a potentially abstract issue that was not at the top of the public or media agenda. The group was

also asked to identify opposing views raised by private telecommunications companies in order to hone arguments that could be used against the companies, some of which involved appeals to broadly-shared norms (such as equal opportunity and the public right to control the spectrum). However, the report's primary audience was not the public, but other advocates, who were presumed to be highly knowledgeable about broadband policy and to agree with the participants on major issues. Thus, the report was less clear and coherent about walking readers through the rationales for its conclusions. The decision rule and authoring process also influenced the report's coherence. Long lists of bullet points aggregated participants' conclusions and reasoning more than prioritizing their views or resolving disagreements among them. In particular, unresolved tensions between the think tank organizers and the grassroots participants over who should lead the coalition were revealed in the unsupported conclusions about how the group should manage the agenda in future meetings. At the same time, the think tank's need to demonstrate its commitment to inclusive and egalitarian politics seems to have inspired much of the report's transparency, which focused especially on demonstrating the diversity of the grassroots participants who were consulted and how the organizers' solicited their views.

Conclusion

We have argued that publicity is an important and little researched component of deliberative democracy and demonstrated how our measures of legitimate publicity could be useful for assessing some frequent empirical claims about the strengths and weaknesses of several common deliberative forums: government-stakeholder task forces, activist strategy groups, and citizen consensus conferences. While our small sample did not allow us to generalize about how these groups communicate publicly in all instances, this pilot study yielded practical advice about how each report could practice more legitimate deliberative publicity,

indicating how our measures could be used as a guide by those who author such publicity. These results also illustrate the first steps in a research agenda that could fruitfully assess the role of publicity as a potential moderating variable between the quality of group deliberation and its effects on public opinion and political outcomes.

This kind of research would begin by identifying the factors in the deliberative process that account for quality publicity. The main challenge for such research is that the outcomes of deliberation are overdetermined by myriad variables of control, design, intended influence, and issue selection (Fung, 2003). Based on our observations in this study, it seems especially important to study the ways in which publicity is influenced by the organizers' goals and issue framings, intended audiences, the decision rule used in deliberation, and the authoring process. Such research could expand its focus beyond final reports to consider all forms of external communication by deliberative policy bodies throughout their lifecycles. The response to these groups from attentive policy actors is likely shaped by whether they perceive such processes as legitimate and well-informed from the start.

There is also a need to study publicity's effects on the larger deliberative system, a central concern of deliberative democracy (Gastil & Levine, 2005). Such research could identify which elements of external communicative quality are most persuasive for policy actors, the news media, and the public. This research might incorporate categories from the literature on policy making as rhetorical persuasion (e.g., Majone, 1989), such as the goodness of fit between reasons and the views of intended audiences for reports, or the credibility of sources of information cited for particular audiences, as well as how civic deliberation is filtered through journalistic norms (e.g., Parkinson, 2006b).

How significant is it for audiences to know a group's rationale for its positions at all? For example, Deliberative Polls are fairly transparent about many aspects of the design and control of the deliberative process, but have been criticized for merely reporting participants' opinions in the aggregate before and after deliberation rather than revealing much about participants' reasons and evidence for their opinions and for any shifts in them. A lively theoretical debate on whether this undermines the external legitimacy and effectiveness of deliberative polls relative to other deliberative forums (Fishkin & Luskin, 2006; Parkinson, 2006b, 2006c), could be addressed through comparative research on how each is communicated and perceived by different audiences.

Is transparency more important than argumentation for persuading audiences, and if so, what kinds of disclosures? For example, Cutler et al. (2008) show that in the popular referendum on the political redistricting proposal generated by the British Columbia Citizens' Assembly, citizens who lacked information about the details of the proposal based their vote on whether they saw elements of the Assembly's *process* as legitimate, such as including people like them, informing them well about the issues, and so on. Research has shown that voters who know little about the details of ballot propositions can use shortcuts to make decisions that emulate those of well-informed voters (e.g., Lupia, 1994). Can citizens similarly use brief information about a deliberative process as a reliable cue to gauge the validity of a group's conclusions? If so, perhaps the procedural theories of deliberation are more relevant than we think.

Research on publicity's influences could also help address additional questions about the normative and practical performance of different components of the deliberative system, especially some trade-offs that are often seen as endemic to it. For example, there may be a tension between the publicity and internal legitimacy of deliberation. When deliberators are

highly polarized, secrecy can foster greater trust, sincerity, and empathy among them (Warren, 2007). This can especially hold true among citizen groups discussing difficult racial issues (Cramer Walsh, 2007) and in legislatures (Steiner, et al., 2004). But the value of publicity for democracy increases when participants in deliberation are empowered representatives who can enact policy directly (because publicity makes them more accountable) and when there is a danger that some with legitimate claims may be excluded (because publicity makes groups more inclusive). Thus, some argue that even when deliberation in direct decision-making bodies is cloaked, the process and reasoning generally should be communicated afterward (Parkinson, 2006a; Warren, 2007). Research could help answer whether and how the quality of communication about necessarily secret deliberations can boost their perceived legitimacy and influence among non-participants.

Research could also address whether trade-offs between the influence and internal legitimacy of deliberation may be overcome in part through external communication. Warren (2007) notes that deliberative democrats tend to assume that citizen deliberators with a stronger guarantee of influence on policy (often because they are convened by government) will be more committed to learning about the full scope and depth of issues and will offer more detailed conclusions, but that these deliberators may engage in excessively strategic reasoning and cede more independence in crafting their proposals to fit political expediency (compromising internal legitimacy). This has long been a concern of social movement participants in state-sponsored forums (Dryzek, 2000). Is co-optation always the price of influence? Close study of how civic forums that maximize both their independence and impact communicate with the public, news media, stakeholders, and decision-makers might help to identify optimal institutional designs and communicative practices for civic deliberation.

References

Bardach, E. (2009). *A practical guide for policy analysis* (3rd ed.) Washington, D.C.: CQ Press.

Benhabib, S. (1994). Deliberative rationality and models of democratic legitimacy. *Constellations, 1*, 26-52.

Berelson, B. R., Lazarsfeld, P. R., & McPhee, W. N. (1954). *Voting: A study of opinion formation in a presidential campaign*. Chicago: University of Chicago Press.

Birch, A. H. (1993). *The concepts and theories of modern democracy*. London: Routledge.

Cappella, J. N., Price, V., & Nir, L. (2002). Argument repertoire as a reliable and valid measure of opinion quality: Electronic dialogue during campaign 2000. *Political Communication, 19*, 73-93.

Chambers, S. (2003). Deliberative democratic theory. *Annual Review of Political Science, 6*, 307-326.

Cohen, J. (1989). Deliberation and democratic legitimacy. In A.P. Hamlin & P. Pettit (Eds.), *The good polity: Normative analysis of the state* (pp. 17-34). Oxford: Blackwell.

Cramer Walsh, K. (2007). *Talking about race: Community dialogues and the politics of difference*. Chicago: University of Chicago Press.

Dryzek, J.S. (2000). *Deliberative democracy and beyond: Liberals, critics, contestations*. Oxford: Oxford University Press.

Fischer, F. (1995). *Evaluating public policy*. Chicago: Nelson-Hall Publishers.

Fishkin, J. S., & Luskin, R. C. (2006). Broadcasts of deliberative polls: Aspirations and effects. *British Journal of Political Science, 36,* 184-89.

Fung, A. (2003). Recipes for public spheres: Eight institutional design choices and their consequences. *Journal of Political Philosophy, 11*, 338-367.

Fung, A., & Wright, E. (2003). *Deepening democracy: Institutional innovations in empowered participatory governance.* London: Verso.

Gastil, J. (2008). *Political communication and deliberation.* Thousand Oaks, CA: Sage.

Gastil, J., & Levine, P. (Eds.) (2005). *The deliberative democracy handbook*. San Francisco: Jossey-Bass.

Gutmann, A., & Thompson, D. F. (1996). *Democracy and disagreement.* Cambridge, MA: Harvard University Press.

Gutmann, A., & Thompson, D. F. (2004). *Why deliberative democracy?* Cambridge, MA: Belknap Press.

Habermas, J. (1984-1987). *The theory of communicative action* (T. McCarthy, Trans.) Boston: Beacon Press.

Habermas, J. (1990). *Moral consciousness and communicative action* (C. Lenhardt & S.W. Nicholsen, Trans.). Cambridge, MA: MIT Press.

Habermas, J. (1996). *Between facts and norms: Contributions to a discourse theory of law and democracy* (W. Rehg, Trans.). Cambridge, MA: MIT Press.

Hammond, A. S., & Raphael, C. (2006). *Municipal broadband: A background briefing paper*. Retrieved from http://broadbandforall.org/app/briefing_paper.doc.

Hauge, C., & Teune, S. (2008). Identifying deliberation in social movement assemblies: Challenges of comparative participant observation. *Journal of Public Deliberation, 4*, 1, Article 8. Retrieved from http://services.bepress.com/jpd/vol4/iss1/art8/

Hendriks, C. M. (2006). When the forum meets interest politics: Strategic uses of public deliberation. *Politics & Society, 34*, 571-602.

Hibbing, J. R., & Theiss-Morse, E. (2002). *Stealth democracy: Americans' beliefs about how government should work.* Cambridge & New York: Cambridge University Press.

Kadlec, A., & Friedman, W. (2007). Deliberative democracy and the problem of power. *Journal of Public Deliberation, 3*, 1, Article 8. Retrieved from http://services.bepress.com/jpd/vol3/iss1/art8/

Karpowitz, C. F., & Mansbridge, J. (2005). Disagreement and consensus: The importance of dynamic updating in public deliberation. In J. Gastil & P.Levine (Eds.), *The deliberative democracy handbook: Strategies for effective civic engagement in the 21st century* (pp. 237-253). San Francisco, CA: Jossey-Bass.

Karpowitz, C. F., Raphael, C., & Hammond, A. S. (2009). Deliberative democracy and inequality: Two cheers for enclave deliberation among the disempowered. *Politics and Society, 37*, 576-615.

Kratochwil, F. (1989). *Rules, norms, and decisions: On the conditions of practical and legal reasoning in international relations and domestic affairs.* Cambridge: Cambridge University Press.

Lacy, S., & Riffe, D. (1996). Sampling error and selecting intercoder reliability samples for nominal content categories: Sins of omission and commission in mass communication quantitative research. *Journalism & Mass Communication Quarterly, 73,* 969-973.

Levine, P., & Nierras, R. M. (2007). Activists' views of deliberation. *Journal of Public Deliberation, 3*, 1, Article 4. Retrieved from http://services.bepress.com/jpd/vol3/iss1/art4/

Lupia, A. (1994). Shortcuts versus encyclopedias: Information and voting behavior in California insurance reform elections. *American Political Science Review,88*, 63-76.

Lyu, H-S. (2008). Participative deliberation and policy proposals on government websites in

    Korea: analysis from a Habermasian public deliberation model. *International Review of*

    Public Administration, *12*, 2, 45-58.

Majone, G. (1989). *Evidence, argument, & persuasion in the policy process.* New Haven, CT:

    Yale University Press.

Mansbridge, J. (1999). Everyday talk in the deliberative system. In S. Macedo (Ed.),

    Deliberative Politics: Essays on Democracy and Disagreement (pp. 211-39). Oxford:

    Oxford University Press.

Mansbridge, J. (2007). 'Deliberative democracy' or 'democratic deliberation'? In S.W.

    Rosenberg (Ed.), *Deliberation, participation and democracy: Can the people govern?*

    (pp. 251-71). New York: Palgrave Macmillan.

Mansbridge, J., Hartz-Karp, J., Amengual, M., & Gastil, J. (2006). Norms of deliberation: An

    inductive study, *Journal of Public Deliberation, 2*, 1, Article 7. Retrieved from

    http://services.bepress.com/jpd/vol2/iss1/art7/

Mutz, D. C. (2008). Is deliberative democracy a falsifiable theory? *Annual Review of Political*

    Science, *11*, 521-528.

New America Foundation & Center for International Media Action (2006). *Building*

    constituencies for spectrum policy change. First report: Wireless broadband and public

    needs. Retrieved from

    http://www.newamerica.net/publications/policy/building_constituencies_for_spectrum_p

    olicy_change_first_report

Page, B. I. (1996). *Who deliberates? Mass media in modern democracy.* Chicago: University of

    Chicago Press.

Parkinson, J. (2006a). *Deliberating in the real world: Problems of legitimacy in deliberative democracy*. Oxford: Oxford University Press.

Parkinson, J. (2006b). Rickety bridges: Using the media in deliberative democracy. *British Journal of Political Science, 36*, 175-84.

Parkinson, J. (2006c). Of scale and straw men: A reply to Fishkin and Luskin. *British Journal of Political Science, 36,* 189-92.

Ryfe, D. (2005). Does deliberative democracy work? *Annual Review of Political Science, 8*, 49-71.

San Francisco Department of Telecommunications and Information Services (2007). *San Francisco digital inclusion strategy.* Retrieved from http://www.sfgov.org/site/tech_connect_index.asp?id=47976

Santa Clara University Center for Science, Technology, and Society & Broadband Institute of California (2006). *Broadband for all? A Consensus conference on municipal broadband. Final report and recommendations.* Retrieved from http://broadbandforall.org/MBCCFinalReport.doc

Sclove, R. (1996). Town meetings on technology. *Technology Review, 99*, 5, 24-31.

Steiner, J., Bächtiger, A., Spörndli, M., & Steenbergen, M. (2004). *Deliberative politics in action: Crossnational study of parliamentary debates*. Cambridge: Cambridge University Press.

Sunstein, C. R. (2005). *Laws of fear: beyond the precautionary principle*. Cambridge & New York: Cambridge University Press.

Thompson, D. F. (2008). Deliberative democratic theory and empirical political science. *Annual Review of Political Science, 11*, 497–520.

Toulmin, S. (1969). *The uses of argument*. Cambridge: Cambridge University Press.

Warren, M. (2007). Institutionalizing deliberative democracy. In S.W. Rosenberg (Ed.), *Deliberation, participation and democracy: Can the people govern?* (pp. 272-88). New York: Palgrave Macmillan.

Warren, M., & Pearse, H. (2008). *Designing deliberative democracy: The British Columbia Citizens' Assembly.* Cambridge: Cambridge University Press.

Young, I. M. (2000). *Inclusion and democracy.* New York: Oxford University Press.

Table 1. Intercoder Reliability

	Percent Agreement	Krippendorff's Alpha
Argumentation		
Recommendations	98.35	0.947
Reasons	96.69	0.929
Evidence	100.00	1.000
Normativity	99.56	0.969
Opposing Views	100.00	1.000
Transparency	100	1.000
Other Material	93.35	0.867
Coherence		
Reasons	98.80	0.956
Evidence	89.16	0.781
Norms	90.36	0.807
Opposing Views – Illegitimate	95.18	0.792
Opposing Views – Legitimate	95.18	0.880
Opposing Views – Neutral	92.77	0.788

N=121 sentences coded in the test of argumentation categories (results for Norms based on 226 sentences coded, as the small number of sentences that made normative claims required a larger sample for accurately assessing reliability). N=83 conclusions coded in the test of coherence.

Table 2. Argumentation

	Citizens	Activists	Stakeholders
Emphasis: Sentence-level *% of sentences coded as …*	N=167	N=475	N=216
Conclusions	**52.1[a]**	**34.5[cs]**	**58.9[a]**
Reasons	**37.1[as]**	**18.1[c]**	**14.8[c]**
Evidence	**0.0[as]**	**6.7[cs]**	**13.0[ca]**
Reasons or Evidence	**37.1[as]**	**24.5[c]**	**27.8[c]**
Norms	**6.0[s]**	3.8	**0.0[c]**
Opposing Views	**4.2[s]**	**3.0[s]**	**0.9[ca]**
Coherence: Sentence-level *% of conclusions connected to at least one …*	N=87	N=116	N=127
Reason	79.3	**81.0[s]**	**69.3[a]**
Evidence	**0.0[as]**	**45.7[c]**	**48.0[c]**
Reason or Evidence	79.3	82.8	79.5
Norm	42.5	52.6	41.7
Opposing View	**40.2[s]**	**49.1[s]**	**0.0[ca]**
% of conclusions ...			
Fully Supported	**23.0[as]**	**36.2[cs]**	**0.0[ca]**
Partially Supported	86.2	86.2	79.5
Unsupported	13.8	13.8	20.5
Coherence: Document-level *Summary judgments of how clearly*			

conclusions linked to …			
Reasons	High	Medium	High
Evidence	None	Low	High
Norms	High	Medium	Medium
Opposing Views	High	Medium	None
Percent Coded High	*75.0*	*0.0*	*50.0*

[a]Percentage is significantly different from activists at p<.05

[c]Percentage is significantly different from citizens at p<.05

[s]Percentage is significantly different from stakeholders at p<.05

Note: Statistical significance determined with two-tailed difference of proportions tests. Significant differences are bolded, with the appropriate point of comparison indicated by the superscript. For sentence-level measures of emphasis and coherence, percentages for any one document can add up to more than 100 because sentences could be coded into more than one category.

Table 3. Transparency

	Citizens	Activists	Stakeholders
% of Sentences Coded as Transparency	*5.4[a]*	*31.4[cs]*	*5.6[a]*
Control			
Organizers' Mission	No	Yes	Yes
Funding/Sponsorship	Yes	Yes	No
Partnerships	Yes	Yes	Yes
Design			
Participant Selection	Yes	Yes	No
Participant Representativeness	Yes	Yes	Yes
Agenda	No	Yes	No
Structure and Facilitation	Yes	Yes	No
Deliberative Format	Yes	No	No
Decision Rule	No	No	No
Decision Dynamics	No	Yes	No
Intended Influence			
Purpose	Yes	Yes	No
Audiences	Yes	Yes	No
Evaluation			
Deliberation	No	No	No
Participants	No	No	No
Fidelity			
Authorization	Yes	Yes	No

Accountability	Yes	No	No
% of Categories Present	*62.5^{s}*	*68.8^{s}*	*18.8^{ca}*

[a]Percentage is significantly different from activists at p<.05;

[c]Percentage is significantly different from citizens at p<.05;

[s]Percentage is significantly different from stakeholders at p<.05.

Note: Statistical significance determined with two-tailed difference of proportions tests.

Significant differences are bolded, with the appropriate point of comparison indicated by the superscript.

Notes

[1] While both dialogue and discussion are valuable to democracy, and groups must often engage in them before they can proceed to deliberate over solutions, we follow the trend in the literature to distinguish these kinds of talk because deliberative theory demands greater publicity from those who aim to influence public opinion or policy directly than from those who engage in dialogue or educative discussion (Warren, 2007).

[2] Recent examples of high-profile civic forums attacked, fairly or not, for both their process and recommendations include the British Columbia Citizens Assembly, in which citizens were recruited to devise plans for political redistricting that were put to a popular vote (Warren & Pearse, 2008) and the America*Speaks*: Our Budget, Our Economy project, which convened 3,500 Americans in small groups to form policy recommendations for the US President's National Commission on Fiscal Responsibility and Reform (http://usabudgetdiscussion.org/national-town-meeting-results/). The BC Citizens Assembly proposal illustrates the importance of publicity to other citizens. Cutler et al. (2008) show that citizens who knew more about the Assembly's process and proposal were more likely to vote for the citizen-devised redistricting plan in the 2005 popular referendum. Yet the proposal narrowly failed to garner the required 60 percent supermajority of voters in part because less than 60 percent of the public knew anything about the Assembly or its proposal. The America*Speaks* case shows the importance of publicity to interest groups. Liberal interest groups attacked the citizen deliberation even before its results were published for being partially sponsored, and allegedly manipulated, by a conservative foundation.

[3] This definition does not depend on a group achieving consensus; it includes policy positions endorsed by a majority of participants after deliberation, such as those often reported by Deliberative Polls.

[4] One of the authors co-organized the citizen consensus conference, while the other author served as the external evaluator. The external evaluator conducted the interviews for this article with the organizers of each deliberative process.

[5] While stakeholder and citizen forums are widely recognized as typical sites of deliberation, theory and research have paid less attention to the role of deliberation within social movements. Nonetheless, deliberative theory has long recognized civil society organizations as unique and legitimate contributors to deliberative democracy (Cohen, 1989; Dryzek, 2000; Habermas, 1996).

[6] The principle of selection in the consensus conference was somewhat different than normal. Most such conferences aim to recruit a group that is roughly representative of the community in demographic, occupational, ideological, and other terms, although such a small group cannot form a representative sample in the social scientific sense. In contrast, the broadband consensus conference formed a panel whose participants were members of at least one group that was least likely to have broadband access at the time, such as low-income people, the disabled, African-Americans, Latinos, and rural residents.

[7] Because the activist document was much longer than the others, we employed a random sample of approximately 75 percent of the conclusions in the document in the second stage of coding.

[8] Table 1 contains measures of Krippendorff's Alpha, but the results are essentially identical – never varying by more than .001 – if we employ other measures of intercoder reliability, such as Cohen's Kappa or Scott's Pi.

[9] These measures of support represent a relatively low bar. The elements of argumentation given in support of the conclusion could occur anywhere in the document, not necessarily in the same section as the conclusion. Nor does this measure reflect the total *number* of reasons (evidence, opposing views, etc.) in favor of any conclusion.

[10] Even if the standard of linking each conclusion to a norm or an opposing view sets a high bar, Table 2 shows that in the three documents taken as a whole, approximately 20 percent of the conclusions could not be connected to a reason or piece of evidence.

[11] It may be objected that the issue at stake also influences publicity. For example, there may have been few normative claims in each report studied here because Internet access is more of a technical or economic issue than a moral one. However, we think that deliberators' approach to issues depends largely on forum organizers' goals and issue framings. Broadband access, for example, involves complex questions about the optimal technology and economic model that will best reach all potential users, as well as obvious questions about distributive justice, because broadband access affects access to education, jobs and job training, public services, etc. One could organize a forum exclusively about the technical, economic, or social justice aspects of the issue (as one could about abortion or tax policy). Thus, the organizers' goals and issue framings seem more significant than any "inherent" qualities of an issue.