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Did They Deliberate? Applying an Evaluative Model of Democratic Deliberation to the Oregon Citizens' Initiative Review

Katherine R. Knobloch, John Gastil, Justin Reedy & Katherine Cramer Walsh

As deliberative forums proliferate, scholars and practitioners need to establish a shared evaluative framework grounded in a theoretical definition of deliberation, applicable across contexts, and capable of yielding results comprehensible to public officials and key stakeholders. We present such a framework and illustrate its utility by evaluating the Oregon Citizens' Initiative Review (CIR), a public event that serves as both a critical case study and an important practical innovation in its own right. Our analysis shows that the CIR met a reasonable standard for democratic deliberation, and we pinpoint CIR features that both aided and detracted from its overall quality. We also show how we summarized these results to communicate our evaluation efficiently to the Oregon State Legislature. We conclude by making recommendations for future applications of our theoretical model and evaluative framework and offer practical suggestions for future deliberative forums.

Keywords: Deliberation; Democratic Theory; Evaluation; Group Communication; Initiative Elections; Political Communication; Public Forums

Deliberative democratic scholarship maintains a loose connection between normative theory and empirical research (Thompson, 2008). Recent work, however, has begun to merge these into a conception of deliberation that recognizes both normative

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ideals and practical limitations (e.g., Black, Welser, Cosley, & DeGroot, 2011). This synthesis coincides with the proliferation of deliberative forums that provide unprecedented opportunity to compare diverse deliberative processes (Jacobs, Cook, & Delli Carpini, 2009; Leighninger, 2006; Nabatchi, Gastil, Weiksner, & Leighninger, 2012; Warren & Pearse, 2008).

Frameworks for evaluating such events, however, vary widely in content and clarity. Discrepant theoretical and operational definitions forestall comparison of deliberative quality across events. Most evaluations use context-specific evaluative schemes to study one facet of deliberative quality. Lacking a shared method of analysis, researchers cannot juxtapose different deliberative designs (Gastil, Knobloch, & Kelly, 2012). Such research frustrates an important audience—the public officials who are often responsible for funding, designing, and implementing citizen deliberation (Fagotto & Fung, 2006).

To fulfill the dual goals of evaluative coherence and public clarity, we present a method for assessing deliberation based on a broad theoretical definition. We hope this framework will allow scholars to better understand the potential and problems of deliberative forums, and it should also help civic reformers design better processes. Toward these ends, we present a theoretical conception of deliberation, then apply it as a qualitative evaluation tool to assess a specific event—the 2010 Oregon Citizens' Initiative Review (CIR). Close analysis of this innovative government-sanctioned process should yield valuable lessons for the study and practice of public deliberation.

Using our novel evaluative framework, we identified components that aided and detracted from the CIR's deliberative quality. Our investigation moved back and forth among process design, the actual discussion that took place, panelists' self-assessments, and the CIR's output to identify whether the process generated deliberation, panelist satisfaction, and accurate and just decisions. In the Conclusion, we draw out these findings and identify hypotheses for future research that demarcate which process components, such as participant preparation and facilitation, lead to optimal deliberative outcomes.

Though we write for a scholarly audience, our Results section adapts text from the report we presented to the Oregon State Legislature in 2010–2011, while it considered renewing the CIR (Gastil & Knobloch, 2010). As explained later, our research helped the legislature decide to make the CIR permanent. The Results section, then, shows a way of writing about deliberation that decision makers found practical.

Evaluating public deliberation

Some scholars view strict theoretical definitions of public deliberation as futile attempts to compare everyday speech against idealized standards (Button & Mattson, 1999; Jacobs et al., 2009; Mutz, 2008; Ryfe, 2005). Principled as those objections might be, the practical problem remains of assessing the degree to which an actual process *approximates* a standard. Lax definitions of deliberation may deem sufficient political utterances (Jacobs et al., 2009) or topical symmetry (Simon, 2002), but these cannot provide practical standards for judging the deliberativeness of highly structured events designed to transcend the limits of everyday speech.

Moreover, scholarly breakthroughs often come from the pursuit of conceptual and methodological rigor. The creation of the Implicit Association Test made it possible to detect unconscious attitudes (Nosek, Greenwald, & Banaji, 2007), and Hymes' (1974) SPEAKING model provided coherence to the ethnography of communication (Philipsen, 1997). We have the same aspiration: We hope to find a way of analyzing deliberative practices to increase the comparative value of research done within that tradition.

Criteria for assessment

Most working definitions of public deliberation incorporate three criteria: analytic rigor, democratic discussion, and well-reasoned decision making (Burkhalter, Gastil, & Kelshaw, 2002; Mansbridge, Hartz-Karp, Amengual, & Gastil, 2006). The *analytic* aspect of deliberation involves four steps: creating a solid information base, identifying and prioritizing key values, identifying a broad range of solutions, and weighing the pros and cons of decisions (Gouran & Hirokawa, 1996). This entails processing both factual information and the vantage points of affected parties with often conflicting values and viewpoints (Benhabib, 1996).

A *democratic* social process requires four conditions: an adequate distribution of speaking opportunities, mutual comprehension, consideration, and respect (Burkhalter et al., 2002; Gastil, 1993, 2008; Mansbridge, 1980). This includes providing opportunities for all participants to express themselves and respecting different ways of speaking and reasoning (Young, 1996).

Finally, deliberation requires well-reasoned *decision making*. Any collective decisions reached must reflect the considered judgments of the participants, who should be satisfied with and stable in their final judgments. Resolutions and policy choices should be reached through an appropriate decision rule (Cohen, 1989; Gastil, 1993; Mansbridge, 1980) that provides an opportunity for dissent (Barber, 1984).

Observable elements of deliberative events

Moving from conceptualization to operationalization requires dropping down from such high-level abstractions to find a way of assessing both the discrete elements and overall quality of a deliberative event (Black, Burkhalter, Gastil, & Stromer-Galley, 2011; Thompson, 2008). In doing so, Mutz (2008) notes, one must not render deliberation an unrealizable ideal, lest all real-world practices fail to "meet all of the necessary and sufficient conditions to qualify as deliberation" (p. 529).

More pointedly, deliberative democratic theory now has the attention of many public officials interested in improving their cities, states, and countries (Fagotto & Fung, 2006). These audiences require a conception of public deliberation presentable in a format that permits cross-case comparisons.

With academic and practical concerns in mind, we present the following observable criteria adapted from Gastil et al. (2012). One can judge the quality of any deliberative event by looking at six tangible elements: the context of the event, the

project design and setup, its structural design, the discussion itself, subjective experiences of the participants, and the output or product created.

- *Context.* The context in which a deliberative forum occurs influences its quality. For instance, a process staged in an adversarial public sphere will gain certain inherent advantages, such as readily accessible positions in a debate, but it will also present liabilities, such as an elusive consensus (Mendelberg & Oleske, 2000).
- *Design and setup.* Attention to the setup of a deliberative project can uncover whether a forum is designed to fulfill the conditions of deliberation. Key data include the selection and framing of topics, recruitment of participants, and decision options. For instance, the selection of discussion materials and participants shapes the information and values that emerge (Leighninger, 2006).
- *Structure.* Studying the structure of a deliberative event requires analyzing the actual presentation of information, values, and solutions, the structure of the agenda, logistics, and facilitation protocols. Researchers must consider, for example, how organizers introduce background witnesses, because those individuals can have tremendous influence on participants (Fishkin, 1991, 2009).
- *Discussion.* Direct study of deliberation also requires scrutinizing the actual discussion that takes place (Black, Burkhalter, et al., 2011). Special attention goes to those moments in which individuals make “claims” (Steiner, Bächtiger, Spörndli, & Steenbergen, 2005), but other important features include questions, narratives, reflective talk, and turn-taking dynamics.
- *Subjective experience.* Participant evaluations shed light on social processes most difficult to decipher through direct observation. Scholars utilizing participant assessments have relied on participant surveys (Jacobs et al., 2009), questionnaires (Black, Burkhalter, et al., 2011; Jacobs et al., 2009), and interviews (Button & Mattson, 1999; Jacobs et al., 2009).
- *Outputs.* An evaluation must also examine the product of deliberation, which is usually organized to generate a written analysis, verdict, or statement that conveys a judgment/reasoning (Leighninger, 2006). Such outputs indicate the quality of the decision and may include markers of the information, values, and tradeoffs considered by participants. Whether the output mentions or provides space for opposing or minority opinions may also testify to the democratic character of the deliberation. Understanding the wider impact of such outputs can provide insight into the perceived legitimacy and potency of deliberative projects (Gastil & Knobloch, 2010; Warren & Pearse, 2008), but gauging their reception is not imperative to assessing their internal process quality.

The Oregon CIR case study

In the remainder of this essay, we demonstrate our approach to evaluation by taking it down into the trenches of practical politics. Our project began in 2009, when the Oregon legislature created the Oregon Citizens’ Initiative Review (CIR). This

trial-run deliberative experiment—the first of its kind in the world—was built with the express purpose of evaluating the CIR before making it permanent. In the following, we describe the CIR and the role of evaluation in the Oregon State Legislature’s review thereof. We then provide a condensed version of our assessment, as adapted from the full report we presented to the Oregon House and Senate Rules Committees in 2010–2011 (Gastil & Knobloch, 2010).

Overview of the case

The CIR pilot project took place in August 2010. Established by the Oregon State Legislature and implemented by a nonprofit organization, Healthy Democracy Oregon (HDO), the CIR panelists wrote one-page Citizens’ Statements that went into the official Oregon State Voters’ Pamphlet that the Secretary of State mailed to every registered voter. Since Oregon is a vote-by-mail state, these Statements provided timely nonpartisan information that voters would have at-hand while completing their general election ballots.

In August 2010, HDO staff developed and convened two panels in Salem, Oregon. Each consisted of a random sample of 24 registered Oregon voters demographically stratified to match the Oregon electorate in terms of sex, age, ethnicity, education, geography, and party affiliation. For five days, citizen panelists, assisted by a pair of experienced moderators hired by HDO, reviewed a single ballot measure to develop insights and analysis for their Statement in the Voters’ Pamphlet. On the first day, panelists received training in deliberation. The moderators first presented the panelists with rules for discussion and emphasized “staying in learning mode” that they might hear the information presented before making a decision and maintain respect for one another and the presenters. Panelists then practiced a mini-version of the CIR process on a subject unrelated to the ballot initiative.

For the next three days, panelists listened to evidence from the initiative proponents and opponents, as well as from background witnesses. Moderators led the panelists in small and large group conversations that allowed them to distill the information they heard. Panelists used these conversations, along with votes conducted via computerized voting devices, to identify lingering questions about the initiative and its impact, as well as the most important things voters needed to know about it. At the end of the week, the panelists condensed the information and arguments that they had developed to write their Citizens’ Statement. This included Key Findings (information related to the initiative that more than a majority of the panel found both relevant and factually accurate) and Statements in Favor and in Opposition, written by the panelists who ultimately found themselves for or against the measure, respectively.

The first set of panelists reviewed Measure 73, which proposed to increase the mandatory minimum sentence for certain repeat felony sex crimes and implement a mandatory minimum sentence for third-time Driving Under the Influence of Intoxicants (DUII) charges. The panelists voted 21 to three against the measure, but

the Oregon electorate ultimately passed the initiative, though the Statement substantially reduced public support for Measure 73 (Gastil & Knobloch, 2010).

The second set of panelists studied Measure 74, which would have established a nonprofit system to license the production and distribution of medical marijuana. The panelists split almost evenly on this question, with 13 in favor and 11 opposed. Voters rejected the initiative in the November election and appeared influenced by the CIR's critical analysis of Measure 74 (Gastil & Knobloch, 2010).

Research methods

The legislation that prompted the development of the CIR pilot project (House Bill 2895) contained a sunset clause limiting the process to the 2010 election and requiring an evaluation. With funding from the National Science Foundation (NSF), the first two authors assembled a team of researchers to carry out that assessment. Before describing the evaluation methods we employed, we pause here to describe briefly the research team and its relationship to HDO and the CIR.

The principal investigator (and second author on this essay) had published earlier theoretical work conceptualizing processes like the CIR (Gastil, 2000). In the years that followed, Gastil did voluntary consulting on a similar process devised by Ned Crosby and joined him in providing expert testimony on the subject to the Washington state legislature. In anticipation of the potential establishment of the CIR in Oregon or another state, Gastil drafted the NSF proposal and gathered a team of prospective investigators that included the coauthors of this manuscript. First-author Knobloch played the leadership role in coordinating investigators and gathering and analyzing data presented herein. The first two authors directly observed both of the 2010 CIR panels, whereas the third and fourth authors served as process observers for one panel each.

In examining the setup and structure of the CIR, we looked at its overall design by analyzing archival materials. The first author conducted interviews with HDO staff and sat in on planning meetings and a test run of the process. The research team also examined planning materials (e.g., the agenda for each day, the rules for discussion and the presentation of information, and the means for organizing the information gathered during the event). This allowed us to determine if the process was properly structured to meet each of the three deliberative criteria.

To assess the execution of the CIR's design and the quality of the discussion, a team of three researchers observed in person each week's deliberations and took extensive notes on the proceedings and the deliberative quality of each agenda segment. Throughout the CIR, the team met to compare findings during breaks and at the close of each day. In addition, the first author created a real-time observation scheme that team members used to evaluate each agenda segment according to relevant deliberative criteria. The team would discuss their grades and pertinent notes after each segment to develop a shared understanding of the CIR's performance.

For example, to assess whether the presenters created a solid information base, identified key values, weighed the pros and cons, and discussed alternative solutions,

the research team rated each advocate or witness presentation in terms of its relevance (whether it was pertinent to the discussion), reliability (whether the information was factually accurate), and sufficiency (whether it fulfilled the information needs of the panelists). To ensure that panelists fully comprehended and considered this information, researchers rated the relevance and sufficiency of the questions panelists posed to the presenters.

After the panels were completed, a professional service was hired to transcribe video and audiotapes of the proceedings to facilitate textual analysis. This also permitted assessment of the parts of the statement-writing segments, which HDO permitted us to record but not observe directly, lest our presence interfere with that delicate part of the process. Finally, with the help of the HDO staff, we maintained an archive of all the written evidence presented to the panelists.

To evaluate the final output, we looked to the quality of the Citizens' Statements produced for the Voters' Pamphlet. To check both the analytic quality of the process and whether or not the panelists utilized their deliberations in making their decisions, a research assistant fact-checked each claim in the Statements by combing the transcripts and archival materials to determine the evidentiary basis of each one. We also reviewed the transcripts to determine whether the panels made decisions and wrote their Statements in a noncoercive manner.

Finally, a series of questionnaires recorded the panelists' self-assessments. Each day, panelists evaluated the overall process, their progress toward developing specific parts of the Citizens' Statements, and the CIR's performance on specific deliberative criteria (e.g., sufficient opportunity to speak and how well they considered underlying values). In addition, panelists were asked to report whether they detected bias in the proceedings, and we asked for additional comments to clarify any of their quantitative assessments or perceptions of bias. To check the stability of participants' responses, we conducted a follow-up survey October 22–November 1, with a 79% response rate. (For more details about either the panelist evaluations or the coding scheme, please contact the first author.)

Legislative report

Using the framework introduced earlier, we integrated our findings into a report and testified twice before the Oregon House Rules Committee (in December 2010 and February 2011) and once before the Senate Rules Committee (March 2011), as they debated House Bill 2634, which institutionalized the CIR (Gastil & Knobloch, 2010). Elliot Shuford, one of HDO's codirectors and an advocate for the bill, commented that skepticism toward the process was one of the greatest obstacles to its implementation; without the evaluation, he told us, "Our chances to pass" the legislation "would have been very slim" (E. Shuford, personal communication, May 12, 2011).

Rules Committee members commented on the utility of having an independent CIR evaluation to reference in their legislative deliberations. As Representative Arnie Roblan, the Co-Chair of the House Rules Committee, stated:

This [evaluation] is what we need to do more of in our state government . . . and that's have real research, that we can trust, look at things we do and then give us insight into how to become better. (Public Hearing, HB2634, 2010)

In short, many members of the legislature found our evaluation useful, and HB 2634 ultimately passed with bipartisan support in a closely divided legislature: The House voted 36–22 in favor of the bill, and the Senate voted for it 22–8. The governor signed the bill into law in June 2011, and the first permanent iteration of the CIR took place in August 2012.

Condensed evaluation report to the Oregon legislature

To provide readers with a condensed version of our legislative report, we begin with the same “deliberative scorecard” we presented to legislators in Salem, Oregon. Table 1 grades the CIR on each deliberative criterion along a conventional scale from A (“excellent”) to F (“failing”). These grades took into account both an absolute standard for deliberation (Gastil, 2008) as well as its performance relative to other deliberative processes (Nabatchi et al., 2012). In essence, this meant that we graded on a deliberative “curve,” which recognized both the impossibility of deliberative perfection and its normative aspirations.

To determine these grades, we relied on all of the aforementioned data we collected. As will be evident in the more detailed discussion later, some parts of the CIR were certainly messy, but early problems were often corrected in later parts of the process. In the same vein, our summary assessments often relied on data that spanned several agenda segments and different elements of the CIR process. For instance, “considering a range of alternatives” required that the CIR be set up to discuss alternatives, that advocates and witnesses were prepared to discuss those alternatives, and that panelists considered them during their discussions. In creating the final scores, the research team focused on the *totality* of such work, which

Table 1 Summary Assessment of the 2010 Oregon Citizens’ Initiative Review Panels

Criteria for evaluating deliberation	Measure 73: Mandatory sentencing	Measure 74: Marijuana dispensaries
1. Promote analytic rigor		
1a. Learning basic issue information	B +	B +
1b. Examining underlying values	B –	B
1c. Considering a range of alternatives	A	B
1d. Weighing pros/cons of measure	A	A
2. Facilitate a democratic process		
2a. Equality of opportunity to participate	A	A
2b. Comprehension of information	B +	B +
2c. Consideration of different views	A	A
2d. Mutual respect	A –	A
3. Produce a well-reasoned statement		
3a. Informed decision making	A –	A
3b. Noncoercive process	A	A

included corrections for problems that arose early in a given CIR week. This is analogous to rewarding students for mastering material by the end of a course, as opposed to averaging scores on their graded assignments each step along the way.

With these considerations in mind, an A grade in the scorecard represents excellence, with the process far exceeding conventional expectations for public discussion; a B signifies that the event had performed above adequate but still had room for improvement. Lower grades were not given but can be likewise described in plain words: A grade of C would have indicated mere adequacy (i.e., barely meeting the minimum standard); D would have represented inadequate performance; and F would have signaled abject failure, possibly even an “antideliberative” event.

The scorecard in Table 1 shows that, overall, we rated the CIR as meeting a high standard for democratic deliberation. In the more detailed analytic sections that follow, we show the basis for each grade that went into that summary assessment.

Criterion 1. Promote analytic rigor

Of the three main criteria (analytic rigor, democratic discussion, informed and noncoercive decision making), the first of these produced the most uneven results. The summary assessment on this criterion was A–/B+ for the Measure 73 review, regarding mandatory sentencing, and a B+ for the Measure 74 review, regarding medicinal marijuana.

1a. Learning basic issue information. The bulk of the CIR was structured to provide panelists with information. Days 2–4 involved hearing from and questioning advocates and witnesses, who largely succeeded in providing high-quality data and analysis (albeit along with less useful content, as well). When advocates and witnesses failed to include relevant information, the panelists usually could fill in the gaps by calling witnesses or questioning advocates. Staff provided copies of any written evidence presented, but the witnesses and advocates sometimes lacked such specifics. This hindered the panelists’ ability to comprehend the information, challenge claims, or utilize such content in their discussion. For example, during the first CIR panel, the proponents of mandatory sentencing argued that every dollar spent on incarceration saves the state four dollars, but they never backed up this assertion. Later, critics showed panelists a chart that indicated that each dollar spent on incarceration yields a net savings of just three cents. This could have been a crucial issue for the advocates, since cost-effectiveness was an important point in the deliberation; lacking direct evidence, however, the panelists were unable to weigh this claim fully.

On the whole, advocates and witnesses provided sufficient, reliable, and relevant information to the panelists, but not all presentations were equally informative. Even the panelists’ follow-up requests for information sometimes went unfulfilled. As one citizen on the mandatory sentencing panel noted, “We need a lot of very accurate information. What we are getting is info from each side which . . . promotes their cause. I am a little worried that we get just small bits of info, instead of the whole amount.”

Panelist discussions corrected many such inadequacies. After most presentations, panelists were divided into small groups and instructed to identify the presenters' key claims and raise additional questions. Citizens then presented these claims and questions back to the full panel, which summarized and categorized them before presenting them to advocates and witnesses. The moderators led the panelists in continually reworking questions and claims so that panelists could, ultimately, crystallize these into "strong and reliable" claims that would appear in their final Statements.

By the end of the week, every single panelist reported having heard "enough information" to make an informed decision about how to write the final Statement. In the follow-up survey conducted months later (after citizens saw the issue debated in a full public election), the vast majority of panelists still held that view of their deliberations.

1b. Examining underlying values. Though the CIR as a whole promoted rigorous analysis, the process did *not* provide sufficient conceptual and discursive space to address the values underlying many key arguments. Early in the process, moderators encouraged panelists to highlight larger "issues" (a term loosely defined to encompass values) to organize the claims raised by advocates and witnesses. Panelists could not, however, revisit the "issues" originally selected or add new ones. This prevented the panelists from addressing values that only became salient in light of new information and further reflection. As one panelist reviewing mandatory sentencing stated in her Wednesday comments, "I feel like perhaps we should re-evaluate our first core/central ideas. We chose them the first evening with little information behind us. Now, a few of them seem not important or at least less important."

In spite of this problem, the panelists gave the CIR positive assessments on this criterion. At the end of both reviews, the panelists generally thought their deliberations had considered "the values and deeper concerns" of both supporters and opponents of the ballot measure in question. All but one Measure 74 (medical marijuana) panelist rated performance on this indicator as either "good" or "excellent." Measure 73 (mandatory sentencing) panelists gave lower average scores for this criterion, with four of the 24 panelists giving only "adequate" ratings. In sum, values played an important role in the CIR, but the process could have given greater priority to this deliberative dimension.

1c. Considering a range of alternatives. Because initiatives require simple up or down votes, considering a range of alternatives amounted to one simple question: Should Oregon endorse or reject the initiative? More subtly, however, the initiative's proposed solution had to compete with any number of alternatives raised by its opponents. Thus, much of the impetus for expanding a range of alternatives fell to the opposition advocates and witnesses, with proponents explaining why all other options had failed or would fail if attempted. This process was thorough for the mandatory sentencing initiative, as panelists learned of successful rehabilitation/sentencing programs in other states. It was less thorough regarding marijuana

dispensaries, in part because the opponents were not well organized. Opponents of that measure spent more time critiquing it than presenting alternative means for patients to access their drugs.

1d. Weigh the pros/cons of the measure. For both reviews, the panelists—aided by advocates and witnesses—did an excellent job of weighing the pros and cons of the measure. Panelists continually requested detailed information about fiscal and social impacts and compiled evidence of comparable laws’ impacts. When advocates could not provide requested evidence, they could at least suggest which witnesses to call for answers.

For both reviews, the panelists were particularly vigilant about drawing out the unintended consequences of the measures. During the first week, panelists exposed several flaws in the mandatory minimum sentencing law—particularly its inadvertent encompassing of minors and cases of “sexting” (text-messaging explicit sexual content). Regarding the medical marijuana initiative, panelists scrutinized its enforceability and indirect ramifications for existing medicinal marijuana growers.

Two structural components contributed to the CIR’s high performance on this criterion. The process was organized so that advocates could rebut claims made by their opponents and witnesses, and this gave advocates ample opportunity to question the conclusions that the panelists were starting to reach. Also, moderators repeatedly required panelists to identify key pieces of information and any lingering questions. This helped panelists stay focused on—and understand the nuances of—the most critical issues.

Criterion 2. Facilitate a democratic process

The CIR won very high marks for keeping its discussion democratic, with Measure 73 (mandatory sentencing) earning an A– and Measure 74 (medical marijuana) receiving an A. The structure of the panels ensured panelists, advocates, and witnesses had sufficient and equal opportunities to speak. The process also encouraged panelists to consider fully opposing viewpoints and remain respectful toward one another and toward advocates and witnesses.

2a. Equality of opportunity to participate. To be democratic, a process must first ensure that individuals have an equal opportunity to join the panel and speak up during its deliberations. The CIR panelists were a stratified random sample of the Oregon electorate. After sending out invitations to approximately 10,000 Oregon voters, the HDO staff anonymously selected 24 panelists and five alternates for each week to match the state’s voters in terms of age, gender, ethnicity, education, partisan affiliation, and place of residence. Though last-minute cancellations and substitutions created slight demographic imbalances, the final panels approximated those demographic targets.

To maintain equality during the discussion, the CIR provided multiple opportunities for panelists to express themselves and pose questions to advocates and witnesses. Because the panelists often broke into small groups, the CIR afforded a more relaxed setting for those who were too reticent to talk in larger groups. The CIR’s full-panel discussions then enabled panelists to bring ideas from small groups

into the larger deliberation. Success along these lines shows the value of multiple rounds of mixed discussion methods, which helped CIR panelists parcel out complex claims and counterclaims, while ensuring adequate speaking opportunities for all.

In the full-panel sessions, the moderators ensured that the most vocal members of the group did not dominate the conversation. Each week's panel happened to include a single outspoken citizen who other panelists perceived, at times, as domineering or distracting. By the end of each week, in part because of active intervention by the moderators, both of those individual panelists had restrained themselves. In their end-of-week evaluations, several panelists gave the moderators high marks for this accomplishment. In this regard, effective facilitation was essential for the CIR's success.

Throughout both reviews, most panelists felt that they had a "sufficient opportunity to express [their] views." For the mandatory sentencing measure, 21 out of 24 panelists said they had a sufficient chance to speak on all five days, with one or two saying they were "unsure" each day and, for two of the days, one or two saying that they "did not have sufficient opportunity to speak." The review of medical marijuana fared even better in this regard: Only one panelist (on only one day) reported insufficient speaking opportunities.

The format of the CIR also provided equal speaking opportunities for the advocates. Advocates presented their case to the panelists on the second and fourth days. They were given equal time to speak to the panelists, rebut claims made by their opponents, and address questions. The CIR panelists twice assessed whether the proponents and opponents were given equal time, and every panelist gave the same answer—marking the midpoint on the scale to indicate that "both sides had equal time."

2b. Comprehension of information. Small group discussions and the constant ability to ask questions encouraged comprehension of both ballot measures the CIR studied. As previously mentioned, on Day 1 the panelists underwent a training exercise that taught them how to sift information, distinguish larger issues from specific claims, and develop probing questions. Panelists used this training session as a frame of reference more than once during the small and large group discussions in which they identified and scrutinized claims made by the advocates and witnesses. During the question and answer sessions, moderators reminded panelists to ask for clarification about anything they did not understand and repeat questions that were not answered adequately. As one panelist noted, "The process . . . taught us how to extract critical information from proponent, opponent, and expert witness statements." In sum, this suggests the utility of an appropriate training period during public deliberation.

On the end-of-day evaluations, we asked panelists how often they "had trouble understanding or following the discussion." For the mandatory sentencing review, an average of 16 panelists said that they "never" or "rarely" had trouble understanding the discussion, and on only one day did more than one panelist report having trouble "often." Again, the medical marijuana review fared slightly better: An average of 20 panelists said they rarely or never experienced this difficulty.

2c. *Consideration of different views.* The rules provided to panelists on the first day encouraged them to keep an open mind and make no decision until hearing all of the available information. The panelists' self-assessments suggest that they took this directive seriously. Each day we asked panelists, "When other CIR participants or Advocate Team members expressed views different from your own today, how often did you consider carefully what they had to say?" Most days, all but one panelist said they considered views different from their own either "often" or "almost always," with the single individual saying that they considered these views "occasionally." On the other days, every single panelist said they considered these views either "often" or "almost always." By the end of the week, the panelists recognized this open-mindedness in both themselves and each another, with several commenting on their surprise at finding so much common ground when drafting their final Statements.

This criterion was also met by limiting bias in the CIR. Again, the formats for group discussions, advocate presentations, and the selection of witnesses were essential. At the beginning of most small group sessions, each of the panelists took turns speaking to the topic at hand before the group moved into informal discussion. This ensured that all voices were heard at the outset.

The moderators also played an important role by modeling neutrality. Each of the five days, the citizen panelists assessed the fairness of the CIR moderators. For both reviews, on three of the five days no panelist reported moderator bias, and no more than two panelists each week ever perceived that moderators preferred a particular side.

Witness selection also ensured mutual consideration. Using a computerized voting process to narrow down their selections, the panelists chose expert witnesses to meet specific informational needs. This mitigated potential organizer bias (from HDO) in the selection of witnesses. One panelist connected the ability to hear from different witnesses with the goal of listening to all sides; in her end-of-week evaluation, she reported being "exposed to many different points related to this measure, and this has allowed me to become more open-minded about the value of other opinions."

2d. *Mutual respect.* The subjective *feeling* of respect is one of the best measures of whether a person has, in fact, been respected (Gastil, 1993; Rostbøll, 2011; Steiner, 2009). Thus, we placed primary emphasis on participants' assessments of this criterion. Panelists studying medical marijuana felt particularly respected, with *all* panelists reporting that they either "often" or "almost always" felt they were "treated with respect." The mandatory sentencing review panel fared slightly less well, with a few panelists only "occasionally" feeling respect toward the end of the week and one saying on Thursday that she "rarely" felt respected.

One might brush aside that lone subjective experience as an outlier, but exceptions like this merit scrutiny because the group minority's experience has special importance. That particular Thursday, the penultimate day for the mandatory sentencing panel, was especially difficult. As the panelists began to hammer out the details of their Key Findings, the tone of the discussion revealed the vast majority of

panelists intended to oppose the measure. Some of this tension spilled over into Friday morning as the panelists finalized their set of findings. That morning, one panelist told the group that a statement written and voted on the previous afternoon was “not jumping out” at her. Another panelist took offense at the comment and said it amounted to “dissing” the panel’s work. The moderators allowed the panelists to express their frustration but quickly settled the matter by telling the panelists,

There will be another opportunity for you...to agree or disagree with that statement. We are trying to make sure that every voice is heard... You are here to deliberate, and that means that there are going to probably be differences of opinion. And that’s okay. We’re hoping that you continue to respect the discussion ground rules of disagreeing positively and with respect.

The two panelists who had exchanged sharp words subsequently ate lunch together and talked one-on-one, a clear indication that they had not let the tough debate fully undermine their regard for one another and/or for the CIR itself.

In addition, the Measure 73 panelists occasionally felt disrespected by one of the advocates for mandatory sentencing and, to some extent, that week’s moderators. A few panelists commented that repetitive moderator instructions made them feel infantilized. These panelists resented instances when they felt that the moderators failed to acknowledge their competence at self-facilitation. More frequently, problems arose regarding the proponents of mandatory sentencing. On a number of occasions, the lead advocate told the panelists that without extensive training in the law they were not capable of understanding the initiative. Particularly in their closing arguments—an extended slide show of car crash victims—proponents used emotional appeals loosely connected to facts or arguments germane to the measure. As one panelist stated, “Please pass on to the pro advocates that certain tactics don’t work. Scare tactics in particular—I thought their time could have been spent in much more informative ways today than the slide show. It made me angry that they wasted my time when they could have been giving me facts.” Ensuring mutual respect, then, requires that organizers, advocates, and witnesses treat participants as competent and capable of the task at hand.

Criterion 3. Produce a well-reasoned statement

Our last criterion requires that the panelists produce a well-reasoned Citizens’ Statement through a noncoercive process. For the mandatory sentencing measure, the Statement received a grade of an A/A–, and for the medical marijuana measure, it received a solid A.

3a. Informed decision making. Overall, the CIR fostered a highly informed decision-making process that allowed panelists to construct high quality Key Findings and Arguments in Favor and Opposed. Our independent analysis of the Citizens’ Statements found no inaccuracies or exaggerations, and every claim tied back to a credible piece of evidence presented during the CIR.

In part, this reflects the careful organizing and filtering process the panelists used to establish their information base, but the Statement writing process itself

contributed to this outcome. During both reviews, panelists repeatedly voted on which claims were the most important, and they trimmed and edited in pursuit of both precision and validity. Despite having five full days, the transcripts and questionnaires were replete with panelists expressing the need for more time, a sentiment reflecting their concern for accuracy and thoroughness in their analyses. Feeling time pressure on Thursday afternoon, panelists formed committees and met after hours to draft and refine their Key Findings. These were then delivered back to the group for further development Friday morning. This after-hours editorial work, which the panelists themselves grafted onto the CIR, allowed them to spend many additional hours as a full panel reflecting, prioritizing, and rephrasing their final Statement. (Concerns about the potential inadvertent impacts of such efforts caused the HDO organizers to build into the 2012 CIR process an official panelist subcommittee that could work with staff on grammar issues after hours.)

On the final day, when the panelists broke into pro and con caucuses to write their argument statements, the transcript reveals that the panelists attempted to incorporate the best available content and exclude irrelevant, inaccurate, or unverifiable information. For example, the three panelists supporting mandatory sentencing considered including the four-to-one incarceration-savings figure but excluded it because it remained unverified; they also recalled hearing information refuting it.

After the Arguments in Favor and in Opposition to the measure were drafted, the panelists came back together to check the factual accuracy and conceptual clarity of one another's drafts. Members of the HDO staff and the research team also used this time to check the factual accuracy of the Statements. The panelists in the pro and con caucuses then chose whether or not to incorporate one another's suggestions. In *every* instance, the groups chose to make those suggested changes that resulted in more careful and accurate Statements—in one case catching a rather large statistical error in the Arguments in Favor for mandatory minimums.

One way to test whether panelists used the best available information was to ask them at what point they made up their minds about how to vote on the measure. This strategy only occurred to the research team after the first week, so data are only available for the medical marijuana review. When asked “on which day did you decide how you would vote,” one panelist reported reaching a decision on Monday and three reported reaching their decision on Wednesday, with the large majority of panelists deciding how to vote either Thursday (11 panelists) or Friday (eight panelists), when they had more information at hand. (One panelist declined to answer this question.)

We complemented these data with those shown in Figure 1, which summarizes how panelists' opinions changed over the course of the week in response to their deliberations. At the end of the week, panelists were asked to recall the opinion they held when they first came into the process, as well as their final decision on the measure after the process. (We declined to ask predeliberation opinions at the start of the first day of the CIR, lest the very asking of that question cause panelists to anchor their views.) At least by their subjective recounting, panelists were largely undecided

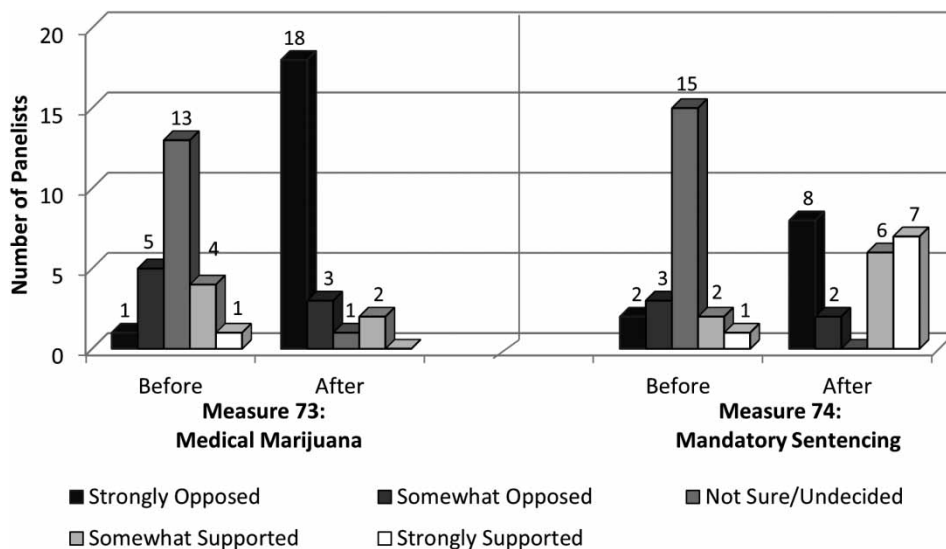


Figure 1. Panelists' self-report of position on measure before and after deliberation.

before beginning the deliberation, and by the end of the week, their opinions had developed and shifted dramatically. The CIR process allowed most panelists to reach a clear decision, with the majority expressing strong end-of-week opinions and only one panelist remaining undecided. In addition, closer scrutiny of these data showed that three panelists moved from support of mandatory sentencing to opposition, and one panelist moved from opposition of medical marijuana to support.

3b. Noncoercive process. Our evaluation also found that the CIR decision-making process allowed the panelists to make up their minds and vote free of structural coercion or social pressure. Almost all votes were conducted through touchpads so that panelists would not have to vote publicly. In addition, the Citizens' Statement itself clearly presented the number of votes for each claim it contained, which provided a transparent view of the panelists' level of agreement on any given point.

Our observations and analysis of the transcripts also found no evidence of coercion. As one panelist studying medical marijuana noted, "No one CIR panelist needed to feel that his or her learning curve, participation level or expertise in the research/data or any of the work this week needed to be like any one of the other panelists."

Nonetheless, one panelist did write in a survey, "The last day when formulating the pro and con of a measure was difficult . . . The conclusions written were not as strong in wording, but I felt compelled to agree." As this response indicates, the pressure to produce final Citizens' Statements within a specified time period strained at least some of the panelists. The HDO organizers chose to reserve time on Friday for a public press conference, rather than permit an additional hour or two of Statement revision. Perhaps that choice could be pointed to as a mistake; however, the extra time may not have lessened the pressure any panelists felt.

Finally, panelist dissatisfaction with their Statements could provide another indicator of coercion or frustration with CIR decision making. Overall, however, the vast majority of panelists were “satisfied . . . with the Key Findings” in both the exit and months-later follow-up surveys. On the mandatory sentencing measure, six panelists’ assessments were “neutral” at the end of the week, but by the follow-up survey, all but one panelist were at least “satisfied” with the Findings. The medical marijuana review received similarly high marks, with at least 16 panelists “satisfied” with the Key Findings and only one “dissatisfied.”

Conclusion

The preceding evaluation of the Oregon CIR yields two main points about applying deliberative democratic theory to actual public events. First, our case analysis shows just how deliberative a carefully structured event can become. Direct comparisons are not yet possible, but the CIR showcased a more intensive deliberation than many popular alternatives, such as Deliberative Polls (Fishkin, 2009) or National Issues Forums (Gastil & Dillard, 1999). As a result, it offers a compelling blueprint for how to structure similar processes in the future.

Second, we hope to have provided a tool for comparing deliberative structures that adds some coherence to the streams of research being conducted on the quality of deliberative public processes (Nabatchi et al., 2012). We have tried to demonstrate a practical way of evaluating deliberation that produces meaningful results in a real political context while maintaining fidelity with more abstract articulations of democratic deliberation (Barber, 1984; Cohen, 1989). Scholars and practitioners can draw on this framework when evaluating events across contexts and, in doing so, gain practical insight into how specific structural components affect the overall quality of public deliberation.

We have not tried to *quantify* the level of deliberation beyond the rows of the “scorecard” in Table 1, though the movement from grades to scores would be straightforward if one deemed quantification essential for making deliberative theory “testable” (Mutz, 2008; Thompson, 2008). In this way, our approach could lead to systematic metrics for assessing deliberation that go beyond the contextualized but heavily content analytic approaches currently being deployed (Steiner, 2012; Steiner et al., 2005).

From our vantage point, however, there is much to be learned through intensive qualitative case study without an implicit quantitative impulse. Investigations such as ours can build theoretical knowledge that is immensely useful in part because of its grounding in the particularities of the research setting (Flyvbjerg, 2001). The point is not that theory *must* be locally situated but rather that strong theory can recognize the bounded nature of its scope across time and space (Giddens, 1994). We also share the view that the theory and practice of deliberation are, ideally, mutually informing (Leighninger, 2006). In that spirit, we suggest the following insights from our case study for practitioners and researchers alike.

Lessons for practitioners

We found that specific structural components fostered deliberation by affording an opportunity to sift through complex information. Keys were the deliberative skills training on the first day, the mix of discussion formats (including both round-robin discussions and open-ended plenary discussions), and extended question-and-answer sessions with witnesses. Also, the presence of moderators fostered civil and respectful conversations, and the continued effort to refine key claims and questions allowed panelists to keep track of and focus on the most relevant information. Quality deliberation also came by providing panelists with a degree of agency: They could call witnesses, meet outside of the regularly scheduled program, and provide feedback on the opposing pro and con statements.

Our analysis also showed a need for improvement. Advocates were not always prepared for the type of discussion undertaken at the CIR, and future deliberative projects should offer a more extensive *training session for presenters* that emphasizes the sustained debate and documentation that the CIR requires. Similarly, panelists may be aided by a brief lesson in understanding statistical reports as part of their training. Several times during the CIR panelists were provided with conflicting reports. A quick lesson in understanding how and by whom these reports are produced may reduce panelists' confusion and bolster their ability to evaluate claims against one another. Finally, we recommend that values be dealt with in a more direct manner. A more direct and thorough discussion of values at stake for each initiative would ensure that no values get overlooked or set aside.

In the broadest terms, we hope this study shows the potential for concise summary evaluation based on detailed data. The evaluative framework we used in this essay could help both practitioners and public officials make more refined judgments about how to design and implement deliberative public forums. Once applied to a number of different events, this evaluation scheme could help those responsible for implementing public deliberations to tailor their designs to their particular legal and social contexts.

Ideas for future research

Using this scheme as a basis for future comparison, researchers could better understand what specific aspects of deliberative events foster analytic rigor, democratic discussion, and well-reasoned, noncoercive decision making. Consideration of participant and contextual variations, akin to Gouran and Hirokawa's (1996) "functional constraints," might shed light on which factors obstruct democratic deliberation.

In addition, our evaluation suggests testable hypotheses for those interested in parceling out the causal effects of specific components of deliberative processes. Our study identifies several important process variables—talented moderators, training in deliberative skills, mixed discussion styles, and question-and-answer sessions—that increase the likelihood of desired outcomes, such as knowledge gains, feelings of

respect, and the civil resolution of disagreements. Researchers interested in assessing the relationship between process and outcomes can, for example, look at whether different styles of facilitation lead to greater or lesser knowledge gains for the participants. Further, our case points to a number of more open-ended research questions. What is the best way to provide participants with information and evidence? How might the CIR better incorporate values discussions without losing its emphasis on facts? What are the best ways to mitigate the potential coercive pressure of real time constraints? Only through systematic investigation of hypotheses and questions such as these can scholars and civic reformers discover and fulfill the most realistic aspirations of deliberative democratic theory.

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