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Citizens Juries: a radical alternative for social research

Tom Wakeford

Tom Wakeford is Director of Co-Inquiry at the PEALS Research Centre, University of Newcastle (<http://www.ncl.ac.uk/peals>) and Visiting Fellow at the International Institute of Environment and Development, London. PEALS experiments with approaches such as citizens' juries as a means of providing spaces through which people, especially those from oppressed groups, can influence the policy process. Its development of DIY juries as a grassroots action research tool has been funded since 2001 by the Joseph Rowntree Charitable Trust. Preparation of this *Update* was greatly aided by co-inquiries conducted with Michel Pimbert and Fiona Hale, with other input from Alan Irwin, Eric Brunner and his colleagues at PEALS, particularly Tom Shakespeare, Anne Galbriath and Jasber Singh. Details of a range of issues, local contexts and political controversies that have been addressed using jury-type methods can be found at <http://www.jury.org.uk>.

- Over the past few years, citizens juries have become a widespread yet controversial method of action research in the UK.
- While some juries have been one-off attempts to exploit the symbolic legitimacy of a jury as part of a public relations exercise, others have contributed to wider programmes to validate citizen analysis and hold the powerful to account.
- Key to their future is the development of citizens juries that are not only fair, representative and transparent, but are able to form part of longer-term initiatives particularly aimed at those currently excluded from political processes.

Since its origins in the positivism of the nineteenth century, social scientific research has usually treated its objects of research as subjects of study, rather than as citizens (Barnes 1979). Though they may produce rich qualitative insights, focus group and participatory appraisal techniques do not in themselves change the passive status of the people being studied. Drawing on the symbolism of the system of trial by jury, citizens juries have been seen as potentially challenging this separation between analyst and subject. Having the potential to be a tool of social justice and the legitimisation of non-specialist knowledge as much as a method of participatory research, citizens juries are a radical alternative that could contribute to the reining-in of the unaccountable exercise of power.

Like a legal jury, the cornerstone of a citizens jury is the belief that once a small sample of a population have heard the evidence, their subsequent deliberations can fairly represent the conscience and intelligence of the community. This age-old reasoning contrasts with today's most common quantitative and qualitative methods for representing the public's views: the opinion poll and the focus group.

Citizens juries draw on the tradition of representation most famously described in the Magna Carta in 1215, which enshrined every person's right to trial by a jury made up of his or her peers. Today, jury trials are practised in the UK, US, and many other democracies around the world including Russia, Spain, Brazil and Australia. No other institution of government rivals

the jury in placing power so directly in the hands of citizens, or wagers more on the truth of democracy's core claim that the people make their own best governors.

The Jury Process

In most citizens juries a panel of non-specialists meets for a total of thirty to fifty hours to examine carefully an issue of public significance. The jury, made up of between twelve and twenty people, serves as a microcosm of the public. Under the model of the citizens jury most commonly used in the UK and US, jurors are often recruited via a more or less randomised selection of people taken from the electoral roll (Kuper 1996). To encourage recruitment from as broad a range of backgrounds as possible, various provisions are available including an honorarium payment, crèche facilities, and easy-access jury locations.

Jurors hear from a variety of specialist witnesses and are usually able to discuss as broad or narrow range of issues as they see fit. The distinguishing characteristics of participants in a citizens jury compared with other methods of qualitative research or deliberative democracy are that jury members are:

- Given time to reflect and deliberate freely with each other on the questions at hand, occasionally assisted by a neutral advisor.
- Given the opportunity to scrutinise the information they receive from witnesses, whom they interrogate themselves.
- Expected to develop a set of conclusions or 'vision' for the future — which need not be unanimous.

The statistical representativeness of most quantitative research arises from the large numbers of people that are surveyed. The concept of a citizens jury relies instead on the participatory representativeness of twelve citizens. Because the decision is reached after extensive opportunity for deliberation, the conclusion is arguably of greater validity than when an instantaneous response is obtained from a thousand un-informed citizens. Unlike opinion polls or focus groups, citizens juries are designed to allow participants to represent their own views directly to policy-makers.

The method by which members of the jury are recruited is a vital component of their ability to be representative. Selecting members at random from the electoral register is the standard means of ensuring this, but it suffers from two disadvantages. Around a tenth of the voting population in the UK is not registered and so citizens who are already voiceless risk being excluded from potential membership of the jury. Supplementary methods may be used to ensure that marginalised groups are properly represented (Pimbert & Wakeford 2002). Secondly, even if people are registered to vote, they may be excluded or put-off for other reasons, including sensory impairment or physical disability, illiteracy, or lack of confidence. Sensitivity to the situation of potential jurors is therefore crucial for everyone involved in the jury selection process.

In a legal trial the decision that frames the jury's deliberations is simple — the defendant is either guilty or not guilty. However, in a citizens jury, the presentation of the question can, as in an opinion poll, risk influencing the response. For example, in a jury largely funded by a pharmaceutical company, run by the Welsh Institute for Health and Social Care (WIHSC 1997), and evaluated by Dunkerley and Glasner (1998), the jury was asked "What conditions should be fulfilled before genetic testing for people susceptible to common diseases becomes available on the National Health Service?". This phrasing may have discouraged jurors from discussing arguments opposing all human genetic tests (cf Irwin 2001, MORI 1999). Another jury attempted to overcome this pre-framing of deliberations by asking jurors merely to discuss the future of the food system, although the majority of the evidence subsequently presented related to GM crops (Genetics Forum 1999). The way in which discussions are framed by witnesses and the information provided can also have an influence on the extent to which citizens have opportunities to develop their own visions for the future (Wakeford in Pimbert & Wakeford 2001: 79).

The extent to which jurors are allowed to interrogate the sources of information available to them, rather than being merely the passive recipients of written briefings and specialist testimonies, is another important element of citizens juries. One measure of the extent to which this is allowed to take place is the proportion of a jury deliberation that is devoted to the presentation of witness evidence compared with the time that is allocated for the interrogation of witnesses by the jurors. In ActionAid's citizens jury in rural India, for example, the ratio was roughly one-to-one, which appeared to jurors and observers to be enough for the jurors to become informed about the issues (Satya-Murty in Pimbert & Wakeford 2001:46). This interactivity, along with the jury's opportunity to demand additional witnesses on topics they themselves have specified, contrasts with the role of a legal jury who may only listen passively to the prosecution and defence cases.

As in criminal trials, citizens juries work best when evidence is communicated in a clear and accessible manner. This confirms legal research findings, which suggest that, even in cases where it is claimed that trial by jury is inappropriate because of the scientific nature of evidence, problems can usually be overcome if the manner of presenting the evidence is given careful consideration (Edmund and Mercer 1997).

Following the jury's verdict in a legal trial, the side that loses the case may suggest that the trial has somehow been unfair. Citizens juries and other similar processes are frequently undertaken on contentious issues, and similar accusations have been made not only by stakeholders (Wallace in Pimbert & Wakeford 2001:61), but also by external evaluators (Barns 1995). Three additional elements of jury design are important in ensuring such conflicts are minimised.

In most cases in which a conflict over the conclusions arises, the organisers have not followed a key guideline developed by the Institute for Public Policy Research (IPPR), which suggests that the process should be overseen by an advisory group composed of all relevant stakeholders (Coote & Lenaghan 1997:79). This oversight panel plays a crucial role in ensuring that the trial is fair and is seen to be fair. In the Genetics Forum (1999) jury, the oversight panel included representatives from a major UK supermarket, the largest farmers' and farm-labourers' unions, an organic farming association, a national consumer rights group, a wholefood manufacturer and a GM laboratory that received both private and public sector funding. When the jury's conclusions were critical of two of the stakeholders, it was difficult for them to dismiss the fairness of the 'trial', since they had overseen, and been given a right of veto on key elements of, the jury process.

Deliberative processes have a natural tendency towards consensus. In legal juries this may be seen as desirable, but when discussing a policy issue it is important to allow the full diversity of opinions on a topic to emerge. Given the time and resource constraints of any deliberative process, this is a major challenge.

The public availability of complete audio or video recordings of all jury hearings, (though not of "jury room" deliberations if participants would prefer privacy) is an important aid to transparency. Multiple sources of funding help to ensure that the jury's organisers are not seen as having a financial interest in producing a verdict that supports the interests of a single funding body. To maximise the scrutiny they provide, the two or more funders should have somewhat opposing interests regarding the subject likely to be under discussion.

The moment in a citizens jury that is most important for its participants is the point at which they deliver their recommendations to those in power. A jury in which jurors are not only allowed to present their conclusions themselves at a press conference, but also undertake work towards ensuring that some of their conclusions are implemented, is a far more empowering process than one in which their verdict is merely extracted by researchers and written up without further input from the jurors. The extent to which juries have been used by participants as part of an ongoing process of holding decision-makers to account varies considerably (Armour 1995, Pimbert in Pimbert & Wakeford 2001: 81).

Impacts

Although first conceived in the US in the 1970s and developed during the 1980s in Germany, it was not until they began to be piloted by the IPPR in 1994 that citizens juries began to be used in the UK. Yet the appeal of juries was such that within four years of the election of New Labour in 1997 over one hundred juries had taken place in the UK on issues as diverse as Northern Ireland educational reforms, health rationing, waste disposal and genetic testing. Many of the academics, local authorities and non-governmental agencies who led this first wave of experiments based their enthusiasm on the supposed potential of citizen juries to combine citizen deliberation, the interrogation of specialist evidence, and participatory approaches to problem-solving (Smith & Wales 2000).

However, having seen that juries' conclusions can often contain criticisms of Government, and are often announced very publicly, Whitehall's funding for such experiments has now largely been transferred back to safer, more controllable methods such as focus groups. A partial exception to this general trend has been the 'Consumers in the NHS' initiative (Baxter et al. 2001).

At a local level, by contrast, some UK councils and health authorities undertook 'quick and dirty' citizens juries that generated sympathetic publicity and the appearance of public consultation. However, evaluations have questioned the extent to which many of them achieved representativeness in their selection of participants, transparency in their provision of information, or independence, given the limited extent to which jurors could express their opinions without them being channelled through the commissioning body (Barnes 1999). Some suspect that citizens juries have sometimes been used as show-trials that allow those in power to avoid engaging in processes that might hold them accountable to communities (Delap in Pimbert & Wakeford 2001:39).

Future Challenges

As with many social research tools, the widespread uptake and diversity of methods that use the label "citizens jury" has raised concerns about whether the approach has become devalued. In contrast to opinion polls and focus groups carried out for commercial clients, citizens juries carried out with emancipatory aims often fail to provide opportunities for communities to evaluate the process.

Yet, despite suspicion about the motives and conduct of some of those involved in their early years of development, the core elements of citizens juries have the potential to provide a powerful participatory tool. Perhaps the greatest danger for its enthusiasts is that they see it as a magic bullet, rather than a contribution to a wider process of community self-analysis and democratic renewal.

Experiments are now being undertaken on the extent to which citizens juries can be made into more bottom-up 'do-it-yourself' processes that are designed by marginalised communities themselves. The basic principles of a fair trial are of common sense to most citizens. If grassroots forums are given the opportunity to determine what question the jury will be

asked to address, and help choose the witnesses that provide evidence, they are also be more likely to feel empowered to use the results of the jury for advocacy work. Unlike methods such as focus groups and most participatory appraisals, citizens juries appear to offer a method of action-research that has a high potential for methodological transparency, participatory deliberation and subsequent citizen advocacy. Ironically, given that a citizen's legal right to trial by jury is currently being threatened, apparently because the UK Government believes it is often too expensive, citizens juries are increasingly being seen as offering a cost-effective and legitimate means of enhancing both democratic accountability and social justice.

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Social Research Update is published by:

*Department of Sociology
University of Surrey
Guildford GU7 7XH
United Kingdom.*

*Telephone: +44 (0) 1 483 300800
Fax: +44 (0) 1 483 689551*

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