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Citizens' Initiative Review process: mediating emotions, promoting productive deliberation

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The interplay between emotion and reason is of interest to scholars of deliberative democracy, yet it has been little analysed. Examining a 2010 Citizens' Initiative Review (CIR) in Oregon, USA, we find (1) that the participation of chief petitioners, advocates and witnesses is conducive to the expression of emotions and (2) that, aided by moderators, panellists remain focused on clarifying key points and writing their Citizens' Statement. We conclude that the competitive–collaborative structure of the CIR offers opportunities for emotional expression and reasoned deliberation while productively combining these important forms of discourse.

keywords: Citizens' Initiative Review • citizen engagement • deliberative democracy • emotions

Introduction

The interplay between emotion and reason has long been of interest to scholars of deliberative democracy, yet this relationship has been very little analysed with reference to empirical case studies. In the US, a number of interesting minipublics have emerged as important advisory bodies, supplementing existing decision-making processes internal to the institutions of representative democracy. The Citizens' Initiative Review (CIR) is perhaps the most successful as it is entrenched in the policy process in several American jurisdictions, including Oregon, Colorado and Arizona. The CIR, which involves a panel of randomly selected citizens deliberating on ballot initiatives for proposed statutes provides an opportunity for the close analysis of collective deliberation. Having completed nine reviews since 2010,[1] the CIR has been well documented by researchers, led by John Gastil and Katherine Knobloch, who have carefully collected and organised reams of both quantitative and qualitative data (see Gastil and Knobloch, 2010; Knobloch, Gastil, Richards and Feller, 2013).

In this article, we analyse the transcript from an Oregon-wide 2010 review of an initiative that sought a mandatory minimum sentence for third-time Driving Under the Influence of Intoxicants (DUII) offenders and an increased mandatory minimum sentence for repeat felony sex offenders. The most emotionally charged of the citizen reviews to date, this particular CIR demonstrates how emotional dynamics are mediated by the structure of a deliberative model. Our analysis reveals that the CIR

is well-designed to combine emotional expressions productively with more reasoned deliberation. In particular, our central finding is that the competitive–collaborative structure of the CIR creates the conditions in which the complex relationship between and among emotions and reason can be productively mediated. It creates important opportunities for advocates to give voice to the emotional underpinnings of certain policy decisions and for panellists to hear these concerns. But the structure, including its use of moderators and its goal orientation, ensures that panellists are not overwhelmed by such expressions and that they remain focused on developing comprehensive and well-reasoned statements with which members of the electorate can inform themselves. Arguably, good public policy is based on an understanding of how it affects the lives of individuals and communities. The structure of the CIR enables panellists to comprehend what's at stake in a policy and to reason through arguments in its favour or in opposition to it.

The CIR is a relatively novel model of deliberative democracy. Originating in Oregon, it was established by legislation seeking to enhance informed public discussion and initiative power through the review of statewide measures by 'an independent panel of Oregon voters who will then report to the electorate in the Voters' Pamphlet' (House Bill 2895). The bill making the CIR permanent in Oregon's initiative process was signed into law in the summer of 2009. Accordingly, CIR panels must consist of a representative sample of 18 to 24 registered Oregon voters. Panellists are to meet for several consecutive days (initially five, now four), during which time they engage in specific tasks to produce the Citizens' Statement that is included in the Voters' Pamphlet, which is sent out to eligible voters in advance of the election. The process is to be implemented by a non-profit organisation with prior experience implementing such panels. Since Healthy Democracy Oregon had conducted a successful pilot test of the CIR in 2008 and had helped to lobby for the bill's passage, it was chosen by the Oregon Secretary of State to implement the process in 2010.

The CIR process, which is based on Ned Crosby's model of a citizen jury (Crosby and Nethercut, 2005), differs from other deliberative approaches such as Citizens' Assemblies and Deliberative Polls® in several important ways (see, for example, Gastil and Levine, 2005; Ackerman and Fishkin, 2004; and Warren and Pearse, 2008). Most significantly, the CIR process is structured as a formal 'pro and con' debate on an initiative to be put to a public vote. Over several days, two competing teams of advocates and their witnesses make presentations to the panellists in order to win support for their respective positions. This debate structure is complemented by intensive collective deliberation, during which panellists are encouraged by moderators to focus on factual information toward the end of clarifying position statements. Panellists deliberate in both plenary and break-out group formats and collectively articulate their views on the initiative in the Citizens' Statement. This structure, which spurs competition between the two sides on the issue but also facilitates collaboration among panellists, creates interesting dialogical opportunities – in particular, opportunities for the productive expression of both emotions associated with an initiative and reasons for or against the initiative.

Although emotion and reason are functionally intertwined in discourse, deliberative scholars, as well as psychologists, have theorised them as distinct. This distinction is useful for the purposes of our analysis because it allows us to differentiate between these two modes of expression as they are in play during deliberative events. With this schema, we are able to identify different expressions that can be broadly characterised

in terms of either an emotional or a reasoning mode and identify discursive dynamics between them in the CIR as they occur at different times in the deliberation.

We trace these patterns with reference to criteria drawn from Wilfred Bion's group theory, which Simon Thompson and Paul Hoggett (2001) applied to citizen juries more than a decade ago. We draw from the work of Thompson and Hogget because they were the first to analyse a minipublic in terms of this dynamic but, more importantly, because they employed useful principles for assessing the productive mediation of this dynamic. These principles include deliberative groups having clear roles, specific tasks and no internal boundaries. They also include deliberative participants being equally valued.

However, Thompson and Hogget's analysis was limited in that they did not explore the relationship between the realisation of these principles and the design of deliberative forums. Their analysis was weak on the details of their studies of citizen juries in the UK and did not include an explicit examination of the structure of these forums. Our analysis, with its focus on deliberation within a specific set of procedures, brings us closer to understanding the connection between structural design and deliberative dynamics. We find that important group characteristics tested by Thompson and Hoggett are mediated by the design of the deliberative structure, which in turn can ensure that emotional expressions serve, as opposed to derail, collective deliberation. We provide a detailed account of the procedural features of the CIR that are productive of deliberation even in light of potentially destructive dynamics between emotion and reason. Thus we not only confirm but significantly build on the work of Thompson and Hoggett.

We begin with a brief discussion of the interplay between emotion and reason and of our structured categorisation of them for the purposes of our analysis. We then describe the structure of the CIR and demonstrate how it accords with Bion's group theory. Upon providing an overview of our methodology, we launch into a more detailed analysis of patterns in emotional and reasoned expressions as they are mediated through the competitive–collaborative structure of the CIR.

Emotion, reason and deliberation

The study of emotion is an interdisciplinary project that has foundations in fields as diverse as psychology, sociology, philosophy, political science and neuroscience (for example, Lewis, Haviland-Jones and Barrett, 2008). At a fundamental level, there is a tendency to treat emotion as including physiological, expressive and experiential dimensions. As Peter Goldie (2007) notes, emotions are mental states that involve either an episode or a disposition. Basic emotions include fear, anger, disgust, happiness, sadness, surprise, as well as contempt, despair and love. According to Goldie, emotions are diverse in their duration, focus, complexity, physical manifestation, consciousness, development and action–connectedness. Emotions have a phenomenological dimension in the sense that they are tied to our experiences of the world. As emotions are directed either at something or onto things, they are intentional. Many of our emotions stand in rational relation to other psychological states and psychologists note a longstanding distinction between emotion and cognition (Robinson, Watkins and Harmon-Jones, 2013). Michael Robinson and colleagues describe this distinction by stating, 'thoughts lend themselves to words or propositional content…[and] often seem to follow an orderly chain of reasoning, whereas feelings seem to operate in ways

that sometimes do not make logical sense' (2013, 3). Thoughts are associated with reasoning and are viewed as separate from, or in contrast to, emotion. Nonetheless, these scholars argue that emotion and cognition are closely related and Goldie notes that the substance of this relationship is often a justification for why we have certain emotions.

To analyse the emotional dynamics of deliberative events, it is essential to examine how emotion is communicated. This requires that we move from considering emotions as primarily what Niko Besnier (1990) calls 'internal events' and instead focus on how emotion is expressed or invoked in interaction. Goldie reminds us that, as emotions are important to us, often reflecting our deeply held values and beliefs, they can motivate us to action. This fact has not gone unnoticed by scholars in both political science and communication studies who study the role of emotional appeals. Much of this research is based on the idea that emotions are distinct from reason, yet both can be used to persuade (for example, Frijda, Manstead and Bem, 2000). Researchers have focused a great deal of attention studying the effects of appeals to emotions such as fear, sadness, anger, guilt, compassion, or pride (for example, Dillard and Kiwon, 2013). Persuasive appeals, particularly those based on emotional expression, are a key part of political communication processes (Perloff, 2013). James Dillard and Seo Kiwon argue that the function of emotional appeals varies depending on how the appeals are appraised by the listeners. Rather than assuming, for example, that fear appeals will make listeners feel afraid, researchers should investigate how listeners make meaning from persuasive appeals based on the message content, presentation style and accompanying context. This point is important for our study as the CIR meetings provide a specific context in which to understand emotional appeals – a context involving citizen engagement and collective deliberation on issues of public policy.

The treatment of emotions in the literature on deliberative democracy has largely been normative. Jurgen Habermas (1984; 1995) and Joshua Cohen (1989; 1996), early contributors to theories of deliberative democracy, prioritised reason over emotion and held the view that the ultimate aim of deliberation was to create a legitimate public decision that was based in a 'rational consensus.' These early conceptualisations of deliberation treated emotion as something to be avoided, seemingly assuming that the expression of emotion would detract from the group's ability to reason together and achieve this consensus about a common good. More recently, scholars have argued that this priority of rationality over all other types of expression serves unduly to exclude participants. The cost of emphasising reason tends to be exclusion, which may in turn cost in the justice and legitimacy of ensuing public decisions and policies. Feminist scholars like Nancy Fraser (1997), Lynn Sanders (1997) and Iris Marion Young (1996) were critics of overly–rationalist models of deliberation and argued for a broader conceptualisation that includes forms of communication such as storytelling, greetings and emotive speech. They argued for the epistemic and legitimating values of explicitly including emotional claims into collective deliberation.

Moreover, contemporary scholars argue that emotion can play a functional role in enabling deliberation. Simone Chambers (2009) and John Dryzek (2010) have written about the relationship between emotion and rationality in deliberative rhetoric, particularly in the context of the less controlled deliberation that takes place outside of highly structured deliberative minipublics. Specifically, they argue that emotion can play a practical role in deliberation, encouraging audience members to consider arguments more deeply by encouraging reflection and 'active reasoning'

(Chambers, 2009, 335) and helping to build bridges between traditionally opposed groups (Dryzek, 2010).

Further, like Young (1996), Marian Barnes (2008) argues that deliberation should not be restricted to the purely rational or cognitive because to do so is to exclude many of those directly affected by the policy decisions that may flow from deliberation. As Barnes notes, since deliberation requires moral argument to reach provisional agreement, it encompasses 'emotional morality', which is a 'recognition and respect for the emotional content of experiences and values and the authentic expression of these' (2008, 473). Focusing more specifically on empathy, Michael Morell argues that, if 'citizens simply talk with one another, but fail to take into account the interests, beliefs and feelings of their fellow interlocutors, we will simply have an aggregative form of democracy with a deliberative face' (2010, 12). Empathy is necessary 'for any deliberative theory that strives to attain the communication between citizens that is the basis of deliberative democracy' (2010, 12).

Mining the observations of facilitators of small–group deliberation on public issues for explicit and implicit deliberative norms, Jane Mansbridge, Janette Hartz-Karp, Matthew Amengual and John Gastil identify complexities in the role of emotion in deliberations. Facilitators 'welcomed it when it provided insight, engaged the participants, or even brought "focus" back to the proceedings' (2006, 22). Conversely, facilitators 'found emotion unproductive when it made participants feel 'defensive or angry' and when it kept them from 'considering other views' or explaining the reasons behind their position' (2006, 22). Their findings suggest that, although emotional stories do add information to the discussion, emotion may be even more important as a means of motivating participants to work together on their tasks. As Bas van Stokkom notes, participants may be motivated by negative emotions, whether these are anger and indignation or fear and distrust; they may also be moved by hope and positive expectations (2003, 396). As deliberation continues, increasingly positive emotions such as enjoyment and satisfaction can prompt further and deeper deliberation. Graham Martin (2011) writes about the importance of emotion in facilitating deliberation. Emotional engagement among group members can bind them together, provide a sense of collective identity and establish a common purpose, all of which facilitates deliberation. But, he also notes that emotional bonds within a group may be exclusionary of both people and perspectives. Martin observes that these bonds can give rise to a single 'group viewpoint' that quickly becomes established and unassailable. Similarly, Black's studies (2009; 2013) of online deliberative forums found that participants told personal stories in a way that drew on particular identity groupings. Typically, these stories invoked specific emotions and were used to help the speaker build an argument. Sometimes the emotional expression in these stories were inclusive of others in the discussion forum, but often the expressions of emotion and the corresponding use of collective pronouns and identity labels served to exclude other participants and discredit their opinions.

These findings concerning the complex role of emotions in deliberation are consistent with those of Thompson and Hoggett. As they note, affective forces can be harnessed to further collective deliberation. But, they also write that all groups – even deliberative groups – are characterised 'by emotional dynamics that threaten to undermine such deliberation' (2001, 352). Emotional dynamics can distort deliberation, create sub-optimal outcomes and destroy spaces of deliberation. Given

this complexity, it is important to understand the emotional dynamics of groups in the context of deliberative democratic procedures and forums.

The structure of the CIR: from basic to work group

A number of deliberative scholars have argued that the structure of the forum can shape the communication that occurs during the event (for example, Nabatchi, Gastil, Weiksner and Leighninger, 2012). The presence of facilitators, ground rules for interaction and various structured activities that occur during a deliberative event are all in place to help participants talk and listen in ways that are more consistent with normative deliberative theory and the goals of the particular event (Black, 2012; Black and Lubensky, 2013). Drawing on theories of communication as design (Aakhus, 2007), deliberative scholars posit that specific structural aspects of the forum design can shape how effective experts are at promoting deliberative decision making (Sprain, Carcasson and Merolla, 2014) or how empowered participants are to make recommendations that will have actual political impact (Johnson and Gastil, 2015).

Thompson and Hoggett assessed citizens' juries in terms of criteria derived from Bion's group theory. These criteria entail that the deliberative group has a clear goal, that participants have well-defined roles, that there are no rigid internal boundaries among participants and that all are equally valued. To achieve these criteria, citizens' juries would have to evolve collectively from the status of a basic group in which emotions were dominant and potentially more destructive of the group's capacity to a more deliberative and reasoned work group in which emotions were more productive in motivating group members to achieve the task. Based on our examination, the CIR not only meets Bion's work-group criteria, but it also provides us with the opportunity to examine how structural aspects of its design mediates group dynamics.

To begin, the CIR's task was clear. The 24 panellists were to deliberate and to devise the Citizens' Statement of key findings, pro and con arguments and shared position. Throughout the process, moderators kept panellists focused on achieving this task. The process was also characterised by well-defined roles. Beyond the panellists and moderators, participants included chief petitioners, as well as advocates and witnesses for both the pro and con positions. The structure of the CIR ensured that there were no rigid internal boundaries, with panellists participating as a plenary group and in smaller groups over the course of the five days. Most of the time was spent deliberating in plenary. Panellists met in small groups on Day Two through to Day Five. Facilitators randomly assigned panellists to groups, each generally with six participants and membership differed from day to day. These small groups met several times throughout the day and sessions lasted between half an hour and two hours, depending on the task.

The structure of activities also encouraged panellists to view each other as equally valuable. For example, voting was built into finalising each component of the Citizens' Statement. As Gastil and Knobloch confirm, the 'structure of the panels encouraged a highly democratic process, making sure that panellists, advocates and witnesses had sufficient and equal opportunities to speak, encouraging panellists to fully consider opposing viewpoints and fostering mutual respect among all participants' (2010, 19).

Day One of the process began with an introductory session led by Healthy Democracy and CIR staff, which included a description of the procedural rules and guidelines. CIR staff also introduced the initiative and its broader policy area.

They provided panellists with a description of the positions for and against the initiative by the respective advocates. On Day Two, the advocates in favour of the initiative presented their argument to the panellists. This was followed by a rebuttal and presentation by the advocates against the initiative. Panellists then had time to review and reflect on the arguments and to hear feedback and clarifications from the advocates. Toward the end of the day, panellists identified questions they wanted addressed the following morning. They also discussed if they wanted additional witnesses or additional advocate presentations on the following day. On Day Three, panellists heard from witnesses and began identifying key findings. During small group exercises, they identified the most important reasons to support and oppose the initiative. They reconvened in plenary to reach agreement on questions to be addressed the next morning. On Day Four, the advocates and witnesses made their final presentations and statements to the plenary. Panellists then deliberated on their key findings and voted on which to include in the Citizens' Statement. Day Five began with the moderators reminding the panellists of their tasks. Once the key findings were voted on, panellists broke into two small groups, according to their position on the initiative, to develop and vote on the pro and con statements. In the late-afternoon, they reconvened to develop and finalise the shared position statement and complete the Citizens' Statement.

Methodology

For our analysis, we define the characteristics of two discursive modes of expression – one for emotion and the other for reason. We understand that a hard and fast distinction between emotion and reason is problematic and that much is at stake in drawing this distinction. We thus assert the importance of what may better be understood as differing modes of expression that are interconnected and overlapping. For the purposes of our analysis, we construct a distinction between these modes in order to highlight the importance of expressing the emotional implications of certain policy topics, of justifying policy decisions through collective reasoning and of understanding the dynamics between these modes as they are mediated by the CIR's structure.

We understand emotional statements to be characterised by an intensity of tenor, expressed in evocative or hyperbolic language and typically articulated in personal stories or narratives. We understand reasoning as indicated by a more neutral tenor, expressed in generalisable language and focused on demonstrable facts and conceptual clarity that can serve as building blocks for a coherent argument. Although discursive interactions are not characterised by this cut and dry categorisation, this distinction is consistent with how emotion is treated by psychologists, communication and deliberative scholars, as described above, and is relevant to the understanding of emotional dynamics in deliberative events such as the CIR.

In terms of our specific methodology, we met face-to-face for five days in the summer of 2013 to begin reading the transcript to develop inductively our understanding of the role of emotions in collective deliberation. For approximately eight months thereafter, we engaged independently in multiple readings of the transcript, communicating via email and Skype to identify shared themes and discuss divergent views on what we identified as emotional and reasoned modes. Once we settled on our definitions, we systematically coded the transcript by hand to identify passages where chief petitioners, advocates, witnesses and panellists were expressing

or responding to emotional claims and what structured activity they were partaking in during these exchanges. Continuing to communicate via email, we looked for evocative language and personal narratives, which we coded as emotional and generalisable language concerning facts and concepts, which we coded as reasoned.

Unfortunately, given high costs, the transcript does not contain descriptive notes about pauses, pitch and tone of the deliberations. Healthy Democracy had the entire process recorded by a professional videographer, which was supplemented by audio recordings of small-group sessions generated by the research team led by Gastil and Knobloch. After the process, the research team sent the audio and video to a professional transcription service that transcribed audio/video. To complete our analysis for this paper, we were thus able to verify our coding of emotional and reasoning modes against the audio/video recordings of these segments. In addition, we were able to draw from Knobloch's insights based on her observation of the entire the process, excluding the statement writing session, for which only the panellists were allowed to be in the room.

Analysis: patterns in emotional and reasoned modes of expression

Analysing the transcript in terms of a basic distinction between emotion and reason, we identify two patterns. The first pattern is that *debate structure of the CIR and the participation of the chief petitioners, advocates and witnesses are factors conducive to the expression of emotions.* These speakers tend to tell emotionally laden stories about their lives in an attempt to persuade panellists. Their stories, however emotionally evocative, tend to serve as foundations for more reasoned claims made toward the end of their statements. The speakers' stories serve as persuasive appeals and are similar to what Black (2009, 2013) calls argument stories, where the explanation of personal experience functions as evidence to support an argumentative claim. In response, *panellists tend to pick up from these more reasoned claims rather than responding to the emotions expressed in the personal stories.* Panellists consistently respond to the advocates and witnesses with questions focusing on attaining greater factual knowledge and/or conceptual clarity. This pattern tends to be reinforced by moderators, who periodically instruct panellists to focus their deliberations and remind them of their task of developing the Citizens' Statement.

Advocates and their witnesses first appeared on Day Two of the CIR process. Both advocates in favour and in opposition to the initiative presented witnesses who were survivors or family members of victims of sexual assault or of a car crash caused by someone driving under the influence. All four witnesses engaged in personal storytelling, expressed in evocative language, which served to set the stage for a more reasoned claim. For example, in the words of a witness in favour of the initiative,

> I am the victim of a terrible rape. I was a seventh grader at Dexter McCarty Middle School in Gresham when Richard Troy Gillmore broke into my house and violently raped me…my mom was a single parent and was at work…I went into our back room and Richard Troy Gillmore was standing there with a blanket in front of him and attacked me and wrapped the blanket around my head and violently raped me.

The witness goes on to describe the impact of her rape on herself and her family.

[M]y life has been tumultuous since then. I got into drugs and alcohol. I had been a [talented and gifted] student and a well-groomed dancer, jazz and ballet and was on my way to a good future or a fun future. But after I was raped, I really went downhill.

…

[T]he reality of a sex crime like this is that it doesn't affect me only. It affects a lot of people. It's like a ripple effect in a lake. It affects me, but it affects my family, my mom, my dad, my cousins, now my children, my husband and society as a whole really.

We see a similar pattern in the presentations by the advocates. On Day Four of the CIR, the advocates in favour of the initiative intensified their emotional claims and ended their presentation with a more reasoned appeal for the adoption of mandatory minimum sentences. Their presentation, which also included a video of images of car accidents and background Country music, was clearly intended to provoke emotions of sadness and anger and to motivate panellists to support the initiative. As expressed by an advocate,

I want to take you back to when my 28-year-old son was seven years old. On a Sunday afternoon at 4:30 in the afternoon – I haven't told this story publically before – my son and I were in an old borrowed pickup truck picking up firewood on one side of the town to take it to our new home on the other side of the town. We're on a four-lane highway. I'm in the fast lane in order to make a turn. Out of nowhere, there's a crash in the rear end of that pickup truck. We were driven across two lanes of traffic. I thank God that there was nobody coming in the other direction.

I went over 400 feet down through a ditch in a field, hit my head on the steering wheel and I landed. I got my foot on the brake and landed that car just short of this huge oak tree. My son had his head thrown back against the window. We had a seat belt, but back then we didn't have the shoulder harnesses in these old trucks. He got a concussion out of that. I was, to say the least, shaken up. Somebody called the cops. They called my wife. She was crying when she got there, obviously traumatised from the event. I wasn't doing too good either. We're the lucky ones.

…

[The driver] got two days in jail. The charges for assault were dismissed…If [she] had done that one more time, DUII, she would still be a misdemeanor. The next time, this measure would apply – and it ought to apply.

The second pattern we identify in the transcript is that, *despite the emotive attempts of advocates and witnesses, panellists remained focused on achieving their goal of developing and writing the Citizens' Statement.* Immediately following each presentation for and

against the initiative, the panellists posed questions focused almost exclusively on acquiring an understanding of facts and clarifying legal issues and concepts. Table 1 includes examples that are representative of the nature of virtually all of the panellists' questions to the advocates and witnesses.

Table 1: From Q&A with advocates and witnesses Day Two	
Questions to advocates and witnesses in favour of the initiative	*Questions to advocates and witnesses opposed to the initiative*
You stated that out of the $14 billion general fund, $28 million was one-fifth of one per cent of the budget. But if the general fund is already over budget, isn't that just pushing us deeper in the hole?	You spoke to the juvenile aspect with the sex crimes, but we didn't hear anything about that in terms of DUII. What is the current policy for juvenile offenders when they go in front for a DUII arrest?
Could you please help us understand better what type of treatment or rehabilitation options there are for either first time or multiple offenders…and what the outlook is for successful rehabilitation?	One of the main issues that our panel identified yesterday surrounding this measure was public safety and would this . . . actually keep Oregon safer by keeping repeat offenders [away] from citizens?
Yes, I'm curious…the person that raped her had a 30-year minimum and the parole board made it 15 years. I'm wondering, does the parole board also have the ability to cut this sentence in half?	Do we have a set of statistics on what is currently happening now? You know, the types of cases, the types of sentences, that kind of thing, so we can see the actual current reality.

The pattern of acquiring facts and understanding the law was replicated in the small group exercises on Days Two, Three and Four. During all of these exercises, moderators instructed panellists to seek information and clarity concerning arguments for and against the measure. They encouraged panellists to speak and think in a 'disciplined way' and to focus on 'very, very reliable information' and reasons why it is 'specific, reliable and important'.

Panellists were responsive, staying focused on developing sound reasons and knowledge. Box 1 includes an example from Day Four of the kind of exchanges that typically took place among panellists in the small group exercises toward establishing key findings for the Citizen's Statement. Although at times participants clearly disagreed with each other, they remained focused on facts and clarity rather than expressing their disagreement through strong emotional statements.

Box 1: Transcript excerpt from small group exercise Day Four

Panellist A: [Sex crimes and DUII] should be two separate initiatives. I think that is another key point.

Panellist B: That's an argument. That's really not a finding.

Panellist A: I beg to differ. I beg to differ because we had people that presented…

Panellist B:… it's not a finding. It's an argument.

Panellist A: I still disagree…I'm saying that if you don't think they ought to be together, you ought to vote against it.

Panellist B: That's an argument. What you're saying is an argument.

Moderator: Where are you guys at in this?

Panellist A: We're arguing…

Moderator: Are you arguing about what to [write down]?

Panellist C: We're having a conversation about fact versus opinion and where that distinction falls in terms of expert testimony.

…

Moderator: Okay, so as a group, you need to come up with two or three key findings…

Panellist A: The reason I don't think it's an opinion is because it was cited by attorneys, it was cited by a judge, it was cited by the person who did the study of it, being a professor. I took it as being more [than an] opinion… as a fact…

In the above segment, we see panellists orienting toward clarity and facts, as urged by the design of the CIR. Two panellists disagree about whether a claim should be understood as a 'fact' or 'opinion,' which seems to matter because facts can be considered for inclusion in the final Citizens' Statement. Establishing good factual information is important for high quality deliberation because it helps to build the 'information base' that Gastil and Black (2008) argue is an essential starting point for deliberative discussion. However, haggling over what counts as a fact could become unproductive, if it detracted from the group's ability to understand the underlying value tensions embedded in competing facts or to weigh the positive and negative attributes of possible outcomes. In the segment above we see panellists A and B engaging in repeated conflicting assertions about what counts as fact and it is only after an intervention from the moderator that they provide reasons to support their claims. This particular segment does not exhibit all of the qualities of high quality deliberation, but we argue that it does demonstrate how panelists oriented toward clarity and faculty information in support of their reasoned arguments. We also note that this segment shows how panelists engaged in disagreement, which is often a type of communication interaction that is fraught with emotional expression. In this case, though, panelists disagreed in a way that was focused on the factual claims and oriented toward their work goals.

During the actual statement writing groups stage on Day Five, panellists remained engaged in deliberation toward articulating facts and giving reasons for why those facts were the important ones to include in the Citizens' Statement. Box 2 contains examples of their deliberations during the writing of statements in favour and statements in opposition to the initiative.

Box 2: Transcript excerpts from small group exercise Day Five

Small group in favour

Panellist L: See, that's where we are a little hung up. We've got sex crimes and we've got DUIIs and so sex crimes is a different kind of a safety issue than is a drunken driver issue. So, it's sort of getting mushy in there if you try to define it.

Panellist M: Okay then we'll just leave it like that.

Panellist N: We all thought that a drunk driver could be [more of a] safety hazard to all of us in general than the sex offenders.

Panellist M: Or we could just [write] 'This is a public safety measure for the state of Oregon.'… It's brief and it's to the point.

Panellist N: Yeah, you don't want to get too wordy. Because, like I say, some people just kind of skip it. They don't sit and read every word for word.

Panellist M: Okay, 'This is a public safety measure. Measure 73 specifically targets only repeat serious sex offenders and repeat third conviction of intoxicated drivers. The current DOC budget for incarceration is one-fifth of one percent of the general fund. DUII changes a misdemeanor to Class C felony on third offense. The statistics support that mandatory sentence is effective in the reduction of violent crime.' Okay.

Panellist N: And then the summary being, 'Measure 73 is carefully targeted at repeat violent sex offenders and third time DUII convictions. If passed, it would make all Oregonians safer.'

Panellist M: And that's brief and to the point. I think everything up there looks good to me.

Small group in opposition

Panellist E: Don't you want the people to know that there's laws out there that already pretty much cover this? We are eliminating any reference to [it]. And that matters – that's something as a voter to me, that [is very important].

…

Panellist F: I think it's important, too

Moderator: Folks, we have 20 minutes…

Panellist G: Well, I think we can make #2 slightly stronger in an idea that's not been put in there that explains the forced plea bargain whether they're guilty or not, effectively depriving them of the right to a trial by jury.

Panellist F: We've got to finish #1 before we move on.

Panellist H: Where are we?

...

Panellist F: 'Longer mandatory sentencing has little or no effect as a deterrent and has been proven to increase public safety.'

Panellist I: That would be the first sentence.

Panellist J:... I suggest we say, 'Furthermore, mandatory sentences are already in effect under Measure 11.'

Panellist I: That's very good.

Panellist J: Yeah...

Panellist G: Now I'll give you my proposal... After number two you put a comma and say... 'guilty or not, effectively depriving them of their right to trial by jury.'

In both of these excerpts, the group members are collaborating on creating their final statements by making claims about the important facts and offering support for their claims based on evidence from the presentations and discussions they experienced during the CIR. At this point in the process, the groups were very oriented toward the statement-writing task. They offer support for each other's statements by saying things like 'that's very good' and providing concrete suggestions for revision ('keep it brief and to the point'). This is not to say that the panellists lacked all emotion during this work, but their communication was very task oriented and the support they offered was content-focused rather than social support.

These two patterns – one in which advocates and witnesses take up an emotional mode of communication and employ emotive story-telling to 'set the stage' for a more reasoned appeal and the second in which panellists consistently stay within a reasoning mode and seek out conceptual clarity and factual information – clearly emerge from the transcript. The structure of the CIR, as a work group, was fundamental in shaping these patterns.

Conclusion

Thompson and Hoggett aimed to determine how well citizens' juries are equipped to cope with emotional dynamics of groups. On the basis of their analysis, they sought to show how the structures for deliberative democracy might be modified in order to allow for emotional expressions but also to ensure that they do not become destructive of deliberation and its ends. Drawing from Bion, they argued that such structures must be geared toward a clear goal or common purpose, be characterised by an absence of rigidly defined subgroups, provide members with clearly defined and fully accepted roles and ensure that the contributions of every member are valued.

Our analysis develops these ideas, both confirming the importance of these group characteristics and demonstrating how the competitive–collaborative structure of the CIR mediates emotional expressions so that they serve the ends of collective deliberation. Specifically, our central finding is that the competitive–collaborative

structure of the CIR creates the conditions by which the relationship between emotions and reason can be productively mediated. The debate structure creates incentives for emotional narratives or affective storytelling aimed at persuading panellists. Emotional appeals may have helped panellists to process the information concerning the significance and impacts of the pro and con perspectives and ultimately to choose which side to vote for. The emotional narratives may have also highlighted the underlying values that provided the grounding for arguments for and against the initiative. These are useful aspects of emotive appeals because they can orient panellists toward what Gastil and Black (2008) call the more social aspects of deliberative talk. However, to achieve the tasks set before them, panellists needed help from the moderators, who kept panellists focused on attaining factual accuracy and oriented toward writing the Citizens' Statement.

Our study shows that, despite hearing a number of strong emotional appeals through evocative personal stories, the CIR panellists were very task focused and found the rational arguments embedded in the stories' moral. Panellists oriented toward reasoned claims and arguments more than the particular events in the story. In some ways, this is the opposite of what is typically expected in politics. We generally expect citizens to be distracted by emotional claims and persuaded by evocative narratives – narratives on which political campaign ads are based and which constitute in large part the reason for the overly rationalistic tendency of deliberative theory. But, the CIR panellists were not excessively swayed by the details of these narratives. They remained focused on their task.

The CIR process is an important contribution to the array of citizen engagement models given its competitive–collaborative structure, which facilitates a balance between the affective dimensions of publicly binding decisions and the importance of ensuring that these decisions are based on accurate information and sound reasoning. Many public policies can and do affect us emotionally. But, since they also bind us legally and have social, economic and environmental consequences, it is important that they are based on a comprehensive assessment of relevant information and sound collective reasoning. Although in the most recent CIRs (in the summer of 2015), advocates and witnesses were asked to keep their emotional expressions to a minimum, these forms of communication are important. Emotional expression can help bring underlying values to the foreground and can invite participation from people who may feel intimidated or excluded by overly technical and rational talk. It is important that deliberative models facilitate emotional modes of expression, but also that they temper them to enable participants to develop conceptual clarity and acquire factual information concerning options for public policy.

Note
[1] See http://healthydemocracy.org

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