Representing Issue Based Publics:

Mechanisms for Public Participation Processes

Geoff Salomons
University of Alberta

Introduction

Policy public participation mechanisms are designed to provide decision-makers with more robust information concerning public opinion on particular policy issues. Typically such participation processes are designed to achieve demographic representation of a given political jurisdiction. In some cases, such as British Columbia's Citizen's Assembly on Electoral Reform, this is appropriate as the boundaries of representation line up with the geographic scope of the potential impacts of the decision. With other policy areas, such as environmental policy, the boundaries do not coincide as easily (Warren 2009). Beginning with an assumption that legitimate democratic decision-making affords the opportunity for individuals to have a say in decisions which affect them (Castiglione and Warren 2006), a disconnect between jurisdictional boundaries from impact boundaries suggests that policy decisions are made that have an impact on people who may not necessarily have an opportunity to have a say in the decision. If the geographic boundaries of political jurisdictions are arbitrary with regard to the impacts of particular policy areas, then an alternative mechanism is needed to better assess the interests of those who may be impacted. Such participation processes for issue-based publics require an alternative method of representation. After a discussion to situate this paper within the context of democratic theory of representation, this paper will develop a theoretical framework to compare the different methods of representation attending to issues of comprehensiveness of representation, bias, legitimacy, and public interest. This paper will then compare and evaluate several alternative representation methods which could potentially be employed for issue-based public participation processes: discursive representation, all-affected, directly affected and demographic. This paper concludes that discursive representation is the most robust form of representation for issue-based publics, but notes some questions of legitimacy that must be addressed.

Defining Issue-Based Publics

The main issue that concerns this paper is the way in which the public participation processes are representative of a given public. The focus will primarily be on participatory events as ranging from formally instituted ones such as the British Columbia Citizens' Assembly on Electoral Reform, to more open-ended and ongoing mechanisms like environmental assessments. This whole gambit of diverse mechanisms contain what democratic theorist Mark Warren refers to as "citizen representatives" (Warren 2006) and shall, for the sake of brevity, be referred to as mini-publics. By focusing on mini-publics, this paper can focus specifically upon an easily identified issue-based public, and foregoes many of the complications which arise when attempting to incorporate issue based public's into existing iterative processes of electoral governance. For example, Johan Karlsson-Schaffer (2011) notes the "vicious regress of constituting decisions" or the impracticality of reconstituting a given public for every single issue that a democratic government might face. While it is impossible to completely overcome all of these problems, they are much less of an issue for mini-publics that concern a single decision that allows for an issue-based public to be more easily defined.

Democracy is defined here based on the "all-affected principle". Originating in ancient Roman law it essentially states that "every individual potentially affected by a decision should have an equal opportunity to influence the decision" (Castiglione and Warren 2006, 4). Dryzek articulates what seems like the same principle when he writes "democratic legitimacy resides in the right, ability, and opportunity of those subject to a collective decision to participate in deliberation about the content of that decision" (Dryzek 2009, 1381). Yet as Näsström (2011)

demonstrates, these two seemingly parallel definitions contain important distinctions. The notion of affectedness can be interpreted politically or causally. The political interpretation Näsström terms the "all-subjected principle" whereby a political body is assumed *a priori* and those who are subjected to its collective decisions are considered affected by those decisions. The causal interpretation Näsström calls the "all-affected principle". Here those affected by any decision are not bound by any given political boundary. As Urbinati and Warren note: "territoriality…identifies only one set of ways in which individuals are involved in, or affected by, collective structures and decisions. Issues such as migration, global trade, and environment, for example, are extraterritorial; they are not contained by any existing territorially organized polity" (Urbinati and Warren 2008, 389–390). Present geopolitical borders are the result of accidents of history, and are just as arbitrary as any other way of "bounding" a public with regards to the "all-affected principle", as Näsström differentiates it.

Additionally, I define issue-based publics on the basis of *potential* affectedness rather than *actual* affectedness in response to concerns raise by Robert Goodin (2007). For example, a central concern of the Northern Gateway Pipeline is the potential for an oil spill along the coast of British Columbia. Those living on the coast are thus part of the population that is potentially affected. Those who are known to be actually affected by the construction of the pipeline are those who, primarily, own property that will be traversed by the pipeline. That level of affectedness I would place under the 'directly affected' label which will be discussed later.

Typically participants of mini-publics are designed to be demographically representative of a given political jurisdiction. The question is whether or not the geographical scope of the issue lines up with the geographical scope of the jurisdiction. When both line up, demographic representation can be an appropriate mechanism. For example, the British Columbia Citizens' Assembly on Electoral Reform was convened to determine a recommendation for a new electoral system for the province. The issue would affect the residents of British Columbia and thus seeking representation of the province within the process was appropriate. When the scope of the issue does not line up with the scope the jurisdiction we have what I call an "issue-based public". Issue-based publics can be transnational, such as pollution in rivers that cross national boundaries, or might be intranational issues whereby one province or municipality is making decisions that will affect another (for example, the interprovincial dynamics between Alberta and BC concerning the Northern Gateway Pipeline, or environmental management of an inter-provincial watershed). Thus while there is a burgeoning body of scholarly work on transnational or global governance, issue-based publics (operating within mini-publics) can be, but are not confined to, this transnational feature.

It is important to highlight again that this notion of issue-based publics only pertains, in this analysis, to mini-publics. This allows decision-makers to gain insightful input for particular decisions, without having to delve into the complexities of cosmopolitan transnational democracy debates. However, with a mini-public established to consider a transnational issue, we can do precisely that. The particularity of the event allows it to constitute its own issue-based public and then move on. A more formal approach seeking to establish longer lasting political institutions would have more difficulty dealing with issue-based publics. As noted earlier, Karlsson Schaffer (2011) raises concern of a "vicious regress of constituting decisions" which, again, only applies if this issue-based public approach is institutionalized more formally and not as a single instance deliberation.

Some scholars have noted how different participatory mechanism constitute and produce the "public" they seek input from (Braun and Schultz 2009, 414). For example, stakeholder

consultations construct a "partisan public", citizen juries construct a "pure public", and consultative panels construct an "affected public". Because I have combined all these processes under a single rubric of "mini-public" I am aware that I gloss over many of these productive aspects of each individual process. However, all of the publics noted in Braun and Schultz's typology are all within a single political jurisdiction. Further work could be done to combine their analysis to my understanding of issue-based publics which has its own understanding of "pure public" conflated with affectedness.

A final distinction must be made that complicates the notion of issue-based publics and that is the difference between benefits and impacts of a given decision. In any decision, taking a decision to open a mine near a cross-border river as an example, there are benefits and impacts. The public that benefits is very rarely going to line up with the public that is impacted. Yet both could be understood as different forms of being affected. While this presents some problems to an issue-based public approach, the alternative is worse. It is better that decision-makers get a sense of those that will be impacted and how even if the benefits will not be shared.

In the end, if we are using mini-publics to make recommendations concerning issues that extend beyond geopolitical boundaries, then demographic representation of that geopolitical zone is problematic. Consequently we must consider other methods of representation in order to allow the representative scope of the mini-public to better align itself with scope of the issue under consideration.

Representation

In order to better understand and evaluate the methods by which we achieve representation in public participation processes, we must first have a firm understanding of what representation is more generally. It is difficult to answer the question of 'how best to represent someone or something' without first answering the questions of 'who or what is being represented' or 'what do we hope to accomplish through representation'.

Following from the general definition of democracy as government *by* and *for* the people, representation, or representative democracy, is understood as an imperfect pragmatic solution to the problem of scale, or the practical impossibility of direct democracy as advocated by Rousseau (2006). The problem of scale is simply the impossibility of having every single citizen weigh in on every single decision that must be made (Parkinson 2003; Stephan 2004). If it is impossible for every citizen to represent themselves, then there must be a mechanism to have their interests represented. Representative democracy was initially designed to do just this. This framing treats direct democracy as the purest form of democracy and, as noted, representative democracy as an pragmatic compromise. Some scholars have balked at this framing suggesting that representative democracy has inherent strengths that direct democracy cannot achieve (Fung 2004; Plotke 1997). Plotke himself explicitly states that "the opposite of representation is not participation. The opposite of representation is exclusion. And the opposite of participation is abstention" (1997, 19).

The framing of representation as a role performed by individuals, either oneself or one's representative is also critiqued by Dryzek and Niemeyer (2008, 2010)[1] but differently so. In advocating for what they call "discursive representation" Dryzek and Niemeyer present three arguments for why representation of discourses is superior to other forms of representation. The rationality argument suggests that the overall representation ends up more rational as all potential arguments are brought to the table. Just having a diverse group of individual representatives

---

[1] The 2010 chapter is a slightly modified but nearly identical version for the 2008 article.

does not necessarily mean that those representatives will bring the breadth of perspectives present with society. The ontological justification is that individuals inhabit multiple, competing, and often contradictory discourses. Much in the same way that a single vote fails to capture the complexity of the decision making process and the values that went into such a decision, so to an individual representing themselves fails to represent that complexity. Finally, the ethical justification, which proceeds from egalitarian values that lead us to adopt "one person, one vote", argues that discursive representation can treat the competing discourses more equally, rather than the discourse inhabited by the most powerful wins. What Dryzek and Niemeyer's arguments highlight is a distinction between "who" is represented and "what" is represented. They argue, correctly, that in fact it is *what* gets represented that is more important than *who* necessarily does it.

Shifting the issue from "who" gets represented to "what" gets represented problematizes demographic representation as a method for mini-publics. As Castiglione and Warren suggest, "from the perspective of those who are represented, what is represented are not persons as such, but some of the interests, identities, and values that persons have or hold" (2006, 12). Demographic representation is merely a proxy for achieving this kind of representation. An extreme example would be a mini-public that is comprised entirely of neo-liberal, free market proponents that still mirrors the political jurisdiction with regard to demographic characteristics of age, sex, socio-economic status and so on. To be sure, demographic representation methods rely on random sampling to achieve the diversity of perspectives, but the point is that demographic representation operates as a proxy for the representation of something else.

In addition, Fung elaborates on this who/what distinction when he discusses representation specifically focused on the policy making process. He provides an illustration of a "minimal representative policy process" that proceeds through seven steps: 1) citizen interests, 2) formation of policy preferences, 3) articulation or signaling of policy preferences, 4) mandates, 5) policies, 6) execution (or implementation), and 7) outcomes. Fung suggests that representation, in this context, concerns the preferences of the citizens (#2) being reflected in the policies (#5). The question is a matter of whether or not the "what" – in this case the policy preferences – get represented. He goes on to identify a number of democratic deficits in the process and how deliberative mechanisms can address those deficits, however for our purposes it is simply enough to note that for policy making representation concerns the preferences or the "what".

Having thus articulated the "what" of representation we need to turn our attention to the "how" of representation. In his discussion of the British Columbia Citizens' Assembly, Warren (2006) suggests three key features that allow representation to be achieved: authorization, accountability, and egalitarian inclusiveness. Authorization is the mechanism by which representatives are given permission to represent a given constituent. Accountability allows the represented to hold their representatives to account for their actions. In this conception, the represented and the representatives constitute a "principal – agent" relationship whereby the representatives are the agents operating on behalf of the represented. In the representative democracy model authorization and accountability are achieved through continued elections. The inclusive feature is achieved in representative democracy through universal franchise; however, as noted above, a single vote is a far cry from having one's preferences articulated.

Brown (2006), however, goes further than Warren (2006). To authorization and accountability he adds participation, expertise, and resemblance. Participation, while often portrayed as dichotomous to representation (see the Plotke (1997) quote above), is in fact

[4]

complementary to representation as increased participation by active citizens makes elected representatives more attuned to those preferences and thus more responsive. The question of expertise raises interesting issues for representation as it is a question of judgement. This returns us to the important distinction Pitkin (1967) made between trustee and delegate models of representation. The trustee model is where a representative is chosen to exercise her own judgement, assuming that the values of represented and the representative are similar. The delegate model leaves less room for judgement as the representative must present the preferences of the represented no matter what they might be. The trustee model allows the representative to develop a certain level of expertise on an issue in order to make an informed decision; the delegate model keeps the expertise in the hands of the citizen. Moreover, the issue of expertise raises questions about the legitimacy of decisions on the basis of inputs and outputs. Output legitimacy is when a decision is the right one on a more technical or scientific basis; input legitimacy is when there have been proper procedural inputs. To use an example, a group of climate change skeptics might come to a decision concerning how to best address climate change that has input legitimacy but may not have the output legitimacy necessary to actually address the problem, and may in fact choose to ignore the problem altogether.

Finally, and importantly for our purposes here, Brown's fifth element of representation is resemblance. This element operates on the assumption that "descriptively similar representatives will spontaneously act in some way favourable to their constituents" (Brown 2006, 217). This concern often is raised with concerns for inclusion, especially of marginalized voices. The concern is that the perspective represented does not resemble the whole but only the powerful and well-resourced elite. Yet as noted, the "what" of representation pertains more to the interests, preferences, and values within the individuals and society at large. The notion of resemblance is thus a question of whether the preferences resemble the whole, not necessarily the individuals representing them.

However, this neat and tidy separation between the "what" and "who" of representation gets complicated by Young (2000, 134–136) who makes a distinction between interests, opinions, and perspectives. Young defines interest as "what affects or is important to the life prospects of individuals, or the goals of organizations". Opinions are defined as "the principles, values, and priorities held by a person as these bear on and condition his or her judgement about what policies should be pursued and ends sought." Perspectives, then, are that which "attunes" people in particular social locations to "particular kinds of social meanings and relationships to which others are less attuned". Perspectives are more than easily identifiable interests or values; they are a way of interpreting the world in a particular way. As a result, the "what" and the "who" of representation get problematized as the "what" in this become integrally connected with a particular "who".

Evaluative Framework

Before we can assess the quality of different representation methods, we need to establish some criteria by which we can evaluate different methods. We have differentiated as much as possible between the "what" and the "who" of representation which helps us distinguish whether different methods achieve representation of one or both of those components. As noted, in mini-publics demographic representation is typically used to have the participants mirror the preferences and perspectives of the larger constituency. For issue-based publics, the larger constituency is comprised of individuals who are affected by the issue at hand. Demographic representation of a political jurisdiction is no longer appropriate for issue-based publics because there are a significant number of people who would not be incorporated. So the question is what

criteria are required to create effective representation and what method is best at achieving that representation.

Comprehensiveness

The first feature of this evaluative framework concerns the representative comprehensiveness. Of all of the opinions and perspectives present within an issue-based public, does this particular method represent *all* the potential perspectives out there? With demographic representation, this is not necessarily the case. As noted earlier, representation by demographic characteristics is a proxy for the representation of interests, values, and perspectives. We may mirror the demographics of a population, but it is possible that perspectives could be one sided, such as all the participants are overly environmentally concerned. Techniques of random selection make this unlikely, but the point is merely that demographic representation is used as proxy for another form of representation. Determining whether a representation mechanism is comprehensive is a first feature in evaluating such methods.

Bias

The question of bias is fundamental in any concern for representation. Rather than breadth of representation, this feature is concerned with whether the balance of perspectives replicates that of the existing public. Thinking about bias assumes a collective and thus an aggregative way of conceptualizing a given public that assumes static preferences, at least at the start. There are two different ways that one can define bias with regard to mini-publics. The first definition is that bias is present when the makeup of the participants does not mirror or adequately represent the larger constituency. This could be viewed either with regards to demographics – who is in the room – or perspectives – what perspectives are in the room and in what numbers. This definition of bias returns us to the question of input and output legitimacy. Should the process mirror the preferences of society even if those preferences or perspectives may be based on faulty information? In some cases, such as mini-publics based on more technical or scientific topics, this might be problematic. Obliviously, perspectives include more than a position on an issue, but include broader sets of values or worldviews. This raises issues for deliberations of different kinds of topics. More technical topics might have less room for discussion of worldviews or values as it concerns whether a decision does in fact address a problem, whereas other deliberations – like where do we as a society draw the line between personal liberty and social responsibility with regards to hate speech – are much more ambiguous. For the more technical topics, the assumption is that expertise and information provision in these mini-publics would be sufficient to undermine any fallacious perspectives. In other cases, such as dealing with more social issues, the "right" answer may be more difficult and so mirroring the public in such cases would be preferential. Alternatively, one can define bias as the overrepresentation of any single perspective. This kind of approach might be a more intentional way of achieving the equality of perspectives in order to allow commonly marginalized voices to have an equal chance to make their case. If the ideal of deliberative democratic approaches is that "no force except that of the better argument is exercised" (Habermas 1975, 108) then this approach to evaluating bias achieves that ideal over the alternative. As such, he methods identified will be evaluated concerning the balance of what is represented not whether it lines up with aggregated constituent perspectives.

Legitimacy

The third feature is one of legitimacy. In what way does the group have the legitimacy to provide input on a given decision? Often the concept of legitimacy is linked with the notion of authorization and accountability that was discussed under the "how" of representation. As Warren notes, mini-publics often lack the kind of accountability that elected officials experience due to the lack of any elections after a decision has been rendered (Warren 2006). However, some of the more formal processes, such as the BC Citizens' Assembly, did have more formal authorization mechanism as it was a legislated body. In contrast, many interests groups make claims of representation with little or no formal authorization process.

Concerning the accountability issue, Brown differentiates between being "held to account" and "giving an account" (Brown 2006, 210). Warren refers to this latter on as a form of "public accountability" which he views as deliberative and institutional output accountability. (Warren 2006). In any a case, this has more with justifying the work of the mini-public after the fact rather than achieving the proper form of representation from the get go.

However, differentiating between who and the what can be a useful step for evaluating the legitimacy of a given process. While there might be a lack of formal authorization or accountability mechanisms, such that any participant my lack any legitimacy to participate, the perspective they bring forward to the table might be one that is valuable and thus the what of the representation is a helpful claim.

Public Interest

This final feature simply differentiates between whether the participants are brought in to make considerations representative of the public interest or are merely there to represent their individual perspective and interests. Ideally we would want participants to be representative of the public of concern; however some methods simply ask that participants raise their own concerns. While this might raise questions concerning whether these methods (directly affected or all affected) are truly representative in the manner discussed above, there are two reasons to include them in the analysis. First, the two self-selected, self-representative methods - directly affected and all affected – are used by participation processes and thus should be evaluated. Second, Warren (2006) notes that in many ways self-selected citizens still fulfill a representative role whether or not they are formally authorized or accountable. The representation may not be as robust, but it is still representative in many respects.

Discursive Representation Method

Defined

Discursive representation is an approach advocated by Dryzek and Niemeyer (2008, 2010). Above I noted arguments for it, including the rationality, ontological, and ethical ones. The process is to identify particular discourses, which they view as more substantive and solid than individual perspectives, in order to make sure distinct discourses get an equal voice at the table. Discourses encompass a whole host of arguments and thus are a way of approaching an issue that has its own internal consistency in a way that is consistent, I would argue, with Young's concept of perspective. Through the application of the Q-sort method they can accurately recruit participants who inhabit those particular discourses. By allowing those

participants to deliberate on the issue, it is believed that they (multiple participants for each discourse) are representative of that discourse. Participants have the freedom to both challenge the discourse as it has been framed and also to change their position, but only by articulating their new position in a way that makes sense to the original discourse.

Comprehensiveness

Discursive representation is perhaps one of the most comprehensive approaches as it intentionally pursues breadth. The "rationality" argument Dryzek and Niemeyer (2010) make concerning discursive representation as that method can be much more intentional about the breadth of perspectives represented. In contrast, demographic representation achieves this comprehensiveness based upon the statistical probability of random selection. As a result, demographic representation is potentially comprehensive, whereas discursive representation has a clear means for trying to guarantee that comprehensiveness.

Bias

Discursive representation does not seek to represent each discourse on par with those who hold that discursive position in the large constituency as an aggregative approach might demonstrate. As a result, it does achieve a high level balanced inclusiveness of perspectives.

Legitimacy

For discursive representation, the entire focus is on representing numerous discourses and so any authorization or accountability is merely in its ability to present the rationales for its arguments as best it can. One critique of this approach from a legitimacy point of view pertains to its elite centered approach. The idea is that some discourse analyst identifies and delineates the relevant discourses and recruits through particular mechanisms (for an in depth discussion of the use of the Q method to achieve this see Dryzek and Niemeyer (2008)). Two issues arise concerning the elitism in this process, but are responded to with a similar prescription. The first is whether the discourse analyst has accurately delineated differing discourses, or has framed them in a way that is acceptable to participants and not overly restrictive. The second is that some might argue that because this doesn't concern the "who" of representation and just the "what" that a really smart individual could just imaging how the debate might go in his/her head. The response to both concerns is that it is necessary to have participants represent these discourses with the freedom to challenge them. The necessity of having participants comes from the critique Young offers against the distinction between the "who" and "what" of representation. Young's concept of perspective as an "attuned" approach means that it is not enough to think of discourses as static and objective substances, but as inhabiting different approaches to the world and ways of interpreting it. It is impossible to know what that perspective might raise, or how it might respond to a particular issue. By allowing those participants to simultaneously inhabit and challenge those discourses allows them the freedom to interpret that discourse in a way that makes sense to them.

Young would take this further that perspectives themselves are potentially even aligned with an embodied group identity. The question is whether the identification of discourses would pick up on those kinds of nuance and approaches to the world. While this is an important

concern and issue for discursive representation, the question is really whether this problem is more likely to occur in discursive representation than an alternative like demographic representation. In that respect, demographic representation might be equally likely to pick up or correspond to those embodied perspectives, or not, as discursive representation. Just having members of a particular sex, or ethic group, or class does not mean that they will represent those discourses that might be within that particular collective. Moreover, discursive representation could respond to this issue by being more fine-grained in its delineation of discourses, trying to pick out multiple feminist discourses rather than a single one.

Public Interest

This approach is very much concerned with making considerations concerning the public interest.

Directly Affected Method (restricted self-selection)

Defined

The strongest argument for this approach is that identified by Goodin (2007). As noted above, Goodin makes the distinction between all "actually" affected and all "possibly" affected. The all "actually" affected would fall under the rubric of what is being referred to here as directly affected. This pragmatic approach would refuse to identify all of the potential contingencies which may arise or are unforeseen in order to define who might be potentially affected. For example, it is unlikely Japan would have considered an affected public based on the possibility of tsunami destruction in the development of the Fukushima nuclear reactors prior to 2011. The directly affected method was recently implemented by the Canadian government to restrict participation in the environmental assessment participation process (Parliament of Canada 2012). The rationale was that environmental activists were "gaming" the system and thus the process was over-representing opposition. The directly affected provision, also known as the test of "standing" in legal parlance, would restrict participation to those with a higher level of affectedness than the all-affected principle. In that framing it could be linking participation to the degree of affectedness. The provision also has precedence in other agencies, such as Alberta's Energy Resource Conservation Board, however whether the agency will interpret "directly affected" as strictly as that agency has yet to be determined (Salomons 2012). Like the all-affected method, this approach relies on self-selection, but places restrictions based on pre-set criteria concerning who can participate.

Comprehensiveness

Of all the methods this approach is weakest with regards to comprehensiveness. By restricting the participation to those directly affected results in a number of participants as well as important perspectives which will not get included in the process. Of all the methods this is the most restrictive.
Bias

The question of bias is very likely to emerge. The precise nature of the bias will depend upon how "directly affected" is interpreted. If directly affected is interpreted to mean the project crosses your property, for example, the considerations will be highly focused on property rights and local impacts and less towards broader more systemic issues.

Legitimacy

By having more formalized criteria for participation, this method does gain some legitimacy. Those that do participate have gone through a *de facto* authorization process that allows them to have a higher level of legitimacy when compared to a more open-ended process.

Public Interest

This method is severely focused on individual interests and less on the public interest.

All-Affected Method (open-ended self-selection)

Defined

The all-affected approach faces two critical practical obstacles. The first is that actually achieving comprehensive representation of all-affected is practically unfeasible and would amount to merely having individuals represent their own individual interests. The second is that raised by Goodin (2007) and discussed above concerning actually or possibly affected. While it might be difficult to attend to all potential contingencies, it is possible to identify the most salient issues either because of statistical probability or potential devastation. Returning to the Northern Gateway pipeline as an example again, the likelihood of an oil spill has historical precedence as well is likely the single greatest concern of the pipeline and thus the possibility of that affecting people should be included. The practical solution to these issues, one that is often employed by many participation mechanisms, is to merely have participation be open-ended. While one could make the argument that there is a restriction on participation, although in practice this is rarely applied. At the very least one could consider it a "subjective" notion of the all-affected whereby those who believe themselves to be affected have the potential to have a say (Saward 2000).

Comprehensiveness

By leaving open the possibility of all to participate, the all-affected approach has the potential to be very comprehensive. Unlike discursive representation, there is no intentional seeking out of specific perspectives that may be lacking.

Bias

As a result of self-selection, this approach also has the potential for bias. For example, environmental assessments publish large volumes of technical information with short periods available to comment on the material (3000 pages in 60 days for example) such that those that are able to participate are those with a strong technical background, have the inclination, interest, and – most importantly – time to dedicate to participation. Nevertheless, the open-endedness of

the method allows for the possibility, but does not guarantee, of representing all salient perspectives.

Legitimacy

Here the question of legitimacy is more of a concern. The government of Canada's decision to restrict this kind of approach to the directly affected method emerged from the belief that many of those participating in the Northern Gateway process were not legitimate participants and were not interested in offering their perspective but simply "gaming" the system. Thus not participants were deemed to not be participating legitimately either. Due to the self-selection process, this method does not have any kind of authorization or accountability mechanisms. The only kind of legitimacy that could emerge is legitimacy of perspectives, but the likelihood of those appearing either comprehensively or unbiased is questionable.

Public Interest

This approach asks of participants to represent their individual interests but with the hope that it will achieve a level of comprehensiveness, due to the wide open nature of the method, which allows it to make considerations about the public interest.

Demographic Representation Method

Defined

The demographic representation method is most familiar, and the primary method used to achieve representation in mini-publics. It seeks to achieve representation of participants that mirrors the larger constituency. It can be tailored to try and incorporate perspectives that might be salient to the topic at hand by seeking particular demographic characteristics. For example, in a mini-public on the use of genetically modified microbes to remediate toxins left behind by military grade explosives the designers specifically sought participants with military or at least connection to the military (familial connection for example) (O'Doherty et al. 2013).

Comprehensiveness

As noted, this method uses particular demographic characteristics as a proxy for the representation of different interests, values, and perspectives. As a result, the likelihood of achieving comprehensiveness of perspectives is greater due to random sampling and other techniques that statistically should provide the comprehensiveness needed. However, statistical probabilities do not necessarily guarantee that all perspectives will get in the room.

Bias

In this method, due to the fact that it seeks to achieve a mirror image of the larger constituency, bias is typically understood to be present when particularly salient categories are over or under represented. Bias is thus viewed in an aggregative manner where the percentage of people in the larger constituency that hold a particular view should be present in an equal

percentage in the mini-public. However, sometimes designers might forego this notion of bias in order to achieve more discursive balance. For example, in a recent mini-public on energy and the environment in the City of Edmonton, project designers at Alberta Climate Dialogue intentionally pursued representatives that could be deemed "climate skeptics" in order to make sure that a mini-public discussing climate change and energy would have that particular discourse in the room in a way that wouldn't be silenced or marginalized due to low numbers ("Alberta Climate Dialogue" n.d.).

Legitimacy

As this approach is standard practice and has wide uptake in many mini-publics, it has the highest level of legitimacy. In cases where there is no formal authorization processes, the legitimacy is attained through the representative alignment with the larger constituency.

Public Interest

This method, in trying to replicate the larger constituency, is primarily focused on public interest consideration and not individuals representing their own interests per se.

Table 1.

Representation methods	*Comprehensiveness*	*Bias*	*Legitimacy*	*Public Interest or Individual Interest*
Discursive	Good	No	Medium	Public
All-Affected	Potential	Potential	Poor	Individual
Directly Affected	Poor	Yes	Good	Individual
Demographic	Potential	Potential	Good	Public

As Table 1 illustrates the discursive representation method is the most appropriate method for achieving robust representation of issue-based publics. Where demographic representation has the potential to achieve comprehensiveness without bias, the discursive approach makes achieving those criteria much more likely. However, as noted there are a few common questions of legitimacy concerning discursive representation which results in its 'medium' rating on that criterion. Discursive representation is by no means a perfect solution to the representation of issue-based publics, but does provide a viable alternative that represents such publics better than the existing alternatives.

Conclusion

Issue-based publics represent a unique challenge for democratic and deliberative theorists. They do not presuppose an already constituted political unit, they force the designers of mini-publics to identify and constitute the boundaries of the public for any given issue. Dryzek and Niemeyer have been strong advocates for their discursive representation method,

especially for cases where there is not a pre-existing political unit, and when contrasted against other approaches their claims seem to hold up to scrutiny. In addition, the focus on a particular issue allows for much more discursive focus and clarity than if attempting to utilize such a method for more general or abstract discourses like political budgeting priorities.

The all-affected method is often implemented for pragmatic reasons as it allows decision-makers the freedom to take in whatever input they receive without going out of their way to get it. While the open-ended nature of this approach has its issues, it remains superior to the directly affected method that the Canadian government has recently adopted for environmental assessment. Rather than leaving open the potential for bias, this latter method nearly guarantees that the information gathered will not be representative of the larger constituency at all.

Finally, the demographic representation method, while commonplace, has its own issues as insofar as it has a high potential to achieve representativeness, but it cannot guarantee that true representation will occur. For non-issue-based publics, a combination of demographic and discursive representation, such as that employed by Hobson and Niemeyer (2011), seems to be the best combination of legitimate practice with comprehensive, unbiased representation of views concerning the public interest. For issue-based publics, discursive representation is the best alternative as Dryzek and Niemeyer advocate. Yet it must be operationalized in such a way that participants selected can challenge the discursive framing of the designers in order to address potential questions concerning the legitimacy of this method.

Bibliography

"Alberta Climate Dialogue." http://www.albertaclimatedialogue.ca/ (May 25, 2013).

Braun, Kathrin, and Susanne Schultz. 2009. "'... a certain amount of engineering involved': Constructing the public in participatory governance arrangements." *Public Understanding of Science* 19(4): 403–419.

Brown, Mark B. 2006. "Survey Article: Citizen Panels and the Concept of Representation." *The Journal of Political Philosophy* 14(2): 203–225.

Castiglione, Dario, and Mark E. Warren. 2006. "Rethinking Democratic Representation : Eight Theoretical Issues." In *Rethinking Democratic Representation*, Vancouver: Centre for the Study of Democratic Institutions, UBC.

Dryzek, John S. 2009. "Democratization as Deliberative Capacity Building." *Comparative Political Studies* 42(11): 1379–1402.

Dryzek, John S., and Simon Niemeyer. 2008. "Discursive Representation." *American Political Science Review* 102(04): 481–493.

———. 2010. "Representation." In *Foundations and frontiers of deliberative governance.*, Oxford: Oxford University Press.

Fung, Archon. 2004. "Democratizing the Policy Process." In *Oxford Handbook of Public Policy*, Oxford: Oxford University Press, p. 669–686.

Goodin, Robert E. 2007. "Enfranchising All Affected Interests , and Its Alternatives." *Philosopher & Public Affairs* 35(1): 40–68.

Habermas, Jurgen. 1975. *The Legitimation Crisis of Late Capitalism*. Boston: Beacon Press.

Hobson, Kersty, and Simon Niemeyer. 2011. "Public responses to climate change: The role of deliberation in building capacity for adaptive action." *Global Environmental Change* 21(3): 957–971. http://linkinghub.elsevier.com/retrieve/pii/S0959378011000756 (March 4, 2013).

Karlsson Schaffer, Johan. 2011. "The boundaries of transnational democracy: alternatives to the all-affected principle." *Review of International Studies* 38(2): 321–342.

Näsström, Sofia. 2011. "The Challenge of the All-Affected Principle." *Political Studies* 59(1): 116–134.

O'Doherty, K. C., M. K. MacKenzie, D. Badulescu, and M. M. Burgess. 2013. "Explosives, Genomics, and the Environment: Conducting Public Deliberation on Topics of Complex Science and Social Controversy." *SAGE Open* 3(1): 1–17.

Parkinson, John. 2003. "Legitimacy Problems in Deliberative Democracy." *Political Studies* 51(1): 180–196.

Parliament of Canada. 2012. *Canadian Environmental Assessment Act*.

Pitkin, Hanna F. 1967. *The concept of representation*. Berkeley: University of California Press.

Plotke, David. 1997. "Representation is Democracy." *Constellations* 4(1): 19–34.

Rousseau, Jean-Jacques. 2006. *The Social Contract*. London: Penguin.

Salomons, Geoffrey H. 2012. "Public Interest Standing and the Environment: Setting Boundaries of Participation in Energy and Natural Resource Decision Making." University of British Columbia.

Saward, Michael. 2000. "A critique of Held." In *Global Democracy: Key Debates*, ed. Barry Holden. London: Routledge.

Stephan, Mark. 2004. "Citizens as Representatives: Bridging the Democratic Theory Divides." *Politics & Policy* 32(1): 118–135.

Urbinati, Nadia, and Mark E. Warren. 2008. "The Concept of Representation in Contemporary Democratic Theory." *Annual Review of Political Science* 11(1): 387–412.

Warren, Mark E. 2006. "Citizen Representatives." In *Designing Deliberative Democracy: The British Columbia Citizens' Assembly*, Cambridge: Cambridge University Press.

Warren, Mark E. 2009. "Governance-driven democratization." *Critical Policy Studies* 3(1): 3–13.

Young, Iris Marion. 2000. *Inclusion and democracy*. Oxford: Oxford University Press.