The "Public" in "Public Peace Process" and in "Mini-Publics:" A Dialogue between Democratic Theory and Peace Studies

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The recent attention of peace studies scholars to the role of the "public" parallels an increased interest of democratic theorists in the legitimacy of "mini-publics:" initiatives that bring small groups of citizens together to discuss policy issues. In fact, democratic activists and peace activists who seek to engage the public face similar theoretical and practical challenges. The purpose of this article is to contribute to an emerging dialogue between the disciplines of democratic theory and peace studies. Such a dialogue can be beneficial in at least two ways: it allows an exploration of the role of legitimacy in public peace processes and the burdens that legitimacy put on the institutional design of such processes, and it allows an exploration of more ambitious models of public participation in the peace process.

Introduction

Traditionally, peace studies understood peacemaking as the realm of diplomats. This is no longer the case. Many scholars of peace studies believe that peace must be made by publics, not politicians. Sustainable peace requires a "public peace process:" "sustained action by citizens outside governments to change the fundamental relationship between groups in conflict" (Chufrin and Saunders 1993, 155-6). Indeed, Gawerc (2006, 440) notes that in recent years peace studies scholarship "have given voice to the critical role that private citizens, local

initiatives, and people-to-people activities have in building peace, as well as in maintaining conflict."

Practically, peace scholars and activists who embrace the notion of a "public peace process" focus on grassroots initiatives that try to create ongoing productive dialogue among groups of citizens within and across the belligerent sides. These initiatives operate at two levels. At one level, they seek to modify the views of the participants themselves. At the same time, the hope and expectation is that this change of minds will trickle wide and up, so to speak, and lead to a similar change of minds in the public at large and among policy makers.

The recent theoretical and practical interest of peace studies scholars in the role of the public parallels similar trends in democratic theory. Scholars and practitioners of participatory and deliberative democracy are exploring the idea of "mini-publics:" initiatives that bring small groups of citizens together to discuss policy issues (Fung 2003; Goodin and Dryzek 2006). There are obvious similarities between initiatives of "public peace process" and "mini-publics." Both try to generate a small-scale model, a microcosm, of a process that has to take place in society at large. The underlying belief of both is that citizens can change their minds when they encounter different perspectives, and that they need to have the opportunity to do so for the desired social change to be possible. Furthermore, both kinds of initiatives also face similar difficulties. They are mostly local initiatives and typically with limited budgets (Ross and Rothman, 1999, 9, describe them as "bootstrap operations;" see also Dajani and Baskin, 2006, 75, 107-8). They often take place in hostile environments which question the very legitimacy of the initiative, and the attention that these initiatives receive from politicians and the media is mostly scarce and fickle.

Given these theoretical and practical similarities, it is surprising that there is very little dialogue between democratic theory and peace studies.[1] One reason for the lack of dialogue is probably the different orientations of the two fields: the theoretical orientation of democratic theory vs. the practical orientation of peace studies. Yet, these orientations too are changing. Democratic theorists are increasingly interested in on-the-ground experiments in democracy, and peace studies scholars are engaging in theoretically sophisticated reflections about their practices. Within this fertile ground, a dialogue between peace studies and democratic theory begins to emerge, and the purpose of this paper is to contribute to this dialogue by examining the relevance of works done in democratic theory to the theory underlying public peace process initiatives.[2]

I argue that a conversation between the two research-action areas can be beneficial in at least two ways. First, generally speaking, peace studies understand the role of public participation in conflict resolution through the framework of social-psychology (for example Azar and Burton 1986; Kelman 1997). Public participation is a way to shift the discussion from the political dimension to the level of inter-personal relationships (Kelman 1999). In contrast, within democratic theory public participation is understood as a pre-condition for achieving legitimacy. Even if officials can reach a stable agreement, the only way to know whether this agreement is legitimate is through a process of reflective scrutiny by those who will be affected by the terms of the agreement. A dialogue between democratic theory and peace studies allows an exploration of the role of legitimacy in public peace process. This is not merely a theoretical or philosophical question. The claim for legitimacy depends on aspects of institutional design of the public peace process. To be sure, practitioners in both camps generally engage in an uphill

battle in which institutional design is dictated more by the limited perseverance of funding agencies and participants than by what is required for gaining legitimacy. Nevertheless, democratic theorists take more liberty to imagine ideal conditions of more control over design and therefore engage in a comparative analysis of the legitimacy of different models of institutional design. Their conclusions speak directly to similar issues in public peace processes.

The second benefit of such a conversation is that it allows an exploration of more ambitious models of public participation in the peace process. In particular, I refer to the model of Citizens' Assemblies on Electoral Reform that took place in British Columbia (2004) and Ontario (2008). In these cases, the provincial government assembled a group of citizens who were selected randomly and asked them to study electoral systems and recommend electoral reforms to the province if they find that reforms are needed. What was unique in these cases was not just that the government invested comparatively vast resources in the process, and the length and depth of the deliberative process itself, but also the fact that the government committed itself to submit the recommendations of the assembly to a referendum (Lang 2007; Warren and Pearse 2008). Thus, the government took itself outside of the process of decision-making and allowed a deliberative body of a small group of citizens to make recommendations to the public at large. I believe that this model serves as a precedent for citizens' involvement in policy making that should excite the imagination of scholars of peace studies (the limited success of the assemblies in the referenda and then many differences between electoral reforms and peace agreements notwithstanding). Peace scholars can and should build upon this precedent and study the viability of more ambitious models of public involvement in the peace process.[3]

The scope of the discussion is therefore limited to the questions that emerge from a dialogue between these two kinds of practical initiatives and the academic scholarship about them. It does not purport to offer a comprehensive survey of the relationship between democracy and peace-making. Furthermore, my focus here is on the question of legitimacy. While I believe that both mini-publics and public peace processes are promising and important kinds of social activism, I am in no position to assess within the scope of this article the likely effectiveness of such initiatives in any particular setting.

Background

The last two decades witnessed a dramatic change in the terrain of democratic theory. While previous generations of democratic theorists understood democracy to be a mechanism for fair aggregation of preferences via the mechanism of voting, the "deliberative turn" in democratic theory shifted the scholarly attention to the important role of reasonable debate in democracy. In this latter view, the mere fact that a majority of the citizens favors a policy or a candidate provides only weak grounds for claiming legitimacy for this decision. Democracy can and should make a stronger claim for legitimacy, which is that democratic institutions provide a site for exchange of reasons. Democratic decisions are legitimate not only because they won a plurality or majority of votes but because they are an outcome of public debate. Strong democracy, then, requires a viable public sphere where citizens can freely exchange opinions and debate policies. Furthermore, the strength of democracy depends on the quality of the discussion in the public sphere. Even a viable public sphere would not be legitimate if arguments of certain participants are systematically silenced or marginalized. The public, in this view, is not simply

an aggregate of individual opinions but a social sphere where different players demand and give justifications for public policies.

However, when viewed through the lenses of deliberative democracy, many established democracies face a deficit, if not a crisis, of democratic legitimacy. Most citizens choose to remain generally passive in their political participation, limiting themselves at best to voting every four years. Furthermore, it seems that there are very limited sites of genuine public discussion while the public sphere is dominated by corporate media and the political establishment.

Although some argue that these features are endemic to modern mass-democracies, many of those who are interested in promoting democracy look for alternative ways to revive a public sphere of discussion and debate. In particular, the last decade witnessed the rise of initiatives that try to create what Robert Dahl (1989) called "mini-publics." These are small groups of representative sample of citizens who come together to discuss – by exchanging reasons, not simply by bargaining – policy-issues. These initiatives include Citizen Assemblies, Deliberative Polls, Consensus Conferences, Citizens' Juries, Planning Cells, and a host of other initiatives (Goodin and Dryzek 2006, 220).

For obvious reasons, democratic theorists became interested in these real-life experiments. The question that they ask is how, and under what conditions, these local initiatives can be understood as an integral part of democratic decision-making. Put differently, the question that they ask is under what conditions the deliberations and decision-makings which take place in mini-publics can claim to be considered legitimate by the public at large.

In this context, it is important not to overlook significant changes in the recent mini-publics are understood by democratic theorists. Earlier generations of deliberative democrats understood mini-publics as an approximation of some ideal speech situation in which the power of the better argument can prevail. In this earlier understanding, the burden of legitimacy of these initiatives fell on their ability to approximate the ideal condition of free and open communication. More recent theories understand the legitimacy of mini-publics as dependent on the interaction between the quality of the inner deliberations and the corresponding deliberations in the public sphere at large (Habermas 1996; Bohman 1998; Chambers 2009). In this view, the mini-publics generate a needed space for exchange of ideas, but it is not only impossible but also unnecessary to expect the decisions made in mini-public to be legitimate *tout court*. Democratic theorists who advocate mini-publics see them as one – albeit central and indispensible – tool for policy-making within a complex "ecology" of institutions that are needed for establishing democratic legitimacy (Warren 2008, 67-8). In a similar way, the discussion in the following sections will not treat public peace processes as the only or the right way to bring about sustainable and just peace but will examine the place of such initiatives within a complex "ecology" of peace making.

Peace Processes and the Democratic Legitimacy

But why should decision-makers seek to get the public involved in the peace process? What is the advantage of "citizens' diplomacy" (Davies and Kaufman 2002) over a process that takes place solely by professional diplomats? A dialogue between democratic theory and peace studies can bring forth a distinction between two possible purposes of the public peace process:

the instrumental role and the legitimacy role. While the two purposes are often combined in practice, it is important to separate them analytically since they pose different burdens on the design of the public peace process.

The first answer to the above questions is that having the public involved in the peace process helps "building a peace constituency" and thus increasing the likelihood of achieving a sustained agreement that is stable and just (Lederach 1995, 211). This is a vast oversimplification of a complex argument, but for our purpose we can focus on two characteristics of this answer. First, the demand for public participation is instrumental: the public is expected to help bring about a "desired result" – namely, peace – that has already been set. The question is will these efforts "add to our overall practical capacity in making and building peace?" (Saunders 2000, 265). Second, within this framework, the question of whether public participation is conducive to peace is essentially an empirical question (albeit, again, a very complex one). In some situations, it might be the case that public participation would distract the cause of peace.

According to the second answer to this question, the role of the public is normative and epistemic: it is only the public that can make decisions about which terms of negotiation and agreement are legitimate. Diplomats can generate an agreement, but without some form of public involvement, it is not possible to know whether the agreement is legitimate. To explain this contention, we need to look more closely at the idea of a procedural conception of legitimacy.

Moral philosophers distinguish between two routes to understand the very concept of legitimacy. One route we can follow in answering this question is identifying some general

criteria by which to engage in normative judgment. For example, if we want to evaluate the fairness of a peace agreement, we can follow various criteria. We can ask whether the agreement is stable, whether both sides are treated as equal, whether the cost and benefits of the peace are distributed fairly across different groups in society, whether the agreement balances "peace versus justice" (Zartman and Kremenyuk 2005; see also Albin 1993), and so on. What all these criteria share is the implicit assumption that the legitimacy of an agreement can be established – at least principally – independently of the view of those who are subject to the agreement.

The procedural, or deliberative, turn in moral and political philosophy suggests a different route, according to which the validity of any social norm or institutional arrangement is based on the question of whether it can be agreed upon under some ideal conditions by those who are subject to it. The basic idea behind this view, as Seyla Benhabib explains, is that "only those norms (i.e., general rules of action and institutional arrangements) can be said to be valid (i.e., morally binding), which would be agreed to by all those affected by their consequences, if such agreement were reached as a consequence …" of open deliberation among equals (Benhabib 1996, 70; I omit the specific conditions). Put differently, the only way in which the normative validity of mutual agreements can be justified is by articulating how it can become the object of "reasoned agreement" (Cohen 1997, 73; other notable discussions of democratic legitimacy include Habermas 1996; Dryzek 2002; Bohman and Rehg 1997; Bohman 2000; Chambers 2003). The second answer for why to get the public involved in the peace process, then, is that it is a necessary condition for reaching a legitimate agreement.

Now, it is important to notice that this is a philosophical definition of legitimacy and not yet an account of an actual procedure for how to reach legitimate decisions. It should not be

understood as a procedure that one can follow in order to put a stamp of normative approval on any decision or a decision-making process. Furthermore, most of the political decisions are not the product of real or ideal deliberations that involve all those who are affected. While a good argument can be made for why actual wide public deliberation is necessary for establishing legitimacy, there are still ways to evaluate the legitimacy of decisions that were reached with a procedure that fails to meet a deliberative ideal. We cannot know for sure what would be the outcome of an ideal deliberation, but we can still try to evaluate and argue about whether a decision can make a plausible claim to be the subject of a reasoned agreement.

The understanding of the procedural conception of legitimacy as a general framework would allow us to address the questions of what counts as the relevant public. To begin with, at its core, beyond the general reference to all those who are affected the conception of the public refers to the ability to present arguments regarding the desired terms of social cooperation and to assess the validity of arguments made by others. Technically, the public sphere does not have to include all the people but must include all the relevant arguments or viewpoints. Individuals or groups can be represented by others who argue in their behalf. However, the process of deliberation allows participants to better understand their own interests. Democratic representation without deliberation creates a conflict of accountability. If people elect representatives based on their pre-deliberative views, and if the representatives (and only them) modify their views in the process of deliberation, then the people who elected them are no longer in a position to hold them accountable. If we allow an elected group of people to deliberate and arrive at a reflective decision, we have to find mechanisms for this reflection to trickle down to those who elected them.

Furthermore, from the perspective of the procedural understanding of legitimacy, the question is not only of who should participate but also of the quality of the exchange of reasons. In some settings, the mere presence of people who hold certain arguments does not guarantee that these arguments will be heard and considered. Some debates take place in a political environment where members of certain groups are afraid or do not feel comfortable to express their views. In addition, arguments can be heard but ignored or be marginalized by those who set the tone for the debate. As we shall see, all of these questions are important for the evaluation of the claims for legitimacy of different institutional settings for peace making. I therefore want to leave aside further discussion of philosophical questions about the procedural understanding of legitimacy and to look at the legitimacy of the institutional settings in which peace processes take place.

Public Peace Process and the Challenge of Legitimacy

To what extent can the process of traditional peacemaking at the level of diplomats claim to reach what would be the reasoned agreement for all those who are affected? The first and most immediate reason why such a process can have a hard time to claim deliberative legitimacy is that diplomatic negotiations typically involve exchange of threats and not only exchange of reasons. It is not the case that traditional diplomacy is entirely devoid of exchange of reasons. Diplomats and politicians are often required to give an account of the agreement they reached to several constituents: their public, third party mediators, the international community, and so on. Nevertheless, at least for some of these constituencies (and often the weak ones), there is no procedure by which they can ask for reasons and challenge the validity of these reasons.

It is possible to argue, however, that in democratic societies diplomats and politicians are accountable to the citizens and must provide reasons that they can accept. Thus, while traditional peace agreements are based on exchange of threats between the two communities, politicians in democratic societies are accountable to their constituencies and are required to justify the terms of the agreement to their public. However, as I discussed above, such a claim has significant shortcomings. To begin with, even though in democratic societies there are lines of authorization and accountability that connect citizens and diplomats, these lines are often-times broken and it becomes hard to claim that diplomats actually stand-in for the interests of the citizens (Francis 2004, chapter 2). More importantly, even if diplomats are representing the interests of the citizens, they are representing their raw, pre-reflective, interests. Had the citizens had the opportunity to deliberate about their own interests, they might have realized that they misjudged their perception of their interests. Thus, even if citizens agree to the peace deal that was reached by diplomats, their agreement does not necessarily count as a reasoned agreement. Indeed, diplomats often present a hard-line claiming, not incorrectly, to represent the view of their constituencies. However, the often unstated belief underlying much of the peace scholarship is that collective reflection can lead citizens to realize that they have a long-term interest in reaching peace (this belief is articulated most clearly by critics, see Carr 1946, chapter 3; Waltz 1959, chapter 3). Active warfare or the threat of it makes conversation about long-term interests more difficult and gives structural discursive advantage to hardliners (Dallmayr 2004).

I now turn to examine the way in which public peace processes can claim to address the "deficits" that are inherent in traditional peace-making. The challenges for peace activists is that a protracted conflict creates both political institutions and a public sphere that are not hospitable

for reasoned debate, especially when such a debate requires re-thinking the relationship with the other side. Public peace processes try to generate an institutional space where members of the public can exchange arguments about the terms of the desired peace agreement. Now, these processes do not understand themselves as being stand alone processes, but as processes that interact with the public at large and with the political system. Unlike peace education initiatives (Harris and Morrison 2003, 81, 84; Wallach 2000, chapter 8), they typically do not intend to change only the hearts and minds of the participants, but to make broader change. Therefore, to evaluate their claim for legitimacy, we need to discuss both the quality of the space that is created and the channels by which the local deliberations are communicated to the public at large.

Scholars of public peace process make a distinction between "internal and external effectiveness" of the process (Gawerc 2006, 451; Ross and Rothman 1999). Internal effectiveness refers to the impact of the process on the participants' perceptions and external effectiveness refers to its impact on the conflict itself. We can now add a parallel distinction between the internal legitimacy and the external legitimacy of the process. A process is internally legitimate to the extent that participants had the ability to openly express their positions, to reflect on them, and to modify them. It is externally legitimate when the public at large come to see process and its outcome as legitimate. Again, internal and external claims for legitimacy are philosophical constructs. They refer to acceptance of the legitimacy of the deliberation for the right reasons, not simply to the view of the majority of the people. It is possible that a group of people will view a process of deliberation in which they participated as fair and legitimate but would not be aware that the moderator provided them with biased

information. Similarly, it is possible that the public at large would not accept the legitimacy of a decision reached by an internally legitimate process because the media misrepresented the nature of the process.

To illustrate, let us examine a hypothetical case of a public peace process that consisted of peace activists from both sides. They conducted several meetings in which they got to know each other and learn the issues in depth. Throughout the process, they confronted their own biases in a honest and productive way and were able to reach agreement on wide variety of issues. Furthermore, favorable media coverage led to some positive public reactions. However, critics of this initiative pointed out that the participants hardly represent the views of the public at large since the participants were pro-peace from the get-go. This process turned out to be effective both in terms of its internal effectiveness and in terms of its external effectiveness. However, there is a challenge to the forum's claim of legitimacy since it cannot claim to represent the likely outcome of deliberations had all views been involved.

In what follows, I am drawing on works in democratic theory to examine the way three aspects of the design of public peace processes can affect their claim for legitimacy: the purposed influence of the forum, the choice of its topic, and the choice of the participants.

The "Macro Political Uptake"

To assess which institutional designs work, we first need to discuss what work they are expected to do. Goodin and Dryzek identify different "possible pathways" through which mini-publics can have a "macro political uptake:" actually making policies, recommending policies, informing public debates, "market testing" of policies, legitimating policies, confidence or

constituency building, as a way to exert popular oversight over public officials, and as a way to resist co-option (2006, 225; for a comparable list of public peace processes, see Rouhana 2000, 312-318 and Dajani and Baskin 2006, 91). For our purposes, we can focus on a more basic distinction that underlies these different "pathways."

There are two kinds of relationship between the forum and the public at large. The forum could be understood as inward oriented. In this understanding, the purpose of this forum is the change that occurs among the participants themselves, either in reaching outcome or the changes in dispositions. The main burden of legitimacy is expected to fall on the internal working of the forum. The public at large is expected to endorse the outcome of the forum in virtue of the process itself. Alternatively, the forum can be understood as providing a public display of reasons. In this understanding, the role of the forum is to play out different possible reasons for the public at large to see. The ultimate burden of decision is on the public at large and the main challenge is to ensure that the public gaze focuses on what takes place in the forum. While in the former understanding, the members of the forum are accountable for the decision that they make, in the latter understanding they are accountable in the sense of providing an account of the possible reasons (Brown 2006, 211-212).

These understandings are not mutually exclusive. The Citizens' Assemblies on Electoral Reforms that took place in BC and Ontario were expected to provide both a decision and a public display of reasons. Citizens were invited to engage actively with the deliberations of the assembly by observing the meetings of the assembly, interacting with its members in public meetings, reading its educational material and its reports. However, it was argued that citizens who were not willing or unable to inform themselves have a reason to vote for the proposal of

the assembly to the extent that they trust the deliberative process (Ferejohn 2008). In fact, the failure of the assemblies to get sufficient voters' support for their proposals is not a significant concern if they are understood as a public display of reasons: their value is that they allowed voters who want to make an informed choice to familiarize themselves with the relevant considerations in favor of or against each option.

The intended "macro-political uptake" of the forum is important for the first aspect of the design: whether the deliberations of the forum are to be public or private. The advantage of a forum that takes place in secret, or at least away from the media, is that it potentially allows for higher quality discussion. The danger of open and public discussion is of what Simone Chambers (2005, 260) calls "plebiscitory reason: [s]peakers …appeal to what they think are common or public values but with a twist. Under the 'glare' of publicity these arguments may become shallow, poorly reasoned, pandering, or appeal to the worst that we have in common." However, as Chambers observes, the lack of publicity creates two opposing challenges. First, it opens the door to the possibility of manipulation and to the promotion of private interests. Secrecy increases the capacity of organizers, moderators, and participants from powerful groups to manipulate the agenda and the decision-making process. Second, the seclusion of the forum can be self-defeating because it creates a deep gap between the deliberative forum and the non-deliberative public at large. Since the public did not have a chance to go through the process of deliberation in the forum, the conclusions of the forum would be unpalatable and would be endorsed or rejected not for the right reasons. The problem is that the more the participants change their views in the process of deliberation, the less likely it is that ordinary citizens will see them as their representatives. In peace studies, this same problem is called the problem of

"re-entry:" "what happens to those who participate when they re-enter their society" (Gawerc 2006, 449). Chambers argues that the answer to the threat of plebiscitory speech is "to look at ways of minimizing the plebiscitory effect in public," and "not a *carte blanche* to go behind closed doors" (2005, 263).

Public peace initiatives focus almost exclusively on the inward oriented approach to the forum. They do not see the forum as a public display of reasoning but as a consensus-forming mechanism. They general recommendation in the scholarship is that the meetings will take place away from public gaze, preferably in secrecy (Chigas 2005, 132). For example, Harold Saunders underscores the need to generate a "safe space," one that would allow the participants to have the freedom to change their views (Saunders 1999, 14, 61, 105). Obviously, in cases where meeting with the enemy can put participants in danger, secrecy is unavoidable. But peace studies scholars appear to argue that seclusion is a virtue in itself since it provides the setting for much-needed changes of mind.

The focus of peace studies scholarship on inward oriented initiatives led the field to some extensive exploration of the problem of how to "transfer" the outcome of the initiatives (Gawerc 2006, 449). However, the main focus of peace studies is in transferring the outcome along the channel that goes from the forum to the decision-makers. The expectation and hope is that the innovation and transformation that takes place within the "safety" of the forum will expand decision-makers' horizons of what is possible (Saunders 1999, 136; for a similar argument, see O'Flynn 2007, 743-746).

Some initiatives tackle the challenge of transfer by recruiting lower-key players in the hope that they will implement the change of minds in the policy circles where they work (Davies

and Kaufman 2002, 6). Herbert Kelman (1995, 21) argues that the problem-solving workshops between Israelis and Palestinians that he organized over the years developed "*cadres* prepared to carry out productive negotiations." He describes how these cadres, who were "pre-influential" at the time of the workshops, "moved into positions of leadership and influence." Nevertheless, this sleeper-cells solution to the problem of transfer is a dangerous move from the point of view of legitimacy.[4] To the extent that Kelman's description is accurate, it strengthens the view of those in the Israeli right who see the Oslo Accord as a hostile take-over by this cadre.

What is neglected in Kelman's answer to the "transfer" problem is a discussion about the transfer in the channel that goes from the forum to the public at large – even if the cadre reached internally legitimate agreement, and even if it is successful in implementing it, how can the public go through the change of minds that took place in the forum? Here, I believe there is a need to think of public peace processes that follow a "non-sequential model" in which there are built in sites for quality deliberations but at the same time allow for interactive exchange of reasons with the public at large (Chambers 2005, 263).

The Topic

Democratic theorists distinguish "cold" topics from "hot" ones, where participants feel passionate about the topics and are emotionally invested in the decision (Fung 2003, 345; Dryzek 2005, 229). As Dryzek (2005, 229) rightly observes, "[d]eliberation tied to sovereign authority in divided societies is about as 'hot' a setting as one can imagine." Since, as he goes on, "most conceptions of deliberative democracy require reflection and the possibility that minds can be changed in the forum itself," this is unlikely to happen in any deliberative forum. Dryzek argues

that in divided societies the locus of dialogue should be in the public sphere at large, where changes of opinions are gradual and slow, and not in the intense exchange of reasons that takes place in a mini-public.

Dryzek's conclusions should be qualified. To begin with, as we know from our experience in the classroom, hot topics make for more dynamic, engaged, and possibly meaningful discussion (Fung 2003, 345). More importantly, failure to reach agreement is not necessarily a failure of legitimacy. Deliberative forums are not intended as a panacea, a sure way to reach legitimate conclusions. A failed well-designed "hot" forum can be instructive for the public sphere at large precisely because of the quality deliberations that took place in it. Indeed, public peace processes often see themselves as one catalyst in the slow process of changing public view.

A second question regarding the topic is to what extent organizers should leave the topic itself open. Should participants be provided with a narrow question that they can hope to tackle or should they be left free to frame their own discussion? Each alternative has its own bearing on legitimacy. The dilemma, as James Bohman (1998, 404) observed, is that "[d]eliberative democracy could become a very robust method for deciding very little. Or, it could also easily become a very weak procedure for deciding too much." If the setting remains vague and open, the discussion can wander around without getting to any concrete outcome. Furthermore, concrete questions allow organizers and participants to try and agree on some basic historical and empirical "facts of the matter" and to sort out the relevant from the irrelevant. Information provided by experts can have more bearing on the discussion when the question is narrow. If the topic itself is ever changing, important factual claims can get lost in the discussion.

On the other hand, the setting of the question and the setting of boundaries on the content of the discussion are in fact an imposition by powers from outside the discussion. The legitimacy of pre-deliberative decisions is not subject to the procedural standards of legitimacy. The more one limits the boundaries of the discussion, the more the deliberations themselves become empty. Furthermore, one of the central arguments for the need for citizens and not experts to deliberate is that experts can provide answers to a given question but they cannot use their expertise to tell us which questions are the right ones. The public, and the public sphere, are the sites where citizens can transcend instrumental reasons and engage the substantive topics that they face.

The Participants

From the perspective of procedural legitimacy, no other obstacle is more difficult than the choice of participants. The procedural conception of legitimacy requires an agreement to be the product of deliberations among all those who are affected. The forums that this paper discusses – mini-publics and public peace processes – try to engage a microcosm of all those who are affected. We have seen that there are different ways to conceptualize the notion of "microcosm," namely to understand the way the forum stand in for the public at large. Nevertheless, regardless of the understanding of representation, the ability of the microcosm to stand in for the public at large depends on the ability to recruit the right participants. There are numerous challenges here. Not least in the case of peace processes is the possibility of physical or social harm to the participants. Another challenge that is more significant in public peace process initiatives is the relative ease of recruiting those who are already committed to the cause of peace and thus ending

up "preaching to the choir" (Abu-Nimer 2001, 250). Almost exclusively, public peace processes rely on recruiting partisans, people who already have some professional or personal investment in the conflict (Kaufman 2002, 188-190). Forums that bring in laypersons commonly understand themselves as peace education and are targeted to students.

From the perspective of the internal legitimacy of the forum, choosing participants who present partisan views is an obstacle for legitimacy. As Hendriks et al. (2007, 362) claim, "[t]heir zeal sits uncomfortably with the deliberative ideal that collective political judgment should be a matter of public reasoning." Thus, a forum that includes partisans is more likely to replicate the vicious dynamics that take place in the political sphere at large rather than generate the virtuous dynamics of sincere deliberation. If partisans are locked in their own familiar positions, both the internal effectiveness and the internal legitimacy can be damaged. On the other hand, there are reasons for why partisans could bolster the dynamics of the deliberations of the forum and thus bolster their claim for legitimacy. Partisans are more invested in the issue and they are more willing to engage (Fung 2003, 345). They discuss issues that they care about and therefore any change of minds, if it occurs, will be more authentic and more significant. In a sense, their passion can be more representative of the depth of the issues at stake than non-partisans. One challenge to forums that rely on partisans is that some groups might choose not to cooperate with the project thus making any outcome of the microcosm less legitimate vis-à-vis the public at large. On the other hand, the forum itself is more likely to have a macro-political impact if participants are more publicly visible to begin with and when they have the skills that are needed to make the forum itself more visible.

The design and the dynamics of forums that rely on non-partisans are different from those that involve partisans. More of the burden of legitimacy falls on the moderators, the education program, and the experts who provide the background information for the participants. When participants do not have solid independent knowledge, there is a higher risk that any forum will be a disguise for an indoctrination camp. Designs that are closed to outside information, short in time, and allow interaction with only in-house experts are most susceptible to manipulation by the organizers. Designs that allow outsiders to monitor the process and allow participants to interact with their communities and with alternative sources of information are far less vulnerable to takeovers. On the other hand, the more the process is open and under the public's purview, the more the participants themselves become vulnerable to outside unwanted influences (those that pursue means other than persuasion) by their communities or groups within their communities.

Random selection of participants has two functions in establishing legitimacy. First, random selection is the best way to ensure statistical representation – that the range of positions that exist in the public would be reflected in the forum (Fishkin 1995). In this understanding, the claim that a forum is a microcosm of the public at large is based on the statistical representation of participants.

The second – and I believe stronger – argument for random selection is political: it is a way to break powerful monopolies over the representation of the interests of each of the communities. In some conflict situations, extremist groups have advantageous position in their ability to shape public opinion. Extremist views typically receive disproportional media coverage. Furthermore, in some cases extremist positions appeal to pre-reflective positions of

the public. War, or even the threat of it, forces the public to focus on the short-term and to emphasize security over other concerns. When the process of deliberation unfolds, participants can put the put the view of extremists in perspective.

Conclusions

As I emphasized throughout the discussion, mini-publics and public peace processes should not be seen as a way to replace other channels of making decisions but as a way to supplement them. Nevertheless, wide public participation is an essential component of legitimacy, and the lack of it is the main source of the democratic deficit that exists in advanced democracies.

The argument that I present here builds upon and shares the intuitions of public peace process scholars who believe that a similar case can be made for many of the peace processes of the recent decades. Elites and diplomats can reach agreements, but these agreements are not necessarily in the interest of their citizens. In some cases, elites might be more inclined to reach peace and are more effective in doing it. But, by the same token, in other circumstances elites might be more inclined to pursue war and equally effective in pursuing it. I believe that public peace processes are a viable tool of peace making precisely because it allows participants to explore grounds for peace that are mutually acceptable to the citizens.

So far, however, we have assumed that the main interest of those who organize and design the public peace process is to achieve *genuine* democratic legitimacy. When politicians and organized interests engage in deliberative processes, what they often seek is the *appearance* of legitimacy and a de-facto control of the outcome (Hendriks 2006; Dryzek et al. 2009; Kadlec

2008). In most likelihood, any large-scale visible public peace process would be initiated under the auspices of a state or with heavy involvement of major political organizations in the process. A state can choose to organize a public peace process as a way to buy more time or to use the decisions made by a participatory forum as a way to constrain itself from making concessions. If states would be pressured to organize public forums by a third party, they are most likely to insist on strict conditions on the selection of participants, the information that would be presented, the character of the deliberative process, the control over the media coverage of the process, and so forth. In all of these cases, the dialogue between democratic theory and peace studies may be useful as a tool for social criticism: to understand how powerful players can abuse claims for democratic legitimacy to derail rather than promote the cause of peace.

Generally speaking, current models of public peace process are semi-secretive, inward oriented, and (at least some) seek to influence decision-makers directly. Such models work best when the stakes of the process are low; when key figures from both sides are brought together by peace activists to try to examine possibilities for mutual understandings. However, the more public peace processes become central and visible players in peace making, the more current models become dangerous. Closed, secret meetings where broad representation is not guaranteed are easier to manipulate so that they reach some pre-determined outcomes under the guise of democratic legitimacy. Peace studies scholars should examine models of public peace process that are more visible and in which legitimacy emerges not only from the inner working of the small group but mainly from its interaction with the public at large.

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Notes

[1] The instances of the dialogue between the two fields are yet spotted and preliminary. Saunders (1999: chapter three) refers to the deliberative aspect of democracy as "the missing thread in democratic thought" (55) and as a model for the public peace process. A workshop that took place at MIT in the summer or 2005 explored the relationship between on deliberative democracy and dispute resolution (but not in the context of peace studies), http://ocw.mit.edu/OcwWeb/Urban-Studies-and-Planning/11-969Summer-2005/CourseHome/.   Vivienne Jabri' (1996; 2007) and Daniel Wehrenfenning (2008) draw on Habermas for exploring the communicative dimensions of peace process. See also, O'Flynn, 2007; Richmond, 2008; and Caspary, 2009.

[2] To maintain terminological consistency, I will use the term 'public peace process' for forums that deal with peace process, the term 'mini-publics' for forums that address other policy issues, and the term 'forum' when I refer to both kinds of forums.

[3] The deliberative poll that was conducted by Stanford's Center for Deliberative Democracy in Northern Ireland is an example of such initiative. However, the topic for the discussion was aspects of the education system, which is related only indirectly to the core issues discussed in peace negotiations. See Fishkin et al., 2009.

[4] I do not suggest that Kelman advocates a "sleeper-cell" approach.   In fact, he advocates recruiting "individuals who are politically influential but not directly involved in the foreign-policy decision-making process. The important consideration is that they be active and credible contributors to the political debate within their own communities and thus can play a role in changing the political environment" (Kelman, 2002: 179).