

(Re)presentation: pTA citizens' juries and the jury trial

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Abstract

In this contribution we argue 'that juries make sense'. By this we mean that it makes sense to introduce or sustain lay participation in judicial decision making, and that this is the case because juries in fact 'make sense' because they generate new common sense concerning the case at hand. Referring to the deficits of contemporary democratic politics, we explore John Dewey's theory of democracy, which centres on the construction of concerned 'publics'. A recent example of such 'publics' under construction are the citizens' juries that are involved in participatory Technology Assessment (pTA). Our claim is that both trial juries and pTA citizens' juries can be understood as democratic practices that cannot be explained with reference to traditional aggregative or deliberative models of democratic theory. We discuss Chantal Mouffe's agonistic theory of democracy and Rip's agonistic learning processes to advocate the importance of collective decision-making processes, which form the core of jury deliberation. To produce robust outcomes, the principles that constitute the procedure of the fair trial are advocated as constraints that generate sound consensus.

Keywords

participatory Technology Assessment; pTA; jury; lay participation; democratic theory; contradictory procedure; common sense

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