

Jury Service and Electoral Participation: A Test of the Participation Hypothesis

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The participation hypothesis holds that when people undertake one civic activity, their likelihood of future political participation increases. Three original studies test this hypothesis by linking the nonvoluntary, institutionalized activity of jury deliberation with future electoral participation. First, 12 in-depth interviews with recent jurors demonstrate that people can conceptualize jury deliberation and voting as related responsibilities. Second, a national study of court and voting records demonstrates that criminal jury deliberation can significantly increase turnout rates among those who were previously infrequent voters. Third, a survey of jurors in a Northwestern county demonstrates that both the objective and subjective experience of jury deliberation influences future voting rates.

Core claim of participatory democratic theory is “the participation hypothesis” (Finkel 1985; Freie 1997). This hypothesis posits that when people become drawn into one civic activity, they develop skills, attitudes, and habits that lead to deeper entry into the public life. No strong direct test has been conducted, and only limited evidence has come in on the subject over the past 15 years (e.g., Finkel 1985; Pedersen 1982; Verba, Schlozman, and Brady 1995). The paucity of research led one of the strongest proponents of this hypothesis to conclude that its validity might never be determined (Pateman 1989). More recently, Mansbridge reached a similar conclusion: “It is . . . likely that participation in one forum encourages participation in another,” but “at this stage in social science, it has been hard to demonstrate this effect persuasively” (quoted in Fung 2004, 52; see also Mansbridge 1995).

We aim to provide a strong test of the participation hypothesis that will measure this effect unambiguously. The particular test we design has the additional benefit of drawing the attention of political participation researchers to jury service. The jury is a unique institution that has received little study as a civic educational experience, despite the fact that it constitutes an institutionalized form of public deliberation (Consolini 1992).

Our research on the jury builds on a pilot study conducted by Gastil, Deess, and Weiser (2002). The pilot study found that after controlling for other trial features and past voting frequency, citizens who served on a criminal jury that reached a verdict were more likely to vote in subsequent elections than were those jurors who deadlocked, were dismissed during trial, or served as alternates. The effect was augmented by case complexity, with trials involving more charges yielding greater increases in voting rates. The evidence was highly suggestive of jury deliberation playing an important role in stimulating political participation.

Though the data in Gastil, Deess, and Weiser (2002) were limited, the study provided a research design that effectively tests the participation hypothesis. In this approach, all of the key variables are measured through objective public records, collected by persons unaffiliated with the research project. The design tests a connection between two distinct public activities—jury service and electoral participation. Moreover, it tests the effect of participation in a nonvoluntary public activity, as opposed to, say, the effects of voluntary campaign participation (Freie 1997). It is certainly the case that the jury pool differs from the larger population and that empanelled jurors differ from excused jurors. The impact of juror demographics on trial outcomes, however, remains

unclear (Hans and Vidmar 1986), and many events that occur during a trial (e.g., the defendant changing to a guilty plea) are unrelated to juror characteristics. More importantly, by combining jury records with voting histories that stretch across many years before and after one's jury service, it is possible to measure postservice voting against a historical participation baseline. In sum, this approach provides a compelling test of the participation hypothesis by linking a non-voluntary, institutionalized public activity with a distinct form of political engagement.

Herein, we present three studies that, taken together, provide a more persuasive test of the civic impact of jury service than was possible in Gastil, Deess, and Weiser (2002), which used relatively crude measurement of a much smaller sample drawn from a single jurisdiction. The first of these three studies probes the minds of a dozen jurors to learn whether and how they connected jury service and electoral participation. The second study elaborates the Gastil, Deess, and Weiser (2002) design to include 13,237 jurors from eight counties across the United States to estimate more precisely the impact of jury service on voting rates. The final study replicates the national study and uses a brief post-jury service questionnaire to test the importance of the subjective experience of jury service as a mediator of the jury-voting link. After providing a brief theoretical overview, we present the results of these three studies, then conclude by considering the implications of our findings.

Theorizing the Political Impact of Jury Service

This participation hypothesis has often been presented as a basic assumption underlying participatory democratic theory, which depends on sustaining high levels of civic engagement (Pateman 1970; Warren 1993). In this sense, the participation hypothesis is a crucial tenet of one of the most compelling modern models of democracy (Mansbridge 1995; Pateman 1989).

The precise content of this participatory assumption has varied from one theorist to the next. The assumed effects of civic participation have included increased political efficacy, a stronger sense of civic responsibility, greater identification with fellow citizens, heightened perceptions of system legitimacy, and increases in future political participation. Others have posited and found evidence for simple habit formation that need not have a distinct cognitive mediator, as in the case of gradually habituating oneself to regularized voting (Green and Shachar 2000).

The present study considers the impact of a particular form of political engagement—participation in deliberation. In this sense, we aim to test the more specific *deliberative participation hypothesis*. Deliberative theory has developed a niche within the larger literature on democracy (e.g., Chambers 2003; Elster 1998), but it has deep roots in participatory democratic theory (e.g., Barber 1984; Mansbridge 1983; Warren 1992, 1993). Thus, it is not surprising that deliberative theorists have developed an adapted version of the participation hypothesis. Many writings on deliberation claim that taking part in civic forums, public meetings, study circles, and other deliberative activities can transform disengaged private individuals into active, public-spirited citizens (Button and Mattson 1999). For example, Mathews argues that citizens who have deliberated “have actually experienced a measure of the democratic ideal in practice” and come to believe that “if deliberation can happen in one meeting, it can happen in others” and that “if citizens can claim responsibility and act in one community, they can become the ‘solution’ they are looking for in other communities” (1994, 195). The available evidence suggests that civic deliberation can be a highly engaging, participatory exercise with ramifications for how one talks, thinks, and acts in public life (Burkhalter, Gastil, and Kelshaw 2002; Campbell 2006; Delli Carpini, Cook, and Jacobs 2004; Gastil 2004; Gastil and Dillard 1999; Luskin, Fishkin, and Jowell 2002).

In the political deliberation literature, jury service is largely absent as a common means of experiencing deliberation. This is true despite the widespread practice of the aptly named Citizen Juries on policy questions (Crosby and Nethercutt 2005), along with other recent ideas for deliberative reform inspired by the jury (Leib 2004; O'Leary 2006). Though often overlooked, the American jury remains a powerful site of public deliberation in the United States, possibly working at its best in the present day, as it has become more inclusive over the years and has undergone an administrative overhaul in many states (Consolini 1992; Dwyer 2002; Gastil, Burkhalter, and Black 2006; Jonakit 2003).

One might ask whether juries do, in fact, deliberate, in the stronger sense of the term (e.g., Burkhalter, Gastil, and Kelshaw 2002; Chambers 2003). Despite the potential for faulty information processing and social pressure, conventional juries generally engage in careful and elaborate deliberation (Hastie, Penrod, and Pennington 1983). As Hans and Vidmar observe, “The data from hundreds of studies of jury trials and jury simulations suggest that actual incompetence is a rare phenomenon” (1986, 129). Moreover, a recent study

of jurors' self-assessments suggests that they, too, perceive themselves as engaging in careful, respectful deliberation (Gastil, Burkhalter, and Black 2007). There are, to be sure, variations in the manner and quality of jury deliberation (Hastie, Penrod, and Pennington 1983; Kameda 1991), but we will not theorize the net effect of such variance, as it lies outside the methodological scope of the investigations presented herein.

Though jury researchers have extolled the deliberative virtues of the jury, they have rarely connected the jury to larger *political* processes. Consolini's (1992) doctoral research broke new ground by clarifying how jury service could serve as a civic educational experience. Shortly thereafter, Amar (1995) advanced the theoretical argument by positing that the jury should be construed as a political institution, with jury service being more akin to voting than anything else. What brought the subject to Amar's attention was a case (Powers v. Ohio 1991) in which the Supreme Court endorsed the political role of jury service in the American constitutional order. In that case, the Court concluded that the right to serve on a jury constitutes a valuable civic opportunity that cannot be deprived, say, by race-based peremptory strikes. All citizens, the Court held, enjoy a constitutional right to serve on a jury.

In sum, research on public deliberation suggests that serving on a jury may, indeed, lead to increased political participation in the future. This very effect was presumed by both Tocqueville and, according to the Supreme Court, the framers of the Constitution. If jury service can be shown to have such an effect, it would provide a compelling illustration of the deliberative participation hypothesis.

We hasten to add that confirmation of the hypothesis would come as a surprise to those who do not share such a Tocquevillian view of participation. There are many critiques of deliberation, in particular that have expressed doubts about the civic benefits of such engagement (Sanders 1997; Theiss-Morse and Hibbing 2005). Even works explicitly sympathetic to the aims of deliberation have found that it can create anxiety or at least yield only limited civic impacts (Mansbridge 1983; Mendelberg 2002; Mutz 2006). Thus, our research speaks both to those who expect a deliberative participation effect and those who have less confidence that it exists.

Overview of the Three Studies

Gastil, Deess, and Weiser (2002) provided evidence consistent with the participation hypothesis; however,

that initial study left many questions unanswered, and we aim to answer these with a set of three separate studies. The first of these uses a small sample of in-depth interviews to get a more textured account of jurors' service experience and. Most of all, this first study examines whether jurors view jury service and voting as related activities. This probes the implicit assumption that jury service and voting both fall into a broad civic engagement category, such that participation in one activity can spark another action within this larger behavior set.

Study 2 moves from a small qualitative sample to a large, national sample of jurors to extend the basic design of Gastil, Deess, and Weiser (2002). The study checks whether the general results of the 2002 pilot study hold for a more geographically and demographically diverse sample of respondents from eight U.S. counties and parishes. More importantly, the study uses a sample *large* enough to break down data into different categories of voters and trial experiences. First, Gastil, Deess, and Weiser (2002) looked at the effects of jury service on all voters, yet it is likely that citizens with different histories of civic and political participation experience jury service differently. Study 2 conducts separate analyses for low- and high-turnout groups while still controlling for variance within each group. Second, with regard to trial experiences, the pilot study looked only at jurors serving in criminal trials and contrasted jurors reaching a verdict with all other empanelled jurors. Study 2 is large enough to distinguish between civil and criminal trials and break down trial outcomes into more discrete categories, discussed below.

The third study uses survey data to determine whether the impact of jury deliberation is mediated by jurors' subjective experience. Specifically, jurors were asked whether their jury service participation met, exceeded, or failed to meet their prior expectations, with the presumption that the civic impact of jury service comes, at least in part, from giving citizens a satisfying or even pleasantly surprising experience in self-government. The survey approach of this third study also permits the introduction of control variables (age, education, and major party membership) found by prior research to be strongly associated with voter turnout (Miller and Shanks 1996).

Study 1: In-Depth Interviews with Jurors

This qualitative study had two aims. First, it sought to learn what aspects of their service jurors' highlighted

when asked to reflect on their experience. In their own words, how do jurors describe their service? Second, and more importantly, the study includes a series of questions designed to learn when (or whether) jurors reference voting in relation to jury service. The participation hypothesis assumes that activities like jury service and voting are both members of a broader civic engagement category. These interviews were designed to probe how jurors cognitively connect being a juror and being a voter.

Participants

The participants in Study 1 were 12 jurors from four randomly selected trials held in King County (Washington) Superior Court between February and April, 2003. Respondents volunteered to be interviewed after being invited to take part in this study by the trial bailiff at the conclusion of each trial. Forty percent of those invited to participate volunteered to do so, and a subsample of those were interviewed.

The participants' trials included three criminal cases (murder, first-degree robbery, and second-degree burglary) and one civil case (damages from an auto accident). The murder and robbery trials resulted in guilty verdicts. The accused burglar was found not guilty, and the plaintiff in the civil trial received \$8,000 in damages after requesting \$25,000.

Procedures

In-depth interviews were recorded and transcribed for each respondent. Each interview began with general questions about the trial and jury deliberation (e.g., "Overall, how satisfied were you with the jury deliberation?") and perceptions of the jury experience (e.g., "If you asked to serve on a jury again, would you do so willingly?"). The last set of questions used a "funnel technique" (Teddlie and Tashakkori 1998) to move from broad general questions to more specific inquiries. This line of questioning was designed to see what level of specificity was necessary to elicit a comparison between voting and jury service. The five questions were asked in the following sequence:

- Q1. Does serving on a jury remind you of any other activities you have done in your life?
- Q2. Talk a bit about what serving on a jury means to you. Do you think it's an important activity?
- Q3. Do you think of jury service as a responsibility? What other kinds of responsibilities do you have that you might think of as related?
- Q4. What does it mean to perform a "civic duty"? What would you say are the civic duties that a citizen has?

- Q5. Now that you have served on a jury, do you think differently about any of these duties or responsibilities? Why?

Results

Eleven of the 12 jurors said they were satisfied with their experience of jury deliberation. One theme was jury bonding: "I think everyone got a chance to have their say," said one juror. "We bonded really well as a jury. We're actually going to have a reunion in a couple of weeks. We jelled very well." Another's satisfaction came specifically from the jury deliberation: "I guess I was satisfied with the deliberation part—not the entire process." Even frustration with deliberation translated into a positive assessment for another juror, who said, "I thought it was really good. It was frustrating, because everyone had different ideas and felt very strongly about it. I think the process worked. I think everybody was very serious about it."

Questions focusing on the deliberation, per se, found jurors expressing admiration for each other and the foreperson. Jurors emphasized the active and vocal role played by those with minority views; even in the civil trial, which did not require consensus, a juror recalled that the minority

did most of the talking... Our foreman was really good. He outlined what he thought the key points were and we talked about them and he polled everybody to find out who wasn't comfortable with it. And they got a chance to talk. There were a couple of times when it got heated and people were trying to talk over each other, but most of the time people raised their hands and the foreman said, "So-and-so will be next."

Every juror said they would serve again if called back to jury duty. As one remarked after the burglary trial, "You always hear people saying [that jury service] is a pain, it's a nuisance, it's an inconvenience. Now that I've served on it, [I think] it's really good for people to go through it." For these interviewees, the experience met or exceeded their expectations for jury service. Some were more enthusiastic about serving than others, though the less enthused were specifically concerned about the three weeks duration of their murder trial.

The first question in the funnel-shaped interview assessing the jury-voting link did not elicit comparisons to voting. When asked whether serving on a jury reminded interviewees of "any other activities you have done in your life," most jurors thought of it as "a pretty unique situation" or as only somewhat comparable to other "decision-making groups" in their lives.

Two of the 12 jurors did draw the connection, however, in response to the second question, which asked whether they thought jury service had an important meaning to them. A civil juror replied, “I definitely think jury service is a responsibility. It’s like voting. We’re supposed to be by the people, of the people. And for people jury service is part of that. You’re supposed to vote, pay attention to what goes on in politics and supposed to have jury duty.” A juror from the robbery trial “felt honored to be able to participate in the process. I feel it’s a right that we have as an American citizen, and a lot of other countries do not have...It’s like if you don’t vote, don’t complain about whose in office.”

Exactly half of the jurors made the first link between jury service and voting in response to the third question, which asked if jury service was a responsibility, and if so, whether it resembled any others. A juror from the murder trial replied that jury service reminded her of “the responsibility to vote, to do community service, those kinds of things. If everyone just does a little bit, then it’s not so hard on people who are willing to give their time for community service, voting, all those sort of things.” A juror from the robbery trial named voting as a similar responsibility, then added to the list “speaking out for causes I believe in.” Finally, a juror from the burglary trial commented,

Well, probably voting is a big thing. That’s one big area where I can let my wishes and my preferences [be] known as far as who has control in our country. To me, that would be somewhat of a similar thing, and I take my voting privileges very seriously. I would say voting to me is a big responsibility that is important.

The fourth question, which introduced the phrase “civic duty” for the first time, prompted one additional juror to make a connection to voting. In response to this question, a juror who served on the murder trial remarked,

There should be things that I’m willing to do as a citizen to help my community, my neighborhood, or city as it gets bigger. I have a responsibility to participate in a way that benefits not just me or my family, but my community. So whether it’s voting, jury duty, [or] paying taxes, they are for the common good.

Discussion

These quotes underscore the most important finding of these interviews: Jurors fresh out of the courtroom viewed their experience not as a purely legalistic exercise in the administration of justice; rather, they were able to conceptualize jury service as one of many similar *responsibilities*, variously including voting, paying taxes, “speaking out,” volunteering in the com-

munity, and other “things that they don’t necessarily get paid for.” Before introducing the phrase “civic duty” in Question 4, three-quarters of the interviewees explicitly linked jury service and voting. Then again, not every juror made the connection: Even after the final question in this series, three of the interviewees continued to make no mention of voting.

It is also noteworthy that in reflecting on their experience, many jurors found the deliberation with fellow jurors to be a key contributor to their general sense of satisfaction and accomplishment. Putting these findings together, this first study suggests that subjectively, many jurors *can*—but will not always—view jury deliberation and voting as related responsibilities, even if they do not think of them as mutually reinforcing behavioral choices.

Study 2: Voting Rate Changes in a National Sample of Jurors

The purpose of the second study is to determine whether the positive deliberative experience and the jury-voting link reported in Study 1 is sufficiently powerful to produce a significant effect across a large, diverse sample of jurors. Study 2 also asks whether this effect can be generalized across both infrequent and frequent voters and both civil and criminal trials.

Most of all, this study offers a more precise test of the civic impact of different trial outcomes. Gastil, Deess, and Weiser (2002) used jurors with “inconclusive experiences” as the comparison group for jurors who reached verdicts, but that overly broad category included everything from mistrials to hung juries. By collecting thousands of jurors across a broader range of trials, this study creates a more precise comparison group consisting solely of what we call “cancelled trials,” in which the juror is empanelled, the trial begins, and then the trial ends prematurely—even before the jury can begin its deliberations. This includes mistrials, dismissals, withdrawn cases, settling out of court, or waiving the right to a jury after the trial began. If one views this study as a natural experiment, these cancelled trials are the control group against which we compare four other, distinct experiences: serving as an alternate, defendant pleading guilty, hung jury (in part or full), and complete verdicts.

Hypotheses

Based on the findings of Gastil, Deess, and Weiser (2002), we hypothesized that *reaching a verdict will have a*

positive effect on future voting relative to the experience of sitting in the jury box for a cancelled trial. We also predicted that *hung juries will have a net positive effect compared to cancelled trials*. A review of contemporary data on hung juries by Hans et al. (2003) found that these outcomes typically result from a highly complex case for which neither side can predict the trial outcome; juries typically hang only after intensive, often prolonged jury deliberation. Moreover, a hung jury often results in a decisive finding for the defendant (or respondent), so it serves as a final jury verdict in that sense. In any case, the hung jury constitutes an unambiguous experience of deliberation, regardless of outcome, and a core claim in this study (and a deliberative specification of the participation hypothesis) is that participation in deliberation, per se, is the most critical component of the jury experience. To presume otherwise would be to expect all deliberative forums to yield conclusive group decisions, lest they fail to inspire their participants. Such a view is contrary to the spirit of most deliberative theory, which yields ideas like Deliberation Day (Ackerman and Fishkin 2004) that aim to stimulate discussion *without the guarantee of resolution*.

The other two outcomes—sitting in the jury box as an alternate or witnessing a guilty plea before beginning jury deliberation—were less clearly distinct from a cancelled trial. Alternates do not participate in deliberation, such that when their jury reaches a verdict, they played no direct role therein. Similarly, a guilty plea yields a final verdict, akin to the “conclusive” outcome Gastil, Deess, and Weiser (2002) described, but once again, it involves no jury deliberation. These two outcomes were compared to cancelled trials to test whether either could produce the same positive effect predicted for hung and full-verdict juries.

In addition, we predicted that *the number of charges against the defendant in criminal trials would provide an additional boost in post-jury voting rates*, as was found in Gastil, Deess, and Weiser (2002). More charges are one indicator of the complexity of the decision task, with multiple counts against the defendant requiring the jury to reach multiple verdicts. Deliberative theorists and practitioners alike have stressed the importance of the *depth* of deliberation when considering its potential benefits for participants (Crosby and Nethercutt 2005; Warren 1992). In the context of the jury, the number of charges provides one glimpse of such depth.

Civil versus Criminal Trials

We also tested whether these predicted effects could be generalized across different types of trial. Specifically,

the hypothesized effects were presumed to hold for criminal trials—the same population studied in Gastil, Deess, and Weiser (2002), but civil trials are different in many respects that might make them less effective means of civic inspiration.

First, civil trials lack the public function of criminal trials insofar as they revolve around harm to individuals, not a crime against society. The public nature of criminal trials, for example, explains why an (often elected) prosecutor plays the important role of screening cases that warrant prosecution and, moreover, should be pursued via a trial (as opposed to a plea bargain).

Second, and perhaps related to the private nature of civil actions, the general public holds civil trials—and the use of juries for civil trials—in somewhat lower esteem than their criminal counterparts. Many citizens viewing civil charges as frivolous, civil litigants as corrupt, and civil judgments as excessive (Hans 1993, 2000).

A third distinction between civil and criminal jury trials is that civil trials often involve complex factual and technical issues that jurors either do not fully understand or find engaging. Consider, for example, that some studies have found that expert witness testimony plays a key role in over 85% of civil jury cases (Imwinkelried 2001). This high percentage of cases involving expert witnesses masks the fact that not all civil cases are alike, as they range from straightforward slip-and-fall cases to complex business disputes such as patent infringement. In any event, at least with respect to the more complex cases, there is little doubt that they are far more intimidating and less accessible to ordinary jurors to almost any criminal trial. In emphasizing this aspect of civil juries, we are not suggesting that they necessarily do a bad job of sorting through the relevant information—indeed, some studies challenge the suggestion that civil juries perform badly (Vidmar and Diamond 2001). Rather, we are only pointing out that the challenges of deliberating on the average civil jury are likely to be less satisfying and inspiring than more accessible criminal trials. Moreover, since raw emotional engagement in the discussion can heighten the impact of the deliberative experience (Dillard and Backhaus 1997), civil trials are also far more likely to leave jurors less engaged in both the issues at hand and the consequences of their decision.

Fourth, civil trials generally do not require juries to reach consensus. The deliberative ideal has many variants, but one idea stressed by diverse deliberative theorists is that a group of citizens weighing a public problem should seek out—if not require—a broad

consensus (Chambers 2003; Cohen 1997; Gastil 2008). Though consensus pressures taken to extremes can undermine rigorous deliberation (e.g., Karpowitz and Mansbridge 2005), in the context of the jury, the majority (or modest supermajority) rule in the civil jury might limit the degree to which citizens must rigorously work through conflicting points of view on controversial cases.

Taken together, the civil trial's private function, lower societal esteem, and greater degree of complexity, lower emotional engagement, and majoritarian decision rule lead us to expect that *the civic effect of jury deliberation will be weaker for civil cases than for criminal trials*.

Infrequent versus Frequent Voters

Finally, a second test of the generalizability of the jury participation effect concerns prejury participation levels. At least implicitly, the participation hypothesis generally refers to drawing into public life those who are relatively less engaged, rather than reinvigorating those who are already regular participants in civic activities. For instance, in his study on campaign participation, Freie writes, "The popular panacea offered by some to reduce alienation is often participation itself. Political participation, it is hypothesized, will alleviate feelings of alienation and result in future political involvement" (1997, 134). There is no doubt that some citizens participate with great regularity in political life, whereas others remain largely disengaged—doing little more than voting irregularly, if at all (e.g., Verba, Schlozman, and Brady 1995).

To test the efficacy of the participation hypothesis for less active citizens, in particular, we split the sample in Study 2 to distinguish between habitually infrequent and frequent voters, based on their pretrial voting rates. The study still controls for variation in voting rates *within* these two groups, but by separating low- from high-turnout groups, this split-sample approach makes it possible to determine whether jury service effects people in both of these groups. We chose this approach among the many alternative means of testing this interaction for the straightforward reason that the high-low voter participation split provides a readily interpretable result highlighting a key contrast between two populations (Abelson 1995).

Our prediction is that *less active citizens are more likely to experience a cognitive and behavioral shift toward greater future public engagement than those who have already caught the civic spark*. For infrequent voters, jury service is an entrée into a relatively unexplored world—that of citizen participation and

self-government. If jury service makes citizens "feel the duties which they are bound to discharge towards society" (Tocqueville 1961, 337), this feeling is newer for those previously less inclined to recognize and discharge such duties (i.e., vote when asked to do so). Thus, the effects hypothesized above are expected to be stronger for habitually infrequent voters than their regular-voting counterparts.

Participants and Procedures

Data Collection

Collecting a large and diverse sample of jurors required identifying a variety of counties in different parts of the country that had publicly accessible court archives, legible and complete jury records, and cooperative administrative staff. The eventual merger with electoral data also required access to complete and digitally archived voter histories dating back to at least 1994. To test the generalizability of the Gastil, Deess, and Weiser (2002) findings, we also aimed to assemble a set of counties that were demographically and politically diverse.

It was not possible to construct a fully representative national random sample of jurors for technical and logistical reasons. Chief among these was that only some courts make their jury records readily available for public inspection, and among those, many do not consistently record jurors' full names, which are necessary for matching jury lists with voting records. In addition, counties above a modest size (e.g., those hosting a city larger than Seattle) would produce too few unique matches between full juror names and the corresponding county list of registered voter names. With these limitations in mind, the goal was, once again, to create a broad and diverse sample—not a perfectly representative one. Following these guidelines, the final set of data collection included Boulder County (Colorado), Cumberland and Swain Counties (North Carolina), Douglas County (Nebraska) El Paso County (Texas), Orleans Parish (Louisiana), Summit County (Ohio), and Thurston County (Washington).

For each of the eight counties studied, we employed the same general procedures. First, a member of the research team contacted county and state officials to determine the best means of collecting jury and voting data. After a researcher visited the county for one week to copy relevant court documents, juror names and roles and trial characteristics were entered into a database. Once complete, this database was converted into a juror dataset, which was merged with a previously obtained official voter database using name-matching

software. All told, the collection, entry, assembly, and merging of these data required roughly 1,100 hours of labor from the research team, plus additional (untalied) support from county court and election staff.

The final result was a dataset with 13,237 empanelled jurors, including 8,573 who were seated in the jury box for a criminal trial and 4,664 who sat for a civil trial. Of these jurors, 10,300 served on juries that reached complete verdicts, 554 were hung on some or all charges/claims, 818 were excused from the jury box after the defendant changed his/her plea to guilty, 904 were dismissed for various other reasons (mistrial, withdrawn charges, out-of-court settlement, etc.), and 576 served only as alternates, never joining in jury deliberation. Of these jurors, 65% matched voter files to produce 8,614 jury records with matching voter histories. (See the online appendix at <http://journalofpolitics.org/articles.html> to see figures by county/parish.)

Statistical Power Analysis

A full sample of this size was necessary because we were pursuing a relatively small effect size and breaking the sample down into smaller subsamples for comparisons. With a sample of 794, Gastil, Deess, and Weiser (2002) found that deliberation had a significant effect on voting ($b = .077$). To reliably detect (i.e., power = .80) an effect of this size in a subsample required a sample of at least 761 jurors, with a one-tailed alpha set at .10. Striking such a balance still guards against false positives (10% chance) more than false negatives (20% chance), but the fact that this study is partly a replication justifies the directional tests and the relative balance of Type I and II errors. In the end, the smallest subsample our dataset yielded was 999, which had a power of .88.

Measures

Voting rates. The two electoral variables employed in this study were prejury service voting rate and postjury service voting rate. Ninety percent of the jury trials selected for study began after January 1, 1996, and ended by December 21, 2002, with the bulk of trials from 1997 to 2000. Voting histories included all regular county-wide primaries, Presidential primaries, and general elections. Histories generally spanned from the 1994 primary to the 2004 general, with histories reaching back even farther in North Carolina (1992) and Nebraska (1987). For those jurors who registered to vote after the beginning date of the voter history file, only elections after their registration date were examined. For the full sample, the average

voter turnout for jurors before jury service was 52.3%, but prejury service turnout varied considerably across counties, from a low of 33.7% in Swain County to a high of 71.1% in Thurston County. (See the the online appendix at <http://journalofpolitics.org/articles.html> for figures by county/parish.)

For the main analyses, the prejury service voting rate was recoded in two respects. First, to create a normal distribution of voting rates and reduce the impact of floor and ceiling effects, records with no history of voting or a history of voting in every single election were removed. Second, as explained earlier, for the purpose of simple group comparison, voters were divided into infrequent (less than 50% turnout before jury service) and frequent (50% or higher) voters.

Type of trial. TrialType was created to denote whether a juror served on a civil (0) or criminal trial (1). A small fraction (4.4%) of jurors served on more than one jury during the study period, and they were removed from analysis to permit clear contrasts between different jury experiences.

Number of charges. An additional trial feature included in this analysis was the number of charges against the defendant in a criminal trial. This variable had a significant impact on postjury service voting in Gastil, Deess, and Weiser (2002), and it was included to test the robustness of that finding. This variable was truncated at six or more charges to reduce its skew (from 3.8 to 2.3).

Trial outcome. Trial outcomes were represented by dummy variables. For criminal jurors, the categories were alternate, guilty plea, hung (on one or more charge), jury verdict, and other (mistrial, case dismissed by judge, withdrawn charges, or defendant waived right to jury trial). For civil jurors, the categories were alternate, hung (on one or more question/claim), jury verdict, and other (mistrial, case dismissed by judge, withdrawn claim, or out-of-court settlement). For both criminal and civil jurors, the omitted category was "cancelled trial." To the extent that this study constitutes a "natural" or "quasi-experiment" (Cook and Campbell 1979), the cancelled trial condition can be conceptualized as a control group. In regression terms, this group served as the "reference group" against which the other conditions were contrasted (Cohen et al. 2003, 313). Jurors with "cancelled trial" outcomes were empanelled but only participated in trials that resulted in neither jury deliberation nor a courtroom verdict (from either a jury verdict or guilty plea). Thus, it provides the most appropriate comparison for each of the other forms of jury experience.

Data origin dummy variables. In addition, seven dummy variables were created for the county/parish

categorical variable, and a dummy variable was created to distinguish randomly entered Orleans Parish cases from the oversample of Orleans trials that did not result in jury verdicts (see Note 5). These served as control variables in regression analysis.

Results and Discussion

Four regression equations were calculated, one for each of four comparison groups: infrequent voters serving on criminal juries, infrequent voters on civil juries, frequent voters on criminal juries, and frequent voters on civil juries.

Table 1 shows that significant effects were obtained for the contrasts between various jury experiences and cancelled trials. As hypothesized for infrequent voters serving on criminal trials, both Hung Jury ($B = .068, b = .063$) and Jury Verdict ($B = .043, b = .076$) contrasted significantly with Cancelled Trials. Also, the number of charges against the defendant had a significant effect ($B = .013, b = .061$). By contrast, all of these coefficients were nonsignificant for the three other conditions, including frequent voters serving in criminal trials and both of the voter groups serving on civil juries. Neither of the other trial outcomes (Alternate and Guilty Plea) had a significant effect for any of the four subsamples.

The replication of the effects found in Gastil, Deess, and Weiser (2002) provides strong evidence of a pervasive and enduring effect of criminal jury deliberation on electoral engagement, at least for those

entering jury service with a relatively spotty voting record. Using unstandardized weights, the effect amounts to roughly a 4–7% in average turnout, close to the 7.7% increase found in the 2002 pilot study. Compared to the initial study, this sample is more geographically and demographically diverse, and it includes considerably longer pre- and postjury service voting measurement periods: The median juror in the 2002 study served in the middle of a four-year period of voting history, but in this sample, the median juror had a five year preservice history and an equally long postservice history for comparison.

These results qualify the 2002 findings, however, in two important respects: The effect of criminal jury deliberation on voting may not hold for already active voters, and it applies not just to jurors reaching verdicts but also to jurors who deliberate but become deadlocked on one or more of the charges. The significance of the deliberation is also reinforced by the finding that, as in the 2002 study, the more charges the jury must consider, the greater the impact on voting.

The fact that the voting rate effect was even stronger for hung jurors was greater than for jurors reaching verdicts was unexpected. Again, the nature of the deliberation may be a factor. Post hoc analysis of the court records studied herein showed that hung jurors, on average, were more likely to have asked a judge for assistance during deliberation (79% of those on hung juries did so, compared to just 28% of jurors reaching verdicts). Also, hung juries deliberated for a considerably longer time (avg. duration in hours = 9.03,

TABLE 1 Effect of Trial Outcome on Postjury Service Voting for Four Combinations of Prejury Voter History and Trial Type for Empanelled Jurors from Eight Counties

Predictor	Infrequent Pre-Jury Service Voters				Frequent Pre-Jury Service Voters			
	Served on Civil Jury		Served on Criminal Trial		Served on Civil Jury		Served on Criminal Trial	
	B (SE)	<i>b</i>	B (SE)	<i>b</i>	B (SE)	<i>b</i>	B (SE)	<i>b</i>
VoteAvgPre	.769 (.07)	.322***	.640 (.06)	.273***	.737 (.05)	.394***	.751 (.04)	
Jury Verdict	.020 (.02)	.029	.043 (.03)	.076*	.000 (.02)	.000	-.007 (.03)	-.012
Hung Jury	-.111 (.17)	-.019	.068 (.04)	.063**	-.013 (.13)	-.003	.036 (.03)	.037
Alternate	.000 (.05)	.000	.022 (.04)	.022	-.042 (.04)	-.035	.030 (.03)	.026
Guilty Plea	–	–	.019 (.04)	.021	–	–	-.002 (.03)	-.003
# of Charges	–	–	.013 (.01)	.061**	–	–	-.008 (.01)	-.036
	R ²	df	R ²	df	R ²	df	R ²	
Totals	.156	992	.128	1,390	.195	1,188	.209	1,943

Note. * $p < .10$, ** $p < .05$, *** $p < .01$. Statistics shown are unstandardized regression coefficients (B) and standard errors (SE), with standardized coefficients (*b*). The reference group for the Jury Verdict, Hung Jury, Alternate, and Guilty Plea dummy codes was Cancelled Trial (mistrials, dismissals, withdrawn cases, settling out of court, or waiving the right to a jury (after the trial began). The other variables entered in the regression equations were the dummy variables representing county and oversample; they are omitted for economy of presentation.

$SD = 5.06$) than their verdict-reaching counterparts ($M = 3.57$, $SD = 3.33$), $t = 14.04$, two-tailed $p < .001$. For many jurors, the long and challenging deliberations that end in a deadlock appears to leave at least as strong an impression as does reaching a verdict with one's peers.

The absence of any effect whatsoever for Alternate and Guilty Plea across the four subsamples suggests that these experiences do not have the same impact as full-fledged jury deliberation. A spontaneous guilty plea in the courtroom may feel, to the juror, more like any other cancelled trial than a conclusive experience. Serving as an alternate also appears to leave no strong impression on jurors, regardless of their prior voting history or the type of trial to which they were assigned.

Study 3: The Subjective Experience of Jury Service

Having established the positive impact of criminal jury deliberation on electoral participation, it is useful to look at one final set of data to look more closely at the mechanism through which that effect occurs. Specifically, is the critical path to voting from the experience of deliberation, per se, or is it the juror's subjective experience of having a positive experience?

Hypotheses

In general, we framed the research hypotheses to match the structure and findings of Study 2, but there were important differences. The central hypothesis was that for empanelled jurors in King County, *deliberating on a jury would have a positive impact on postjury service voting rates relative to the experience of serving on a jury that did not deliberate*. (The simple contrast between deliberation and no deliberation is used for two reasons: There are too few hung juries in the King County sample to examine them in their own right in this study, and Study 2 found that hung juries and verdict-reaching juries had similar effects.) As found in Study 2, it was expected that this result would hold only for previously infrequent voters, but it was also assumed to persist even after controlling for previously unmeasured variables traditionally associated with voter turnout, including age, education, and major party membership (Miller and Shanks 1996).

Using path analysis, it was also hypothesized that *jury deliberation would have two causal paths to post-service voting—both a direct effect and an indirect effect mediated by jurors' subjective experience at jury service*.

Individuals likely vary in how they experience the same deliberative event, and it is well-established that how one experiences an activity influences that activity's behavioral impact (Bandura 1986). Therefore, survey data were collected to learn how jurors assessed their experience; it was hypothesized that this subjective experience variable would account for a significant portion (but not all) of the effect of deliberation on voting.

In addition, we expected that jurors' subjective accounts of jury service would be shaped by the differential experience of criminal versus civil trial. Recall that Study 2 found changes in voting behavior for criminal trials but not for civil ones, and this was reasoned to reflect the public's different estimation of the value of the two types of trial (Hans 1993). Thus, *trial type was hypothesized to have an indirect effect on postservice voting through its impact on jurors' subjective assessments of their jury experience*.

Finally, we repeated the split-sample approach used in Study 2 to distinguish those persons coming to jury service with a history of infrequent versus frequent voting. Our expectation was that we would replicate the finding that *the impact of jury service on voting rate obtains only for those persons not already established as regular voters*.

Participants and Procedures

Data Collection

Study 3 entailed the collection of jury service records, voting histories, and survey data for 8,483 King County (Washington) residents who reported for jury service at the King County Courthouse, the Kent Regional Justice Center, and the Seattle Municipal Court. Seventy-nine percent of these jurors served on criminal trials, ranging from murder to misdemeanors, with the remainder sitting in an equally diverse set of civil trials. The same general procedures described in Study 2 were employed to obtain, copy, and enter court records, and the data collection period spanned from February 10, 2004 to August 20, 2004.

King County Elections provided voter histories that spanned from the September, 1994 primary to the November, 2004 general election. Using the same matching procedures described in Study 2, 74.8% of the jury records matched corresponding voter records, resulting in a sample of 6,345 voting histories matched with jury service records.

In addition, the county and municipal courts granted the researchers access to their jury pools during this study period. As a result, we were able to administer pen-and-paper surveys to reporting for

jury service during the study period. Completed surveys were obtained from 6,620 prospective jurors during their initial orientation period (prior to being called to a courtroom). This yielded a response rate of 78%, with a cooperation rate of approximately 81%, as 4% of those reporting to service were sent to courtrooms before research staff could administer the survey. All 1,822 empanelled jurors who completed this first survey were then recontacted shortly after their jury service, and 1,451 completed this second survey online or by mail (response rate = 80%). A final, follow-up survey completed online and by mail permitted asking a question regarding party membership, a subject the King County judges preferred not be included in surveys more proximate to jury service. Complete questionnaires were returned by 1,088 of those invited to take this final survey (response rate = 75%). (Many additional questions were included in these surveys, but they are beyond the scope of the present study. Complete survey instruments are available at www.jurydemocracy.org.)

As in Study 2, collecting the large overall sample was necessary to ensure adequate subsample sizes for the analyses conducted herein. Anticipating approximate effect sizes of $b = .077$, as in Gastil, Deess, and Weiser (2002) and setting one-tailed alpha at .10, a statistical power value of .83 was obtained for the smallest subsample of empanelled jurors we analyzed.

Measures

Voting rates, trial type, and trial outcomes were all measured in the same manner deployed in Study 2. The only difference was that trial outcomes were collapsed into a single dichotomous variable (Deliberated) that contrasted deliberation (hung or verdict) against all other experiences that empanelled jurors could have (alternate status, guilty plea, mistrial, etc.). In this study, the only data origin dummy variable included was one that distinguished service at the municipal courthouse from service in one of the two county courthouses.

Three of the new variables introduced in this study came from the surveys. The first survey included measures of age ("In what year were you born?"; $M = 48.3$, $SD = 13.1$) and educational level ("What is the highest level of formal education you have completed?" with the median respondent having a college degree). The third survey included the National Election Study measure of party membership ("Generally speaking, do you think of yourself as..."). Responses to this question were dichotomized with 1 = major party member (Democrat/GOP) and

0 = other, with 78.6% identifying themselves as Democrats or Republicans.

The second survey included two items measuring jurors' subjective experience. The first item read, "People usually have expectations that come with them when they show up for jury service. Overall, how would you rate your experience as a juror in relation to your initial expectations?" Responses were generally positive but widely distributed: 1.0% marked "much worse than I expected," 4.3% circled the "below expectations" option, 31.0% said the experience was "about what I expected," 41.5% reported it as "better than I expected," and 22.2% said jury service was "much better than I expected." The second item asked respondents to reflect on how engaging the trial had been. Using a 5-point disagree/agree scale, jurors responded to the statement, "The trial was very interesting to think about." Again, the modal response was the fourth scale point, with 54% saying they would "Agree" with the statement. The two items were averaged together to create a single Experience index, with higher scores indicating a more positive and engaging jury service experience ($M = 3.86$, $SD = .71$).

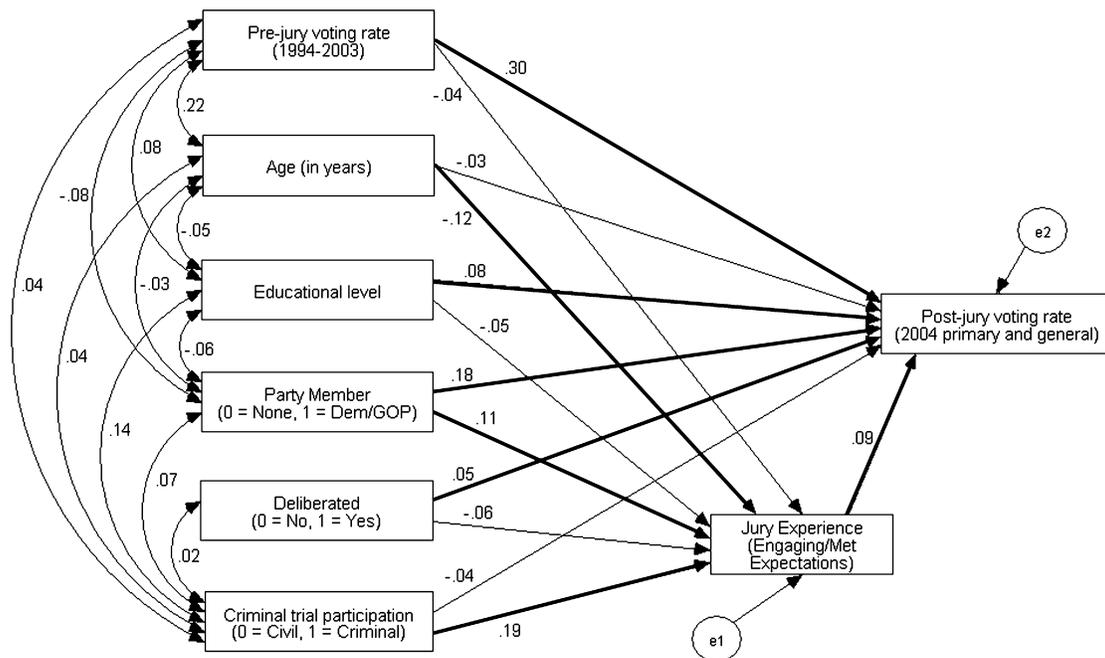
Analytic Procedure

The AMOS 5 path analytic software (Byrne 2001) was employed to test the hypotheses, which explicitly distinguish among direct and indirect effects. The default path model employed was straightforward (see Figure 1). First, all predictor variables were assumed to covary with one another. To ensure a model solution, however, all covariant paths to Deliberated were removed, except for the possible covariance of trial type and Deliberated (in the event that civil or criminal trials in the sample were more likely to end prematurely). (Alternative models testing for these covariate paths produced no significant relationships. This is not surprising in that juror characteristics (age, etc.) are unlikely to affect whether a trial goes to deliberation.) Second, all predictors were given direct paths to both Experience and postjury service voting rate. We predicted significant paths to postjury service voting rate from only Experience, Deliberated, and the trial type dummy variable, along with the taken-for-granted effect of preservice voting rate. All other control variables were assigned paths to postjury service voting rate as a means of accounting for any direct influence they had on postservice voting.

Results and Discussion

Before examining the individual parameter estimates of the path analysis shown in Figure 1, it was

Figure 1 Standardized Coefficients from Path Analysis of Hypothesized Predictors of Postjury Service Voting in King County for Preservice Infrequent Voters (Significant Paths in Bold)



necessary to confirm the overall fit of the model. The model produced a nonsignificant $X^2 = 4.33$ ($df = 8$, $p = .826$) a result suggesting exceptional model fit, since the chi-square test routinely detects unaccounted variance in large samples (Bentler and Bonett 1980, 591). Even though the model passed the chi-square test, we turned to better fit indicators, such as the Bentler-Bonett normed fit index (NFI), which compares the minimum discrepancy of the tested model against a baseline. The obtained NFI value of .987 suggests a very good fit, as Bentler and Bonnet found that only “models with overall fit indices of less than .90 can usually be improved substantially” (1980, 600). An alternative fit measure is RMSEA, a population discrepancy measure that compensates for model complexity. The RMSEA value for this model was .045, which is safely below the .05 limit indicating a close fit (Browne and Cudeck 1993).

Table 2 provides a summary of the directional paths in the model for both infrequent and frequent voters. The group of jurors with a previous history of frequent voting demonstrated no relationship between jury service and postservice voting rate, a finding consistent with Study 2. In addition, the model yielded most of the hypothesized relationships for infrequent voters. For infrequent voters, Criminal Trial had a direct positive effect only to Experience

($B = .345$, $b = .195$), as did the control variables Party Member ($B = .181$, $b = .108$) and Age ($B = -.008$, $b = -.116$). Variables with significant direct paths to postservice voting rate included Deliberated ($B = .044$, $b = .055$) and Experience ($B = .038$, $b = .092$), along with Party Member ($B = .128$, $b = .184$), Education ($B = .016$, $b = .078$), and, of course, preservice voting rate ($B = .731$, $b = .301$).

The direct effect of Deliberated on postservice voting is consistent with the findings of Study 2: It obtained only for infrequent voters, as in Study 2, and it was of equivalent size, showing an average increase of 4–5% in turnout during the elections following jury service. The absence of a significant path to Experience, however, suggests that this measure of subjective jury experience does not mediate the effect of jury deliberation on voting.

Nonetheless, Experience *did* play a significant role in the model. Criminal trials (relative to civil ones) were associated with higher scores on Experience, and the latter variable had a significant direct effect on postservice voting. Thus, trial-type may influence the civic impact of jury service owing to its effect on jurors’ subjective experiences. (Prior voting was unrelated to one’s subjective jury experience, but younger persons and those belonging to a major party reported a more engaging, rewarding jury experience, as measured by Experience. In the

TABLE 2 Path Analytic Direct Effects on Jury Experience and Postjury Service Voting for King County Jurors, Broken Down by Prejury Service Voting Frequency

Predictor	Infrequent Pre-Jury Service Voters (N=843)				Frequent Pre-Jury Service Voters (N=937)			
	Direct Effect on Jury Experience		Direct Effect on Post-Jury Voting Rate		Direct Effect on Meeting Expectations		Direct Effect on Post-Jury Voting Rate	
	B (SE)	<i>b</i>	B (SE)	<i>b</i>	B (SE)	<i>b</i>	B (SE)	<i>b</i>
VoteAvgPre	-.209 (.31)	-.035	.731 (.09)	.301***	-.238 (.23)	-.046	.427 (.06)	.248***
Deliberated	-.114 (.10)	-.058	.044 (.03)	.055*	-.047 (.09)	-.024	-.013 (.02)	-.019
Criminal Trial	.345 (.09)	.195***	-.030 (.03)	-.041	.029 (.07)	.017	.003 (.02)	.006
Age	-.008 (.00)	-.116**	-.001 (.00)	-.032	<.001 (.00)	-.008	<.001 (.00)	.014
Education	-.026 (.03)	-.054	.016 (.01)	.078**	-.017 (.02)	-.039	.005 (.01)	.031
Party Member	.181 (.11)	.108*	.128 (.04)	.184***	.219 (.09)	.123**	.079 (.03)	.132***
Jury Exper.	-	-	.038 (.02)	.092**	-	-	.007 (.01)	.021

*p < .10, **p < .05, ***p < .01. Statistics shown are unstandardized path coefficients (B) and standard errors (SE), with standardized path coefficients (b). Standard errors reported as .00 are less than .005. Fit Statistics (default model): X² = 4.33 (df = 8, p = .826); NFI = .987; RMSEA = .045.

case of party membership, this relationship was significant for both infrequent and frequent voters.)

Conclusion

Before extrapolating from these results, it is useful to weave together the discrete results of these three studies. First, interviews with a small sample of jurors revealed that citizens typically recognize jury service as a responsibility akin to voting. Moreover, interviewees viewed deliberation with fellow jurors as a key part of the jury experience. This established a clear cognitive link between the act of voting and the experience of deliberation in the jury room.

The second study found a corresponding *behavioral* link between participating in jury deliberation and voting at a higher rate in future elections. A dataset gathered from Colorado, Louisiana, Nebraska, North Carolina, Ohio, and Washington found a 4–7% increase in voting rates comparable to that obtained in the pilot study (Gastil, Deess, and Weiser 2002), except that this larger dataset revealed that the critical distinction was *between those who deliberated* (whether reaching verdicts or hanging) and those who did not. In addition, results were broken down by trial type and initial voting frequency to reveal that increased voting effects were apparent only for previously infrequent voters (voting less than 50% of the time) who served on criminal trials.

The third study replicated these findings with a new sample. In addition, Study 3 looked for a subjective experience connecting the objective experience of jury

deliberation with that of voting. Results showed that for empanelled jurors, a rewarding subjective experience of jury service had a positive impact on postservice voting rates. In other words, those whose jury experience was relatively engaging and better than expected became more likely to vote in the future relative to those who had a less satisfactory experience. This study also showed that the relatively strong impact of criminal trials versus civil cases seen in Study 2 appears to reflect, at least in part, the criminal trial’s relatively positive impact on jurors’ subjective experience. As in Study 2, deliberation had a direct impact on postservice voting rates, though it did not also have an indirect path through jurors’ assessment of their service experience.

Taken together, these findings provide strong evidence supporting the deliberative variant of the participation hypothesis, at least with regard to participating in consequential face-to-face deliberation. At this point, it is reasonable to conclude that there is strong evidence that *deliberative participation in one form of public life can increase the likelihood of civic or political participation in other settings*. We choose to say *can* rather than *does* because our findings show the participation effect only for persons previously less engaged and only for criminal, versus civil, trials. As for the first finding, it is encouraging that the population most in need of a civic boost is precisely the one that receives it from jury deliberation. As for the second finding, Study 3 confirmed the measurable difference in the subjective experience of civil versus criminal trials, one that dovetails with the general public’s readiness to view civil charges as frivolous, civil litigants as corrupt, and civil judgments as excessive (Hans 1993).

One other substantive finding that stands out: As in the pilot study, the number of charges against the defendant had an additional, significant effect on post-service voting rates. In the pilot study, we speculated that the number of criminal charges reflected the *seriousness* of the charges, but a post hoc coding of charge severity in these data did not bear out this interpretation. We believe the best alternative interpretation is that juries weighing more charges simply face a more complex deliberative task as they make *more* decisions often involving interlocking judgments and mixed verdicts.

Looking beyond the jury, these findings suggest that other meaningful deliberative events can spark a “participation effect.” A recent national survey found that Americans deliberate in a variety of ways in the course of their public lives, from attending public meetings to taking part in online discussions (Jacobs, Delli Carpini, and Cook 2004). The strength of the participation effect at such deliberative events likely depends on four factors: the quality of the deliberation, the context of the deliberation, the event’s design and setting, and who participates.

First, one can question whether everyday discussions and public meetings are, in fact, deliberative in a strong sense of the term (Burkhalter, Gastil, and Kelshaw 2002). After all, some events designed to produce deliberation have failed to do so (Gastil 2006; Karpowitz and Mansbridge 2005; Mendelberg and Oleske 2000). Juries, by contrast, appear to be highly deliberative bodies, even when measured in terms of more rigorous conceptions of deliberation (Gastil, Deess, and Weiser 2007).

Second, we suspect that the jury’s impact stems in part from the fact that it is an established, legitimate public institution that has real authority—determining the outcome of a trial. There are few comparable opportunities for citizens to engage in such a rare deliberative experience of civic power, though scholars have advanced proposals along these lines (Ackerman and Fishkin 2004; Gastil 2008; Leib 2004; O’Leary 2006). The practice most likely to have effects comparable to jury service might be the 2004 British Columbia Citizens’ Assembly, which empowered a random sample of citizens to draft a ballot initiative (Lang 2007).

Third, juries are conducted in a setting with an air of gravity and cultural ritual, including robes, gavels, the jury box, rising as the judge enters, etc. (Dwyer 2002). These aspects may give the jury experience a special status as a unique context in which one steps outside of private life and into the public world. Deliberative events like Citizen Juries and National Issues Conventions have likely succeeded because they aim to capture some of that same drama.

Fourth, our results suggest that organizers of orchestrated deliberative events should ensure broad participation and make special efforts to include under-represented populations (Fung 2004). Beyond the generic ethical imperative of inclusion that is essential to democracy (Dahl 1989), our data suggest that these populations might benefit the most from the deliberative experience. Thus, when the National Issues Forums reach out to adult basic literacy students (Gastil 2004), they are probably getting more bang for their civic buck.

We are already building on the findings from this study in other research conducted as part of the Jury and Democracy Project (<http://www.jurydemocracy.org>). In other research, we look at a wider range of impacts beyond voting. The link to electoral participation was chosen for this study owing to the availability of voting history in public archives, but other investigations now suggest that the effects of jury service extend to some, but not all, other forms of public engagement (Gastil and Weiser 2006). Beyond behavioral impacts, we also have begun exploring how jury service changes jurors’ attitudes toward politics and civic life (Gastil et al. 2008).

Though our research has confined itself to the United States, our findings likely have broader implications. International discussions of civil society and democratization should not overlook the potential civic value of jury service. For instance, Anderson and Nolan have pointed out that the proponents of Japan’s new “lay assessor” system marshaled two arguments in favor of greater public participation in the Japanese legal system—better legal outcomes (justice) and “the belief that it promotes a more democratic society” (2004, 943). Our research provides empirical backing to the latter assumption, which had no evidentiary support at the time it was advanced.

More fundamentally, our research demonstrates how the jury system, and likely other consequential deliberative experiences, can spark increased involvement in public life. At least in these contexts, the participation hypothesis has validity, particularly for people most in need of civic inspiration. This finding should hearten those who adhere to participatory and deliberative visions of democracy in nations both old and new. A participatory democracy can, indeed, thrive, so long as its citizens have lively opportunities to discover the attractions of civic and political engagement.

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