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Review

Time Out?

By Alan Ryan

Deliberation Day

by Bruce Ackerman and James S. Fishkin
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Deliberation Day induces mixed emotions. It is lively, fast-moving, and concerned with a serious subject—restoring the health of American democracy; and it has a big idea about how to achieve it. The big idea is to institute a public holiday just before presidential elections, so that the whole nation can engage in political debate. Americans would be paid \$150 to meet with one another to discuss the policies and personalities of presidential candidates and their political parties. If the idea took off, "Deliberation Day" would be extended to congressional and senatorial elections. *Deliberation Day* explains the proposal, and defends its viability with great verve and a mass of detail.

But *Deliberation Day* is also an awkward rhetorical marriage between a utopian novel and contemporary political science. It would be mean-spirited not to be grateful for it; but we would be excessively good-natured not to wonder whether the authors might usefully have spent more time on the question whether American democracy really is in a bad way, and less time working out the cost of their proposals. They write as though the only question a reader will ask is whether their ideas aren't absurdly expensive, but there are many others.

Anyone familiar with the work of the authors will recognize the book's vices and virtues. James Fishkin and Bruce Ackerman are two of our liveliest and most inventive political and legal thinkers; neither is exactly shy. Both have a taste for institutional invention. Five years ago, Ackerman made a stir with a scheme for providing eighteen-year-olds with an endowment equivalent to their share of the national capital,¹ and Fishkin has spent the past decade organizing some fascinating "deliberative polls" for PBS in the United States and for Channel Four in Britain.

Their cure for the ills of American democracy builds on these enthusiasms; from Fishkin comes the detailed account of how to organize days of deliberation on public policy issues, and from Ackerman the passion for developing utopian projects on the grandest scale. In the second part of the book, they join forces to argue that only a more informed, more engaged, and more competent electorate can save American democracy from

itself—and that their scheme is the least utopian proposal they know of for securing such an electorate.

1.

Ackerman and Fishkin are nothing if not optimistic:

If Deliberation Day succeeded, everything else would change: the candidates, the media, the activists, the interest groups, the spin doctors, the advertisers, the pollsters, the fund raisers, the lobbyists, and the political parties. All would have no choice but to adapt to a more attentive and informed public. When the election arrived, the people would speak with a better chance of knowing what they wanted and which candidates were more likely to pursue the popular mandate.

What, then, is Deliberation Day? The proposal is for the creation of a two-day public holiday—to move the Presidents' Day holiday from February to October, and devote each of the two days to giving one half of the electorate the chance to spend the day thinking and talking about what is at stake in the forthcoming election. While each voter is offered \$150 to take part, if they go shopping instead, that's their business.

The day would begin with participants showing up at a local school or other public building and dividing into randomly assigned groups of fifteen; they would watch a televised debate between politicians representing their national parties, then retire for an hour to discuss the questions they wish to ask the local representatives of the national parties. The small groups then reassemble in one large group; a representative of each group puts questions to the party representatives, and the assembled citizens hear the answers until lunchtime. Dividing again into small groups, they chew over the answers and think of unanswered questions, and then repeat the process of confronting the politicians for another hour or so. For the last hour of the day, they discuss their experiences, and at 5:00 PM sign out and collect their checks.

This gives only a meager view of the detail with which Ackerman and Fishkin flesh out their prescription. Nor is the detail irrelevant; if there is to be a national discussion, there will have to be some preliminary focusing of minds, and *Deliberation Day* duly suggests ways in which between two and four issues can be put on the national agenda. Similarly, there will have to be some agreed-upon leader in the discussion groups much like the foreman of the jury—someone who takes a lead and holds the group's thinking together; and *Deliberation Day* has all this neatly in place.

There are two large questions—not whether we can imagine a day devoted to political discussion along these lines or whether we would design it in quite this way. We can certainly imagine it, and it would have to be organized much like this. The large questions are: What are the evils from which Deliberation Day is meant to rescue American democracy, and how is the cure meant to work?

Ackerman and Fishkin have no doubt that American democracy is in a bad way, and if many of their complaints are familiar, some are not. The most familiar complaint is that American voters are jaw-droppingly ignorant about politics:

Facts are facts. If six decades of modern public opinion research establish anything, it is that the general public's political ignorance is appalling by any standard.

During the cold war a majority of American voters did not know whether the Soviet Union was a member of NATO. Just before the invasion of Iraq half the electorate still believed that Iraqis had been among the September 11 hijackers. Asked about the policies of parties and leaders, the average voter does only slightly better than he would if he gave answers at random. A recent twist is the discovery that those who get their news from Fox TV are much worse informed than those who get their news from PBS; and far more voters are in the first category than the second.

Even if they know rather little, voters have opinions. They do not like to disappoint pollsters, and they readily express opinions about persons and policies, and pieces of legislation. The loose connection between these opinions and a grasp of the facts is suggested by the ease of getting voters to express an opinion about nonexistent policies and legislation. A decade ago *The Washington Post* celebrated the "twentieth unanniversary" of a famous spoof—a survey that asked voters their view on the "Public Affairs Act of 1975." The *Post* asked voters what they thought about its repeal. When they were fed (fake) clues about who proposed to repeal it, voters thought the repeal was a good thing or a bad thing; what they did not think was that there was no such proposal. There wasn't.

As the authors observe, this is old news. Walter Lippmann's *Public Opinion* and *The Phantom Public*, written in the 1920s, were perhaps the first serious attempts to come to terms with the fact that there was no such thing as "the public" or its opinions. They were, as he said, "phantoms." Ackerman and Fishkin exaggerate when they say that Lippman "did not call for a reconstruction of institutions to encourage more active and informed citizenship. He counseled us to lower expectations about democracy, and learn to live with the status quo." In fact, Lippmann's skepticism went deeper than theirs; he knew, as they know but do not say, that the voter's ignorance is matched by the politician's. Even members of Congress have fallen for survey questions about nonexistent legislation—hardly surprisingly when Congress considers two and a half thousand bills a year. Lippmann's proposed remedy was to provide presidents with a disinterested council of expert advisers. Subsequent experience suggests that Lippmann's proposals are no less utopian than Deliberation Day, but they did not express the resigned acceptance of the status quo.

Ackerman and Fishkin have another anxiety about American democracy that is far from being a commonplace of the past sixty years of opinion polling. They fear that an ignorant electorate is at the mercy of modern advertising techniques. Over the past twenty

years or so, politics in the United States and Britain have fallen into the hands of the organizers of focus groups. Focus groups migrated from advertising to politics; they are small groups of the target audience for whatever the advertiser or politician wishes to "sell" who are asked to respond to different formulations of the advertiser's message. The point is to tinker until the group responds satisfactorily to whatever positive or negative image, phrase, or slogan is put before it. At that point, the politician has the catchphrase, soundbite, or image he is looking for.

The authors of *Deliberation Day* have two anxieties: on the one hand, that the voter is at the mercy of the manipulators who push the buttons that evoke the response they want and, on the other hand, that they will evoke responses that do the country no good. The latter thought is familiar. The infamous Willie Horton advertisement, with which the first President Bush derailed Michael Dukakis's presidential campaign in 1988, did a good job of associating the Democrats with weakness toward black rapists and murderers, but did no good at all to race relations or a rational approach to crime.

Of course, the science is not foolproof. Ackerman and Fishkin remind us of the wonderful moment in the 1996 presidential elections when Bob Dole tried to suggest—while trying not to be *seen* to suggest—that no careful parent would want Bill Clinton as a baby-sitter. On *Face the Nation*, he was asked what he meant when in a television ad he kept asking whether ordinary people would rather leave their children with him than with the President. He replied: "I don't know what—you'd have to ask the people in the focus group." Pressed on what he himself thought, he elaborated: "But I'd—I wasn't in the focus group."

The authors of *Deliberation Day* worry that focus groups heighten extremism and drive voters to the irrational edges of the spectrum of opinion. This was not the anxiety expressed by British commentators over Tony Blair's reliance on focus groups. The British fear was that an excess of caution would overtake the prime minister, and nothing would ever get done. Mr. Blair's all-too-decisive choice to join forces with President Bush in the invasion of Iraq is always treated in the British press as evidence that in a crisis he is willing to throw the sentiments of focus groups to the winds and act on the basis of conviction.

What nobody knows is whether focus groups in the United States are creating extremist views or just reflecting them. Alan Wolfe's *One Nation, After All* and *Marginalized in the Middle* lend some support to Ackerman and Fishkin; Wolfe's claim is that the electorate is inclined to compromise, but politicians chase votes at the extremes and misrepresent the reality of a broad national consensus on most issues.^[2] Other commentators think that Americans really do believe that many other Americans are mad or wicked or both, and that focus groups pick up genuine mutual dislike. The evidence is inconclusive. If the supporters of President Bush and Senator Kerry are unusually solid in their support for their man, and unusually fierce in their detestation of his opponent, that may reflect the Democrats' sense that Bush has pursued extremist policies on the back of an election in 2000 that he stole.

It is at all events clear that the citizens of modern democracies are not the well-informed, attentive, and active citizens that nineteenth-century writers on democracy thought democracy needed to survive. And the idea that government should be accountable to its citizens certainly seems to be threatened if the citizens do not know what their rulers are doing or what their competitors would do if elected. On anything other than a small scale, or on issues where a "yes-no" answer is required, "the people" will never speak with one voice, and one cannot imagine politicians literally carrying out the will of the people. To that extent, *Deliberation Day's* talk of "the popular mandate" rings hollow. Accountability is another matter, and *Deliberation Day* is persuasive in arguing that an uninformed and inattentive electorate is poorly placed to hold its rulers to account, at least in the institutional setting of the United States.

2.

The question is what a day of deliberation would do to remedy this. There is evidence about the effect of group deliberation on people who take part. It comes from the "deliberative polls" conducted by Fishkin and others in the United States, Australia, Britain, and Denmark over the past dozen years. Deliberative polls differ from ordinary opinion surveys in an obvious way. Ordinary surveys take a snapshot of voter opinion. They answer the question "What do voters think about...?" at the moment the question is asked. They cannot answer the question "What would the voters think if they had a chance to acquire more information, and ask questions about the policies on offer?"

Deliberative polls put voters in a situation where they are given arguments in favor of particular policies, allowed to go away in small groups and brood on what they have heard, rejoin a larger group to put questions, and then say what they think, after they have heard the arguments and had a chance to discuss what they have heard. Because these are small, controlled experiments, they lend themselves to measurement; voters can be asked what they think before, during, and after exposure to the deliberative process. Issues such as conflicting policies on crime, the Danish decision whether to join the euro currency bloc, or the Australian referendum on whether the country should become a republic are ideally suited to the format. PBS is going to run some deliberative polls in October this year, and readers of *Deliberation Day* will be able to make up their own minds about their value.

The experience of taking part in a poll changes views. This is not surprising. Two thirds of Americans say that they never discuss politics with strangers —many appear not to discuss politics with anyone. Being asked to contribute ideas, ask questions, and defend conclusions in nonthreatening surroundings deepens the participants' understanding of the questions at issue, and sometimes at least is experienced as a real liberation.

More than one participant in these polls has gone home after a weekend's discussion looking forward to discussing politics with her husband for the first time in their married lives. Nor is it surprising that people's views change more if they are having the experience for the first time—the Danes had been chewing over the merits and demerits of the euro for years, and few changed their minds, while Australian panels swung from

around fifty-fifty for and against a republic to almost three to one in favor. Similar exercises in Britain invariably raise the proportion of respondents who would contemplate voting for the third-party Liberal Democrats.

The determined skeptic might insist that the fact that people change their minds when they talk to one another about issues of public policy does not show that their opinions are more intelligently held than before. Are the participants swayed by the views of the moderators of the discussion, or by the views of other participants—indeed, by a lot else besides the merits of the case? The best evidence against the skeptic comes from jury deliberations; with occasional exceptions, juries have a good record of reaching an intelligent consensus. Foremen take their duties as facilitators seriously, and exert no more influence than an impartial chairperson should; perfectly ordinary citizens display considerable competence in assessing evidence.

There is much to be said for Ackerman and Fishkin's confidence that deliberation on a national scale would increase the voting public's understanding of issues, and improve the quality of their opinions on questions of public policy. But what about the politicians? Deliberative polls have not been a part of the election process in the way Deliberation Day would be. Would not politicians do their best to corrupt the deliberative process if Deliberation Day was instituted? Eighty years ago progressives created California's system of initiative and recall to give ordinary voters more power over politicians and the economically powerful; today these devices have been hijacked by the people they were meant to control. Would Deliberation Day go the same way?

Deliberation Day makes a good case for thinking that a well-constructed process would help to make politicians treat the electorate more like adults than they do at present. This is not because politicians would become the statesmen imagined by Plato or even those imagined by John Stuart Mill. The authors take an unillusioned view of the motives of politicians; but they think the new system would provide incentives to honesty and seriousness. Knowing that what they say in political advertisements would receive leisurely scrutiny both by opponents and by the electorate, politicians would have to concentrate on defending themselves from hostile critics—in a context where the best defense would be the truth.

3.

Deliberation Day has two aims: the first is to produce a better sort of citizen, the second to hold politicians to account for what they say and do. Ackerman and Fishkin hanker after a citizenry who possess the passion of ancient Athenians and the good sense of the American people when they ratified the Constitution. Such citizens would be able to hold their rulers to account in ordinary times and to embark on large-scale constitutional reconstruction when it was needed. But Ackerman and Fishkin want rather more than this; they also want the citizenry to deliberate, to discuss public affairs, and to reach a

consensus about what their political leaders should do. *Deliberation Day* is a defense of a deliberative understanding of democracy.

There are three cautions to be observed about these aims. The first is that they may be inconsistent with one another. Athenian fickleness was notorious and fickleness may be endemic to real democracy—that is, the more literally the people can make decisions, the more unstable the political system becomes. And the present furor over gay marriage suggests that the popular urge to suppress dissent is much what it was in the days of Socrates. The second is that it is not obvious that most people are morally better for taking a greater interest in politics in the modern sense—that is, in the management of the large-scale economic, military, environmental, and other dilemmas of a complex industrial society. This is not to say that there should not be wide and fully informed discussion before a government sends troops into battle or bombs foreign countries. But there is a great deal else for citizens to be concerned with, above all the well-being of their families, friends, neighbors, local schools, and communities—and much of it is more amenable to intelligent reflection.

Lastly, most modern democracies do not suffer from the American sense of crisis; it is not because their citizens are better informed, but because they are parliamentary democracies, whose governments have to answer day by day to scrutiny in a parliamentary forum. President Bush's occasional news conferences are not much like the weekly Prime Minister's Question Time, in which Tony Blair has to reply to more than a dozen questions about everything from the false statements about WMD to the waiting time for hernia operations at local hospitals. Bush has never faced similar interrogation from the press, or anyone else; and this may have something to do with his success in conflating the war in Iraq with the "War on Terror." But the authors of *Deliberation Day* are surely right to believe that it is even less likely that we shall throw away the Constitution in favor of some-thing more modern than that we shall actually institute a day of national deliberation.

Notes

^[1] Bruce Ackerman and Anne Alstott, *The Stakeholder Society* (Yale University Press, 1999).

^[2] See Alan Wolfe, *One Nation, After All* (Viking, 1998) and *Marginalized in the Middle* (University of Chicago Press, 1996). Most recently, Morris Fiorina's *Culture War?* (Pearson Longman, 2004) has argued that most Americans hold centrist views, no matter what their party allegiance. The undeniable ugliness of contemporary politics, he argues, is the fault of the political elite, not the American people.