

Introduction

James S. Fishkin & Jane Mansbridge

JAMES S. FISHKIN, a Fellow of the American Academy since 2014, is Director of the Center for Deliberative Democracy, the Janet M. Peck Chair in International Communication, Professor of Communication, and Professor of Political Science (by courtesy) at Stanford University.

JANE MANSBRIDGE, a Fellow of the American Academy since 1994, is the Charles F. Adams Professor of Political Leadership and Democratic Values at the Harvard Kennedy School.

(*See endnotes for complete contributor biographies.)

Democracy is under siege. Approval ratings for democratic institutions in most countries around the world are at near-record lows. The number of recognized democratic countries in the world is no longer expanding after the so-called Third Wave of democratic transitions.¹ Indeed, there is something of a “democratic recession.”² Further, some apparently democratic countries with competitive elections are undermining elements of *liberal* democracy: the rights and liberties that ensure freedom of thought and expression, protection of the rule of law, and all the protections for the substructure of civil society that may be as important for making democracy work as the electoral process itself.³ The model of party competition-based democracy – the principal model of democracy in the modern era – seems under threat.

That model also has competition. What might be called “meritocratic authoritarianism,” a model in which regimes with flawed democratic processes nevertheless provide good governance, is attracting attention and some support. Singapore is the only successful extant example, although some suggest China as another nation moving in this direction. Singapore is not a Western-style party- and competition-based democracy, but it is well-known for its competent civil servants schooled in making decisions on a cost-benefit basis to solve public problems, with the goals set by elite consultation with input from elections rather than by party competition.

© 2017 by James S. Fishkin & Jane Mansbridge
doi:10.1162/DAED_x_00442

Public discontent makes further difficulties for the competitive model. Democracies around the world struggle with the apparent gulf between political elites who are widely distrusted and mobilized citizens who fuel populism with the energy of angry voices. Disillusioned citizens turning against elites have produced unexpected election results, including the Brexit decision and the 2016 U.S. presidential election.

The competitive elections and referenda of most current democracies depend on mobilizing millions of voters within a context of advertising, social media, and efforts to manipulate as well as inform public opinion. Competing teams want to win and, in most cases, are interested in informing voters only when it is to their advantage. The rationale for competitive democracy, most influentially developed by the late economist Joseph Schumpeter, held that the same techniques of advertising used in the commercial sphere to get people to buy products can be expected in the political sphere. On this view, we should not expect a “genuine” public will, but rather “a manufactured will” that is just a by-product of political competition.⁴

Yet the ideal of democracy as the rule of “the people” is deeply undermined when the will of the people is in large part manufactured. The legitimacy of democracy depends on some real link between the public will and the public policies and office-holders who are selected. Although some have criticized this “folk theory of democracy” as empirically naive, its very status as a folk theory reflects how widespread this normative expectation is.⁵ To the extent that leaders manufacture the public will, the normative causal arrow goes in the wrong direction. If current democracies cannot produce meaningful processes of public will formation, the legitimacy claims of meritocratic autocracies or even more fully autocratic systems become comparatively stronger.⁶

Over the last two decades, another approach to democracy has become increasingly prominent. Based on greater deliberation among the public and its representatives, deliberative democracy has the potential, at least in theory, to respond to today’s current challenges. If the many versions of a more deliberative democracy live up to their aspirations, they could help revive democratic legitimacy, provide for more authentic public will formation, provide a middle ground between widely mistrusted elites and the angry voices of populism, and help fulfill some of our common normative expectations about democracy.

Can this potential be realized? In what ways and to what extent? Deliberative democracy has created a rich literature in both theory and practice. This issue of *Daedalus* assesses both its prospects and limits. We include advocates as well as critics. As deliberative democrats, our aim is to stimulate public deliberation about deliberative democracy, weighing arguments for and against its application in different contexts and for different purposes.

How can deliberative democracy, if it were to work as envisaged by its supporters, respond to the challenges just sketched? First, if the more-deliberative institutions that many advocate can be applied to real decisions in actual ongoing democracies, arguably they could have a positive effect on legitimacy and lead to better governance. They could make a better connection between the public’s real concerns and how they are governed. Second, these institutions could help fill the gap between distrusted elites and angry populists. Elites are distrusted in part because they seem and often are unresponsive to the public’s concerns, hopes, and values. Perhaps, the suspicion arises, the elites are really out for themselves. On the other hand, populism stirs up angry, mostly nondeliberative voices that can be mobilized in plebiscitary campaigns, whether for Brexit or for

Introduction elected office. In their contributions to this issue, both Claus Offe and H el ene Landemore explore the crisis of legitimacy in representative government, including the clash between status quo-oriented elites and populism. Deliberative democratic methods open up the prospect of prescriptions that are both representative of the entire population and based on sober, evidence-based analysis of the merits of competing arguments. Popular deliberative institutions are grounded in the public's values and concerns, so the voice they magnify is not the voice of the elites. But that voice is usually also, after deliberation, more evidence-based and reflective of the merits of the major policy arguments. Hence these institutions fill an important gap.

How might popular deliberative democracy, if it were to work as envisaged by its supporters, fulfill normative expectations of democracy, thought to be unrealistic by critics of the "folk theory"? The issue turns on the empirical possibility that the public can actually deliberate. Can the people weigh the trade-offs? Can they assess competing arguments? Can they connect their deliberations with their voting preferences or other expressions of preference about what should be done? Is the problem that the people are not competent, or that they are not in the right institutional context to be effectively motivated to participate? These are empirical questions, and the controversies about them are part of our dialogue.

This issue includes varying definitions, approaches, and contexts. The root notion is that deliberation requires "weighing" competing arguments for policies or candidates in a context of mutually civil and diverse discussion in which people can decide on the merits of arguments with good information. Is such a thing possible in an era of fake news, social media, and public discussions largely among the like-minded?

These are some of the challenges facing those who might try to make deliberative democracy practical.

The earliest work on deliberative democracy began by investigating legislatures.⁷ In this issue, Cass Sunstein, in contrast, looks at deliberation among policy-makers within the executive branch. Bernard Manin looks outside government toward debates and public forums that can improve the deliberative quality of campaigns and discussions among the public at large.

Much of the energy in deliberative democracy efforts has focused on statistical microcosms or mini-publics, in which citizens, usually recruited by random sampling, deliberate in organized settings. In some settings, relatively small groups of fifteen or so deliberate online with an elected representative.⁸ In other settings, the groups can be given access to balanced information and briefing materials that make the best case for and against various options. They can also be given access to competing experts who answer their questions from different points of view. Then, at the end of the deliberations in these organized settings, there is some way of harvesting their considered judgments. Several of the essays discuss Deliberative Polling, which brings together a random sample of citizens for a weekend of deliberation and gathers data, as in an opinion poll, from the random samples both upon recruitment and then again at the end of the deliberations. The method also permits qualitative data by recording the discussions, both in moderated small groups and in plenary sessions where questions generated in the small groups are directed at experts representing different points of view. Other mini-publics, such as "citizens' juries" and "consensus conferences," are usually smaller (a couple of dozen instead of two or three hundred people) and arrive at something like an agreed-upon statement or verdict as a recommendation to the public or

to authorized policy-makers. Some randomly selected mini-publics even make binding decisions.⁹

The basic rationale for the mini-public approach is that if the random sample that is gathered to deliberate is representative of the population, and if it deliberates under good conditions, then its considered judgments after deliberation should represent what the larger population *would* think if somehow those citizens could engage in similarly good conditions for considering the issue. A great deal depends on the mini-public actually being representative and on the account of good conditions to which it is exposed.

Whenever an application of deliberative democracy depends on a randomly selected mini-public, that application raises the issue of degree of empowerment. Can or should such mini-publics supplant democracy by competitive elections? No contributor to this issue makes that argument. But in several cases, duly appointed administrators have committed in advance to implementing the recommendations of such a mini-public and, in some cases, those recommendations are binding. How much can randomly selected groups be relied upon for authoritative public decisions and in what ways? Cristina Lafont argues against relying solely on such groups for decisions, but opens the door to discussions of a possible albeit limited role for them. She usefully poses the problem from the perspective of the vast majority of citizens who will not be in a mini-public: how do the deliberations connect with them if they have not deliberated?

The essays are organized roughly in five groups. To introduce the topic of deliberative democracy, Claus Offe sketches the conflict between distrusted elites and the populism of Brexit and other plebiscitary processes, arguing that deliberation via random sampling could help fill the void, con-

necting the people to policy-making. Nicole Curato, John Dryzek, Selen Ercan, Carolyn Hendriks, and Simon Niemeyer offer a systematic overview of what they regard as the key findings of the deliberative democracy research around the globe. Their findings are optimistic and differ from some of the critical perspectives presented later in the issue.

The second group of essays might be labeled “new thinking.” Bernard Manin proposes that the core of deliberation is captured by what he calls the “adversarial principle,” according to which public discussions should be organized to allow a “confrontation of opposing positions.” Implementing this idea is more complex than first appears and has a history going back to Ancient Athenian institutions. Manin offers various suggestions, including some for modern televised debates. H el ene Landemore asks whether deliberative democracy can be saved from the current crisis of representative democracy around the world. Her positive answer depends on an ambitious sketch of an “open democracy,” in which institutions would be inclusive and power accessible to ordinary citizens, including through representation in deliberative bodies of randomly chosen citizens, citizens’ initiatives, and crowd-sourced law-making and policy processes.

The next two groups of essays alternately present and respond to some of the main criticisms of deliberative democracy. Arthur Lupia and Anne Norton argue in their elegant phrasing that “inequality is always in the room.” If the outcome of deliberation is inevitably distorted by the more advantaged participants dominating the discussions, the results are not likely to represent the true views of the rest of the group. Rather, any such results would reproduce the inequalities and power relations among the participants. Inequality among participants is one of the major challenges to the larger idea of implementing deliberative

James S.
Fishkin
& Jane
Mansbridge

Introduction democracy – a challenge that must be pursued with great seriousness.

Responding to critics of deliberation, Alice Siu reflects on the role of inequality using data from Deliberative Polls, both online and face-to-face, finding far less distortion than critics expect. She also offers surprising findings on who takes the most talking time, who has the greatest influence on the outcomes, and who offers more “justified” arguments, supplying reasons for their positions. But this is an ongoing empirical question. No one has yet systematically studied the role of inequality under different deliberative designs. More research with controlled experiments could clarify this issue further.

Ian Shapiro robustly defends the model of competitive democracy as the alternative to deliberative democracy. He believes that through party competition we can foster an “argumentative ideal” that has elements of deliberation, but does not suffer from either the lack of realism of the deliberative model or the potential veto power of intense minorities that emerges when consensus is the decision rule or goal. He champions an argumentative version of the Westminster two-party competition model in which each side must make its case. He also criticizes the room for deliberation offered in multiparty proportional representation systems, in an argument that contrasts with the position offered by André Bächtiger and Simon Beste in their contribution to this issue.

Bächtiger and Beste contest the “standard argument that politicians do not want to deliberate and citizens are not able to.” They draw on extensive empirical work with the “Discourse Quality Index,” which examines the reasoning offered by deliberators in legislatures, especially on the question of whether they offer justifications for their assertions. They find that, despite the current cynicism about representative democracy, room for genuine deliberation appears in

some parliamentary contexts, particularly those characterized by “coalition settings, second chambers, secrecy, low party discipline, low issue polarization, and the strong presence of moderate parties.” Their institutional prescription for parliament contrasts sharply with Shapiro’s. Regarding public deliberation, they draw on Europolis, a European-wide Deliberative Poll with a sample of ordinary citizens, and provide evidence that the citizens were able to reason in ways comparable to those of the parliamentarians.

In her essay, Cristina Lafont makes a case against giving any decisional status to mini-publics. Although she grants that deliberating mini-publics may make reasonable decisions when the participants have considered the options in good conditions, to grant them power over decisions on this basis would be to give “blind deference” to a “special version of elite conceptions of democracy.” On the representativeness argument for granting them power, the public might think that the participants in a mini-public “share our interests, values, and policy objectives,” so their views will “coincide with what we would have thought if we had participated.” Yet most larger mini-publics (including those that collect post-deliberative opinions in confidential questionnaires) are not designed to produce consensus. In this respect, they differ from the model of deliberation most criticized by Shapiro. Hence there is almost always, at least in the larger mini-publics, a majority view and a minority view revealed in the final confidential questionnaires or vote. Lafont argues that an individual voter who has not participated cannot be sure whether she would have been in the majority or in the minority after deliberation. Why should she be bound by the majority view post-deliberation if she might have come out with the minority view?

No essay in this issue stands as an explicit response to Lafont, as we fortuitously

had for the first two critics. So we will try to respond here by asking: if the citizens in the broader public believe in democracy, then why might they not take as seriously the recommendations of deliberating majorities as they do the decisions of non-deliberating majorities? In a deliberating mini-public, the final reported views are what the people in microcosm concluded on the basis of in-depth deliberation. If a decision is taken on the basis of the majority after deliberation, there will certainly be dissenters, as with any majority decision. Much depends on what we mean by the public taking the results seriously. Lafont argues forcefully against any trust-based argument that might suggest “blind deference” to the majority in a randomly selected mini-public. Perhaps, however, duly elected officials might delegate some responsibility to such a group. How much decisional status should the recommendations of a mini-public have? Should these mini-publics be an official part of a decision process or only part of the dialogue in the public sphere? Are there contexts in which they could bear the full weight of an institutional decision? The question of role poses a central challenge for deliberations based on mini-publics.

The final section focuses on applications. The essays shed light on the questions: who deliberates, and in what context? As Cass Sunstein notes, the term *deliberative democracy* was coined in a study of how deliberation took place in the Senate, in ways that, to some degree, matched how the Constitution’s framers thought the Senate ought to act.¹⁰ Deliberation is a crucial part of government in the executive and judicial branches. Sunstein distills his experience in government to offer a compelling picture of deliberation taking place within the policy teams grappling with interagency issues and the production of good policy in the executive branch of the U.S. government. His account seems to satisfy all the criteria for

high-quality deliberation. In this case, however, high-level policy-makers, rather than the people themselves or their elected representatives, are doing the deliberating.

James Fishkin, Roy William Mayega, Lyn Atuyambe, Nathan Tumuhameye, Julius Ssentongo, Alice Siu, and William Bazeyo examine the first Deliberative Polls in Africa. Those skeptical of the capacity of randomly selected bodies to make intelligent decisions have assumed that if such procedures are viable at all, they must apply only or primarily in developed countries with highly educated populations. Can these methods be applied to populations with low literacy and very low educational levels? Can the people in such communities reason usefully about the trade-offs of major policy choices affecting their communities? Can they do so in ways useful for policy? The difficult issues of disaster relief and population pressure in rural Uganda pose a test case for the question: who can deliberate? In these first African Deliberative Polls, random sampling and deliberation allowed the people who must live with development policies to be consulted, with reasonable results, even in such difficult conditions.

In the final essay of the issue, Baogang He and Mark Warren look outside the purview of competitive democratic systems to ask whether the practice of deliberative democracy may be feasible within authoritarian regimes, such as China. They ask: why have some Chinese authorities embraced and supported the form of a randomly selected mini-public for “grass roots experimentation” for local government decisions? Can deliberating mini-publics be properly conducted for budget and other local decisions in a society that lacks the civil liberties and individual rights familiar in competitive democracies? What are the effects and prospects of what they call “deliberative authoritarianism?” Will such experimentation lead to further institutional de-

James S.
Fishkin
& Jane
Mansbridge

Introduction development in line with democratic values or will it simply serve to legitimate current power relations and institutions, precluding long-term reform?

This issue examines a wide range of deliberative democratic practices and applications. It includes competitive democracies, authoritarian regimes, and developed and developing countries. It opens up debates on how to improve deliberation in legislatures and other governmental bodies, and on what institutional roles and decision power randomly selected citizens might have after they have been able to discuss issues in some depth under good conditions. It asks how we might effectively

reform mass politics and public debate to avoid not only fake news, but also the increasing pressures of narrow-casting in the commercial media, self-sorting into information bubbles on social media, and geographic sorting by ideology as people move to more politically homogeneous communities. It should leave the reader asking: What challenges and critiques are most telling for deliberative democracy? How serious are the ways in which deliberation can go awry? Whatever conclusions our readers reach on these questions, this issue depicts a vibrant area of democratic experimentation at a time when many have lost confidence in the processes of electoral representative democracy.

ENDNOTES

* Contributor Biographies: JAMES S. FISHKIN, a Fellow of the American Academy since 2014, is Director of the Center for Deliberative Democracy, the Janet M. Peck Chair in International Communication, Professor of Communication, and Professor of Political Science (by courtesy) at Stanford University. He is the author of *When the People Speak: Deliberative Democracy and Public Consultation* (2009), *Deliberation Day* (with Bruce Ackerman, 2004), and *The Voice of the People: Public Opinion and Democracy* (1995).

JANE MANSBRIDGE, a Fellow of the American Academy since 1994, is the Charles F. Adams Professor of Political Leadership and Democratic Values at the Harvard Kennedy School. She is the author of *Why We Lost the ERA* (1986) and *Beyond Adversary Democracy* (1983), and coeditor of *Political Negotiation* (with Cathie Jo Martin, 2015) and *Deliberative Systems* (with John Parkinson, 2012).

¹ Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Oklahoma City: University of Oklahoma Press, 1991).

² Larry Diamond, "Facing Up to Democratic Recession," *Journal of Democracy* 26 (1) (January 2015): 141–155.

³ Steven Levitsky and Lucan A. Way, *Competitive Authoritarianism: Hybrid Regimes After the Cold War* (Cambridge: Cambridge University Press, 2010).

⁴ Joseph A. Schumpeter, *Capitalism, Socialism and Democracy* (New York: Harper and Row, 1942), 263.

⁵ Christopher H. Achen and Larry M. Bartels, *Democracy for Realists: Why Elections Do Not Produce Responsive Government* (Princeton, N.J.: Princeton University Press, 2015).

⁶ For the legitimacy of the distortions from economic inequality, see Martin Gilens, *Affluence and Influence: Economic Inequality and Political Power in America* (Princeton, N.J.: Princeton University Press, 2014).

⁷ The work began with Joseph Bessette, *The Mild Voice of Reason: Deliberative Democracy and American National Government* (Chicago: University of Chicago Press, 1994), followed by Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge, Mass.: Harvard University

Press, 1996); Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton, N.J.: Princeton University Press, 2004); Jürg Steiner, André Bächtiger, Markus Spörndli, and Marco R. Steenbergen, *Deliberative Politics in Action: Analyzing Parliamentary Discourse* (Cambridge: Cambridge University Press, 2004); and further work inspired by this Swiss team and others. James S. Fishkin & Jane Mansbridge

⁸ See, for example, Michael A. Neblo, Kevin M. Esterling, Ryan P. Kennedy, David M. J. Lazer, and Anand E. Sokhey, “Who Wants to Deliberate – And Why?” *American Political Science Review* 104 (3) (August 2010): 1 – 18.

⁹ On citizens’ juries, see the work of Ned Crosby and Peter Diemel. On binding decisions and other features of a variety of randomly selected mini-publics, see Yves Sintomer, *Petite histoire de l’expérimentation démocratique: Tirage au sort et politique d’Athènes à nos jours* (Paris: La Découverte, 2011).

¹⁰ Bessette, *The Mild Voice of Reason*.