

theory

fishing with fishkin

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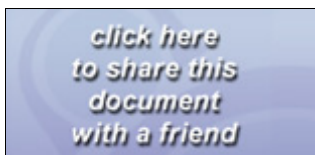
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Executive Summary

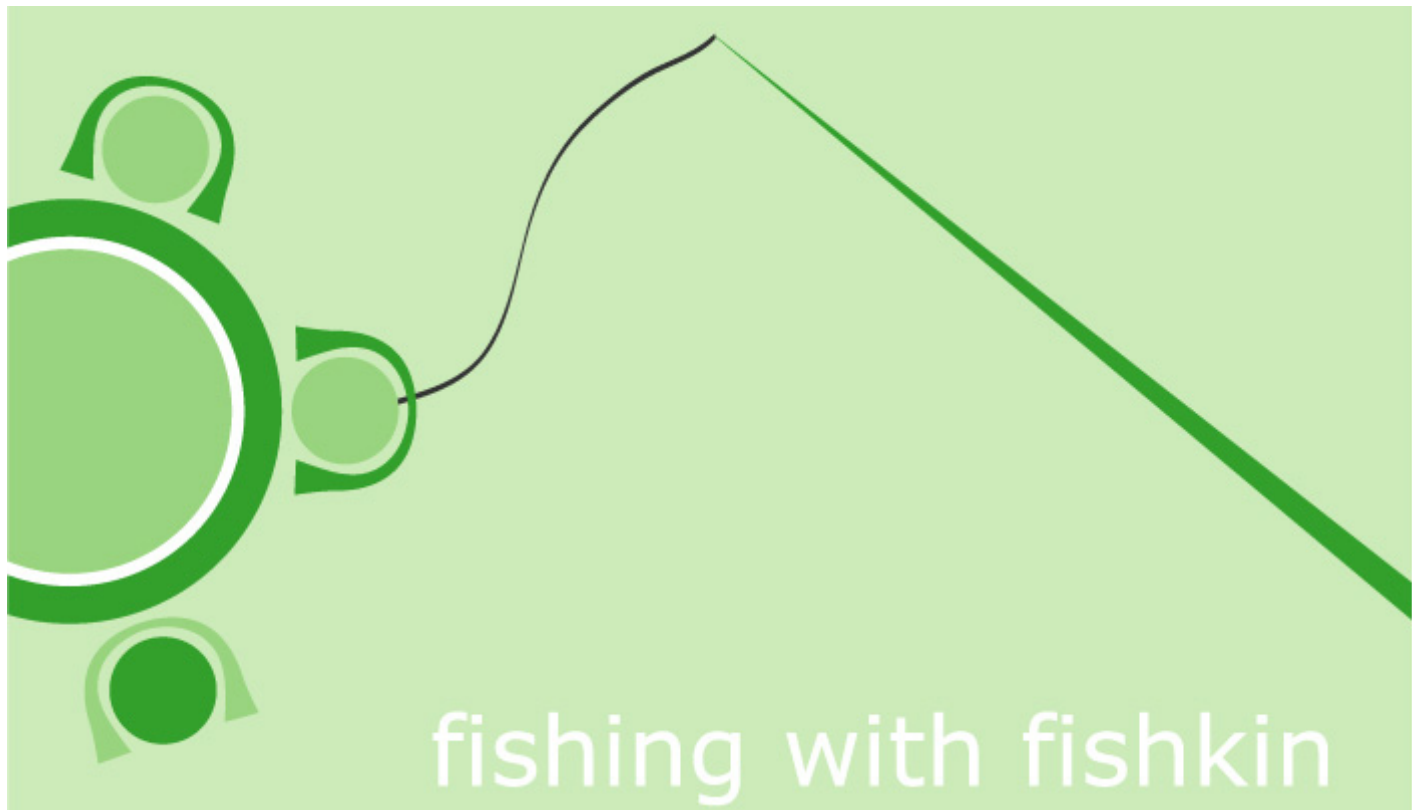
What is deliberative democracy? Why does this matter? Our democratic institutions are eroding before our very eyes. There is a need for new approaches to make government more relevant to Canadians, and in turn, make Canadians feel more relevant to government.

We are entering a time of political transition and change. New ideas and approaches are being explored. James Fishkin is one of the leading theorists and practitioners of deliberative democracy, and provides an interesting alternative. He has shown that deliberative democracy isn't all theory; it can actually be put into practice.

To better understand the fundamental components of deliberative democracy, four analogies are used; a ship, the water, a net, and the fish. For deliberative democracy to work it requires political equality, informed consideration and discussion of alternatives, and must keep the tyranny of the majority in check.

Various mechanisms can be utilized to acquire citizen input. Surveys, referenda, elections, and several other common approaches have significant shortcomings that are generally overlooked.

The Deliberative Poll is a new approach that Fishkin presents, in an attempt to overcome the limitations of traditional methods. The Deliberative Poll continues to be a work in progress, which needs to be adapted and refined, especially in light of new developments in information technology. As a mechanism for citizen engagement, it is coming into its own. As far as an approach for democratic reform, it warrants further consideration and investigation.



What is deliberative democracy? Why does it matter? These are two questions that are asked of me on a regular basis. It seems in our world of supersaturated media that there is a new flavour of jargon each week. So, at first glance you might be justified in thinking that this is just another buzzword or trend. Upon reflection and investigation, I think that you will find that many of its principles are not new, but are firmly based in democratic tradition and that this is something worthy of our consideration.

The intent of this paper is to provide you with a thorough briefing on the work of James Fishkin, one of the leading theorists and practitioners of deliberative democracy. That is not a misprint. Deliberative democracy isn't all theory; it can actually be put into practice.

Why does this matter? Our democratic institutions are eroding before our very eyes. In Canada we have entered an era where leaders are chosen without party conventions. Trust and respect for our elected officials rival that

of telemarketers. We have a highly educated and connected society that is crying out to be engaged or even just listened to. There is a need for new approaches to make government more relevant to Canadians, and in turn, make Canadians feel more relevant to government. Deliberation is not the panacea, but rather a part of the puzzle to revitalizing democracy, not just in Canada, but arguably in the Western World.

a step back in time

Let's jump back in time to 1787, as Fishkin looks to James Madison as the political theorist that validates the concepts and principles of deliberative democracy. Madison argued that political conventions are the very heart and soul of democracy. For all intents and purposes, Madison believed that it is the only part of the political process where all of the democratic processes come into play as there is deliberation, representativeness, and mob rule is kept in check (referred to as the tyranny of the majority).

Madison's theory is that conventions have informed delegates that come together to deliberate not only on a set of candidates but their platforms and the policies behind them. The delegates would be selected by some basis of fair representation and their votes will help set the direction of a party. This does not seem to reflect our recent experiences. Dollars, organization, and the media are the currency of today's conventions, elections and leadership races. The rules of the game are set, the stakes are high, and the ultimate objective is to win.

What if things were different? What if a leader made things different, and what could deliberative democracy mean? These are some of the questions that we will explore in our story, Fishing with Fishkin.

fishkin's analogy

To explain the essential elements of deliberative democracy, Fishkin used the analogies of a filter, mirror and the mob. Let's instead consider an outdoor theme with elements that all Canadians are familiar with: water, fish, and net. While these are three concepts that go together, they do not always live in harmony. Ships with fishing nets can pollute water. Polluted water and nets can kill fish. Without the fish, the ship, or the water, the net has very little utility.

the ship and its captain

We have a ship (perhaps a steamship), which is a newer, smaller, efficient model, licensed of course under the name of Canadian Democracy. Some would argue it would be a more

appropriate analogy to use a deficient submarine that we bought from the British, but let's not confuse the issue.

The ship in this story represents our decision-making bodies, our democratic political institutions. On the boat we have a host of first and second mates and would-be captains. The Captain is our Prime Minister. The boat, although small, is a pretty busy place. The Captain has many decisions to make, such as where to anchor and how to invest the crew's time. Sometimes the Captain listens to the crew, sometimes relies on instinct, but other times decides to test the waters for guidance.

the water and its reflection

Our Captain is often caught gazing starboard into the water. The water represents the entire population, and is too large a body to take in at once. Instead the Captain looks at the water's reflection. The reflection is smaller, but can represent a sample of Canadian society. For the reflection to be of value it must be representative, it must be equal, and it must be accurate. To the trained eye, like that of the Captain and his advisors, achieving an appropriate reflection is down to a science.

Let's take a look at the theory behind political equality. Madison is Fishkin's philosopher king and provides the foundation for a large part of his arguments. Fishkin believes:

"A fair and equal representation is that in which the interests, feelings, opinions, and views of all the people are collected in such a manner as they would be were the people all assembled. (Fishkin, 2001)"



Fishkin argues that today's water for the most part is polluted. The mechanisms that are currently used for acquiring a reflection of today's society are defective and deficient. Public opinion polling is considered the primary means of accurately testing the waters, so to say. There is a substantial disconnect in the original intent of public opinion polling and its current use. Classical theorists believed that to capture public opinion accurately, it had to be:

- a) Open to participation by large numbers;
- b) Uncensored;
- c) Debated;
- d) Well informed; and
- e) Free flowing (Price and Neijens, 1998)

The conclusion made in the early 20th century was that the only way to achieve these objectives empirically was through mass surveys.

Although some would argue to the contrary, it is difficult to believe that public opinion polling today encapsulates these concepts. Pollsters, politicians, and market researchers respond in three part harmony: "so what." Their "so what" is justifiable since modern public opinion polling works, is effective and is reliable. It doesn't matter that the opinions might not be informed.


The theory of rational ignorance argues that it may be completely rational for people to remain uninformed. How does this work? Let's take the average voter. The time, or opportunity costs, that it takes for the average voter to become well informed on all the election platforms is extremely high. There is little

incentive for the voter to become informed, as all votes are counted equally, whether they are informed or not. Downs argued that "the rational course of action is to remain politically uninformed." (Downs, 1957) Following these arguments, it makes sense to remain uninformed, as there is little incentive to do otherwise.

What does all this mean? Well the fact is that being informed is not a precondition of public opinion in the modern sense. Because society for the most part will not be informed on a given issue, a pollster's representativeness is not in jeopardy. This is an undeniable fact, but many ask if this is the type of society that we want?

One argument that supports a citizen's choice to remain rationally uninformed lies in party politics. The theory is that you choose a certain political party because in general you agree with their ideology. Based on that rationale, there is no need to be informed on every issue because the party will take the stand that you most likely would take.

Phillip Converse and John Zaller provide another challenge to contemporary public opinion. Each has presented damning arguments on the concepts of non-attitudes and top-of-head responses. What does this mean? Well, one of the fundamental principles of public opinion is to gauge what peoples preformed opinions are – not necessarily informed, but at least preformed. Converse and Zaller found in their research that people frequently didn't have preformed opinions and simply stated whatever was at the top of their mind.



Fishkin claims that the superficiality of public opinion polling and the reliance on this approach for decision-making is one of the major shortcomings of modern democracy. In keeping with our story it is a major hole or leak in our good ship Canadian Democracy.

Let's go through a couple of examples to illustrate this point.

Asking Canadians to choose between a red or blue flag is one thing, but on matters of significant public policy do we really want rational ignorance to lead the way? Throughout the month of August 2003 there were two polls published within a couple of weeks in the Globe and Mail that effectively illustrate this point.

The first result was that 59% of Catholics surveyed were in support of gay marriage. Issue aside, this is a useful poll. To consider yourself a Catholic, you would have some frame of reference such as your upbringing in the church on which to base your opinion. Rational ignorance is most likely overcome in this instance.

In the next example the headlines stated that 71% of Canadians feel that the Supreme Court has too much power. This is the type of poll that feeds off of rational ignorance. How many Canadians are informed on this issue? This was not a survey of lawyers, constitutional experts, or elected representatives. Most Canadians would be hard pressed to recount two decisions in the last decade, nor would they necessarily be aware that the Su-

preme Court does not make the laws, but rather interprets what our elected representatives impart to them.

The deficiencies in representation within our democratic institutions warrant further discussion. Our elected officials or more narrowly sitting governments rarely accurately reflect the gender, ethnic, and regional makeup of our country. There have been proposed solutions to address these shortcomings including proportional representation. As well there have been great strides within the public service to create representativeness within the government administration. In conclusion, it is safe to say that the water is cloudy. We just cannot be sure if the reflection our Captain sees is necessarily what we would want.

the net of deliberation

At least we have the net. This is a net used long before Yahoo and Google. The beauty of the net is that it serves as a filter running through our cloudy water. The net allows us to keep certain ideas, but let others run through after thought and consideration. It is for this reason that public opinion does not lead to complete failure in democratic institutions. We don't take everything the waters offers up.

The net serves as Fishkin's metaphoric construct of deliberation. Deliberation has several key components to its construct. It follows a path that includes being representative, being informed, having discussions face-to-face, considering alternatives, and finally making decisions.



Our democratic institutions have representation at their core. It is impractical and impossible to have everyone participate in every decision. To those of you with referendum at the tip of your tongue, we'll get to our critique of referenda in good time.

Representatives are given a mandate to make decisions on behalf of their electorate. Fishkin would argue that it is not just decisions on behalf of representatives' constituents, but considered decisions. Appropriate consideration would traditionally take place in different forms, but Fishkin argues that it is most effective through face-to-face discussions. Solid information would support the foundation of the arguments presented within the discussions. Complete information is a misnomer, but balanced and thorough information is essential. It is through this process of deliberation and weighing of the consequences that our Captain and the first and second mates make a decision and set a course.

the big fish

There are lots of fish in the water, little ones, big ones, small schools, large schools, and even predators like sharks. The problems start to take place when the large schools start to pull the net and even the boat in a certain direction. This is our metaphor for the tyranny of the majority.

The large schools of fish are the greatest threat to the underlying principles of democracy. Looking back to Athens and the roots of democracy we can see weaknesses of a system that does not keep tyranny of the majority in check. Fishkin uses the example of how one

day the majority prescribes the death penalty to Socrates and erected a statue in his honour the next.

The US system of government was designed with its checks and balances to ensure non-tyranny. One could argue that the Canadian Senate or the UK House of Lords check the Commons, but the realities of perceived legitimacy have increasingly marginalized the upper houses in the Parliamentary system. We rely (some might say too often) on the Constitution, the Charter of Rights, and courts to ensure non-tyranny.

What Fishkin argues is that we are trying to avoid a system where policy decisions are made to impose severe restrictions on the rights and interests of some, while a feasible alternative policy would not have any negative restrictions. Whether it is a large school of fish with popular momentum, a vocal small school, or a couple of powerful whales, we should not have a system where the net is manipulated so that people "choose to do very bad things to some of their number, when such a choice could have been avoided entirely" (Fishkin, 2000). This is our Captain's challenge.

involving the masses – citizen input

Before we continue, it might be helpful to have a quick recap of our deliberative democracy analogies. Our net represents informed deliberation, our fish are the tyranny of the majority, and the water is representative of political equality. The ship and our Captain are our democratic institutions and Prime Minister respectively.

Our next chapter in the story will look at how the traditional approaches to acquiring citizen input match up with the water, the fish, and the net. Although there are many different tools or events that can be investigated, for the sake of simplicity we will discuss referenda, opinion polls, focus groups, elections, town halls, and Fishkin's favourite, the deliberative poll.

key societal trends

Our means for involving society in issues and policy formulation in many ways has not changed appreciably for a couple of centuries, with the exception of some noted refinements in opinion polling by the mid twentieth century. However are there developments within society that have a fundamental impact on how we interact? The media, television, travel, as well as information and communications technologies all have had a monumental influence. One other development that is worth taking a closer look at are the trends in education.

In 1951, only 1.9% of the population in Canada completed university, with the overwhelming majority attaining high school education or less. In 1971 the number increased to 4.8% but a new measurement became available noting that 17.1 percent had some post secondary. The 2001 Census has shown for the first time that more people had some post secondary or university educations than those who had completed high school as their highest level. It is clear that we have a new educated and literate society. This also points to the fact that society is no longer composed of a few educated elites. This type of societal evolution has the potential to have a tremendous impact on democratic institutions. These changes will require them to evolve or risk becoming increasingly irrelevant. One area where this is apparent is in our traditional mechanisms for engaging society. These mechanisms may be an insult to its capacity, needs, and ability to provide considered input.

Canadian Educational Attainment: 1951 to 2001

Census year	Total population	High school or less	Some post-secondary	University
	Number	Percent		
1951	9,758,712	98.1	NA	1.9
1961	12,046,325	97.1	NA	2.9
1971	15,052,525	78.1	17.1	4.8
1981	18,609,285	64.3	27.6	8.0
1991	21,304,740	56.9	31.7	11.4
2001	23,901,000	49.0	35.6	15.4

* population aged 15 and older

Source: Statistics Canada, 96F0030XIE2001012



Surveys and opinion polls

Surveys with proper design deal with representation quite well. The statistical science behind the representative samples is solid. Because surveys are generally non-binding, tyranny of the majority does not necessarily apply. However that is not to say that they are not influential. It is interesting to note the rules around printing survey results during election campaigns. Their impact is so significant that there is a buffer period at the tail end of an election campaign when polls are not to be reported by the media. The question that remains unanswered is whether this is in recognition of rational ignorance, the tyranny of the majority, or both.

The critique of surveys by Fishkin and others focus on their superficiality and lack of informed participation and deliberation. Proponents would argue that surveys are an input into the deliberations of the powers that be so the net remains intact. Others have tried to remedy the shortcomings of surveys. Two examples of informed participation through a survey that come to mind include the Choice Questionnaire designed by Peter Neijens in the Netherlands and use of the Issue Poll by a Canadian Parliamentary Subcommittee. Please refer to the references for information on Peter Neijen's work on the Choice Questionnaire and for references to the House of Commons Report by the Subcommittee on the Status of Persons with Disabilities.

referenda

A referendum is an extremely powerful decision-making tool. There is nothing save an

election that has the same level of political equality. The key shortcomings are the lack of deliberation and the potential for the tyranny of the majority. Deliberation is hampered by the tenets of rationale ignorance when it comes to referenda. As well there is an overwhelming reliance on the media to disseminate information. One would be hard pressed to say that the media would in all cases present a balanced portrayal of the pros and cons of a referendum question. Furthermore, the question itself is not always clear. The Quebec referendum in 1995 is the perfect example of how a vague question was considered by the Parti Quebecois to be a mandate for separation. The question was not, "Would you like to separate from Canada to create an independent nation of Quebec." The other major shortcoming lies with the tyranny of the majority. There are countless examples of how this can happen. On the lighter side of things the "referendum" by *This Hour Has 22 Minutes* on changing Stockwell Day's name to Doris Day showed the nation the dangers of a policy that allows referenda to be generated by the electorate.

elections

The frequency of elections is the major drawback to the use of this mechanism as a form of engaging the public. The public generally has a pretty short memory for all but the most controversial decisions. Future policy promises and evaluations of mandates blur campaign issues. Like the referenda, in theory there is political equality. The reason we say in theory is because of voter participation rates. Declining overall participation rates and

dismal participation by youth raises questions surrounding the principle of political equality. What is unquestionable is that the electorate is afforded the right to participate.

In regards to deliberation, there are the same challenges that face referenda. The media are the primary disseminators of information, whether it be in reporting, analysis, or ad time. The electorate rarely convenes en masse in face-to-face deliberations over political policy, as the theory of rationale ignorance comes back into the equation. Although, as mentioned earlier, political theorists have argued that party politics and ideology are a proxy for voters becoming informed. Al Gore and Michael Moore might also argue that the world's "greatest democracy" has a deficient and undemocratic electoral system. So the great tool of democracy, the general election, comes up short of our principles represented by the water, the net, and the fish.

other approaches

There are a host of other approaches from focus groups, to town halls, to citizen juries. All three of these suffer at a minimum from polluted waters. In general there are rarely large enough groups participating to provide an accurate representation of the population. Participant self-selection can also cloud the waters.

These techniques are somewhat more interactive with face-to-face discussions but they generally do not provide balanced information for consumption and deliberation.

At this point you may ask if there are any

mechanisms out there that meet our tough requirements; the fish, the water, and the net? James Fishkin wholeheartedly endorses the Deliberative Poll as the solution to the challenges of political equality, informed deliberation, and keeping the tyranny of the majority in check.

the deliberative poll

To Fishkin an ordinary poll or survey models what the electorate would think, given how little it knows. A deliberative opinion poll models what the electorate would think if, hypothetically, it could be immersed in an intense deliberative process. Let's talk a little bit about how the deliberative poll works first in a face-to-face scenario, and then on-line.

the original deliberative poll

Participants are chosen based on a random sample. Fishkin has little patience for self-selection, because of the bias involved. Once selected, participants are provided with an initial survey on the issue to be examined. This is an important part of the process as this is the starting point for measuring participant attitudes. An exit survey will measure the effects of the deliberative process in terms of the shifts in attitude.

Once the initial survey is completed, participants are then invited to participate in a weekend deliberative session. This comes at a substantial cost as participants are provided with an honorarium, as well as travel and accommodation expenses, not to mention the opportunity costs for the participant in giving up a weekend away from family, etc.



Participants are mailed out background information before they attend the weekend session. There is significant work put into the materials to ensure that there is balanced facts and information presented. The underlying assumption is that by providing these materials in advance, this will allow the discussions that follow to be informed.

Upon their arrival, participants are randomly assigned to small groups. The numbers vary, but are of optimal size at fifteen per group. A trained moderator is assigned to each group to ensure that no one dominates the discussions, that all participants participate in the discussions and that an atmosphere of listening is established.

These norms are outlined in the rules or guiding principles for the deliberative sessions.

Plenary sessions are held where questions and issues arising out of the small group dialogue sessions can be presented to an expert panel or experts in attendance. At the end of the weekend the participants are given an exit survey, which contains the same questions as in the initial survey. Fishkin argues that the “considered judgments are often different from the top of head attitudes solicited by conventional polls” (Fishkin, 2000).

on-line approach

The Deliberative Poll has recently been adapted for on-line participation. The on-line process mirrors the fundamental components of the traditional approach with a pretest, small group deliberations, expert questions, and exit survey.


There are some notable differences that are worth exploring. One key difference is that the deliberative exercises took place for two hours a week for four weeks, although they were still moderated by experts. This is a significant departure from a two-day face-to-face deliberation. The digital divide provided a bit of a challenge in terms of achieving representation in the on-line approach. Participants who did not own a computer were given one for the project. That is really only half the battle though. To combat the challenges of literacy, computer included, the deliberations took place using voice software. This is an interesting choice for real time on-line deliberation as it does not require a high speed internet connection and removes some of the challenges of typing, etc.

Cost wise, the on-line approach can be performed for a fraction of the traditional Deliberative Poll. The travel, accommodation, and meal expenses were eliminated completely from the budget.

The final analysis was quite interesting as it compared the results of the face-to-face and the on-line. Participants in the face-to-face were more informed as a result of the deliberations than the on-line group. However when compared to the control groups, the on-line and face-to-face were significantly more informed as a result of the deliberation.

principled?

How does the deliberative poll match up to the principles of deliberative democracy? In the case of political equality, the random sample ensures that there is the appropriate mirroring of the electorate as a whole.



The balanced background information, the small group face-to-face dialogue, and the expert plenary meet all of the deliberative requirements. Fishkin assumes that non-tyranny will take place as it would be irrational for the group to decide a course of tyranny if there is deliberation and balanced information on the consequences of this action. This may be true, but it still remains in the realm of possibility that tyranny could take place, although there were no reports of this occurring in over 20 exercises to date. So is the deliberative poll the panacea? Before we can say anymore, let's look at some of the criticisms of the deliberative poll.

criticisms

Fishkin tries to refute many of the criticisms of the deliberative poll with his arguments around internal and external validity. External validity means the result of the experiment can be generalized to the population as a whole. Statistical sampling can generally ensure external validity. Internal validity means that the process or treatment that is undertaken if repeated would have a similar result on a similar group. Here is where there are notable flaws in Fishkin's arguments. He states that internal validity exists in the deliberative poll because each time that this takes place there is a noticeable shift from the initial survey opinions to the exit survey. The deliberative process causes individual preferences to change. This may be so, but what does not happen is that the conclusions that are drawn out from group to group are not the same. Let's explain. When one runs a survey with 1000 people, one is confident that if another 1000 people are chosen the same day, one

will get similar results. With a deliberative poll, there has been a lack of evidence to support the fact that the conclusions of one group would be the same as another. What does this mean? Well it means that unlike public opinion polling, it is difficult to say with certainty that we would be able to replicate the same conclusions from a deliberative poll if millions participated.

Now this may not be as tragic as some would make this out to be. The key lies in what are the overriding objectives in holding a deliberative poll. If it is to create an informed citizenry, then this is achievable. If it is about making choices, the results of the deliberative poll may even be replicable. If it is generating good or new ideas for policy makers, then this remains to be seen. If good ideas can be generated, then it is possible that the deliberative poll could have recommending force to policy makers. This would provide a powerful value proposition.

The information that is presented is also a challenge. Achieving a real balance of information is not a simple proposition. It is possible to get opposing viewpoints on different spectrums of an issue. However there will always be the chance that those on the fringes of the issue may not have a voice. The information presented is paramount to the success of the event. If the information is manipulated, or even perceived to be so, this can result in a real bias in the results and question the legitimacy of the process.

It is good to see that there has finally been an attempt to utilize the Internet as the medium for the Deliberative Poll. The cost savings

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alone make this a viable approach. There are some weaknesses to the current approach. It would have been valuable to split the groups between voice and text. The challenge with voice is that it can be slow, have poor quality and is difficult to transcribe. Additionally, there is a convenience factor when it comes to text-based deliberation. Voice and video will always require setting up real time events for prescheduled periods of time. Text on the other hand has a tremendous convenience factor that does not require everyone to be connected in real time. Future projects should utilize both approaches to test for differences in attrition and the level of informed participation that is achieved.

The final criticism is a paradox that Fishkin himself identifies. The deliberative poll is an excellent process of engaging citizens in the issues of the day. Being informed will have an impact on the policy attitudes and choices made by the participants. It is safe to say that the electorate as a whole will have rarely, if ever, the motivation to become informed and engaged in any issue, the way a participant in a deliberative poll is.

final thoughts

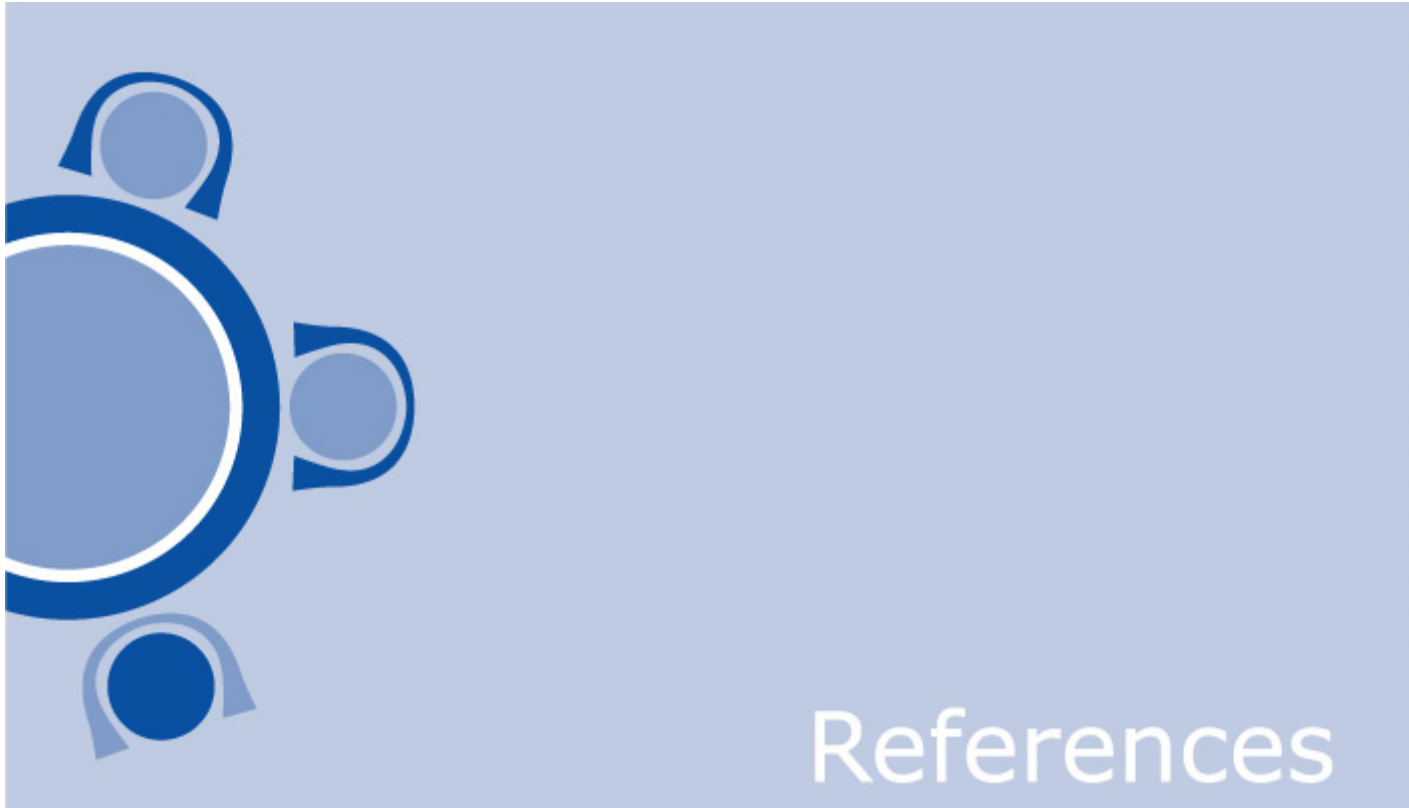
Where has our exploration lead us? While fishing with Fishkin, we have covered the major strengths and underlying weaknesses in his approach to engaging and acquiring input from the citizenry on issues of importance. We know that our Captain and future Captains can sail along and continue to be misguided by cloudy waters. I hope that you will agree that our country would make better decisions if we had a system of engagement that

encompassed clear waters (political equality), a solid net (informed deliberation), and assured the fish (mob rule) would be kept in check.

Fishkin has provided us with a set of principles to help set the course for a new era of citizen engagement. His process is a work in progress, which needs to be adapted and refined, especially in light of new developments in information technology.

If parliamentary and democratic reform is a course of action that a new Captain wishes to embark upon, then let's look at new ways to engage our citizenry in a meaningful way. The risks of greater apathy and increased irrelevance are just cause for action.

So we have reached the point in our journey where we must conclude our tale of the ship and its captain, and the trials and tribulations with the fish, the net, and water. There isn't a fairy tale happy ending, nor is their one that ends in tragedy and despair. Rather we can rest assured that this story will continue to evolve and unfold before our eyes. ●



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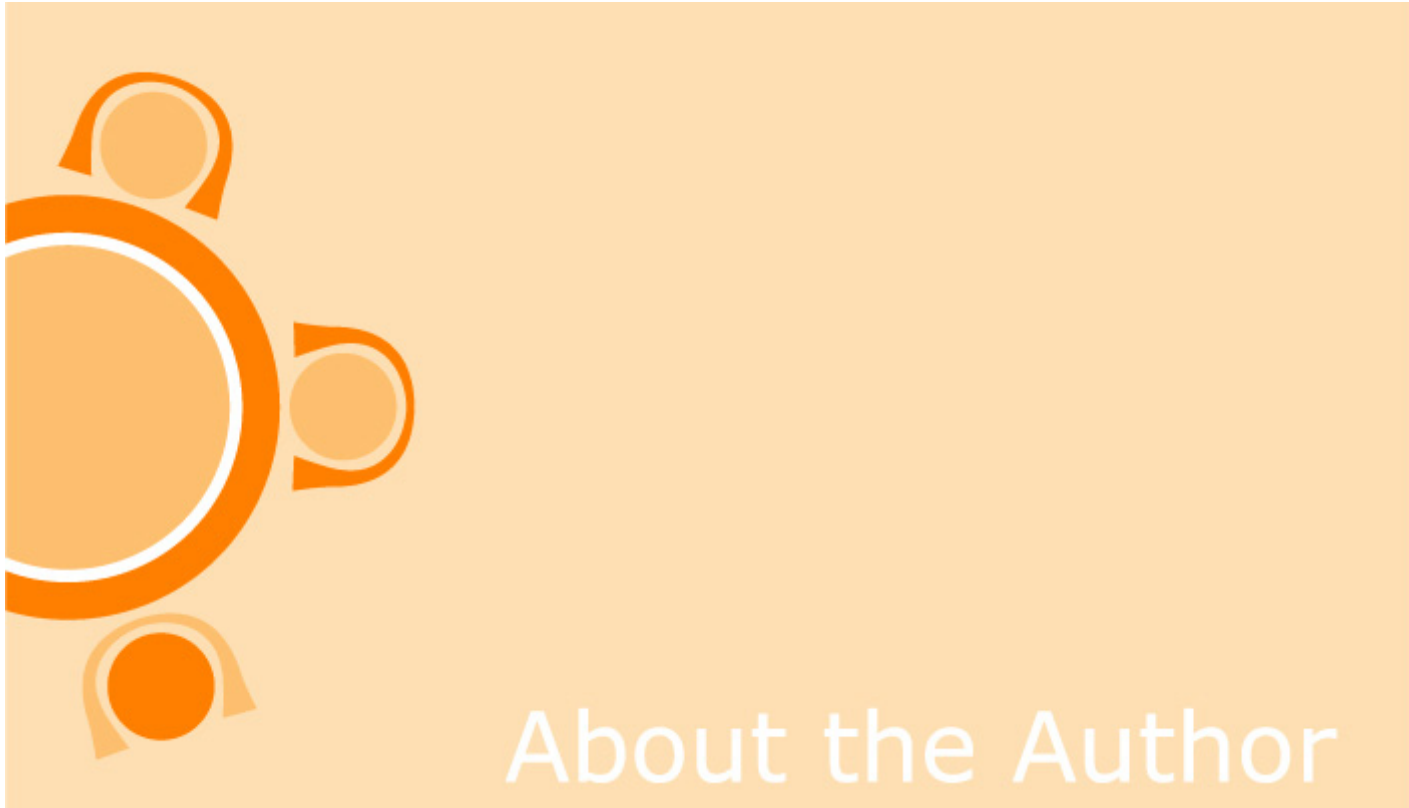
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About the Author



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He advises governments, business, and non-profit organizations, on how to effectively use the internet for citizen and stakeholder engagement. He has lead some of the largest e-consultations in Canada.

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