

Nexus

It's Up to You

Making Direct Democracy More Deliberative



by James Fishkin

California has long led the nation in trying to involve the public directly in the making of laws – this year marks the 100th anniversary of California’s initiative process. Ever since that signature Progressive Era reform, the state has been the heartland of the nation’s political experimentation.

The voter initiative was a bold experiment that sought to give people a sense of authorship over the rules governing society, while diluting the power of special interests. As the state has grown and politics have been transformed by new communication technologies, those laudable aspirations increasingly seem to be just that – aspirations, rather than reality. Initiatives draw people into the lawmaking process, yes, but as an “audience democracy” of competing sound bites, campaign ads and now Facebook postings and Twitter feeds. Voters participate, but often exercising about as much deliberation as they might when casting a vote on American Idol. Special interests, meanwhile, have not been banished from the process, but instead play an increasingly prominent role, setting the agenda for what the public votes on, and financing the expensive media campaigns underlying each initiative.



Can the initiative process be reformed or re-invigorated? The core problem with audience democracy is not the competence of the public; it is that the public assumes the role of an audience, a vast one of millions. Political economists have a term for the problem – “rational ignorance.” If I have one vote among millions, why should I pay a lot of attention to the details of competing policy proposals, when my individual vote or opinion will not make much difference

and when I have many other urgent demands on my time?

But what if people were effectively motivated to spend the time and effort to become informed and to consider the issues under good conditions? How might their opinions change? What if we could take a representative cross-section of citizens and ask them to really deliberate on a set of policy challenges, enlisting citizens in the legislative arena the way we routinely do so in judicial proceedings through juries?

Deliberative Polling could be the answer, a means towards meeting the Progressive yearning to involve a broad swath of the citizenry in the law-making process, while also deepening their engagement. That's why, starting tomorrow, eight non-profit groups (including my center at Stanford University and the New America Foundation) will be conducting the first *What's Next California?* statewide "Deliberative Poll" to chart a different path to possible structural reforms in the state.

What is a Deliberative Poll? In a conventional poll, each person in a random sample is asked to respond, and that is mostly the end of the matter. In a Deliberative Poll, the participants are brought together after the initial survey and divided into small groups where their voice matters. Instead of one voice in millions, they have one voice in a small group of 12 or 15 and one voice in 300 or 400 in the total sample brought together for the weekend. Their views are covered in the media and likely televised. They have every reason to think their voice matters. In projects around the world, we have found that when individuals are assured their opinion carries weight, they do a great job of dealing with difficult questions.

Those who believe ordinary voters are incompetent are wrong; voters are simply inattentive, disengaged and/or distracted, often for good reasons. What would happen if a good microcosm of the people deliberated and then provided an input for everyone else? If they set an agenda for dealing with the difficult structural reforms needed in California? We will see in *What's Next California?*

Here is how it will work. The eight nonpartisan sponsoring groups and a large advisory committee have worked on a menu of 30 proposals, in four broad areas: the initiative process, the legislature, taxes and state-local relations. A discussion guide of nearly 100 pages details the proposals and the background for them, with pros and cons for each proposal that have been vetted for balance and accuracy by the advisory group. These proposals are public and transparent (for more details see <http://www.nextca.org/>).

A statewide random sample of 300 or more people is administered a detailed survey on policy attitudes, then recruited to attend. We will also have data from a sample of non-participants to compare the attitudes and demographics of those who come. But that is just the start. The idea is to put the whole state under one roof to wrestle honestly with hard choices. Participants will be assigned at random to small groups with trained moderators to discuss the proposals in detail, identifying key questions that they wish to pose to panels of competing experts as part of a larger session. The process simply alternates the small groups and plenary sessions until the four topic areas are covered. At the end of the weekend, they take another questionnaire with the same questions.

The weekend deliberations will be transparent and garner ample media coverage, but the real point of the exercise is to see which reforms have weight with the public once they really engage with the issues and become more informed about the arguments, pro and con (and not just the arguments that we can anticipate in advance, but also those arising from meaningful deliberation).

Deliberative polls have been conducted in 16 countries. In general, about 70 percent of all the initial questions asked have changed significantly after deliberation. It is also true that as people become more informed through deliberation, they are more likely to change their views.

You might ask what use such an effort is if most of the population will still end up participating in "audience democracy" under the current rules of the initiative game, informed primarily by sound bites and headlines. Our hope is that Deliberative Polling will offer a guide to responsible advocacy. Many of the proposals being considered are candidates for possible initiative propositions, and those that do emerge from this deliberative process should, in our view, carry more weight than initiative proposals advanced by a single special interest.

We have been involved in two previous Deliberative Polls before referendums – in Australia before a vote on becoming a republic, and in Denmark before the vote to adopt the Euro. In both cases, these national Deliberative Polls took place just a couple of weeks before the vote. In this case, the idea is to bring the people into the initial dialogue about what might make for sound proposals. With more than a year before the 2012 election, there is plenty of time to incorporate the Deliberative Poll's findings into the political process.

Ideally, the effort will hark back to an ancient form of democracy. In Athens, a randomly selected microcosm of the citizenry, the Council of 500, deliberated and set the agenda for votes by the people in the Assembly.

In California, the randomly selected microcosm could end up setting an agenda for votes by the people in later initiatives. This would add a strongly deliberative element to our direct democracy, bringing the public's informed and representative views into the initiative – and that's an aspiration the Progressive reformers of a century ago undoubtedly would have backed.

James Fishkin is director of the Center for Deliberative Democracy at Stanford University and author of *When the People Speak: Deliberative Democracy and Public Consultation*.

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*Photo courtesy of [marie-ll](#).

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