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James S. Fishkin

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Response to Critics of *When the People Speak: The Deliberative Deficit and What To Do About It*

James S. Fishkin

These essays do a marvelous job of raising fundamental issues about deliberative democracy in general and Deliberative Polling (DP) in particular. They create a real deliberation about my proposals and I have learned from each of them.

Sanders: Beyond Polling Alone

Lynne Sanders wrote a famous article “Against Deliberation” some years ago. In that article she identified the most serious deficiencies of citizen deliberation, mostly drawing on the jury literature.¹ That article was an important challenge to our work on deliberative democracy and we have worked hard to see if we could answer it. In particular she focused on the various distortions from inequality and domination by the more privileged. I was gratified to see her conclude that the results for the DP have been “quite reassuring.”

In her contribution here, Sanders raises a number of new and interesting issues. She foregrounds a role that is often left in the background, that of the moderator: “What is the analogue in our politics for the role of the moderator? Is it the head of the jury, or the judge who instructs the jury? Is it the Chair of a committee in a legislature? What springs most immediately to mind are examples from schools, not politics ...” She concludes, “We do not have an American democratic theory of group discussion moderator.” While I believe she is right that we do not have such a theory, we do have a useful analogue in the focus group moderator. I was amazed when Bruce Ackerman and I did research for Deliberation Day to learn the sheer scale of the focus group industry. Billions are spent every year on group discussion. Of course the aim is different than that of the DP. The aim is to uncover the most effective basis for advertising and persuasion. But the method of leading impartial discussions in which all participate in a safe public space without betraying any hint of one’s own views requires a set of skills that can be easily developed and that are already widely shared. We have, in fact, found that the best DP moderators are focus group leaders, who undergo a slight retraining for the special tasks in the DP.

The book charts a journey from the founders’ ideal of deliberation applied to representatives to the modern persuasion

industry’s practice of molding public opinion. It is a journey “from Madison to Madison Avenue.” If the repertoire of skills which group discussion moderators cultivate for Madison Avenue could be returned to the service of deliberation, that would be the completion of a virtuous circle.

Sanders notes that I embrace the position that random sampling is a democracy enhancing device (in that it embodies political equality in the sense of an equal chance to have one’s views counted). But she also queries the fact that it seems to serve in my current analysis as a “democracy limiting device.” She is correct but this is not a contradiction. It is enhancing for at least one key democratic value and limiting for at least another. It is enhancing for political equality and limiting for mass participation. Precisely because only those drawn into the sample can participate, it counts views equally by giving everyone, in theory, an equal chance of being selected and of having one’s views counted. Random samples are immune to the notorious difficulties with SLOPs (self selected listener opinion polls in the terminology of Norman Bradburn). Groups cannot mobilize to capture random samples by voting over and over and creating an impression of public opinion about candidates or policies. But precisely because groups cannot mobilize to capture the membership in a scientific sample, the participation of

those not invited is barred. So the equal counting requires a limit on the value of mass participation.

The democratic theory portion of the book focuses on the tradeoffs between competing democratic values. If one takes the three values that are internal to the design of democratic processes—political equality, participation and deliberation, I argue that there is normally a trilemma in attempts to realize all three. We face a forced choice under normal conditions. Later I chart some possible ways out but these would be far beyond the tool kit of public consultation in most policy contexts. The point is that participation is a political value that has independent standing from deliberation and political equality. Notably it is a kind of proxy for mass consent. Without mass participation from everyone, the question needs to be answered: who are these people whose views are being counted and why do they represent us? Of course they could be elected representatives and that

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alternative provides the basis for what I call elite deliberation of representatives. That was what Madison called his plan of “successive filtrations” in designing his proposed republic.² But if the deliberators are a random sample of the people, then there is a sense in which they re-present what the people *would* think under comparable conditions. But there is a notable gap between what the people would think and what they do think.

This gap is the focus of Sanders next line of argument. She cites various psychological studies that we may often hold political preferences that are not for conscious reasons and that sometimes our preferences may be motivated by prejudice and racial bias. I have no doubt that this is the case. But does it happen in the DP? Or rather, does it happen less in the DP? This issue has not yet been investigated experimentally, but should be. In the meantime, DPs do provide some suggestive evidence that when diverse groups deliberate together, they may in fact overcome some of their prejudices.

The prejudice against the Roma in Eastern Europe is notorious for its intensity. Yet when a national sample was convened in Bulgaria in April 2007 for a three day discussion of policy towards the Roma, on housing, education and criminal justice policy, there were dramatic changes of opinion—all in the direction of fuller integration of the Roma into Bulgarian society. For example, those who thought that “the Roma should live in separate Roma neighborhoods” declined from 43% to 21% while those agreeing that “The government should help people living in illegal housing to get and repay loans to build new houses” went from 47% to 55%. The percentage agreeing that “the government should hire more Roma police officers” rose from 32% to 56%, while those agreeing that “the government should hire more Roma in the courts” rose from 26% to 45%. On education those agreeing that “The Roma schools should be closed and *all* the children should be transported by buses to their new school” rose from 42% to 66%. In the context of such long-standing hostility and ethnic division, a situation where one of the parties represented in Parliament said at the time that its policy toward the Roma was to “send them to the moon,” and where others advocated building a wall around the ghetto, these movements of opinion toward full integration were embraced as remarkable and useful by policy makers, including the Prime Minister.³

In Northern Ireland, a DP about educational policy also seemed to indicate increased mutual consideration across deep divisions of prejudice and ethnic conflict. After only one day of deliberation, Protestants and Catholics rose about fifteen points in their willingness to grant that the other group was “trustworthy” or “open to reason.” Also, specific recommendations for cooperation between the separate school systems resulted. At the beginning of the deliberations, it was notable that the participants seemed not even to be able to make eye contact. By the end, after a shared day of discussion in both small groups

and plenary sessions they were open to concrete steps charting greater cooperation.

In the very first US DP, the National Issues Convention in 1996, we observed what may be part of the dynamic. An eighty-four year old white conservative was in the same small group as an African American woman who was on welfare. Welfare reform was part of one of the topics (the future of the American family). At the beginning of the small group, the conservative said to the woman, “you don’t have a family” because a family required having a mother and father in the same household. At the end of the weekend, he came up to her and said “what are the three most important words in the English language? They are ‘I was wrong.’” I have always interpreted that incident as indicating that he came to see her viewpoint in the discussions. There was a kind of ideal role taking in which he could view the issue from her point of view as well as from his own.

I noticed a similar dynamic with the Roma. I observed a small group in which one of the participants claimed that Roma were lazy and undependable workers. Then a woman said that she had never missed a day of work at her factory job and that, in fact, she was Roma. This revelation appeared to have a startling effect on the discussion as she had already established herself as an active member of the group. When people of different backgrounds discuss public problems together in moderated discussions in which some minimal norms of civility are established, the dynamic of ideal role taking can be engaged so that people can look at the issue from the point of view of those affected by a policy as well as from their own perspective.

The very diversity of a random sample, randomly assigned, may work to support this kind of dialogue. It is well known that when political consultants want to identify hot button issues, they use homogeneous groups. Diverse groups lead to a great deal of self censorship among ordinary members of the mass public. While the dynamic is not fool proof, it does seem to be part of what makes it possible for greater mutual understanding and substantive policy attitude change to both result from deliberation—even in situations where there is undoubtedly a great deal of prejudice and ethnic division.

Sanders closes her paper with some interesting observations about change in the DP and about our basis for understanding change. One reason to be interested in change in a DP is that if DPs routinely produced the same results as ordinary polls, then there would be no good practical reason to conduct them. As noted, DPs offer statistically significant net attitude change on about 70% of all the items we have asked. So deliberative opinion can be expected to be different from top of the head opinion. What if it is not? Are the opinions at the end of the process of any interest? We think the final considered opinions have a recommending force whether or not there is change. Suppose you answer *X* in response to the first wave, equivalent

to a conventional survey. But you have not really thought about the issue very much. You have not discussed it. You are not well informed about it. Then suppose you spend a significant period of time thinking about it under good conditions. You learn a lot more, you get your questions answered. You consider arguments from different points of view. Then suppose when asked the same question as before, you also answer X. At that point you will have a considered judgment about X when before you may not really have had much of an idea about the issue at all. So while the likelihood of change provides a practical reason for exploring deliberative public opinion, its absence in a given case does not undermine the recommending force of the final considered judgment.

Sanders raises a final issue at the end of her paper. She says there have been few occasions where we have presented analyses of control groups. Certainly we would like to employ them far more often. Our projects are part of actual public consultations so it is sometimes difficult to get sponsors to pay for control groups. Sanders discusses only one case, a Deliberative Poll-like treatment in a school, a project which we launched to compare deliberative civic education with conventional approaches. However, there are, in fact, several papers referred to in the book that are also available on the CDD web site. Some of these papers are published or in press or under submission. Examples include a controlled experiment within a DP built into the New Haven project, just published. This experiment employs a “split half” to examine the effect of discussing an issue with not discussing it (each half of the sample did a different issue and then they switched after discussion, taking the same questionnaire).⁴ Another important case is the online DP on foreign policy, which had a pre/post control group and was also compared to a face to face national DP which had its own post test only control group.⁵ In addition, there have been experiments with separate pre/post control groups in the US presidential primaries⁶ and again in the US general election of 2004.⁷ The Northern Ireland project also had a separate post test only control group.⁸ In addition, Robert Luskin has devised some innovative experimental designs within DPs and applied them to a project in Nebraska and one in Bulgaria. We have new proposals to pursue this research and agree with Sanders that this is a high priority whenever funding can be found.

The aspiration for Deliberative Polling is that it makes a claim both to external and internal validity. The external validity comes from a process of sample recruitment that makes plausible claims to representativeness. The internal validity claim comes from a

design in which we can credibly claim that the opinion changes are due to the good conditions posited in the experiment (or quasi-experiment). In individual cases, this aspiration is realized to a greater or lesser degree. When it is fully realized it provides the fullest support for the claim that the sample conclusions represent the considered judgments of “we the people.”

Azmanova: Ideals in an Actual Speech Situation

Albena Azmanova begins with an interpretation of the European wide results in the “Tomorrow’s Europe” project. This project brought a scientific sample of the entire EU, all twenty-seven countries to deliberate in twenty-one languages in the EU Parliament Building in Brussels. She cites a *Financial Times* article for the view that there was a shift to the right on pensions and labor policy. However, one merit of a DP is that it produces a lot of specific policy attitude measurements before and after deliberation. These results are always made public and, in the EU case, are still on our web site. So one does not need to

rely on a reporter’s gloss on the results. They are publicly available. While it is true that the EU deliberators supported increasing the retirement age as a way to keep the current “pay as you go” pension systems solvent, they also moved to reject privatizing the pension systems. Support for the government continuing to provide pensions for everyone went up from 36% to 48%.

Support for privatizing the pension systems to individual retirement accounts went *down* from 43% to 27%. Faced with the demographic pressures of citizens living longer and of smaller cohorts among the young to support the retired in the “pay as you go” systems, the deliberators moved toward working to a later age and raising the retirement age rather than privatizing. To me this does not seem a move to the right but rather a way of grappling with difficult trade-offs. The root of deliberation is “weighing” and these citizens were willing to give up something valuable (an earlier retirement age) in order to secure something else valuable (a secure government-run system provided to everyone).⁹

Of course, policy attitudes on various issues will move in ways commentators will term a move to the right on some issues and a move to the left on others. The Europeans did become somewhat more supportive of flexible work rules as Azmanova suggests. The question for the DP is whether or not the moves are based on reasoned argument with good information considered under good conditions. By providing a sample whose representativeness can be evaluated attitudinally as well as demographically, a DP, done well, can begin with a microcosm of the population. That

Random sampling does achieve diversity but it also creates a form of representation—a microcosm that can re-present in miniature the entire population before and after deliberation.

microcosm then considers the issues under a particular account of what we think are good conditions. In that way the resulting opinions at the end are meant to represent what the entire population *would* think about the issue under good conditions.

Azmanova offers two interpretations of what the DP aspires to achieve. Neither actually includes this simple claim. The first interpretation seems to imply that all social conflict will disappear with deliberation as citizens will simply drop their interests and subsume their identities in the broader public interest. The second reduces the claim to diversity of reason-givers providing greater self reflectiveness about the social conflicts that actually exist. For this claim she says diversity is the only requirement with the other conditions being unnecessary.

As for the first interpretation, the DP has never aspired to make social conflicts or individual identities disappear. Sometimes a consensus results, sometimes not. Sometimes people move closer together, sometimes they do not. The key is that we measure the attitude changes resulting from deliberation at the individual level, free so far as possible from social pressure to consensus. In that way if we get a consensus it is not a false consensus. The second interpretation is too weak. Diversity may indeed make participants more self reflective about their reasons. But it is not the case that “the only procedural condition is diversity achieved through random sampling of the relevant population.” Random sampling does achieve diversity but it also creates a form of representation—a microcosm that can re-present in miniature the entire population before and after deliberation.

Azmanova offers five reasons for concluding that despite their merits Deliberative Polls may fail to achieve the “alleged goals of non-domination and non-manipulation.” First, “experts have considerable structural power” in the process. Second, “at least since Thomas Kuhn’s critique of scientific rationality, we know that there is no such thing as objective knowledge, balanced and accurate information.” Third, “to view deliberation as a setting for preference formation is unrealistic; our preferences are formed in the course of diverse and intensive social interactions within practices that shape who we socially are.” As a result, we cannot expect reason giving to “trump” identity. Fourth, there is “no reason that ‘raw’ opinions should be given a lower status as compared to opinion formed in the procedurally sterile settings of public deliberations under ‘good conditions.’” Fifth, even if the whole process were to work well, we cannot be sure that the results will “effectively prevail.”

First, it is worth clarifying that the small groups in a DP first proceed on the merits of a question and finally come to agreed questions that are to be posed by one of their number to a panel of competing experts. So the agenda of dialogue is set by the small groups. The plenary session moderators are instructed to facilitate *competing* answers by the experts to the same questions. No one gives a speech at a DP. The experts only answer the questions

from their own points of view. Hence the contested claims should counterbalance each other. We have found that once participants realize that the experts disagree they feel empowered to think through the issue for themselves rather than defer to the experts. We have also found in various experimental variations that the small group discussions provide a more consequential driver of opinion change than do the expert sessions (see Farrar et al).

Second, we believe that the briefing materials and the expert sessions can be evaluated as more or less balanced and more or less accurate in the information offered. There may be no perfect briefing document or expert session in real life but the balance or imbalance and the accuracy or inaccuracy of key facts can be examined. Hence it becomes an empirical question which can be studied how well this process is realized. We distinguish between what my colleague Robert Luskin first called “empirical premises” (contested facts) and those that can be established without controversy. The latter provide the basis for our information questions. The former are scrutinized to make sure they receive balanced treatment so that competing sides who contest them can get their viewpoints represented.

Third, to dismiss deliberative preference formation under the controlled conditions of a DP as “unrealistic” is simply to say that it provides conditions different from those that usually obtain in actual life. The DP does realistically produce significant opinion change. More than 70% of all the policy attitudes change significantly with deliberation. So it is not unrealistic to expect something to happen. Furthermore we do not expect people to leave their identities and fundamental values behind. Rather, we expect people to make better connections between their most fundamental concerns and their policy attitudes. Instead of unthinkingly adopting impressions from the media, they think through the connections and trade offs to decide what is most important in their considered view.

Fourth, there is a reason, for certain purposes, to give higher status to considered opinions than to top of the head, raw opinion. Azmanova seems to agree with my account of raw opinion as subject to the deformations of impression management, manipulation and low information levels, often orchestrated by the persuasion industry. If some of these distortions can be counteracted, so that people move closer to considered judgments they can agree with under good conditions, why is that not a reason for endowing those opinions with a recommending force? Do we follow the wishes of someone when she has been fooled or manipulated or when she has really gotten good information and thought through the issue? Just as medical experiments privilege informed consent over decisions made when there is deception or misleading information, we should think about doing the same for citizens and the policies they must live with.

Fifth, Azmanova notes that sometimes the results of a DP do not “effectively prevail.” Whether or not they do depends on the

institutional context. However, they have prevailed in a number of cases discussed in the book—wind power in Texas, sewage treatment plants in China, a budget crisis in Rome, and candidate nomination in Greece. Our goal is to study the process, improve it and provide a tool for public consultation that will fully merit having its results implemented. Hence the importance of evaluation as projects are conducted in different contexts and on different issues.

More broadly, Azmanova questions whether we can ever be sure that a process has avoided domination by the more privileged or distortions of manipulation. In the approach offered here, these issues are empirical. We have found some key ways of studying them. As our research progresses we may find more. But the book details some key indicators that have been amply confirmed empirically. First, the attitude changes tend to be driven by information. It is those who become more informed who change their views. Second, the changes are not dominated by the more advantaged. When we look at the time one opinions of the most advantaged—the rich, the most educated, the males, the members of dominant racial groups, there is not a significant tendency for the opinions to move in their direction. There is a slight tendency in the case of education (as one would expect of people becoming more informed) but it is far too slight to count as domination. Thirdly, the pattern Cass Sunstein dubs “polarization,” the pattern of group psychology whereby people on a given side convince themselves further to become more extreme, does not apply to the DP.

It does seem to apply to juries. But in the DP there are sufficient elements of balance and a sufficient lack of social pressure towards consensus (unlike the pressure for a verdict in a jury) that this pattern of distortion is completely avoided. Fourthly, we have found that reason giving is in fact very influential in the process. Alice Siu coded the discussions and created new variables that were incorporated into her quantitative work on the DP. As summarized in the book this research provides a further basis for believing it is reason giving as well as information and balanced discussion that is moving opinion.

Hence I would contest Azmanova’s claim that the DP is, in general, “vulnerable to manipulation and ideological distortion.” I encourage further dialogue about how to investigate these challenges empirically. But so far the news is encouraging.

Mansbridge: Limits of the “Gold Standard”

It is harder for me to respond to Mansbridge’s essay since I agree with so much of it. She offers a masterful summary of what the Deliberative Poll aspires to accomplish and what its

limitations are. In my view, she rightly identifies the advantages of the DP: “representativeness, balance, linkage, safety and inclusion.” And in addition, she mentions the advantages of measurement in confidential questionnaires so that the opinions before and after deliberation can be measured at the individual level free of social pressure. Other forms of seemingly deliberative consultation are often impossible to evaluate in terms of attitudinal representation. Or they are open to capture by mobilized groups. Or they lack a systematic basis for ensuring balanced discussion. Or they have little hope of affecting policy. Or they leave out crucial elements of the population. Or they are subject to distortions in the pressure for consensus—distortions such as polarization or domination by the more advantaged. Mansbridge sees the potential of the basic Athenian idea of a deliberative microcosm chosen by lot (or random sampling) and then of attempting to adapt this idea to modern conditions where it can be nurtured and improved by social science and new technology.

One of her preliminary points is that this idea needs more theoretical discussion and more citizen experience. I certainly agree with the former in that the book was an attempt to contribute to that discussion. As for the latter, she says “many people in the US understand the concept of a lottery for the purposes of gambling or choosing individuals for the draft. Yet they do not know or understand the purposes of a random sample and have no experience with such a sample used for representation.” Perhaps this is the

We have found that once participants realize that the experts disagree they feel empowered to think through the issue for themselves rather than defer to the experts.

case, but there is a common basis in experience which public education can build on. The success of conventional polling means that the basic idea should not be mysterious. Conventional polls are everywhere. And the public has the basic idea that a scientific sample can speak for the whole population, representing the state of public opinion on virtually any policy or political issue. The Deliberative Poll has the advantage that by its very name it builds on the foundation of this basic notion. It is just that after people answer the initial questionnaire, they go through a process of considering the issue in depth, discussing it with people from different points of view in small groups, getting their questions answered by competing experts or policy makers in plenary sessions, and then taking essentially the same questionnaire again. So if people get the basic idea of conventional polling they should be able to see the aspiration of Deliberative Polling as just the addition of two more steps—deliberation on the issue and then another poll.

The success of conventional polling also provides a market for Deliberative Polling. Policy makers are beset by poll results on every conceivable issue, some concocted by advocacy

organizations as a lobbying technique or as a way of influencing the public dialogue. As the DP becomes more practical and cost effective, it can be more widely deployed as a basis for resisting or counteracting the conclusions of conventional polls. Policymakers may well be aware that the public does not have relevant information on a given issue or may be the subject of public relations or propaganda efforts from advocacy groups on that issue. If informed opinion shows movement in a different direction then there is a basis for resisting the polls without seeming undemocratic.

Let me turn now to Mansbridge's "dissent." It will take a bit of probing to try and locate where we actually disagree. The book sketches a "trilemma" implicating political equality, deliberation and participation. Systematic pursuit of any two will undermine the pursuit of the third—at least within the ordinary tool kit of democratic reform. Bruce Ackerman and I propose a way out, but one that would involve large scale investment and transformation. We call it "Deliberation Day."¹⁰ I will return to that proposal below. For the moment note that the DP embodies political equality and deliberation but makes no real contribution, as Mansbridge notes, to the furtherance of participation at the mass level. She is correct about this and also correct that the DP did not presume or intend such a contribution. One can easily see that efforts at mass mobilization and large scale participation are unlikely to be deliberative and that efforts to combine participation and deliberation are unlikely to be representative (violating political equality in the sense used here). Without replaying all the intricacies of the trilemma, Mansbridge makes the key point: "the quality of representation in Deliberative Polls is achieved precisely by avoiding self-selection. Any move to open the proceedings to the public undermines the quality of the representative sample because, as a general rule, individuals who are more educated, more informed and more confident and more politically interested volunteer to participate."

So where do Mansbridge and I disagree? She appears to be claiming that while the trilemma is difficult, it has a solution, even on a national scale. It is possible to get all three values at the same time. As noted Ackerman and I claim the same thing, but with a design that carefully duplicates something close to the DP experience for the entire population, convened in many balanced small group discussions before a national election. The point of our proposal is that to duplicate balanced and informative deliberation, as evidenced in the DP, a carefully structured institutional design would be necessary, both to guarantee the quality of the deliberation, but also to effectively spread it to the whole population.

Mansbridge, as much as anyone, recognizes that without a careful institutional design many discussions in ordinary life fall far short of anything that might count as quality deliberation

by the standards proposed in *When the People Speak*. These standards include:

- a) Information: the extent to which participants are given access to reasonably accurate information that they believe to be relevant to the issue.
- b) Substantive balance: the extent to which arguments offered by one side or from one perspective are answered by considerations offered by those who hold other perspectives.
- c) Diversity: the extent to which the major positions in the public are represented by participants in the discussion.
- d) Conscientiousness: the extent to which participants sincerely weigh the merits of the arguments.
- e) Equal consideration: the extent to which arguments offered by all participants are considered on the merits regardless of which participants offer them.

Mansbridge would be the first to admit that most discussions in natural settings, particularly on politically consequential topics, fail to live up to these standards. There are too many sources of misinformation, too many advocacy groups, too many efforts to mobilize rather than inform and too many disincentives for sustained and balanced discussions. Most people talk to people like themselves if and when they discuss politics or policy. Many may be limited by "rational ignorance" in the time and attention they can devote to public issues. And the internet allows us all greater freedom to consult just the sources we agree with. So deliberation in natural settings is unlikely to satisfy these demanding standards, particularly those concerning balance and information.

Consider Mansbridge's description of the health care town halls of 2009, meetings that were distorted by organized interests precisely because the issue was politically consequential:

The town hall forums on health care, with their simplistic and misleading slogans, their vitriol, their tactics of suppressing other voices, their atmosphere of intimidation, their susceptibility to activist organization, and their consequently misleading representation of public opinion, were extreme versions of many public hearings, which attract primarily the highly committed with strongly held and relatively unchangeable views.

Despite their defects, Mansbridge lauds these town halls because they gave a hearing to points of view that some held strongly. Despite their distortions, they were a form of protest. And she is right to applaud them on such grounds. But mobilization of that kind serves the value of participation, and not so much the value

of deliberation. While some proposals might have modestly improved the conduct of such meetings, once filled with activists and advocates, it is hard to see them as very deliberative. Yet they did and would serve the value of political participation.

Given these admitted defects in the quality of deliberation in natural settings and without a careful institutional design, it is hard to see how Mansbridge believes the trilemma can be overcome. Here is her description:

But a great expansion of the number of smaller scale participatory institutions—some mobilizing and less representative, some non-mobilizing and more representative—would not generate an inevitable conflict among the three values. It is far from impossible to realize all of these values piecemeal, not simultaneously, with some institutions doing one thing and other institutions doing another. Democracy would be enhanced by pushing forward on all three fronts of political equality, deliberation, and participation, with different mechanisms and institutions.

Such an assertion is not an institutional design. And without an institutional design, or a coherent combination of many of them, it is hard to see how the specified values could be realized on a national scale. Many opportunities for discussion will lead to mobilization and unbalanced discussions. Each small incremental design will embody one horn or another of the trilemma. Some meetings will combine participation with deliberation, some will combine political equality and deliberation (if designed to be microcosms) and some will lead to mass mobilization, embodying participation and (more questionably) political equality. It is unclear how the spread of such activities will add up to a system embodying a high realization of all three values. The deliberative system, in particular, is likely to be clogged by misinformation, mobilization of angry voices, distortion from advocacy and strategically incomplete information. The persuasion industry will attempt to capture the public dialogue on issues whenever serious interests are at stake. Perhaps I am wrong about this, but only a plan that systematically nurtures deliberation in combination with political equality and participation can answer that challenge. Ackerman and I put forward one such plan. Perhaps there are others. But lacking a specification, we have no reason to conclude that the problem could be solved by any remedy less ambitious and systematic than the one we put forward.

Lacking an institutional design that would solve the problem—apart from Deliberation Day, which would require massive resources and a dramatic national commitment—we are left with the trilemma and the possibility of *representing* the conclusions of a national deliberation with the DP. I offer this as second best in the book, but it is a second best that provides a response to the participatory and dialogic distortions of mass

politics in ordinary life. Even if everyone does not actually deliberate, we can represent their conclusions in a social science experiment and make the conclusions relevant to politics and the policy process. It is only a second best because it fails to realize the value of mass political participation along with the other two, but that is the pattern of the trilemma.

Levinson: How Radical is Deliberative Democracy?

Sanford Levinson offers an extremely thoughtful meditation that adds up to one big question: how radical is the aspiration for deliberative democracy embodied in Deliberative Polling? This question comes from the author of *Our Undemocratic Constitution*, which raises grave questions about the extent to which our constitution can be expected to live up to democratic aspirations. Levinson informally invokes each of the four democratic values discussed in my book. He discusses cases of obviously absurd policies that no thoughtful and informed electorate would support (the “bridge to nowhere”), cases dramatically violating political equality, from the structure of the Senate (equating Wyoming and California) to the vagaries of the Electoral College. He also decries low participation and the inadequacies of the courts in protecting rights. Most centrally, he denounces the “iron cage” of Article V constitutional change as trapping us in an 18th century structure ill suited to modern democratic aspirations.¹¹

If I read him correctly he embraces each of our four principles: political equality, deliberation, participation and non-tyranny. Yet he does not say much about their relative priorities in some new structure that would be more democratic. I will read him as approving the combination of political equality and deliberation embodied in the DP and then ask how it could be made more of an explicit political and institutional reform, rather than a mere advisory mechanism or contribution to the public dialogue.

The DP is an effort to combine social science with democratic consultation. The idea is to bring into being this ancient political life form, to study it, improve it with modern methods of technology and social science, and to explore the contexts where it can make a contribution to policy. My belief is that the accumulating evidence helps make the case for further use. The expanding contexts are more rich and varied than anything I could have imagined in my writing. Yet it seems clear that we are still in early days in the systematic exploration of the potential.

Provided that the other elements of a DP-like process are done well, the key ingredient is for the participants to believe their voice matters, that it is worth their devoting time and attention to detailed matters of policy, and to consider the trade-offs posed by public choices. When Madison and the founders proposed a republic relying on deliberation by representatives, it was partly out of skepticism, as Levinson notes, about the capacities of

ordinary citizens. The research program we are launched on with the DP disconfirms that expectation in each project. The public is immensely capable if given the chance and a realistic basis for thinking that its voice matters. One realistic basis is for the results of the DP to feed into actual decision making. But another way is just for there to be significant media coverage and participation by relevant officials. In both cases, it is obvious that once engaged, the participants work hard to deeply immerse themselves in the issue. In both cases, they seem to get over the perverse incentives for rational ignorance or inattention that they were subject to before they were invited.

Hence we believe that the non-binding or merely advisory versions of the DP shed light on the possibilities for getting the DP more directly involved in decision processes. But how far might this go? In Levinson's terms, how radical might this become?

From a normative standpoint, it is worth noting that the DP by itself does not succeed in embodying all the relevant values. Most notably it leaves out mass participation as Mansbridge and others have commented. In the book I argue that participation has an independent value because it signals a form of mass consent. I invoke the debate over the referendum in Rhode Island on the Constitution where Anti-Federalists criticized the notion of a small deliberative body, in that case a convention, as the basis for decision contrasted with a referendum in which everyone could participate. Everyone's freedom and rights were at stake said the Anti-Federalists, so why should not everyone get to vote? The force of this argument, offered again frequently by the Progressives, suggests that an adequate system should provide a means for mass participation as well as the other two values implicated in institutional design—deliberation and political equality.

Deliberation Day, kicked off with a DP but followed with actual small group deliberations by everyone accommodates, for a crucial day before an election, all of the key values in my view. We do in fact have good prospects abroad of piloting something like Deliberation Day and I hope to return to print about that relatively soon. For the moment I hope the idea is clear.

In the meantime, quite apart from elections, I think the DP could easily become part of many official advisory processes where its input can be an effective and key part of a decision process. This is what happened, in effect, in Texas, where it was adopted as the preferred mode of public consultation by the Public Utility Commission for "Integrated Resource Planning." As recounted in the book, the eight projects in Texas led directly to a series of decisions whereby Texas went from last to first in wind power between 1996 and 2007. A public and transparent recommending process, once convened, can be an effective decision process.

Similarly, in Greece we had a case where a major political party used the DP to officially choose a candidate. Positioned between elite candidate choice and the American style mass primary, the DP arguably offered the best of both worlds. We are optimistic that more such candidate choice experiments will occur.

In China, the use of the DP as an input to the Local Peoples Congress contributes directly and officially to an actual decision process.¹² The process is spreading in China on this basis. In the best of all possible worlds, it would chart a distinctive path to democratization in the Chinese context. It is too early to say if this will be successful but there are, increasingly, reasons to take it seriously.

To summarize the situation: first, it is now clear that deliberative preferences are different than top of the head preferences (we get a high percentage of questions with statistically significant net change). Second, if the policy process could be moved more in the direction of deliberative preferences that would be better in terms of realizing fundamental democratic values (deliberation and political equality) and would make a substantive difference in policy. Third, there are increasingly many contexts providing an entry point for the representative and deliberative preferences of the mass public. Fourth, as noted in the book, the online process makes this sort of consultation dramatically more cost effective at the national level so the impediment of cost may eventually be lifted with technology.

We can see glimpses of a more substantive form of democracy, turning manipulation into empowerment and persuasion into deliberation. We just need to keep experimenting and evaluating it to harness social science to the task of institutional innovation.

James S. Fishkin holds the Janet M. Peck Chair in International Communication at Stanford University where he teaches Communication and Political Science and is the Director of the Center for Deliberative Democracy. He is the author of When the People Speak (Oxford, 2009) as well as of The Voice of the People (Yale, 1995) and Democracy and Deliberation (Yale, 1991). With various collaborators he has helped conduct Deliberative Polls¹³ in many countries around the world, including the US, Britain, Australia, Denmark, Canada, Bulgaria, Hungary, China, Thailand, Japan, Brazil, and Argentina.

Endnotes

*This symposium will continue in *The Good Society*, Volume 19, Number 2, and Volume 20.

1. Lynne M. Sanders, "Against Deliberation," *Political Theory* 25:3 (1997): 347–76.

2. Sanders questions the connection between Madison and the filtration metaphor. For my discussion see *When the People Speak*, 16.

3. Nicholas Wood "Bulgaria Invites Guests for a Day of Intense Democracy," *New York Times*, May 7, 2007.

4. Cynthia Farrar, James S. Fishkin, Donald P. Green, Christian List, Robert C. Luskin, and Elizabeth Levy Paluck "Disaggregating Deliberation's Effects: An Experiment within a Deliberative Poll," *British Journal of Political Science*, (April 2010), also available at <http://cdd.stanford.edu/research/papers/2006/nh-disaggregating.pdf>.

5. Robert C. Luskin, James S. Fishkin and Shanto Iyengar, "Considered Opinions on U.S. Foreign Policy: Face-to-Face versus Online Deliberative Polling[®]," available at <http://cdd.stanford.edu/research/papers/2006/foreign-policy.pdf>.

6. Shanto Iyengar, Robert C. Luskin and James S. Fishkin, "Deliberative Preferences in the Presidential Nomination Campaign: Evidence from an Online Deliberative Poll," available at <http://cdd.stanford.edu/research/papers/2005/presidential-nomination.pdf>.

7. Robert C. Luskin, Kyu Hahn, James S. Fishkin and Shanto Iyengar "The Deliberative Voter" available at <http://cdd.stanford.edu/research/papers/2006/nh-disaggregating.pdf>.

8. James S. Fishkin, Robert C. Luskin, Ian O'Flynn and David Russell "Deliberating across Deep Divides," See <http://cdd.stanford.edu/research/papers/2009/fishkin-deep-divides.pdf>.

9. See <http://cdd.stanford.edu/polls/eu/2007/eu-dpoll-allopinionchange.pdf>.

10. Bruce Ackerman and James S. Fishkin, *Deliberation Day* (New Haven and London: Yale University Press, 2004).

11. Sanford Levinson, *Our Undemocratic Constitution* (Oxford: Oxford University Press, 2006).

12. See James S Fishkin, Baogang He, Robert C. Luskin, Alice Siu, "Deliberative Democracy in an Unlikely Place," *British Journal of Political Science*, (in press April 2010) also available at <http://cdd.stanford.edu/research/papers/2010/fishkin-bjps-china.pdf>.

13. Deliberative Polling[®] is a trade mark of James S. Fishkin. Any fees from the trade mark are used to support research at the Center for Deliberative Democracy at Stanford University.