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Deliberative Polling as the Gold Standard

Jane Mansbridge

The Deliberative Polls of James Fishkin and Robert Luskin represent today the gold standard of attempts to sample what a considered public opinion might be on issues of political importance.¹ Those polls are also beginning to play a role in shaping public policy, as I believe they ought to do. They are an important new mechanism through which citizens can affect the laws and policies that affect them. They provide an opportunity for reflection and voice that is both more deliberative and more equal in practice than most elections. They play an increasingly legitimate role, both sociologically and normatively, in the system of citizen representation. Yet, as Fishkin points out in this new book, although Deliberative Polls have a positive effect on their participants' subsequent participation in the electoral process, they do not mobilize the citizenry. They sacrifice widespread participation for greater deliberation and political equality. They are thus only one tool in a desirable democratic toolbox.

The Gold Standard

Deliberative Polls are the gold standard today in several respects. They are strongest in representativeness, very strong on outcome measurement, and equal to any other in balanced materials, policy links, and the quality of space for reflection.

First, the Deliberative Polls today make a more significant attempt to get a representative sample than any other comparable entity. They do about as well as is practically feasible with today's technology. Getting such a high quality sample requires monetary compensation, travel, hotel rooms, repeated requests, and other support. The process is very expensive.² Even Citizens Juries, the British Columbia Citizens' Assembly, and the consensus conferences in Europe, deliberative venues all based initially on random or representative samples, have a larger—often a much larger—self-selected component than the Deliberative Polls.

Second, the Deliberative Polls make a major and highly successful attempt to produce balanced documents and a balanced set of advocates pro and con. The materials must be signed off on by the competing sides in a balanced advisory committee.³ I know of no instance in which Deliberative Polls have been attacked for providing unbalanced materials. Like the other deliberative venues of which I am aware, Deliberative Polls do not provide

the deliberators with radical left or right alternatives that are not within the currently feasible political process. Including such options is not practical in a context in which the funding and frame for Deliberative Polls and their like are provided by governments, the mainstream media, or mainstream foundations. But including such alternatives may be a desirable long-run goal. At the moment Deliberative Polls do as good a job as any of their alternatives in the quality of the options and materials they provide.

Third, the Deliberative Polls engage significant issues and often provide real links to policy-makers, so that participants can know that their voices will matter. In Papandreou's PASOK party primary in Athens, participants in the Deliberative Poll actually went into a polling booth and made the candidate selection decision after filling out the Deliberative Poll questionnaire. In the Texas Public Utilities Commission case, the relevant official decision-makers were embedded in a process that mandated strong consideration of the poll results. In Zeguo township in China, the relevant party official committed informally beforehand to enacting the decisions arrived at by the Deliberative Poll and formally submitted the results to the Local Peoples Congress, which ratified them. Now that the Local Peoples Congresses have become more independent, subsequent Deliberative Poll results have been submitted to them and to date they have always adopted the results. In many other cases, decision-makers have taken the Poll results seriously, particularly when those results have given politicians cover to make a sensible but politically unpopular move.⁴

Fourth, the Deliberative Polls make a major and very largely successful attempt to produce a safe space for discussion within

its representative sample. This safe space has several features. The Polls provide an unusual opportunity to discuss issues with a representative sample of the non-likeminded in a space protected and facilitated by moderators. As in other such facilitated deliberative venues, the moderators damp the heat of emotions, an admitted loss, but also encourage those who would not speak

up in a hotter environment, a significant gain. In more traditional public venues such as a town meeting, people will sometimes not speak up unless they "get mad."⁵ In the Deliberative Polls, the moderators generally coax such people to talk and the safer

The capacity to tap considered citizen opinion could also give public-spirited politicians cover when they want to do the right thing but find raw public opinion against them.

environment makes it more possible for the conflict averse to express their opinions.

Conflict aversion is a serious problem for democracy. The distaste for conflict cuts across class and to some degree across gender (with the less educated and women somewhat more conflict-averse).⁶ That distaste reduces interest in politics and so affects even electoral participation. It usually depresses even more the forms of participation that require conflictual face-to-face interaction. In part because of an aversion to conflict, citizens rarely have long and serious conversations with others with whom they seriously disagree politically. Yet such interactions with opposing opinions do take place in Deliberative Polls. The fear of conflict is reduced not only because of the moderators but also because the opinions voiced are non-binding and the stakes are therefore low. In Archon Fung's terms, these are not "hot" deliberations.⁷

The moderators in Deliberative Polls also try, often with considerable success, to avoid social pressures to conformity and consensus. This is not an easy matter. Small groups in general tend toward consensus, and trained facilitators often believe it is their job to help guide group members toward identifying what they have in common.⁸ In Europe, "consensus conferences" make achieving consensus their declared goal. Deliberative Polls, however, end with the equivalent of a secret ballot, so that the outcome can be aggregative, not consensual. Moderators in all such deliberative bodies need to be actively reminded to keep "remainders" alive.⁹

The moderators in Deliberative Polls, like those in many such deliberative venues, try further, and with considerable success, to include all individuals and bring out all sides of a question. This effort, combined with the balanced materials and experts, probably explains why the participants in Deliberative Polls demonstrably do not move to extremes, as Cass Sunstein points out happens in many, perhaps even most, other non-facilitated groups.¹⁰

Finally, as in many facilitated deliberative groups, the moderators in Deliberative Polls try to avoid the domination of the better educated, which emerges in most other forms of politics. They also achieve considerable success in this goal. By contrast, elections in democracies without compulsory voting or intensely committed working-class parties produce a significant class gap in electoral participation. Even in the direct democracy of a New England town meeting, the more educated are more likely to attend and speak.¹¹ Organizer efforts to achieve a representative sample and facilitator efforts to bring out all opinions make the Deliberative Polls, while not a level playing field, more equal in most features of their processes than the usual election or direct assembly.

The combination of these factors of representativeness, balance, political linkage, safety, and inclusion makes the Deliberative Poll the gold standard for process among institutions that try to

create and access the considered deliberations of a representative sample of the citizenry. Deliberative Polls also achieve high standards in measurement. Attitude data are collected on first contact and those who participate are compared, with the same questions, to a random sample contacted through a standard telephone opinion poll, a process that makes possible a test for representativeness. In a few cases, the Deliberative Poll design also includes something close to the full (and expensive) four-cell measurement necessary for a persuasive test of causality: a measurement of treatment and control groups both before and after the treatment. Finally, Deliberative Polls are large enough so that their representativeness can be evaluated statistically.

Because these measurements are well designed and well collected, the outcomes of Deliberative Polls have been important for scholars interested in participation. A decade ago I concluded that the study of participatory democracy had declined in part because it is so hard to demonstrate empirically, with the appropriate control groups at Time one and Time two, that participation has any effects on the participating individuals. A researcher often needs very large (and therefore expensive) samples to capture the expected small and subtle effects. At the time I wrote, no one had been able to make a persuasive argument that political participation had any such effects, because the existing measurements were only correlational. Since then John Gastil and his colleagues have shown positive effects (and even "dose effects") of jury duty on voting participation in actual elections. Frohlich, Godard, Oppenheimer and Starke have shown positive effects from simulated worker control in the laboratory. Robert Luskin and James Fishkin have shown positive effects of Deliberative Polls on political efficacy, as Carole Pateman predicted, and possibly even on public spirit, as John Stuart Mill predicted.¹²

Luskin, Fishkin, and other researchers on deliberative venues have all consistently shown significant increases in information after deliberation. The opinions that do not change are also more valuable as democratic input, because the participants have had to confront alternative arguments. Because the Deliberative Poll recruitment and measurements are particularly believable, policy-makers and scholars now have some idea of what citizens would think about many topics, given the information, time, and a setting conducive to a relatively considered conclusion. If anything comparable to Deliberative Polls ever becomes an institutionalized feature of the regular democratic process, as I hope it will, considered citizen opinion as measured in a Deliberative Poll could play a formative role before primaries and referenda and in administrative policymaking when legislation requires administrators to consult the citizenry. The capacity to tap considered citizen opinion could also give public-spirited politicians cover when they want to do the right thing but find raw public opinion against them.¹³

Some of the information and opinion change in Deliberative Polls occurs before the event, as participants prepare for a setting in which others will be relatively well prepared, important issues will be discussed, and the media may be present. Other information changes come on site, from the experience of deliberation, in which participants must confront information that tells against their views. The Deliberative Poll in Denmark, analyzed with Kasper M. Hansen and Vibeke Normann Andersen, showed that although the deliberators learned information that supported their own side from reading the briefing materials *before* the event, they learned information against their side *during* the event.¹⁴ Deliberative Polls can significantly reduce the usual political processes of selective attention.

Finally, Luskin and Fishkin, working with Christian List and Iaian McLean, show that Deliberative Polls produce greater “structuration”—that is, single-peaked preferences. After structuration the eventual vote is less likely to produce a Condorcet or Arrow cycle and thus is more likely to make democratic sense. Alice Siu also shows that participant statements that offer reasons change others’ opinions more than statements that simply express a view.¹⁵

These new measurements of the actual process of deliberation make significant advances in the field. Good measurements prompt good academic research. As Luskin and Fishkin finish their analyses and make the data public, we can expect an even greater surge forward in deliberative studies. The topic of deliberative democracy has inspired a greater rapprochement between normative theory and empirical political science than any other subject in political science in the last several decades.¹⁶ Deliberative Polling has a chance to lead this effort.

Representation Based on Consent

The degree to which Deliberative Polls have sociological and normative legitimacy is contested and rapidly changing. Sociological legitimacy means the observed fact of citizens believing that their government has the right to rule, a phenomenon that may be based on incomplete information, incorrect premises, or manipulated loyalties. Normative legitimacy means the actual right to rule, based on normative criteria. Because normative democratic legitimacy has a core of consent, the evolving citizen conceptions of what constitutes valid representation should affect the normative legitimacy of that representation. Thus if Deliberative Polls become accepted as one normatively appropriate form of representation, that

fact should affect their normative legitimacy in the eyes of normative theorists even though this form of representation differs from the electoral form that has evolved since the seventeenth century. These representatives are not accountable to the citizens through monitoring and sanctions as electoral representatives are, but they have a claim through lot to one form of representation.

Normative analysis must take seriously the sociological fact of citizen consent, but it must also interrogate the bases of that consent. Consent has

several dimensions and degrees of depth. It can run from the fully explicit to the tacit. It can be based on manipulated, shallow, or good quality deliberation. The consent that most citizens in today’s advanced democracies give to their representative institutions is somewhat tacit, based on intermittent conscious deliberation within a long historical evolution. In the course of this evolution, not only *processes*, such as the accountability that reelection provides, but also *outcomes*, such as the economic and political success of many representative democracies, have generated explicit or implicit reasons for supporting the institution of electoral representation. Faced with a potentially new form of representation such as Deliberative Polls, citizens have as yet neither the analytical nor the experiential capacities to make a well-informed judgment. If the lot is to make a comeback as a significant democratic tool, as I hope it will, it will require both a nuanced theoretical discussion of its legitimacy and sufficient citizen experience with the institution to make an informed judgment. That theoretical discussion is just beginning,¹⁷ as is the amassing of citizen experience. At the moment many people in the U.S. understand the concept of a lottery for purposes of gambling or choosing individuals for the draft. Yet they do not understand the purposes of a random sample and have no experience with such a sample used for representation. The experimental use of a representational lottery in high schools and other institutions (presuming that high school students, for example, are mature enough to take the mechanism seriously) would begin to provide not only familiarity but also comparative evidence of representational virtues and vices.

The Deliberation/Participation Tradeoff: A Dissent

Deliberative Polls do not play a significant mobilizing role in democracy. Fishkin puts this point at the center of his analysis. He identifies the three “core values” of democracy as political equality, deliberation, and what he calls “mass participation,” then argues that these form a “trilemma.” That is, “attempts to realize any two will undermine the achievement of the third.”¹⁸

If the lot is to make a comeback as a significant democratic tool, as I hope it will, it will require both a nuanced theoretical discussion of its legitimacy and sufficient citizen experience with the institution to make an informed judgment.

The Deliberative Polls aim at, and do very well, comparatively, on political equality and deliberation. They do not aim at, and do not succeed in producing extensive participation.

No single democratic mechanism can produce every good democratic result. Deliberative Polls can be one part of a larger revitalization of democracy that includes increased participation without Deliberative Polls themselves being an important mechanism of that participation. At times, however, Fishkin's language suggests that he wants to *replace* public hearings, "town meeting" forums, and other democratic mechanisms that produce a self-selected group of advocates with Deliberative Polls. He does not want simply to *supplement* these mechanisms with Deliberative Polls. This would in my view be a mistake. In addition to Deliberative Polls, every current democracy also needs mechanisms for mobilizing the citizenry. As those mechanisms kick in, they may foster unthoughtful views that undermine larger democratic capacities. These effects are, however, often intertwined with other good effects. When this is the case, democracies should not eliminate the mechanisms that produce the problematic effects, but find ways to guard against the worst excesses.

Take the ways that the 2009 "town hall" forums on health care reform were inundated with organized opponents to intimidate elected representatives and give a false sense of public opinion. Fishkin's op-ed piece in the *New York Times* suggested rightly that a Deliberative Poll would have been a much better mechanism than those hearings to understand what a representative group of citizens, presented with arguments from both sides, would think if they had the time and appropriate space to consider the options.¹⁹ A well-publicized Deliberative Poll on the subject would have had a healthy effect on the public debate. It might well have affected public opinion more widely and could even have influenced the policy outcome. We are all poorer for the fact that such a Deliberative Poll was not commissioned and did not take place.

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.²⁰ Yet the town hall forums, for all of their faults, did serve an important democratic purpose. They allowed people who felt strongly about the subject to come forward and express what they thought in ways that were likely to have a policy impact. If you had something to say and lived in a district that had such a forum, that forum provided a way for you to say it. The forums mobilized citizens into the political process. They got those ideas heard. The mechanism was deeply flawed, among other

things because some forums had originally been organized only to promote the reform so they were ripe for protest, and also because in the country as a whole citizens with opposing views often simply dismissed the speakers as ignorant and crazed. Some of the flaws of those meetings could have been curbed while retaining some of the virtues of mobilization and participation. Lawrence Susskind and Sandy Heierbacher have suggested procedures that should make such forums more genuinely open to all views,²¹ and many organizations have developed formats that facilitate more productive disagreement.²² But variety makes a lively democracy. From the perspective of protest, the deliberative "flaws" in the town halls are simply part of a vibrant political process.

Entering political equality into the equation makes the tradeoff between participation and deliberation even harder to solve. Mini-publics committed to deliberation face a distinct tradeoff between representation and mobilization (in Fishkin's terms, between political equality and participation). 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, more confident, and more politically interested volunteer to participate. Even if an organization makes a successful effort to recruit actively in racial, ethnic, regional, and class arenas from which individuals are typically less likely to volunteer, thus producing a deliberative body whose composition on all the usual demographic indicators matches that of the general public, the individuals from those groups will themselves not constitute a random sample, any more than the volunteering individuals from more dominant groups will constitute a random sample of their groups. The highest quality representative sample is achieved by choosing particular individuals randomly, then making the greatest effort possible to recruit that particular individual and not a substitute. Participation must be strictly by invitation only.

Such a venue, not open to the public, can have little mobilizing effect except through the media and publicity about the process and its results. Its very format is antithetical to wide participant outreach. It was undoubtedly for this reason that Gordon Gibson, in designing the British Columbia Citizens' Assembly, decided to sacrifice a higher quality representative sample for a process that, while considerably more self-selected, involved public recruitment in each riding of the province. Similarly, America Speaks, an organization that arranges public deliberations, has a goal of involving as many people as possible in their deliberations, both in their massive but ingeniously designed venues and through their wide recruitment processes. Each of these choices sacrifices some representative quality for greater mobilization.²³

Here too I depart from Fishkin's analysis in order to advocate multiplicity. Fishkin's trilemma rightly assumes a conflict among his three core values that, on a large scale and within one institution, can be overcome only at great cost—as in the Deliberation Day that he and Bruce Ackerman propose. He points out how in the United States “mass” participative innovations such as the initiative, referendum, and recall have had “the unexpected effect of lessening the realization of ... deliberation.”²⁴ It is indeed hard to realize all three “core” democratic values in one large-scale institution simultaneously.²⁵ 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.

For this reason most participatory democrats have envisioned a proliferation of relatively small-scale institutions that give people control over the proximate areas of their lives where they can have an effect and also give them the skills and sense of efficacy necessary to participate when they can at a larger scale. Fishkin's description of “participatory democracy” as “mass” participation through institutions such as referenda in their current form²⁶ would be anathema to the original participatory democrats, such as Arnold Kaufman, the framers of Port Huron Statement, Carole Pateman, or Benjamin Barber, none of whom ever proposed to combine only political equality and participation and ignore deliberation. Fishkin recognizes the small-scale contexts of both Mill and the original participatory democrats and even quotes Pateman writing of participants in the worker-controlled enterprises she advocated, “As they discuss public problems together they appreciate different points of view and learn to weigh and value interests broader than their own.”²⁷ On the small scale, we can realize all three values of deliberation, relative political equality, and participation. Then we can proliferate small-scale institutions. We thus do not need to slide, as Fishkin does, from the concept of “participation” to one of “mass participation,” which creates “the conditions of plebiscitary democracy,” with its “incentives for rational ignorance, disconnection, and the politics of impression management of an (usually) inattentive public.” These negative features are not necessary on a small scale, and can sometimes be avoided even on a larger scale.²⁸

Democracy would be enhanced by pushing forward on all three fronts of political equality, deliberation, and participation, with different mechanisms and institutions.

We should all agree with Fishkin that “Democratic ideals must be considered in the plural”²⁹ and that important values can come in conflict. We should also be persuaded by the theory of “second best,” which points out that in some contexts trying to maximize all ideals produces perverse outcomes.³⁰ But, as I have argued, increases in participation and political equality do not inevitably produce losses in deliberation. Deliberative Polls can form one element in a larger struggle to increase deliberation and political equality in the polity. They ought not to be conceived either as a substitute for broad participation or as the only solution for moments in which widespread mobilization decreases deliberative quality.

The Deliberative System

A good democracy requires both good deliberation leading up to a decision and good procedures in decision. Deliberation leading to a decision takes place in many venues, from formal and informal spaces within legislatures making binding decisions to formal and informal spaces in the public sphere. Some of these spaces are highly mobilizing and less deliberative or representative; some are widespread but of varying deliberative quality, as in everyday talk; some are of good deliberative quality but relatively unrepresentative, as in certain stakeholder negotiations. Each has its values, e.g., in inspiring citizens to future action, in connecting ideas to everyday experience, in facilitating the acceptance of loss, in teaching political skills, and in conducing to effective decision. The entire complex of these spaces forms the deliberative system.³¹

I have at times suggested restricting the phrase “deliberative democracy” to the production of a binding decision, reserving the more open words “deliberation” or “democratic deliberation” for the broader category of discussing the “authoritative allocation of values” in the public sphere.³² In such a division, almost all Deliberative Polls would lie in the public sphere.

But the boundaries of the decision-making arena are often not clear. In Deliberative Polls where elected or appointed authorities have bound themselves to abide by the polls' decisions, the members of the polls are effectively the makers of the binding decision. In other cases, the polls' decisions create

significant constraints on the formal decision-makers. A hard and fast line between the binding and non-binding parts of the deliberative system may not be appropriate.

Yet the internal temperature and the sense of “giving a law to oneself” differ between Deliberative Polls and, for example, New England town meetings. So does the demand for

negotiation among difficult value trade-offs. When important and contested subjects arise in town meetings, the atmosphere is often hot and conflictual, because the participants know that they and their neighbors will have to live with what they decide. Sometimes the stakes are high and one group will lose. Indeed, learning to lose to what one considers the misguided priorities of one's neighbors and even friends is an important lesson of democracy. By contrast, the final act in a Deliberative Poll is only a second "poll" of opinion. Because it does not involve casting a potentially decisive vote in a binding decision, it causes less acrimony among the participants. Nor are participants in a Deliberative Poll asked to negotiate their way to a set of tradeoffs that all, or at least a majority, of participants will consider fair—negotiations that often require internal soul-searching about what one really wants and giving up some of what one holds dear. As we try to understand the effects of these different forms of deliberation and their settings, we should begin to specify at least the components of direct versus indirect participation, binding versus non-binding decisions (or dialogue not intended to lead to decision), zero-sum versus positive-sum decisions (or decisions that can transformatively be made positive-sum), negotiation versus simple agreement, and majority rule versus consensus. Deliberative Polls could eventually have a formal institutional role in democracies through decisions that were binding, zero-sum, and decided by negotiation and majority rule only if public consent advanced to the point at which members chosen by lot were taken as legitimate representatives of the public. But such an evolution is still far away, and the internal process of deliberation in such bodies might not look much like that of today's Deliberative Polls.

The effects of these different forms of deliberation depend on the intent of a particular deliberation and its other components. Regarding intent, the spectrum of deliberative empowerment can run from a poll intended solely to measure considered opinion, to a consultative body advising an authority on a particular issue, to a forum fully empowered to produce a binding decision. Over time *consultative* deliberation may morph into *de facto empowered* deliberation, as when an authority routinely accepts or comes to rely on the legitimacy of the recommendations of citizens in a Deliberative Poll, making it harder subsequently to rule against the citizens' recommendations. Some deliberations may be more properly called "dialogues," aimed at greater understanding among possibly antagonistic groups. Some deliberations may take place in democracies, others in authoritarian regimes.³³ Besides intent and role, other components that might produce varying effects on the outcome, the process, and the participants include direct participation by citizens versus indirect participation by representatives, zero-sum versus positive-sum decisions (or decisions that can transformatively

be made positive-sum), negotiation versus simple agreement/disagreement, and majority rule versus consensus. Deliberative Polls could eventually have a formal institutional role in democracies through decisions that were binding, zero-sum, and decided by negotiation and majority rule, but only if public consent had advanced to the point at which members chosen by lot were taken as legitimate representatives of the public. Such an evolution is still far away. If it were to be achieved, the internal processes of deliberation in such bodies might not look much like those in today's Deliberative Polls.

In the larger sphere of public "will-formation," Deliberative Polls have an important role right now, in places in the deliberative system that are not binding but generate important signals for both elected representatives and the public at large. Although these deliberations are short and cannot encompass the detail that the elected representatives and appointed members of government who specialize in these matters can master, they go way beyond anything we have had before in depicting what the larger public, given good conditions for deliberation, would think. It will take a while for the public and for the deliberative system as a whole to give Deliberative Polls the credibility and the respect that they deserve. When they earn that respect, as I hope and believe they will, this new institution will be a boon to democracy, in underscoring the intelligence and capacity of the citizenry, in giving the citizens involved the experience of responsibility for others, and in guiding the polity toward better outcomes.

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Endnotes

1. I thank James Fishkin and Archon Fung for comments on an earlier draft; neither is responsible for the judgments herein.
2. The samples are of course not perfectly representative, typically having greater representation of the more highly educated and interested in politics and in the U.S. sometimes excluding non-English speakers. See James S. Fishkin, *When the People Speak: Deliberative Democracy and Public Consultation* (Oxford: Oxford University Press, 2009), 119. Yet in general the differences between the samples and the population are small, and in most respects compare favorably to the differences between actual voters and citizens in U.S. elections (my comparison; others compare the Deliberative Polls to conventional survey research). The differences from the population are also reported in every study. The cost of such good representation is, however, high. The 1996 National Issues Convention poll spent almost \$4 million for the entire nation-wide event (with pre- and post- controls), including the intensive, high-quality effort that produced 466 deliberators out of 1260 eligibles. See Daniel M. Merkle, "The National Issues Convention Deliberative Poll," *Public Opinion Quarterly* 60:4 (1996): 590; Robert C. Luskin and James S. Fishkin, "Deliberative Polling, Public Opinion, and Democracy:

The Case of the National Issues Convention," 2005, 5. Available at <http://cdd.stanford.edu/research/papers/2005/issues-convention.pdf>. The resulting 37 percent was a "turnout" rate higher (as well as more representative) than in many primaries and local elections. It was also higher than many public opinion surveys.

3. An equally effective mechanism is to ask established stakeholder groups to sign off on the materials.

4. Fishkin, *When the People Speak*, 9–10, 123–24, 106–10, 151.

5. Jane Mansbridge, *Beyond Adversary Democracy* (Chicago: University of Chicago Press, 1980), 62.

6. Correlations provided by Michael Neblo from data reported in Michael Neblo et al., "Who Wants to Deliberate—And Why?" Kennedy School Research Paper RWP09-027, 2009.

7. For negative effects on participation and conversation, see John R. Hibbing and Elizabeth Theiss-Morse, *Stealth Democracy* (Cambridge: Cambridge University Press, 2002); Mansbridge, *Beyond Adversarial Democracy*, 65; Diana C. Mutz, *Hearing the Other Side: Deliberative Versus Participatory Democracy* (Cambridge: Cambridge University Press, 2006). For "hot" deliberations, see Archon Fung, "Recipes for Public Spheres: Eight Institutional Design Choices and Their Consequences," *Journal of Political Philosophy* 11:3 (2003): 345.

8. Jane Mansbridge, Matthew Amengual, Janette Hartz-Karp, and John Gastil, "Norms of Deliberation: An Inductive Study," *Journal of Public Deliberation* 2:1 (2006): 1–47. See also Lawrence R. Jacobs, Fay Lomax Cook, and Michael X. Delli Carpini. *Talking Together: Public Deliberation and Political Participation in America* (Chicago: University of Chicago Press, 2009), 76.

9. See Fishkin *When the People Speak*, 39, 57 on the post-deliberation poll as a "secret ballot;" Bonnie Honig, *Political Theory and the Displacement of Politics* (Ithaca: Cornell University Press, 1993) on remainders.

10. Fishkin, *When the People Speak*, 139; Cass Sunstein, *Going to Extremes: How Like Minds Unite and Divide* (New York: Oxford University Press, 2009).

11. Fishkin, *When the People Speak*, 130 on the evidence for non-dominance in outcomes, even though the more educated speak more often; Sidney Verba, Norman H. Nie and Jae-on Kim, *The Modes of Democratic Participation: A Cross-National Comparison* (Beverly Hills, CA: Sage Publications, 1971) for cross-cultural comparisons; Mansbridge, *Beyond Adversarial Democracy*, for town meetings.

12. See Jane Mansbridge, "On the Idea that Participation Makes Better Citizens," in Stephen L. Elkin and Karol E. Soltan eds., *Citizen Competence and Democratic Institutions* (Pennsylvania State University Press, 1999), 291–325 for critique of past measures; John E. Gastil, Pierre Deess, and Phil Weiser, "Civic Awakening in the Jury Room: A Test of the Connection Between Jury Deliberation and Political Participation," *The Journal of Politics* 64:2 (2002): 585–95 for juries with pre and post test controls; Norman Frohlich, John Godard, Joe A. Oppenheimer, and Frederick A. Starke, "Employee Versus Conventionally-Owned and Controlled Firms: An Experimental Analysis," *Managerial and Decision Economics* 19:4/5 (1998): 311–26 for simulated worker control with pre and post test controls. The 1996 National Issues Convention Deliberative Poll did not have a full experimental design, but came very close, with pre-test and post-test measures for non-participants and participants as one form of control and a post-test separate random sample as another control. See Robert C.

Luskin and James S. Fishkin, "Deliberation and Better Citizens," 2002 available at <http://cdd.stanford.edu/research/papers/2002/bettercitizens.pdf>; Luskin and Fishkin 2005. Measures ten months later showed some continuing increases in efficacy increases. Political activity also increased over that time, although possibly due not to the Deliberative Poll but to the concurrent presidential election. The Danish Deliberative Poll (Fishkin, *When the People Speak*, 138), the Australian Deliberative Poll, and all three online Deliberative Polls have had pre and post test controls (James Fishkin, personal communication). See Jacobs et al., *Talking Together*, for a full experimental design (based on a deliberative sample not intended to be fully representative), showing gains in the salience of the issues and, as in many deliberative experiments, information. See Carole Pateman, *Participation and Democratic Theory* (Cambridge: Cambridge University Press, 1970); Fishkin, *When the People Speak*, 141; and Luskin and Fishkin, "Deliberative Polling, Public Opinion, and Democracy," on efficacy ("internal" efficacy measured by reporting, e.g., "I have opinions worth listening to," and "external" efficacy by, e.g., "Public officials care what people like me think"). See John Stuart Mill, "Considerations on Representative Government," 1861; Fishkin, *When the People Speak*, 142 on public spirit.

13. Fishkin, *When the People Speak*, 121 for unchanged opinions; 44 for political cover. The significant media coverage and the novelty of existing Deliberative Polls make it unclear whether more routinized versions of consulting citizens chosen by lot (e.g., used administratively to meet the citizen participation requirement mandated by some legislation) would have the same capacity to attract a representative sample, particularly if not well funded. They might also generate fewer positive later effects, particularly if the degree of responsibility were not high. Gastil et al. found with juries that the more important the decision (and therefore the greater the citizen's responsibility), the greater the positive effect on later political participation. See Gastil et al., "Civic Awakening in the Jury Room."

14. Fishkin, 124–25, 138–39; also 142 for on-site learning in New Haven.

15. Fishkin, 144–46, 127.

16. Dennis F. Thompson, "Deliberative Democratic Theory and Empirical Political Science," *Annual Review of Political Science* 11 (2008): 497–520; see also, e.g., André Bächtiger and Jürg Steiner, eds., "Empirical Approaches to Deliberative Politics," *Acta Politica* 40 (2005): 1–392; Mark E. Warren, "Two Trust-Based Uses of Minipublics in Democracy," presented at the Democracy and the Deliberative Society Conference, University of York, June 24–26, 2009; and Jürg Steiner, *Deliberation: Empirical Research and Normative Implications*, unpublished manuscript, 2009.

17. See, e.g., Fishkin, *When the People Speak*; Warren, "Two-Trust-Based Uses of Minipublics in Democracy;" Philip Pettit, "Representation: Responsive and Indicative," presented at the Workshop on Representation Beyond Elections, Princeton University, December 5–6, 2008; but *per contra*, e.g., Bernard Manin, *Principles of Representative Government* (Cambridge: Cambridge University Press, 1997); Ian Shapiro, *The Moral Foundations of Politics* (New Haven: Yale University Press, 2002). See also the now growing literature on unelected representatives, e.g., Jane Mansbridge, "Rethinking Representation," *American Political Science Review* 97:45 (2003): 515–27 (on "surrogate representatives"); Laura Montanaro, "The Democratic Potential of 'Self-Authorized' Representatives," presented at the annual

meeting of the American Political Science Association, Boston, MA, August 28–31, 2008; Michael Saward, “Authorisation and Authenticity: Representation and the Unelected,” *The Journal of Political Philosophy* 17:1 (2009): 1–22.

18. Fishkin, *When the People Speak*, 46.

19. James S. Fishkin, “Town Halls by Invitation,” *New York Times*, August 15, 2009.

20. Morris P. Fiorina, “Extreme Voices: The Dark Side of Civic Engagement,” in Theda Skocpol and Morris P. Fiorina, eds., *Civic Engagement and American Democracy* (Washington, DC: Brookings Institution Press, 1999); see Christopher F. Karpowitz and Daniel H. Frost, “‘We Can’t Even Buy Socks in Urban!’ Public Hearings, Wal-Mart, and the Quality of Local Public Deliberation,” presented at the annual meeting of the American Political Science Association, 2007, for a nuanced empirical study of public hearings.

21. Lawrence Susskind suggests picking speakers’ names from a hat, limiting speech to three minutes, restating the points for clarification, polling the room with a makeshift questionnaire developed from the speakers’ points, having the host reflect back what she has heard, and supplementing the meeting with an overnight telephone survey. See Lawrence Susskind, “A Better Way to Debate Health Care Reform,” <http://theconsensusbuildingapproach.blogspot.com/2009/08/how-should-you-respond-to-noisy-health.html>, 2009. Sandy Heierbacher suggests starting earlier in the process, using skilled facilitators, setting ground rules regarding interruptions and listening, having no more than ten at a table at least at the beginning, having individuals from different sides co-host, and having the hosts reflect back what they have heard. See Sandy Heierbacher, “Upgrading the Way We Do Politics,” <http://www.yesmagazine.org/people-power/upgrading-the-way-we-do-politicshtt>, 2009.

22. For such organizations in the U.S., see, e.g., the lists in <http://www.co-intelligence.org/DD-MultiProcessPgms.html>

23. See Fung, “Recipes for Public Spheres,” for the varying and sometimes mutually antagonistic design features of deliberative minipublics.

24. Fishkin, *When the People Speak*, 48; also 29–30, 46. His other main examples recently are the replacement of national party conventions by mass primaries and the rise of public opinion polls, changes that in his view produce “far greater deference to raw public opinion” than in the past, and therefore “a lessened impact of deliberation,” 14, 20, 48. Such efforts to “open up” the political process may have also increased participatory distortion, 50. See also Fiorina, “Extreme Voices.”

25. Fishkin, 47.

26. Fishkin, 76.

27. Fishkin, 78; Arnold Kaufman, “Human Nature and Participatory Democracy,” in Carl J. Friedrich, ed., *Responsibility: NOMOS III* (New York: Liberal Arts Press, 1960). Benjamin Barber’s “strong democratic talk,” with its emphasis on listening, also makes deliberation

central to his vision of participatory democracy. See Benjamin R. Barber, *Strong Democracy: Participatory Politics for a New Age* (Berkeley, CA: University of California Press, 1984). Fishkin appreciates the value of small-scale institutions such as the town meeting and points out the “category mistake” of classifying together New England town meetings and California-style initiatives, but nevertheless defines only these large-scale initiatives as “participatory democracy,” 78.

28. For the conditions of plebiscitary democracy, see Fishkin, 98. For the larger scale, see both Bruce Ackerman and James S. Fishkin, *Deliberation Day* (New Haven: Yale University Press, 2004) and Barber’s proposal for referenda with two stages, a multi-choice format, and “a mandatory tie-in with neighborhood assemblies,” all features designed to encourage deliberation, *Strong Democracy*, 284. *Deliberation Day* is admittedly expensive, and without equally expensive pay for participation (or fines for non-participation), Barber’s mandatory tie-in is potentially inegalitarian.

29. Fishkin, *When the People Speak*, 190.

30. Fishkin, 190, citing R.G. Lipsey and Kelvin Lancaster, “The General Theory of Second Best,” *Review of Economic Studies* 24:1 (1956/7): 11–32.

31. Jane Mansbridge, “Everyday Talk in the Deliberative System,” in Steven Macedo, ed., *Deliberative Politics* (New York: Oxford University Press, 1999), 211–39.

32. Jane Mansbridge, “Deliberative Democracy or Democratic Deliberation?” in Shawn W. Rosenberg, ed., *Deliberation, Participation, and Democracy: Can the People Govern?* (New York: Palgrave MacMillan, 2008), 251–71; Jane Mansbridge with James Bohman, Simone Chambers, David Estlund, Andreas Follesdal, Archon Fung, Cristina Lafont, Bernard Manin, and José Luis Martí, “The Place of Self-Interest in Deliberative Democracy,” *The Journal of Political Philosophy* 18:1 (2009): 64–100. David Easton defines politics as the “authoritative allocation of values.” See David Easton, *The Political System* (New York: Knopf, 1953). Gutmann and Thompson also write that to count as “deliberative democracy” (not “deliberation”) a process must aim at a binding decision. See Amy Gutmann and Dennis F. Thompson, *Democracy and Disagreement* (Cambridge, MA: Harvard University Press, 1996), 5. Fishkin contests this usage, *When the People Speak*, 112.

33. On dialogues, see Katherine Cramer Walsh, “The Democratic Potential of Civic Dialogue” in Shawn W. Rosenberg, ed., *Deliberation, Participation, and Democracy: Can the People Govern?* (NY: Palgrave Macmillan 2008). See Mark Warren and Baogang He, “Authoritarian Deliberation,” presented at the Conference on the Cultural Sources of Deliberative Politics in East Asia, Fudan University, 2010, for the ways in which consultative citizen deliberations can support authoritarian regimes and/or nurture democratic strands within those regimes.