

1

Democratic Aspirations

Introduction

Democracy gives voice to “we the people.” We think it should include “all” the people. And we think it should provide a basis for “the people” thinking about the issues they decide. These two presumptions about democracy are often unstated. While most people would admit they are essential conditions for democracy, the difficulty of realizing them in combination is largely unexamined. How to do so is the subject of this book.

Our subject is how to achieve *deliberative democracy*: how to include everyone under conditions where they are effectively motivated to really think about the issues. This is the problem of how to fulfill two fundamental values—political equality and deliberation.

We live in an age of democratic experimentation—both in our official institutions and in the many informal ways in which the public is consulted. Many methods and technologies can be used to give voice to the public will. But some give a picture of public opinion as if through a fun house mirror. They muffle or distort, providing a platform for special interests to *impersonate* the public will—to mobilize letters or phone calls, emails, text messages, or Internet tabulations of opinion that appear to be representative of the general public, but are really only from specific and well-organized interest groups.¹ In those cases, “grass roots” are synthetically transformed into what lobbyists call “astro turf.” And mass phoning to policymakers may represent about as much citizen autonomy as if they were “robocalls.” Ostensibly open democratic practices provide an opportunity for “capture” by those who are well enough organized. These are distortions in how public views are expressed. There are also distortions in how they are shaped. Elites and interest groups attempt to mold public

When the People Speak

opinion by using focus-group-tested messages in order later to invoke those same opinions as a democratic mandate.² From the standpoint of some democratic theories these practices are entirely appropriate. They are just part of the terms of political competition between parties and between organized interests.³ But from the perspective outlined here—deliberative democracy—they detour democracy from the dual aspiration to realize political equality and deliberation. And at least for some issues some of the time, there ought to be ways to represent the views of the people equally under conditions in which they can think and come to a considered judgment.

Why is it difficult to achieve both inclusion and thoughtfulness, both political equality and deliberation? Consider some of the limitations of mass opinion as we routinely find it in modern developed societies. We can then ponder the problem of how those limitations might be overcome in a way that, in some appropriate sense, includes everyone.

First, it is difficult to effectively motivate citizens in mass society to become informed. Levels of information about most political or policy questions are routinely low. Social scientists have an explanation—“rational ignorance.”⁴ If I have one opinion in millions why should I take the time and trouble to become really informed about politics or policy? My individual views will have only negligible effects. From the standpoint of many ideals of citizenship, we would like the situation to be otherwise. We would like citizens to be able to cast informed votes and have enough information to evaluate competing arguments. But most of us have other demands on our time. A democracy in which we all had substantive information would seem to take too many meetings.

Second, the public has fewer “opinions” deserving of the name than are routinely reported in polls. Respondents to polls do not like to admit that they “don’t know” so they will choose an option, virtually at random, rather than respond that they have never thought about the issue. George Bishop found that people responded with apparent opinions to survey questions about the so-called Public Affairs Act of 1975 even though it was fictional. And when the *Washington Post* celebrated the twentieth un-anniversary of the nonexistent Public Affairs Act of 1975 by asking about its repeal, respondents seemed to have views about that as well, even though it never existed in the first place.⁵ Of course on many issues the public does have views, but some of them are very much “top of the head,” vague impressions of sound bites and headlines, highly malleable and open to the techniques of impression management perfected by

the persuasion industry. A democracy in which we all had substantive opinions would also seem to take too many meetings.

A third limitation is that even when people discuss politics or policy they do so mostly with people like themselves—those from similar backgrounds, social locations, and outlooks. And if one knows someone with sharply contrasting political viewpoints, it is usually far easier to talk about the weather than to talk about the political issues one disagrees about.⁶ Why put your relationships at risk by raising flashpoints of conflict? In a highly partisan environment, having a mutually respectful conversation with those one disagrees with takes work and the right social context. Actually talking—and listening to others—across the boundaries of political disagreement would seem to take too much effort and too many (potentially unpleasant) meetings.⁷

Perhaps, it might be argued, the Internet makes up for our limitations in conversation. We can so easily consult almost any viewpoint. In theory, the information available is almost limitless. And technologies, such as the multichannel cable environment, podcasts, Tivo, Kindle, satellite radio, all make it so easy to hear or see what we want, precisely when we want it. J.S. Mill argued in his classic *On Liberty* that freedom of thought, expression, and association would facilitate exposure to diverse points of view allowing us to achieve, or approach achieving, “individuality” (his word for our thinking for ourselves and living lives which are, in substantial part, self-chosen).⁸

Yet, suppose we exercise this liberty, with all its technological enhancements, not to engage with contrasting points of view but rather to read, watch, listen to, and converse with the like-minded. Suppose increasing freedom and ease of choice simply facilitate our exposure to comforting and confirming points of view. To the extent this is the case, the technological expansion of our ease of choice backfires on the presumptions of a liberal/democratic society. Liberty allows us to choose less diversity and to self-impose a dialogue (to the extent we have one at all) mostly with ourselves or people like ourselves. There is no reason to presume that technology will counterbalance the tendency of face-to-face political conversation toward self-selection among the like-minded. There is a plausible case that it may make it worse.⁹

A fourth limitation of public opinion as we routinely find it in mass societies is its vulnerability to manipulation. A disengaged and uninformed public is more easily manipulated than one that has firm opinions based on extended thought and discussion. Such opinions are more manipulable, first, because they are more volatile at the individual level.

When the People Speak

They may be just “top of the head” impressions of sound bites and headlines or they may even be close to non-attitudes or phantom opinions. Second, public opinion in mass society may be open to manipulation because of the public’s low information levels. If people have little background information, then foregrounding particular facts may be persuasive when people have no idea of the broader context. Clean coal advocates make a powerful case for the benefits of clean coal compared to dirty coal, but the mass public has little idea that clean coal is much dirtier than natural gas (as well as other alternatives like renewable energy). Selective invocation of true facts (such as that clean coal is cleaner than dirty coal) without a context where those facts can be compared to others (how clean coal compares to other energy alternatives) can allow advocates to manipulate opinion.¹⁰ Third, when people have little information they may easily fall prey to misinformation. Even when contrary information was in the public domain, assertions that Iraq was responsible for 9/11 apparently carried weight when it was shrouded in the protective glare of national security. Fourth, a strategy of manipulation that is probably more common than misinformation is strategically incomplete but misleading information. If one argument based on true but misleadingly incomplete information has high visibility through expensive advertising and the counter to it never gets an effective audience, then the public can be seriously misled. Fifth, another key strategy of manipulation is to “prime” one aspect of a policy, making that dimension so salient that it overwhelms other considerations. In effect, a candidate or policy advocate changes the terms of evaluation so that the issue on which his or her side does best becomes the one that is decisive.¹¹

The strategic use of priming to change the terms of competition can sometimes depend on a true incident magnified many times when taken out of context by ads, by campaigns, by campaign surrogates, or apparently independent commentators or groups (Willie Horton for Dukakis; sighing in the presidential debate for Gore; Giuliani taking a cell phone call from his wife during a speech), or a false claim asserted intensely (Swift Boats for Kerry), or even an outsider intervening with the intention of influencing the election (a plausible interpretation of Bin Laden appearing in video just before the 2004 presidential election). By priming a dimension, whether crime or character or national security, the incident can be intentionally employed to change (or further emphasize) the terms of evaluation to the neglect of other issues.¹² As campaigns (and outside actors) compete to reshape the playing field, the result is literally MAD or what might be termed *mutually assured distraction*.

The enormous growth in financing of campaign ads in the United States from legally independent groups (527 groups named after a section of the IRS code) adds many more opportunities for the manipulation of public opinion. Normally the disincentive to attack an opponent or a policy proposal is that a candidate can be held responsible for going negative or, worse, for misleading or distorting the records of opponents. But under the miasma of legal independence, there is a new form of what is called, in the national security context, *asymmetrical warfare*. Just as terrorists can attack a country but offer only a shadowy return address for retaliation or deterrence, 527s can attack a candidate but offer only a shadowy return address—giving the candidate who benefits plausible deniability. For example, even when a presidential candidate is supported by a 527 started by a paid staff member, he can disavow all connection.¹³

Asymmetrical (campaign) warfare and MAD combine in the use of campaign surrogates and nominally independent commentators to prime issues, reshape the debate and crowd out less sensational topics from the airspace. In 2004, did John Kerry insult Dick Cheney's daughter when he alluded in a presidential debate to the fact that she was lesbian? Some commentators took up a lot of air time claiming that he did. In 2008, did Hillary Clinton insult or demean the memory of Martin Luther King when she said President Johnson was necessary to realize the dream? Again, crucial days of public discussion in the middle of the primary campaign went to such an "issue" ignited by commentators and surrogates with plausible deniability by candidates.

In addition, changing technology makes it difficult to limit the public dialogue to stories that can be filtered through the judgment of editors. The mere fact that someone asserts something can make it news. So a shadowy group such as "Vietnam Veterans Against McCain" can make claims about his war record during the primary season, claims reminiscent of the Swift Boat efforts against Kerry, and such assertions become part of the public dialogue. The Internet can spread misinformation, such as claims that Senator Obama is a Muslim, and this information spreads virally in emails. Text messages that spread from an anonymous or fake source tell Obama voters to vote Wednesday due to long lines when the election is Tuesday.¹⁴ Asymmetrical (campaign) warfare can come from anywhere and the result can be manipulative even on the eve of elections.¹⁵

Our US system began with an aspiration for deliberation—for representatives to "refine and enlarge" or "filter" the public voice, as

When the People Speak

James Madison theorized. But the technology of the persuasion industry has made it possible for elites to shape opinion and then invoke those opinions in the name of democracy. Techniques of persuasion tested in focus groups and measured by people meters have been developed for commercial purposes to sell us products ranging from detergents to automobiles. The same techniques are routinely employed to sell candidates and policies or to mobilize or demobilize voting. As our political process is colonized by the persuasion industry, as our public dialogue is voiced increasingly in advertising, our system has undertaken a long journey from Madison to Madison Avenue.

Efforts to manipulate public opinion work best with an inattentive and/or uninformed public. If the public is inattentive, then it may not take much to persuade and it may be easy to prime. If it is uninformed, it may be manipulated even if it is highly engaged or even emotionally gripped by an issue. In that case, it may be easily misled through misinformation or primed to consider only certain dimensions of an issue.

One might ask what is the difference between manipulation and persuasion. Democracy needs to preserve ample room for freedom of thought and expression and persuasion is a natural activity within that protected space. Manipulation can be expected to take place in that space as well. But to the extent freedom of thought and expression are used to manipulate public opinion, this will fall far short of deliberation. *A person has been manipulated by a communication when she has been exposed to a message intended to change her views in a way she would not accept if she were to think about it on the basis of good conditions—and in fact she does change her views in the manner that was intended.* So if she is fooled by misinformation and changes her views on that basis, then she has been manipulated. If she had good information instead, then on this definition, her views would not have changed. In all these cases, the definition of manipulation turns in part on the alternative of good conditions and good information we are hypothesizing as a benchmark for comparison. Those good conditions are, in fact, a good part of what we will mean by deliberation as we develop the concept here.

By hypothesizing what people would think under good conditions as a point of comparison, we are not asserting that whenever people are not deliberating they are being manipulated. Others must actually intend to manipulate opinion in a given direction for the opinions to be manipulated. And the good conditions defined by deliberation are just a benchmark for comparison—a way of clarifying what is shortcut by manipulation. Perhaps manipulators want me to think X. Perhaps I would

in fact think X if I deliberated on the issue (if I considered the competing arguments and had good information about them). On the definition offered here, I have not been manipulated if that is the case and I do think X.¹⁶

These are only some of the limitations of public opinion as we find it in mass society. But even with this incomplete list, we can see the difficulty of achieving both inclusion and thoughtfulness. Most people are not effectively motivated to get information, to form opinions, or to discuss issues with those who have different points of view. Each citizen has only one vote or voice in millions and most have other pressing demands on their time. The production of informed, considered opinions for politics and policy is a public good. And the logic of collective action for public goods dictates that motivating large numbers to produce a public good requires selective incentives (incentives that apply just to those who produce them) otherwise there will be a failure to provide them.¹⁷ Barring some transformation of preferences in which people valued forming informed and considered judgments for its own sake (maybe after some transformative form of civic education¹⁸) there is every reason to believe that a large-scale public opinion with the limitations just sketched will be the norm. The bulk of the public will lack information, often lack opinions about specific policy issues on the elite agenda, and will limit its conversations and sources to those from similar social locations and viewpoints. It will also be vulnerable to manipulation (largely as a consequence of the first three limitations). In short, we can expect an under-informed and nondeliberative mass public. In that case, if we include everyone, it seems that we are unlikely to get a thoughtful public input from our democratic institutions. We might, if we somehow selected only elites or opinion leaders, but then we would be risking violations of political equality. A democracy of elites or opinion leaders would at best be a democracy *for the people*, but not one in any significant sense *by the people*. Our continuing focus here will be on prospects of involving ordinary citizens in a manner that is both representative and deliberative.

The picture of the mass public just sketched is widely accepted. In most modern developed societies, it is the “street level epistemology” of public opinion in the large-scale nation-state.¹⁹ However, there are some counterarguments about the significance of this picture. First, some have argued that even if the public is not well informed, it does not much matter because ordinary citizens, as a by-product of their daily lives, pick up bits of information (cues or shortcuts) that can inform them about what they really need to know in a democracy. For example, I need not

When the People Speak

know the details of a referendum proposition if I know who is for it and who is against it. I can then follow the endorsements and express my views and interests without going to too many meetings or spending too much time.

Of course, knowing who endorses the yes or no side is itself information that is often scarce.²⁰ But for many contested issues, there may be different cues whose significance deserves deliberation and competing arguments engaging the elites that ordinary citizens might find compelling if only they focused on them. We found in a referendum in Australia and in a general election in Britain that when a scientific sample became more informed and really discussed the issues, it changed its voting intentions significantly.²¹ Hence, in at least some cases, deliberation makes a considerable difference and the uninformed do not simply reach the same result.

A second line of counterargument is that we can make do without a public that is generally well informed by dividing up the electorate into "issue publics." Farmers may be very concerned about agricultural policy. Jews may be especially interested in Middle East policy. And Cuban-Americans may be especially interested in policy about Cuba. For those issues, the relevant issue publics may in fact become well informed. If I do not care about farm policy I can just leave it to the farmers (or so the argument goes). But from the standpoint of democratic theory, the worry is that farmers have special interests. And all the other issue publics have their own distinct interests and values. To what extent do we want to delegate policy to the relevant issue publics? As Robert Dahl noted years ago, leaving policy to those especially interested leads to a pattern not of majority rule but of "minorities rule."²² While such a picture may have plausibility as an interpretation of how our system actually works, it does not fare well if the aspiration is to realize both political equality and deliberation. There is little reason to think that the minorities who self-select to become engaged in their areas of special interest would approximate the views of the rest of the electorate.²³ However, if the minority deliberating were a random sample of the whole public, rather than a self-selected group with special interests (farmers, Cuban-Americans, etc.), then it might be plausible for a representative microcosm to combine both political equality and deliberation. However, issue publics are special; they are not representative of the broader public. That is part of what makes them distinctive. A solution to our problem must depend on institutional designs intended to bring about representativeness as well as thoughtfulness.

From Athens to Athens

On a crisp summer morning in June 2006, a scientific sample of 160 randomly chosen citizens gathered in a suburb of Athens to select a candidate for mayor. The question was who would be the official candidate representing one of Greece's two major parties, the left-center party PASOK. George Papandreou, the national party leader, had decided to employ Deliberative Polling,²⁴ rather than a decision by party elites or a mass primary, to officially select its candidate in Marousi, the portion of the Athens metropolitan area which hosted the Olympics.²⁵

In an essay in the *International Herald Tribune*, Papandreou outlined his reasoning for this bold step. "Democracy is less credible if the choices on the electoral ballot are not determined by truly democratic means." But each of the alternative methods seemed to have difficulties. The main means of democratizing was the mass primary which has "low and unrepresentative turnout" and opinions often formed from "name recognition and a superficial impression of sound bites." So what is the alternative? "In most countries, parties that do not use the mass primary usually leave the nomination of candidates to party elites." This dilemma suggested a challenge for which Athenian history provided a solution:

Is there a way to include an informed and representative public voice in the nomination process? A solution can be found in the practices of ancient Athens, where hundreds of citizens chosen by lot would regularly deliberate together and make important public decisions.²⁶

Before the day's deliberations, a party committee had narrowed down the candidates to six finalists. Then, a scientific random sample of voters had responded to a survey on the candidates and issues. The survey respondents were invited to a day of deliberation both among themselves and with the candidates. When the sample arrived, participants spent the day discussing nineteen local issues and questioning the six candidates about their positions. At the end of ten hours of deliberation, they filled out the same questionnaire as on first contact and then went to a polling booth to cast a secret ballot to select the nominee.

Panos Alexandris, a local lawyer who had been the least well known among the six candidates at the start, led the first round of balloting that evening. As the ballots were counted, the voters went to dinner. Since no candidate got a clear majority, a second round to choose among the two finalists was held. Alexandris emerged with a clear majority. For the first time in 2,400 years, a random sample of citizens had been convened

When the People Speak

in Athens to deliberate and then officially make an important public decision.

The process fit the pattern of other Deliberative Polls: first a random sample of a population (in this case eligible voters) responded to a telephone survey, then they were convened together for many hours of deliberation, both in small groups and plenary sessions, directing questions developed in small groups to competing candidates, experts, or policymakers in the plenaries, and then, at the end of the process, they filled out the same questionnaire as the one they had been given when they were first contacted in their homes. In this case, the questionnaires were supplemented by a secret ballot in a separate polling booth because the process was more than a poll. It was an official decision.

The Italian newspaper *La Repubblica* described the plenary session with the candidates, following hours of small group discussion:

When, on Sunday afternoon, the six candidates—four men and two women—faced the hall full of people, it was a dramatic moment. They knew they were facing people who had thought about the issues. The questions which came—on the environment, on the big debt which the city had run up, on the dirt in the streets—were sharp and detailed, demanding good answers to be convincing. And because they were so precise, it became clear very soon which of the candidates were themselves knowledgeable on the issues, and which were not.²⁷

The sample became more informed during the process (according to an index of knowledge questions about local issues) and its voting intentions changed dramatically. Alexandris, for example, gained fifteen points (from 24% to 39% from first contact until the final survey). He also gained another sixteen points in the runoff between the two finalists. And, as in other Deliberative Polls, it was the people who became more informed who also changed their views.²⁸ The changes of opinion were driven by information, and not just perceptions of candidate personality.²⁹

For the party this project brought a substantive form of democracy to candidate selection while at the same time opening up the pathways to candidate recruitment. While one cannot infer too much from the first case, it is instructive that the least well-known candidate at the start was the one who got the nomination. Afterward, party leader Papan-dreou concluded that this process “strengthened democratic procedures.” He added: “We want to transfer this experience to many parts of the world... and to use it in other cities (of the country) and for different issues.”³⁰

This project brought to life a modern version of an ancient political life-form, one that was the distinctive practice in ancient Athens. In the fifth and fourth centuries BC, Athenian citizens chosen by lot would gather together for a day, and sometimes much longer, to make important public decisions. There were citizen juries of 500 or more, whose purview was far broader than that of law courts in the modern era. In addition, there were other distinctive institutions. Legislative commissions chosen by lot (*nomothetai*) would make the final decisions on legislation by the fourth century. There was a special procedure (the *graphe paranomon*) in which someone who made an illegal or irresponsible proposal in the Assembly could be brought to trial before a randomly chosen jury of 500 deliberators. Anticipation of such a possible trial made people more careful about what they might say in the Assembly. And most importantly, the Council of 500 was randomly chosen and met for the entire year, setting the agenda for meetings of the Assembly and alternating in groups of fifty for periods of more than a month to take administrative responsibility for much of the government.

The Athenian practices were unique in combining two key elements—deliberation and random sampling. That combination provided a distinctive solution to the problem social scale poses to deliberative democracy (a term we are reserving for the *combination* of political equality and deliberation). In a deliberative democracy everyone's views are considered equally under good conditions for the participants to arrive at their views. The process is deliberative in that it provides informative and mutually respectful discussion in which people consider the issue on its merits. The process is democratic in that it requires the equal counting of everyone's views as we will see below.³¹

Of course, a great deal will depend on what we mean by “good conditions” for the participants to arrive at their views. But for the moment notice how this aspiration to combine deliberation with political equality is affected by the problem of social scale.

While ordinary citizens are subject to the incentives for rational ignorance, those chosen in the microcosm face an entirely different situation—once they are chosen. They are all part of a smaller group whose members do, individually, have influence. Each participant in what we call a Deliberative Poll has the influence of one person's voice in a small group of fifteen or so and one person's responses in a few hundred in the final questionnaire or balloting. Once selected, the corrosive calculations of rational ignorance no longer apply to members of the microcosm. Within the microcosm, democracy is reframed on a human

When the People Speak

scale where individual voices can seem important enough to effectively motivate individual effort.

One might think that ancient Athens presented a different situation, one that was free of this problem of social scale. It is often discussed as a city-state where everyone could gather together in the Assembly.³² But depending on the period and on some competing calculations, the citizenry ranged from 30,000 to 60,000.³³ And the Pnyx, the hill where the Assembly met, could only hold between 6,000 and 8,000 (the latter after it was enlarged).³⁴ Hence, ancient Athens had the same fundamental problem. Everyone could not gather together to discuss the issues and each person's share of direct democracy would be vanishingly small.

But direct democracy in the Assembly, open to all citizens, was only one way to involve the public. Random sampling or the process of selection by lot, which was conducted from a citizen list of willing participants with a machine called a Kleroterion, offered a form of representative democracy that provided strong incentives for ordinary citizens to pay attention once selected. Just as an individual citizen in modern times may have only the faintest reason to follow the details of a jury trial if one is not a juror, but great reason to pay attention if one has been selected to be a juror, the individuals empanelled by lottery had every reason to focus on the merits of the issues presented. One difference is that with ancient juries or groups of deliberators of several hundred, the whole microcosm was large enough to be representative of the total population of citizens. Modern juries of twelve, whose sampling is interfered with on many grounds (peremptory challenges, advice of jury consultants, etc.), cannot make comparable claims of representativeness. They are too small and there are too many strategic decisions involved in their selection in our adversary legal system.

Ancient Athenian democracy should not be idealized. Notoriously, a citizens' jury chosen by lottery or random sampling convicted Socrates and set the cause of democracy back almost two and half millennia (although modern investigations have shown how he probably manipulated, indeed goaded, them into such a verdict).³⁵ And the one-day deliberations of most Athenian institutions, unlike the Council of 500, lacked any small group or face-to-face discussion as 500 people or so would sit in an amphitheater and hear opposing arguments. There were also obvious limitations in the application of random sampling. Only those who put themselves forward ("those who were willing") were on the list in the first place. In addition, the definition of citizenship, determining those who were eligible, was extremely limited. Females, slaves, and metics (resident

aliens) were all left out. Still, the Athenians had an idea that provided deliberative democracy for its citizenry on a human scale. And it was a scale that was not limited in size to the city-state.

These Athenian practices were distinctive for combining two key ideas—random sampling and deliberation. Both have since lost their prominence in the design of democratic institutions (although random sampling has been embedded in our unofficial political life through conventional public opinion polling). And the idea of combining random sampling with deliberation was largely lost throughout the history of democratic practice.³⁶ Interest in the combination is a recent phenomenon, part of the revival of interest in deliberative democracy.³⁷ Let us situate this combination in the range of possible strategies for public consultation. Then we will turn to further clarification of the values and democratic theories at issue in these different practices.

Consulting the public

Who speaks for the people? There are many democratic mechanisms for giving voice to public opinion. Let us explore a range of them from the standpoint of achieving the values of deliberation and political equality.

In our democratic experience thus far, the design (and possible reform) of democratic processes has confronted a recurring choice between institutions, on the one hand, that express what the public actually thinks but usually under debilitated conditions for it to think about the issues in question, as contrasted with institutions, on the other hand, that express more deliberative public opinion—what the public *would* think about an issue if it were to experience better conditions for thinking about it. The hard choice, in other words, is between debilitated but actual opinion, on the one hand, and deliberative but counterfactual opinion, on the other. One sort of institution offers a snapshot of public opinion as it is, even though the people are usually not thinking very much. The public is usually not very informed, engaged, or attentive.

Another sort of institution (at its best) gives expression to what the public would think about an issue if it were more informed, engaged, and attentive—even though this more thoughtful opinion is usually counterfactual in that it is not actually widely shared. The only way out of this dilemma would be to somehow create more informed, engaged, and attentive public opinion that was *also* generally shared by the entire mass public. Later, we will consider this challenging possibility.

When the People Speak

Deliberative or “refined” public opinion (I take the term “refined” from Madison’s famous phrase in *Federalist* No. 10 referring to representatives serving to “refine and enlarge the public views”) can be thought of as opinion, after it has been tested by the consideration of competing arguments and information conscientiously offered by others who hold contrasting views. I will refer to opinion as “raw” when it has not been subjected to such a process. A basic distinction among democratic institutions is between institutions designed to express refined public opinion and those that would merely reflect opinion in its raw form.

Raw public opinion is routinely voiced by all the established institutions of mass democracy—initiatives, referenda, public opinion polls, focus groups.³⁸ Moves to more direct consultation in the United States, say, through direct election of senators rather than the original indirect method, were also moves in the direction of more mass democracy in that they gave more weight to raw public opinion. The transformation of the Electoral College into a vote aggregation mechanism, as opposed to the original vision (which was that, state by state, it should function as a deliberative body) is a similar move in the direction of mass democracy empowering raw public opinion. In the same way, the dramatic increase in the use of the direct primary for presidential candidate selection, particularly after the McGovern–Fraser reforms in the 1970s, has been a move toward more mass democracy. In the United States, the national party conventions were once institutions of elite deliberation, engaged in multiple ballots for candidate selection and serious discussion of party platforms and issues facing the country. Now they are media extravaganzas, staged for their effects on mass public opinion with candidate selection having been determined beforehand by mass democracy—through direct primaries.

Our most common encounter with refined public opinion is through representative institutions that seek, as Madison said, to “refine and enlarge the public views by passing them through the medium of a chosen body of citizens.” At their best, such institutions are sensitive not just to what constituents actually think, but also to what they would think if they were better informed.

This distinction between two forms of public opinion, raw and refined, corresponds roughly, but does not overlap perfectly, with the seemingly parallel distinction between direct and representative democracy. For example, one of the most influential institutions of mass democracy, an institution that depicts the current state of public opinion as it is, with all its limitations, is the public opinion poll. While polls are closely aligned

with direct democracy (and were originally offered by George Gallup as a proxy for direct democracy—even to the point that they were first called “sampling referenda”³⁹) polls employ statistical samples to stand for, or represent, the rest of the public. The members of such a “representative” sample are selected by a random scientific process rather than by an election. But they are still “representative” of the mass public; they are a small body that stands for the rest, the much larger electorate of mass society.

One way of stating the dilemma of institutional design is that we face a forced choice between forms of opinion that are debilitated but actual or those that are more deliberative but (usually) counterfactual. Actual opinion will be debilitated for the four reasons noted earlier. But actual opinion has more weight in real political processes than a representation of what people would think—even if the latter has some recommending force. Exploring the contexts in which what people would think has consequence will be a main subject in Chapter 5.

Corresponding to each of these notions of public opinion, there is a common image of how democratic institutions work. The American Founders relied on the metaphor of the *filter*. Representative institutions were supposed to refine public opinion through deliberation. Opponents of elite filtering, beginning with the Anti-Federalists, relied on a different notion of representation. Representatives were to come as close as possible to serving as a “mirror” of the public and its actual opinions. The “filter” creates counterfactual but deliberative representations of public opinion. The “mirror” offers a picture of public opinion just as it is, even if it is debilitated or inattentive. The conflicting images suggest a hard choice between the *reflective* opinion of the filter and the *reflected* opinion of the mirror.

The filter and the mirror

American democracy is a palimpsest of political possibilities. As with a painting layered over previous ones, images from an earlier vision sometimes show through. But those bits and pieces of the earlier picture are hard for most Americans to make sense of. Why do we have an Electoral College? Why is the Senate so much smaller than the House? Why do we privilege the idea of a “convention”—for constitution making and ratification, and even in our national party nominating processes?

When the People Speak

In fact, the earlier vision has coherence and sometimes is foregrounded by events that make it shine through the layers of more recent reforms. The Senate was originally designed to be an indirectly elected and small deliberative body. Too large a body would produce only the “confusions of a multitude” (*Federalist* No. 55). The Electoral College was originally intended as a deliberative body (for each state) in which the Electors would be free to choose the most qualified candidate. The preferred mode of decision on constitutional matters was the “convention”—the constitutional convention and the ratifying conventions for each state. Later party practices picked up this notion of the convention as a deliberative body in the rise of the national party conventions. However, those conventions are usually not much more like a deliberative body than the Electoral College in its current form. Their outcomes are fully as predictable once the delegates (or the electors) are selected. Bringing power to the people, laudable as that may be, takes effective decision-making away from elite deliberative bodies. Our long-standing patterns of democratic reform dramatize the conflict between elite deliberation and mass participation.

As Madison reported on his own position in his notes on the Constitutional Convention, he was “an advocate for the policy of refining the popular appointments by successive filtrations.”⁴⁰ Famously, he argued in *Federalist* No. 10, that the effect of representation was “to refine and enlarge the public views by passing them through the medium of a chosen body of citizens. . . . Under such a regulation it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, if convened for the purpose.” Running throughout Madison’s thinking is the distinction between “refined” public opinion, the considered judgments that can result from the deliberations of a small representative body, on the one hand, and the “temporary errors and delusions” of public opinion that may be found outside this deliberative process, on the other. It is only through the deliberations of a small face-to-face representative body that one can arrive at the “the cool and deliberate sense of the community” (*Federalist* No. 63). This was a principal motivation for the Senate, which was intended to resist the passions and interests that might divert the public into majority tyranny.

The founders were sensitive to the social conditions that would make deliberation possible. For example, large meetings of citizens were thought to be dangerous because they were too large to be deliberative,

no matter how thoughtful or virtuous the citizenry might be. As Madison said in *Federalist* No. 55, “had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob.” A key desideratum in the Founders’ project of constitutional design was the creation of conditions where the formulation and expression of deliberative public opinion would be possible.

The filter can be thought of as the process of deliberation through which representatives, in face-to-face discussion, may come to considered judgments about public issues. For our purposes, we can specify a working notion of deliberation: face-to-face discussion by which participants conscientiously raise, and respond to, competing arguments so as to arrive at considered judgments about the solutions to public problems.⁴¹ The danger is that if the social context involves too many people, or if the motivations of the participants are distracted by the kinds of passions or interests that would motivate factions, then deliberative democracy will not be possible. It is clear that from the Founders’ perspective, the social conditions we are familiar with in mass or referendum democracy would be far from appropriate for deliberation.

Reflecting the people as they are

As Jack Rakove has noted, the one widely shared desideratum in the American notion of representation at the time of the founding was that a representative assembly should, to use John Adams’s phrase, be “in miniature an exact portrait of the people at large.”⁴² In the hands of the Anti-Federalists, this notion became a basis for objecting to the apparent elitism of the filtering metaphor because only the educated upper classes were expected to do the refining in small elite assemblies. The mirror notion of representation was an expression of fairness and equality. As the “Federal Farmer” put it: “A fair and equal representation is that in which the interests, feelings, opinions and views of the people are collected, in such manner as they would be were the people all assembled.”⁴³ As Melancton Smith, who opposed the Constitution at the New York ratification convention, argued, representatives “should be a true picture of the people, possess a knowledge of their circumstances and their wants, sympathize in all their distresses, and be disposed to seek their true interests.” In line with the mirror theory of representation, Anti-Federalists sought frequent elections, term limits, and any measures that

When the People Speak

would increase the closeness of resemblance between representatives and those they represented.

“The people all assembled” is exactly the kind of gathering the Federalists believed would give only an inferior rendering of the public good. Recall Madison’s claim that a small representative group would give a better account of the public good than would the “people themselves if convened for the purpose” (*Federalist* No. 10). The mirror is a picture of public opinion as it is; the deliberative filter provides a counterfactual picture of public opinion as it would be, were it “refined and enlarged.”

The Framers were clearly haunted by the possibility that factions aroused by passions or interests adverse to the rights of others could do bad things. The image they feared seems to be some combination of the Athenian mob and Shays’s rebellion. Part of the case for deliberative public opinion is that the “cool and deliberate sense of the community” (*Federalist* No. 63) would be insulated from the passions and interests that might motivate factions. The founders believed that public opinion, when filtered by deliberative processes, would more likely serve the public good and avoid mob-like behavior of the kind that threatens tyranny of the majority (see section below on “Avoiding Tyranny of the Majority”).

Deliberative versus mass democracy: An early skirmish

From the standpoint of the founders, the problem of the conflict between the two forms of public opinion—and the institutions that would express them—was soon dramatized by the Rhode Island referendum, the only effort to consult the people directly about the ratification of the Constitution. Rhode Island was a hotbed of paper money and, from the Federalist standpoint, irresponsible government and fiscal mismanagement. An Anti-Federalist stronghold, “Rogue Island” lived up to the Founders’ image of a place where the passions of the public, unfiltered by deliberation, might lead to dangerous results.

The Anti-Federalists sparked a thoroughgoing debate over the proper method of consulting the people—one that dramatized the long conflict that followed between mass and deliberative institutions. Referendum advocates held that “submitting it to every Individual Freeholder of the state was the only Mode in which the true Sentiments of the people could be collected.”⁴⁴ However, the Federalists objected that a referendum would not provide a discussion of the issues in which the arguments

could really be joined. The referendum was objected to, in other words, on the grounds that it would produce defective deliberation. By holding the referendum in town meetings scattered throughout the state, different arguments would be offered in each place, and there would not be any shared sense of how the arguments offered in one place might be answered in another.

The sea-port towns cannot hear and examine the arguments of their brethren in the country on this subject, nor can they in return be possessed of our views thereof . . . each separate interest will act under an impression of private and local motives only, uninformed of those reasons and arguments which might lead to measures of common utility and public good.⁴⁵

Federalists held that only in a convention could representatives of the entire state meet together, voice their concerns, and have them answered by those with different views so as to arrive at some collective solution for the common good. The very idea of the convention as a basis for ratification was an important innovation motivated by the need for deliberation. Direct consultation of the mass public might reflect public opinion, but it would not provide for the kind of coherent and balanced consideration of the issues required for deliberation.

Federalists also noted another defect—lack of information:

[E]very individual Freeman ought to investigate these great questions to some good degree in order to decide on this Constitution: the time therefore to be spent in this business would prove a great tax on the freemen to be assembled in Town-meetings, which must be kept open not only three days but three months or more, in preparation as the people at large have more or less information.

While representatives chosen for a convention might acquire the appropriate information in a reasonable time, it would take an extraordinary amount of time to similarly prepare the “people at large.”

Of course, what happened in the end is that the referendum was held; it was boycotted by the Federalists; and the Constitution was voted down. Rhode Island, under threat of embargo and even of dismemberment (Connecticut threatening to invade from one side and Massachusetts from the other) capitulated and held the required state convention to eventually approve the Constitution.

This incident was an early American salvo in a long war of competing conceptions of democracy. In the long run, the Federalist emphasis on deliberation and discussion may well have lost out to a form

When the People Speak

of democracy, embodied in referenda and other institutions of mass democracy that mirror public opinion as it is, with all its defects. Of course, democratic institutions typically will offer a mix of deliberative and mass democracy, a mix of the filter and the mirror, but over the last two centuries of democratic experience in America (and indeed in most developed democracies) the balance has shifted toward far greater mass influence in the mix—far greater deference toward raw public opinion (as opposed to refined or more deliberative views).

In the United States, consider what has happened to the Electoral College (intended as a place for deliberating electors), the election of senators (once conducted by state legislatures), the presidential nomination system (once dominated by party elites), the development and transformation of the national party conventions (now preordained in their results), the rise of referenda (where plebiscitary institutions supplant elite decisions) and the pervasiveness of public opinion polling. Many aspects of Madisonian “filtration” have disappeared in a system that increasingly “mirrors” public opinion constrained by rational ignorance. In these and many other ways, there has been a steadily increasing role for the “reflected” public opinion of the mirror rather than the “reflective” public opinion of the filter.

The same dilemma faced by the Federalists and Anti-Federalists at the birth of the US Constitution has resonances with current efforts to build a new constitutional structure for the European Union (EU). Just as only one state voted directly by referendum on the US Constitution, Rhode Island, turning it down, only one state voted directly by referendum on the Lisbon Treaty, Ireland, and also turned it down. The impasse has not been resolved at this writing but it shows the fundamental dilemma: elite deliberation continues to be widely viewed as undemocratic (hence the EU’s famous “democratic deficit”) while direct mass consultation connects with “top of the head” opinion that may well be uninformed. High gas prices very likely had more to do with the EU treaty being defeated than the merits of the proposed reform. In recent years, constitutional change or reform of the EU oscillates between elite processes (a “convention” which gave birth to a failed new “constitution”) and defeat by referenda, whether in Denmark, France, the Netherlands, or Ireland.

Whether the issue is constitutional change or public policy, combining political equality and deliberation continues to pose the problem: how to obtain the consent of the people under conditions when the people can also be informed about what they are consenting to.

Eight methods of public consultation

Consider two fundamental questions: what and who? The first has to do with what form of public opinion is being assessed and the second has to do with whose opinion it is that is being assessed. For the first, we can say that an institution will predominantly offer public opinion that is *raw* or *refined*. The second distinction is concerned with *whose* opinion is being consulted. While the classifications I will focus on do not exhaust all the possibilities, they cover the principal practical alternatives. The people consulted can be self-selected; they can be selected by some method of sampling that attempts to be representative without probability sampling; they can be chosen by random sampling; they can be elected; or they can constitute virtually all voters (or members of the group being consulted). When these two dimensions are combined, the eight possibilities in Chart I emerge.

The first category, 1A, is common whenever open meetings are called or whenever self-selected opinions are solicited by broadcasters or Internet sites. Norman Bradburn of the University of Chicago has coined the acronym SLOP for “self-selected listener opinion poll.” Before the Internet, radio call-in shows would commonly ask for responses by telephone to some topic. The respondents to SLOPs are not selected by scientific random sampling. Instead, they simply select themselves. They are predominantly those who feel more intensely or feel especially motivated. Sometimes, they are organized.

A good example of the dangers of SLOPs came with the world consultation that *Time* magazine organized about the “person of the century.” *Time* asked for votes in several categories, including greatest thinker, greatest statesman, greatest entertainer, and greatest captain of industry. Strangely, one person got by far the most votes in every category, and it turned out to be the same person. Who was this person who towered above all rivals in every category? Ataturk. The people of Turkey organized

Chart I. Forms of consultation

Public opinion	Method of selection			
	1. Self-selection	2. Nonrandom sample	3. Random sample	4. “Everyone”
A. Raw	1A SLOPs	2A Some polls	3A Most polls	4A Referendum democracy
B. Refined	1B Discussion groups	2B Citizens juries, etc.	3B Deliberative Polls	4B “Deliberation Day”

When the People Speak

to vote, by postcard, on the Internet, by fax, and produced millions more votes as a matter of national pride than the rest of the world could muster for any candidate, just through individual, unorganized voting.⁴⁶

Media organizations routinely conduct SLOPs on the Internet on a wide range of political or social matters. A SLOP involves visitors in a web site, gives people a sense of empowerment (they are registering their opinions), but it produces data that are misleading, that offer only a distorted picture of public opinion. Those feeling most intensely make the effort to register their views, sometimes more than once. In the 2008 presidential race, Ron Paul “demolished” the opposition in online polls “leading all the Republican candidates by a comfortable margin” just before the Iowa caucuses—even though he barely registered in polls with scientific samples at the same time.⁴⁷ And technological innovations such as web-based social networking have been used to expand the reach of SLOPs. ABC News combined with Facebook in 2008 to solicit self-selected reactions to its New Hampshire presidential debate and the overwhelming victor in the question about who was most “presidential” among Republicans was, again, Ron Paul.⁴⁸

This is a well-trodden path. Alan Keyes had similar self-selected success in SLOPs in his 1996 presidential run. His supporters felt strongly and voted over and over. And the effort to impeach Clinton showed large majorities in favor in SLOPs at the time, while representative samples showed a completely different picture. When Senator Conrad Burns was criticized for his connections to lobbyist Jack Abramoff, his supporters were mobilized to vote over and over in polls in the local paper to indicate that they were not concerned about the connection. When Microsoft wanted to demonstrate the attractiveness of its .net software as an alternative to Java, it mobilized large-scale voting in a media SLOP for computer users. And American celebrity commentator Stephen Colbert entered the Internet contest which the government of Hungary organized to name a new bridge. By appealing on the air, Colbert got a number of votes larger than the population of Hungary to have the bridge named after him. When the organizers claimed that the winner had to speak Hungarian, he demonstrated the effect of his Hungarian lessons on the air. Only when told that the winner had to be dead did he drop out of the contest. SLOPs are open to capture across almost all boundaries of geography and interest.

It is often thought that technology might facilitate the better realization of ancient forms of democracy. But SLOPs hark back to the practices of ancient Sparta, not ancient Athens. In Sparta there was a practice called

the Shout, where candidates could pack the hall and the one who got the most applause was the one elected.⁴⁹ Later we will turn to a different category that realizes Athenian rather than Spartan democracy.

The difficulty with Category 1A is that it offers a picture of public opinion that is neither representative nor deliberative. It offers a picture of raw opinion that is distorted and partial in whom it includes. SLOPs achieve neither of the two values we are discussing here.

An alternative to the SLOPs of Category 1A is the possibility of serious deliberation among a self-selected group. Discussion groups fill out Category 1B. If the discussion groups offer the opportunity to weigh the main alternative arguments that fellow citizens want raised on an issue, then they can achieve a measure of deliberation on an issue even if the participants are not a good mirror of the entire population. The Kettering Foundation supports a large network of “National Issues Forums” (NIF) in the United States and in several other countries, in which thousands of self-selected participants deliberate conscientiously and sincerely with briefing materials that offer a balanced and accurate basis for discussion.⁵⁰ These participants meet in churches, schools, neighborhood venues, and spend hours in serious consideration of the alternatives. However, their conclusions, while filtered or deliberative, are not representative of the views of the entire public. And it is an important, if as yet not fully explored, empirical question whether self-selected groups, limited in their diversity, can fully live up to the value of deliberation. If, for example, a group is mostly middle class and mostly highly educated and mostly fairly homogeneous ideologically, then it is limited in the competing arguments it will raise on many policy issues. The lack of diversity among those deliberating can, in itself, be a limitation to the quality of deliberation.⁵¹ Nevertheless, self-selected discussion groups serve the value of democratic deliberation to some considerable degree. And if there is an infrastructure of balanced discussion with good information, for example, briefing materials and moderators, then the lack of diversity among participants can, to some extent, be compensated for. Yet such groups clearly fall short of achieving both basic values.

Category 2A combines raw public opinion with methods of selection attempting to achieve some degree of representativeness—but without employing probability sampling. Some public opinion polls fall into this category. Those employing quota sampling, a practice still common in many democratic countries outside the United States, justify their method as an attempt to approximate probability sampling. Some spectacular failures, such as the 1948 Dewey/Truman debacle and the 1992 British

When the People Speak

General Election, have been blamed at least in part on the use of quota sampling.⁵²

Category 2B employs nonrandom methods of selection with attempts to arrive at more deliberative public opinion. There are a variety of methods of public consultation that fit this category. So-called citizens juries use quota samples to select small numbers of participants (typically twelve or eighteen) to deliberate for several days or even weeks on public issues. Consensus Conferences begin with self-selection (soliciting respondents through newspaper ads) and then use quotas to attempt to approximate representativeness. These methods often suffer from the same problem noted above. They begin with self-selection and then employ such small numbers that any claims to representativeness cannot be credibly established.⁵³

Category 3A, combining probability samples with raw opinion, is exemplified, of course, by the public opinion poll. In its most developed form, it offers a better “mirror” than anything foreseen by the Anti-Federalists and it avoids the distorted representativeness of SLOPs as well as the more modest distortions of nonrandom sampling in 2B.

Such public opinion polling reflecting raw public opinion offers only a thin “top of the head” expression of the public voice. However, in its initial launch, the aspiration was that it might actually combine deliberation with political equality, or in the images we have been invoking here, combine the filter with the mirror.

George Gallup effectively launched the public opinion poll in US national politics by better predicting the 1936 presidential election than did a rival, a giant SLOP sponsored by the *Literary Digest* magazine. After this initial triumph, Gallup argued that the combination of mass media and scientific sampling could bring the democracy of the New England town meeting to the large-scale nation-state:

Today, the New England town meeting idea has, in a sense, been restored. The wide distribution of daily newspapers reporting the views of statesmen on issues of the day, the almost universal ownership of radios which bring the whole nation within the hearing of any voice, and now the advent of the sampling referendum which produces a means of determining quickly the response of the public to debate on issues of the day, have in effect created a town meeting on a national scale.⁵⁴

Gallup offered a version of the “mirror” of representation that, by using scientific sampling techniques, offered a better microcosm of the public than anything ever envisaged by the Anti-Federalists. But his achievement

only dramatized one horn of the dilemma of democratic reform we have been exploring. He thought that the media would, in effect, put the whole country in one room and the poll would allow for an assessment of the resulting informed opinion. But if the whole country was in one room, he neglected to realize the effects of “rational ignorance”—the room was so big that no one was paying much attention. Instead of the democracy of the New England town meeting, he got the inattentive and often disengaged democracy of modern mass society. Instead of informed and deliberative public opinion, he got the kind of debilitated public opinion based on a casual impression of sound bites and headlines that is common in mass democracy throughout the world. Instead of reflective or “refined” opinion, he only got a reflection of “raw” opinion. Technology helped create a new form of democracy, but it was not one that realized the values of the town meeting. The town meeting, after all, offers the potential of combining deliberation with a consideration of everyone’s views.⁵⁵ But the trick, in democratic reform, is to pay enough attention to the social context that might really motivate thoughtful and informed public opinion and then to combine the realization of that social context with a process for selecting or counting the views of the participants equally.

Deliberative Polling, which fits in our Category 3B, was developed explicitly to combine random sampling with deliberation. Deliberative Polling attempts to employ social science to uncover what deliberative public opinion would be on an issue by conducting a social science effort, ideally a quasi-experiment, and then it inserts those deliberative conclusions into the actual public dialogue, or, in some cases, the actual policy process.

Deliberative Polling begins with a concern about the defects likely to be found in ordinary public opinion—the incentives for rational ignorance applying to the mass public and the tendency for sample surveys to turn up non-attitudes or phantom opinions (as well as very much “top of the head” opinions that approach being non-attitudes) on many public questions. These worries are not different in spirit from the founders’ concerns about mass public opinion, at least as contrasted to the kinds of opinion that might result from the filtering process of deliberation.

At best, ordinary polls offer a snapshot of public opinion as it is, even when the public has little information, attention, or interest in the issue. Such polls are, of course, the modern embodiment of the mirror theory of representation, perfected to a degree never contemplated by the Anti-Federalists. But Deliberative Polling is an explicit attempt to combine

When the People Speak

the mirror with the filter. The participants turned up by random sampling, who begin as a mirror of the population, are subjected to the filter of a deliberative experience.

Every aspect of the process is designed to facilitate informed and balanced discussion. After taking an initial survey, participants are invited for a weekend of face-to-face deliberation; they are given carefully balanced and vetted briefing materials to provide an initial basis for dialogue. They are randomly assigned to small groups for discussions with trained moderators, and encouraged to ask questions arising from the small group discussions to competing experts and politicians in larger plenary sessions. The moderators attempt to establish an atmosphere where participants listen to each other in a safe public space and no one is permitted to dominate the discussion. At the end of the weekend, participants take the same confidential questionnaire as on first contact and the resulting judgments in the final questionnaire are usually broadcast along with edited proceedings of the discussions throughout the weekend.⁵⁶ The weekend microcosm has usually been highly representative, both attitudinally and demographically, as compared to the entire baseline survey and to census data about the population. Furthermore, it is routine to find large and statistically significant changes of opinion over the weekend. Considered judgments are usually different from the “top of the head” attitudes solicited by conventional polls.

But what do the results represent? Our respondents are able to overcome the incentives for rational ignorance normally applying to the mass public. Instead of one vote in millions, they have, in effect, one vote in a few hundred in the weekend sample, and one voice in fifteen or so in the small group discussions. The weekend is organized so as to make credible the claim that their voice matters. They overcome apathy, disconnection, inattention, and initial lack of information. Participants from all social locations change in the deliberation. From knowing that someone is educated or not, economically advantaged or not, one cannot predict change in the deliberations. We do know, however, from knowledge items, that becoming informed on the issues predicts change on the policy attitudes. In that sense, the resulting deliberative public opinion is both informed and representative. As a result, it is also, almost inevitably, counterfactual. The public will rarely, if ever, be motivated to become as informed and engaged as our weekend microcosms.

The idea is that if a counterfactual situation is morally relevant, why not do a serious social science experiment—rather than merely engage

in informal inference or armchair empiricism—to determine what the appropriate counterfactual situation might actually look like? And if that counterfactual situation is both discoverable and normatively relevant, why not then let the rest of the world know about it? Just as John Rawls’s original position can be thought of as having a kind of recommending force, the counterfactual representation of public opinion identified by the Deliberative Poll also recommends to the rest of the population some conclusions that they ought to take seriously.⁵⁷ They ought to take the conclusions seriously because the process represents everyone under conditions where they could think.

The idea may seem unusual in that it melds normative theory with an empirical agenda—to use social science to create quasi-experiments that will uncover deliberative public opinion. But most social science experiments are aimed at creating a counterfactual representation—the effect of the treatment condition. In this effort to fuse normative and empirical research agendas, the trick is to identify a treatment condition that embodies the appropriate normative relevance.

Two general questions can be raised about all research designs—questions of internal and external validity.⁵⁸ Sample surveys are relatively high on external validity: we can be fairly confident about generalizing the results to larger populations. By contrast, most social science experiments done in laboratory settings are high in internal validity: we can be fairly confident that the apparent effects are, indeed, the result of the experimental treatments. However, experiments done with college students, for example, lack a basis for external validity if the aim is to find out something about the general population.

If a social science experiment were to have relatively high *internal validity* where we could be confident that the effects resulted from the normatively desirable treatment, and if it were also to have relatively high *external validity* where we could be confident about its generalizability to the entire citizen population, then the combination of those two properties would permit us to generalize the consequences of the normatively desirable property to the entire citizenry. We could be confident in the picture of a counterfactual public reaching its conclusions under normatively desirable conditions. In other words, if an experiment with deliberation were high on internal validity, then we could be confident that the conclusions were the result of deliberation (and related factors such as information). And if such an experiment were high on external validity, then we could be confident about generalizing it to the relevant

When the People Speak

public of, say, all eligible voters. When it can make a claim to both kinds of validity, Deliberative Polling has a strong basis for representing the considered judgments of the people. We attempt to use social science in the service of democracy—to give credibility to the claim that the refined but counterfactual opinion is representative not of actual debilitated opinion but of the deliberative opinion the public would have under good conditions.

However, even in the best case for realizing Category 3B there is a limitation to what is accomplished. Deliberative Polling involves only a scientific random sample of the population. The thoughtful and informed views created in the experiment are not widely shared because the bulk of the public is still, in all likelihood, disengaged and inattentive precisely because it is subject to all of the four limitations discussed earlier, limitations that routinely apply to the opinions of citizens in the large-scale nation-state. Deliberative Polling overcomes those conditions, at least for a time, for a microcosm, but leaves the rest of the population largely untouched (we say largely since the rest of the population may well witness the process through the media). Deliberative Polling, like the conventional polling of Category 3A, achieves inclusion through political equality, through an equal counting of those randomly sampled—effectively offering each person in the population sampled a theoretically equal chance of being the decisive voter. But political equality is not the only form of inclusion. Another method of inclusion is mass participation. And that method is employed in our last two categories.

Categories 4A and 4B parallel the previous ones, except that when ideally realized, they would offer the full realization of the kind of result represented by scientific sampling in 3A and 3B. If everyone somehow participated in mass consultations such as voting or referendum democracy, then 4A would represent the same views as those offered by public opinion polls in 3A. Of course, one problem with referendum democracy and other forms of mass consultation that attempt to involve the bulk of the mass public is that turnout is often so defective that only a portion of the public participates. Sometimes the participation in referenda or national elections is so low, in fact, that the distinction between mass democracy and self-selected samples in SLOPs becomes difficult to draw. Of course, there are possible institutional remedies for low turnout. Australia has a long tradition of effective compulsory voting, fining nonvoters. Australia achieves one of the highest turnouts in the world in national elections. However, it is well established that compulsory voting has done little or

nothing to improve the level of knowledge or engagement among voters, as opposed to the level of participation.

Australian elections show as much raw partisanship and strategic manipulation as those in other mass democracies. Near universal turnout does not raise the level of discourse or provide anything like what we are calling “refined” preferences. The Australian Progressives idealistically advocated compulsory voting on the grounds that if citizens only knew they had to vote they would do the hard work to prepare. However, the result has been to force voters with low information levels to the polls. Hence compulsory voting has certainly not served to significantly raise the level of knowledge (and the likelihood of deliberative preferences) in elections. One might even argue that it has lowered it.

The last possibility, 4B, is the most ambitious. Bruce Ackerman and I developed it to start a dialogue about how to bring deliberative public opinion to the mass scale—how to make the deliberative public opinion we see in the Deliberative Poll an actual reality rather than a representation of the more informed and engaged public that we do not now have.

Conventional polling (3A) uses a randomly selected microcosm to show what (usually) nondeliberative public opinion is like for the whole society. Deliberative Polling (3B) uses a randomly selected microcosm to show what more deliberative public opinion would be like for the whole society. And in the case of 4B the idea is to actually bring it about when it would matter most—in the context of an election. How could such a counterfactual possibility be realized?

Our proposal is simple but ambitious. We call it “Deliberation Day.”⁵⁹ The problem for the Deliberative Poll was to motivate a microcosm of the entire population to overcome the incentives for rational ignorance and to engage in enough substantive face-to-face discussion to arrive at informed judgments—informed about the issues and the main competing arguments about them that other citizens would offer. But it is one thing to imagine doing this for a microcosm, and quite another to imagine doing it for the entire population. Gallup’s vision of the mass media turning the entire country into one great room foundered, as we saw earlier, on the lack of a social context that would encourage small group deliberation. If everyone is in “one great room” in the large-scale nation-state, the room is so big that no one is listening. A different, more decentralized strategy is required.

Our idea is simply to have a national holiday in which all voters would be invited and incentivized to participate in local, randomly assigned discussion groups as a preparation to the voting process a week later.

When the People Speak

Candidates for the major parties would make presentations transmitted by national media and local small group discussions would identify key questions that would be directed to local party representatives in relatively small-scale town meetings held simultaneously all over the country. A key point is that incentives would be paid for each citizen to participate in this full day's work of citizenship. The cost (\$150 per person), while significant, would make democracy far more meaningful as it would provide for an input from the public that involved most people and that also led to a large mass of citizens becoming informed on the issues and the competing arguments. As shown by Deliberative Polls, some of which are as short as one day, even one day's serious discussion can have a dramatic effect on ordinary citizens becoming more informed and changing their preferences in significant ways.

The result would make real the counterfactual deliberative opinion represented by the Deliberative Polls. Candidate behavior and advertising would have to adjust to the fact that millions of voters would have actually become more informed on the issues. The strategic anticipation of such a more deliberative public could do a great deal to transform the rest of the public dialogue. Candidates will know that on "D Day" the public will be better informed. They will want to tailor their proposals and their appeals accordingly.

The Deliberation Day proposal may not be the only way to get a more deliberative public but it is the first *institutional* proposal intended to regularly produce deliberative opinion on a mass scale before elections. As Ackerman himself has argued, there may have been times in American history when a great crisis produced such a large-scale public dialogue that there was a "constitutional moment."⁶⁰ But such crises cannot reliably be made part of an institutional design. And they are rare (the Founding, Reconstruction, the New Deal, etc.). Most of the time we are left with "normal politics" dominated by the competitive and nondeliberative politics of impression management.

There are two categories in our scheme that achieve both values—political equality and deliberation. These two categories are 3B and 4B—categories exemplified by Deliberative Polling and Deliberation Day. The former is a practical and realizable ideal for a microcosm, the latter is enormous in the scale of its ambition, but could realistically apply to the entire society provided we have the political will to make it so. Both have the merit that they give voice to public views representing everyone under conditions where they can think. For the foreseeable future, microcosmic

Democratic Aspirations

experiments like the Deliberative Poll offer the most practical opportunity for overcoming the limitations of mass democracy and giving voice to the public's considered judgments under good conditions. However, these possibilities, and the scheme within which they are placed, are offered not as solutions, but as a contribution to the continuing dialogue about how to better realize core democratic values.