

# Overview and Context

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## Abstract

*Can the people rule? This question has divided politicians and political scientists for decades, if not centuries. It is also the explicit topic of the second part of James Fishkin's new book, and the problem that infuses the first part's rich case studies with their significance. The arguments and the evidence he provides suggest that the answer is "yes"—assuming the existence of a carefully designed framework. In the process, Democracy When the People Are Thinking provides a defense of deliberative democracy and an empirically grounded plan for addressing its institutional realization that will shape all future research—and may shape actual practice.*

**Keywords:** *deliberation, deliberative democracy, Deliberative Poll, Fishkin, mini-public*

Fishkin lists four criteria for popular control of government: *inclusion, choice, deliberation, and impact* (12–13). Inclusion means that all adult citizens have equal opportunity to participate. Choice means the alternatives for public decision need to be significantly different and realistically available. Deliberation requires that people are encouraged and empowered to think critically about competing alternatives. Finally, impact means that the

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people's deliberative choices direct or constrain official decisions or policies. Overall, Fishkin's book provides an impressive synthesis of his theoretical work on deliberative democracy and the model for public deliberation he has developed and implemented through numerous Deliberative Polls over many years, and in diverse global settings.

The "deliberative turn" in democratic theory (Dryzek 2008) has introduced an emphasis on dialogue, reason giving, and reflection that was scarce in the mid- and late twentieth century. In Simone Chambers' (2012, 53) words: "deliberative democracy as a theoretical perspective invites scholars to shift the study of democratic regimes from a voting-centric research agenda to a deliberative- or talk-centric research agenda." Even if some contemporary political scientists still doubt the need for deliberative democracy (consult Hibbing and Theiss Morse 2002 or Achen and Bartels 2016), most democratic theorists are now in favor of participatory and deliberative reforms. Among participatory democrats in general and deliberative democrats in particular, James Fishkin is without doubt the leader in translating theory into a practical solution that can be and has been implemented worldwide. By now, there have been over 100 Deliberative Polls in as many as 28 countries, including many African and Asian countries, and—twice—across all member countries of the European Union.

Deliberative mini-publics are forums, organized by policy-makers or in some cases researchers, where citizens representing different subgroups are gathered together to deliberate on a particular issue in small-n groups (Grönlund et al. 2014, 1). There are several types of deliberative mini-publics, and they are increasingly popular. Nevertheless, it is safe to claim that Fishkin's Deliberative Polls set "the gold standard" (Mansbridge 2010). One important factor that varies between different mini-publics is size, that is, the number of participants. Even though all mini-publics have the goal of being representative in the sense of reflecting different viewpoints current among the public, most mini-publics fail to capture the full variety of public opinion, and none of them are representative in the electoral sense (Goodin and Dryzek 2006). The best known mini-public models are Citizens' Juries (12–26 participants), Consensus Conferences (10–50 participants), Citizen Assemblies (50–160 participants) and Deliberative Polling (100–500 participants) (Breckon et al. 2019).

The fact that Deliberative Polls convene the largest mini-publics reflects Fishkin's aim of creating a *microcosm* of the demos. But size is not enough. To achieve a true, *representative* microcosm, Fishkin seeks to maximize three dimensions of the sample of people that will deliberate.

These are 1) demographic representativeness, 2) attitudinal representativeness, and 3) sample size. To Fishkin, demographic and attitudinal representativeness are equally important. An important argument for demographic representativeness is that people with different backgrounds are likely to have different views and interests. Meanwhile, attitudinal representativeness is important because practical viewpoints do not always correlate with demography. In order to weigh the arguments in a similar manner as the whole population would do if it could deliberate under similar conditions, the sample needs to be demographically and attitudinally representative, both of which are goals achievable through random sampling, especially when the sample is large enough. In large countries, or in supranational cases such as the European Union, however, random sampling needs to be segmented across geographical areas. Moreover, if the microcosm is small, that is, consists of say less than 200 participants, I would use stratified random sampling so that gender, age, and perhaps educational balance can be guaranteed. Yet, even the largest Deliberative Polls, like all other mini-publics fall short of the basic requirement of “raw” opinion polling, that is, creating a representative sample of at least 1000 individuals to maximize confidence level (at least 95 percent) and minimize sampling errors. In fact, Robert Dahl (1989), who first put forward the idea of a deliberative mini-public, suggested that the size of a mini-demo should be 1000 individuals. Dahl, of course, did not develop his thoughts into a model that could be implemented. All of us who have planned and carried out deliberative mini-publics know how difficult it is to increase the size to several hundreds of participants. In this sense, Deliberative Polling comes closest to the goal of statistical representativeness.

When the microcosm is large enough to be both demographically and attitudinally representative, Fishkin believes that it can be trusted to weigh arguments in the place of the whole citizenry. To Fishkin, such weighing is “the root of deliberation” (21). The people who take part in deliberation should weigh the arguments offered by their fellow citizens under “good conditions” for their clear expression and careful consideration on their merits alone (73). Such good conditions entail access to good information and a discussion in which relevant policy arguments for and against proposals for action are given in an evidence-based manner. If good conditions for deliberation are achieved, participants gain knowledge on the issue at hand, and frequently change opinions on the basis of such knowledge and the discussion it informs. Thus, good deliberation also should lead to identifiable reasons for the considered judgments that result. As in most

deliberative mini-publics, the main tool for measuring knowledge gains and opinion changes in Deliberative Polling are pre- and post-deliberation surveys, while the discursive quality of deliberations has been analyzed with the help of transcriptions.

What is the democratic return on such a large investment? In the beginning of his book, Fishkin compares four models of democracy—competitive democracy, elite deliberation, participatory democracy and deliberative democracy—in light of four democratic principles—political equality, participation, deliberation and non-tyranny. Ideally, a democracy would entail all of these principles. Competitive democracy, according to Fishkin, guarantees political equality through universal suffrage and non-tyranny, thanks to the fact that political parties and their candidates can compete for the popular vote in free and fair elections. It can, however, fall short of the ideals of participation (low and unequally distributed levels of voter turnout) and deliberation. Elite deliberation should guarantee a system with thoughtful weighing of arguments and resultant non-tyranny. But a system with elite deliberation would contravene political equality and undermine mass participation. Participatory democracy, on the other hand, would guarantee both political equality and mass participation, but might fail in terms of deliberation and guaranteeing non-tyranny. For Fishkin, deliberative democracy does maximum justice and minimum violence to all four democratic principles. Deliberative democracy attempts to reconcile deliberation by the people themselves with an equal consideration diverse views. The logic of random sampling is crucial in this effort, guaranteeing political equality by giving all citizens the same chance of getting selected by lot. In deliberative democracy, mass participation is not technically achieved, nor is non-tyranny guaranteed. Yet the conditions under which public deliberation would take place should make tyranny an unlikely outcome.

The capability to clarify theoretical models, together with a practical solution to test and a personal energy to envy, have made James Fishkin and Deliberative Polling a winning combination. Of course, it has not won over everyone. One of the criticisms against public deliberation that Fishkin addresses is the problem of *group polarization*, raised most notably by Cass Sunstein (2009). Group polarization is a phenomenon, documented in the social psychology literature, by which discussion moves a group toward a more extreme position on the side that its initial mean position occupied, compared to the midpoint on a spectrum of views. Group polarization occurs for two reasons. First is a lack of opposing arguments, in cases where a majority of the group already agree on where they stand in relation to the

issue. Second is because of social comparison, whereby participants in a group want to emphasize their in-group identity.

Clearly, group polarization could be a severe threat to democracy if citizen deliberation were somehow to encourage and legitimize it. However, Fishkin demonstrates (see 143 and Appendix) that the institutional design of Deliberative Polling can counteract group polarization. He points to briefing materials that provide balanced pros and cons for all the proposals, and to moderators trained to ensure that the pros and cons are explicitly considered in the deliberations. Deliberative Polls also include expert panels constructed to give voice to competing sides. Finally, Deliberative Polling does not include group decisions; the opinions are only measured in secret polls after deliberation. Thus, Fishkin argues, there is little room for social comparison effects. I agree. Deliberation is different from other kinds of talk, as my own work in Finland has repeatedly demonstrated.

Together with colleagues, I have demonstrated that like-mindedness at a small group level does not lead to group polarization, when the groups discuss under deliberative norms and facilitation by a trained moderator. We have conducted two controlled population-based experiments in Finland, and the results confirm Fishkin's view. In the first experiment, with the topic of immigration, we compared two kinds of groups, like-minded groups and mixed groups, mixed groups representing the standard deliberative mini-public. We could show that group polarization did not occur in the anti-immigration groups as a result of deliberation (Grönlund et al. 2015). In the second experiment, in order to increase the external validity of our findings, we only had like-minded groups. This time, the topic was the status of the Swedish language in Finland (Swedish is a national language, but spoken by only by less than 6 per cent of the Finnish people) and we had groups with no rules or moderation, and treatment groups with rules and moderation. The non-treatment (placebo) groups moved toward their extreme, whereas the groups that received the deliberative treatment, stayed put, i.e. did not polarize (Strandberg et al. 2019). Deliberation can alleviate group polarization. For those less interested in such debates, Fishkin's book still has much to offer. He explains why the logic through which the framers of the U.S. constitution established the Senate and the Electoral College has ceased to operate; Madisonian filtration has given way to party competition. I especially enjoyed the discussion of ancient Athens (51–54). The democratic model that was reinstated 402–401 BC after the Peloponnesian War—to which the Assembly had agreed through skillful orators—resembled what modern theorists call deliberative democracy. The Athenians had

learned that “a skillful demagogue could win the citizens to his project irrespective of whether it was really in their interest” (52, quoting Hansen 1991). The new system tried to emphasize weighing of arguments, downplaying the possibility of demagogues leading the Assembly to hasty decisions. The system consisted of three randomly selected deliberative bodies. Moreover, a decree that had passed the Assembly could not become a law unless approved by the *nomothetai*, a random sample of citizens who would deliberate for a day on each proposal. Only if a proposal got support from a majority in the *nomothetai* group, it could become a law.

The Athenian model should be revisited in today’s world, where electoral democracy is failing, and direct democracy produces uninformed and unweighted decisions, such as Brexit. I am especially compelled by Fishkin’s pragmatic approach, which emphasizes the seeking out and opportunistic exploitation of “entry points” for deliberative mini-publics in general and Deliberative Polls in particular. Everyone should be impressed by the entry point he has found and exploited in Mongolia, where a “Law on Deliberative Polling” became effective in March 2017. According to the law (see p. 100 and Appendix), Deliberative Polling must be organized and conducted as a step in the procedure for all constitutional amendments and a large number of local projects. The law also lays out standards for random sampling and the recruitment of participants as well as other details. Mature democracies should follow the Mongolian example.

Deliberative Polling is the best of the known methods for large-scale citizen deliberation, but it is not the ultimate solution for deliberative democrats. It does not provide a perfect solution for reaching decisions—indeed, there is no effective decision-making at all at the group or at the Poll level. Fishkin has good arguments against group decisions—social pressures and social comparison—but the original idea of Dahl (1989, 340) was that “the judgment of a minipopulous would represent the judgment of the demos. Its verdict would be the verdict of the demos itself.” If this ideal is to be fulfilled in a way that empowers the people to think with genuine purpose, responsibility, and effect, we still need to develop decision-making mechanisms for deliberative mini-publics. My hope is that this remarkable book spurs that important work.

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