

Critical Dialogue

Politics with the People: Building a Directly Representative Democracy. By Michael A. Neblo, Kevin M. Esterling, and David M. J. Lazer. New York: Cambridge University Press, 2018. 180p. \$34.99 cloth.
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— James Fishkin, *Stanford University*

This book is a worthy launch to an important research initiative connecting members of Congress with their constituents. Michael Neblo, Kevin Esterling and David Lazer report on a series of “deliberative town halls” held online with diverse samples of participants in dialogue with sitting members of Congress. I will note some of the merits of this important initiative as well as some of its limitations. I offer the latter in the spirit of suggestions for avenues that might expand and deepen the effort.

In their current form, congressional “town halls” are self-selected and unrepresentative. They are often captured by intense groups who show up not to deliberate but to mobilize their support or opposition. Citizens are not coming to listen to one another but to express their views, often as loudly as possible, to their member of Congress. Neblo, Esterling, and Lazer argue for a different model, for what they call “directly representative institutions” in which legislators engage with their constituents “directly as citizens rather than only as voters, campaign contributors, or members of interest groups” (p. 13). Most importantly, their approach engages random samples, not self-selected samples in substantive deliberation. While such events might look like the current “congressional town halls,” they are fundamentally different in structure and in the promise they hold for democracy.

There are few opportunities for members of Congress to get thoughtful and representative input from the public. Public opinion polls, we are told, “do not reliably track people’s considered views on policy when informed” (p. 16). Politicians should be interested in these deliberative town halls to restore trust and legitimacy. They might also reveal what V. O. Key called “latent opinion—that is, public opinion that will emerge after the official takes some action” (pp. 21–22). The idea is that deliberation may reveal where opinion may go with more information and experience. The results are more than the public’s current impression of sound bites and headlines. And they are

more representative than the intense groups that show up at the conventional town halls.

The reform is proposed as part of a new “deliberative infrastructure” (p. 24), “in which people who disagree over policies exchange reasons about ‘what we should do’ (as opposed to ‘what do I want?’)” (p. 26). The authors convened 19 such events (p. 41) with samples of approximately 30 participants each. Each event had 35 minutes of dialogue, with the citizens submitting text-based questions and the representatives responding via voice. Then the representative left and the citizens continued to discuss for another 25 minutes. Senator Carl Levin (D-MI) also participated in a larger event with 175 deliberators recruited statewide from Michigan. That event was structured just like the House events, except that it did not have the 25-minute follow-up discussion among the citizens (because the group was too large, p. 115).

Much of *Politics with the People* is organized around five criteria for evaluating these events: 1) inclusion, which requires the representativeness of the samples; 2) the provision of balanced information; 3) the quality of the reasoning; 4) promotion of legitimacy and trust; and 5) whether the process can be scaled (p. 27). By this they mean: “*The institution should be scalable so that a meaningful number of constituents can participate, and the process can perceptibly ramify through the larger deliberative system*” (p. 48; italics in original). In what follows, I consider each in turn.

First, on representativeness, we are told that the participants in each of the 19 events are good cross sections of the eligible electorate and, in particular, that the events “tended to attract lower income participants and those with less steady employment, which strongly dispels the notion that deliberation only attracts those at the top of the distribution” (p. 65). However, no data on representativeness on the House town halls are presented in the book, so we are left just with general characterizations. Given that one of the criticisms of the conventional town halls is that they engage mostly those who feel most intensely, it would have been interesting to know how all the deliberative town hall participants, in aggregate, compare to all those who did not attend but responded when originally contacted.

Second, on balanced information, the book reprints good and balanced briefing materials on the issues.

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Further, the authors present data on information gains (based on knowledge questions). Many of the gains occurred in anticipation of the event, or even in discussions outside the event. This is consistent with other deliberative forums and shows, as they note, the merit of just being invited.

Third, the quality of reasoning is evaluated in terms of the Discourse Quality Index (DQI). The authors sensibly focus on the portion of the DQI that measures justified arguments—the offering of reasons and the connections between those reasons and what is advocated. The DQI results are impressive. However, they focus only on statements by the representatives, not on statements by the citizens.

Fourth, the authors report that there were increases in trust and political efficacy among the citizens. But these results are just summarized with no data presented (p. 101). Given the experience of other deliberative projects, these results are certainly plausible. However, it would have been nice to include more detail, even if the results were in an appendix.

Fifth, the authors rely on the one statewide session with Senator Levin from Michigan, which had 175 participants, to argue that the process is scalable. Participants talk to their friends, and thus there is a ripple effect. In addition, the online experience of being in a group of 175 could be compared, they argue, to the online experience of a session with 20,000 (p. 116) or even larger numbers. Note that the participants are not discussing the issues among themselves, they are proposing questions to the member of Congress. Critics might argue that the experience, even at 175, much less 20,000, is beginning to approach something closer to what Bernard Manin calls “audience democracy” than the kind of discussion typically identified with deliberative democracy. As noted earlier, the small group discussion following the 35-minute session with the representative had to be dropped in the session with Senator Levin, as the numbers were too large. Hence, the dilemmas of scaling.

Where might this go? The authors might consider variations in the model to extend and deepen the deliberations and to better scale them.

First, on duration of the deliberations: Thirty-five minutes is very short for deliberative events, many of which typically take place over a long weekend (Deliberative Polls) or multiple weekends (Citizens Assemblies or Citizens Juries).

Second, scale and design of the deliberations: The single shared-meeting format limits the numbers. Many deliberative events break the participants up into small groups (Deliberative Polls, 21st Century Town Meetings, etc.). The small groups formulate questions for competing experts and/or politicians. The number of moderated small groups could be multiplied to accommodate much larger numbers than in the single, shared-meeting design.

The groups would gather for plenary sessions in which the questions agreed on in the small groups are asked. By having shared discussion in the groups about what questions are most important, it is possible that the deliberative quality of the questions would be increased.

Third, future studies might foster and study the deliberations of the citizens, not just the representatives. On the current model, only the speech acts of the representatives are coded. But what about the citizens? Is this a case of what the book calls “deliberative persuasion” (p. 85), or is it true deliberation by the citizens? Yes, the representatives offer reasons, but they are almost surely reasons to explicate and defend their own positions. What about the other side? The root of deliberation is “weighing,” and most deliberative advocates think that the process requires weighing competing arguments on issues posing trade-offs. But on this design, the expertise is mostly on the side of the representative. The authors note that there is systematic movement in favor of the positions favored by the representatives (p. 97). Is that an indicator of deliberation or one-sided persuasion? If we knew more about the citizen discussions (if the reasoning were coded), and if the sessions were longer, we could evaluate the balance of the process. A design with many small groups would generate both more data and more in-depth discussion.

Fourth, the mode of communication could be enhanced. Video-based small group discussions with moderators are being used for deliberation by citizens online and would approximate the conditions of face-to-face deliberation (whether conducted via Google Hangouts or Skype or other methods designed for the purpose). These would be especially suited to multiple small groups deliberating on the issues and then generating the questions.

While changing technology and variations in the design could increase the deliberative character of the interactions, the basic point is that this research initiative should expand and become a part of our collective political life. It is a pilot for an important idea—that members of Congress can deliberate about key policy choices with random samples of their constituents. Yes, it can be done. The authors are to be congratulated for starting something important.

Response to James Fishkin’s review of *Politics with the People: Building a Directly Representative Democracy*

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— Michael A. Neblo, Kevin M. Esterling and David M. J. Lazer

We thank James Fishkin for his generous and insightful review. He is right that our book constitutes the “launch”—rather than the culmination—of a larger

research and reform agenda. Thus, we acknowledge the limitations he identifies in what we have done so far, and appreciate his suggestions for moving forward.

We do, however, want to address Fishkin's main criticism, which hinges on the problem of scale, as our deliberative town halls move from dozens to hundreds, to (possibly) thousands of participants. He worries that we face a dilemma between scaling up and lapsing into Bernard Manin's notion of "audience democracy," wherein citizens are mere spectators of a show put on by elites. Scaling our events, however, is likely to be less audience-like than it might seem. For Manin, the key problem with audience democracy is that representatives control the discursive agenda, not that they spend a plurality of the time talking. Our participants could observe that it was the constituents who were driving the agenda. Moreover, even in our larger session of 175, the majority of participants got something very close to their question or comment addressed, because their concerns clustered into a fairly small number of topics. In all other respects, the participants' experiences (and their salutary effects) were similar to those of the smaller events.

This discussion highlights a difference in our approaches between who can be regarded as interlocutors versus audience members. Those chosen to participate in Deliberative Opinion Polls (DOPs) get to be interlocutors in a deep sense; members of the general public, however, are not interlocutors at all. Indeed, they are not really even members of an audience, since they only observe aggregate support for policies, rather than the deliberation generating that support. In our town halls, participants are interlocutors in a more limited way, but they get to observe and engage the reasoning of their representatives and fellow citizens. Like DOPs, our town halls try to provide decision makers with more deliberative public input. But from the public's perspective, our main goal is not to stand in for them or convince them by proxy, but rather to give more of them access to a richer representative relationship. In this sense, we scaffold on existing institutions of representative government, rather than build new ones on the outside.

Most importantly, we contend that audience democracy can serve deliberative goals. On our account, deliberative quality is a property of the larger political system, rather than something that must be fully realized at each site in the system. The alleged "dilemmas of scaling" are only dilemmas if we insist on devolving all deliberative desiderata to each step in the democratic process. We seek to build a more "directly representative democracy." Representation involves elements of audience democracy, but, for Madisonian reasons, we maintain that representative institutions are essential to the deliberative quality of our politics; they are not merely concessions to the practical limits of direct democracy. By helping those institutions work better, deliberative town

halls can contribute importantly to the quality of democracy.

Democracy When the People Are Thinking: Revitalizing Our Politics Through Public Deliberation. By James S. Fishkin. New York: Oxford University Press, 2018. 272p. \$24.95 cloth. doi:10.1017/S1537592719001312

— Michael A. Neblo, *The Ohio State University*
— Kevin M. Esterling, *University of California, Riverside*
— David M. J. Lazer, *Northeastern University*

James Fishkin has spent three decades endeavoring to make public policy in democracies around the world more responsive to the considered opinions of their citizens. He developed Deliberative Opinion Polls (DOPs) as the primary tool in service of this goal. DOPs bring random samples of regular citizens together under favorable conditions in order to deliberate in depth about pending policy issues. He argues that the results reveal the informed "will of the people."

Democracy When the People Are Thinking is Fishkin's fifth book-length discussion of deliberative democracy, and in many ways it is his best. Much of the territory will be familiar to readers of his previous work. The themes and arguments, however, have been refined and integrated into a more complete account of the ways in which DOPs can promote democratic legitimacy and effective public policy.

The book is divided into four sections. Part I is a brief introduction. Part II lays out Fishkin's most up-to-date theoretical account of deliberative democracy and contrasts it with what he sees as its three main rivals: party competition, elite deliberation, and participatory democracy. Part III discusses four in-depth empirical case studies of DOPs, and Part IV presents a miscellany of 15 short topics and cases.

In Part II, Fishkin posits four core democratic principles: (a) political equality, (b) mass participation, (c) deliberation, and (d) nontyranny (roughly, rights that constrain democratic choice). In one of his most consequential, but (here) unargued, moves, he claims that we can effectively pursue only two of the four principles at a time, concluding that there are only four viable forms of democracy: competitive elitism (a+d), elite deliberation (c+d), participatory democracy (a+b), and deliberative democracy (a+c): "Variations that aspire to more . . . are either unworkable or merely utopian" (p. 24). Unsurprisingly, Fishkin argues against the relative desirability of the first three, settling on deliberative democracy as the most attractive option available. He stays true to his self-imposed constraints, conceding that deliberative democracy "is usually agnostic about" mass participation and nontyranny (p. 24).

Herein lies our first question about Fishkin's argument. Whatever the merits of claiming that we cannot pursue more than two principles at a time (a topic we return to later), it seems descriptively inaccurate to say that

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deliberative democrats are “usually agnostic” about rights and mass participation. Certainly this would not describe Jürgen Habermas, John Rawls, Cohen, Dryzek, Mansbridge, or Gutmann and Thompson, among other major deliberative theorists. Indeed, it is Fishkin’s conception of deliberative democracy that is, despite his enormous stature in the field, rather idiosyncratic in this respect. Idiosyncratic, of course, does not mean wrong. As mentioned, Fishkin claims that rival theories that aspire to more are unworkable (e.g., Rawls, p. 154) or merely utopian (e.g., Habermas, p. 157), which allows him to stay laser-focused on the potential of DOPs. But for deliberative theorists who do not stay agnostic about mass participation, rights, elite deliberation, and party competition, the worry is that Fishkin has developed a theory of DOPs more than a full theory of deliberative democracy.

A successful theory of DOPs, however, is still tremendously important, since DOPs can lessen the tension between democratic self-government and good policy outcomes. In Part III, Fishkin shifts to a more concrete discussion of four sustained case studies of DOPs in action: California, Mongolia, Uganda, and the European Union. These are deeply impactful additions to the deliberative democracy literature, to say nothing of their contributions to democratic practice. Each extends DOPs into new theoretical and practical terrain where they had not proven their mettle heretofore. The California DOP focused on deliberative agenda setting for more authoritative ballot initiatives. The Mongolian DOP extended random sampling into participatory budgeting techniques. The Ugandan initiative tested whether DOPs could work in contexts exhibiting extremely wide variation in wealth and educational attainment. And, finally, the European DOP attempted to overcome the Tower of Babel that might attend deliberation across diverse linguistic and cultural divides. All four projects were broadly successful on the criteria that Fishkin uses to assess his DOPs (inclusion, choice, deliberation, and impact).

In our view, these and other DOP successes are among the most salutary innovations in democratic practice over the last few decades. Our concerns, then, are not with DOPs per se, but rather with how they get interpreted. In particular, we worry that DOPs do not warrant the very strong interpretation of revealing “the will of the people,” a phrase used repeatedly throughout the book. This term is historically encumbered, as well as theoretically and operationally ambiguous in myriad ways. Yet it carries tremendous rhetorical punch: One presumes that it is very bad to subvert “the will of the people,” and so we might reasonably infer that DOPs should carry nearly dispositive normative force. It is crucial, then, to get clear about what DOPs do and do not establish. Our best reconstruction of what DOPs can hope to recover is roughly: *an estimate of the marginal distribution of mass opinion were the issue under consideration subject to a thoughtful plebiscite*. Even if we

were to grant that DOPs do reliably recover such a distribution, however, there are a number of reasons to be wary of equating that with the will of the people.

First, Fishkin measures opinion privately, through anonymous surveys. Participants are not required to connect their responses to public deliberation. He offers some good reasons for this measurement strategy, but the result is something in between aggregated private opinion and public opinion in the full sense developed by Habermas and others. Second, and relatedly, Fishkin’s focus is on a simple count of informed individual opinions, rather than any systematic analysis of the content and quality of the public justifications themselves. Finally, the theory explicitly “remains agnostic” about mass opinion (other than a brief reprise of his previous book, *Deliberation Day*). But for most deliberative democrats, a decision is justified through reasoned justification to *all* who have to live under the decision, not a random sample of those who have to live under it. Just as standard polls are not sufficient to stand in for elections, DOPs are not sufficient to represent “the will of the people.”

Apart from our theoretical concerns, we also see empirical obstacles to Fishkin’s claim that require deeper inquiry. The inferences from his deliberative events rely on a set of strong assumptions, at least three of which need more justification. The first is *the exclusion restriction*, or whether assignment to the deliberative condition itself matters for outcomes. If this assumption is not met, then the deliberative process itself may not be the only causal factor at work, calling into question both the normative value of the events and their efficiency vis-à-vis less expensive ways to elicit opinion. The second assumption is *noncompliance*, or the fact that all experiments, especially elaborate field experiments, face selection, noncompliance, and nonresponse issues that confound straightforward inferences. Finally, there is the *Stable Unit Treatment Value Assumption* (SUTVA), which refers to whether assignment of others to one’s discussion group aggravates the intrinsic path dependence of deliberation. Failing SUTVA would call into question whether it is even possible to recover a unique will of the people. Because many of Fishkin’s inferences depend on these three assumptions, it makes sense going forward to focus on building more concrete, empirical justifications for them.

Part IV is full of fascinating facts and insights—too many to summarize and engage in detail. Toward the end of the book, however, Fishkin briefly addresses the so-called systemic approach to deliberative democracy. He does not embrace that approach, though he does offer some suggestions as to how DOPs might augment systemic thinking in practice. The suggestions are well taken, and point toward potential institutional innovations. However, they mostly stay focused on how variations on the DOP might help secure equality and deliberation at each site of the system. Doing so, again,

strongly privileges the principles of equality and deliberation at the expense of mass participation and nontyranny (along with other desiderata that the systemic approach was developed to incorporate).

By largely eschewing the systemic approach, Fishkin occludes the ways that we might be able to aspire to an enlarged democratic theory—one that does not have to remain agnostic about any core principles. Showing that tensions and trade-offs arise when we try to promote more than two principles does not prove that they relate in zero sum terms. Indeed, there is reason to think that the principles reinforce each other as often as they stand in tension: For example, certain rights (nontyranny) are essential for achieving equality, and likely contribute to people's willingness to participate on a mass scale. Working out the complicated ways in which democratic principles interact to promote sound and legitimate governance should be, in James Madison's words, "the great object to which our inquiries are directed." Despite our differences and reservations, however, there is no doubt that *Democracy When the People Are Thinking* contributes powerfully to Madison's ongoing project.

Response to Michael A. Neblo, Kevin M. Esterling, and David M. J. Lazer's review of *Democracy When the People Are Thinking: Revitalizing Our Politics Through Public Deliberation*

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— James Fishkin

Michael Neblo, Kevin Esterling, and David Lazer raise many interesting issues. However, they seriously misconstrue my position about mass participation in deliberative democracy. I present the "trilemma of democratic reform" to dramatize the challenge, even in theory, of combining three fundamental democratic principles—political equality, deliberation, and mass participation. But they neglect to say that the principal point of Part IV of the book is that I propose a solution—scenarios that combine Deliberative Polling and Deliberation Day. I present this as a contribution to the design of deliberative systems. I also describe a main element of our current research program—piloting this solution with online versions of deliberation brought to scale with video-based discussions with diverse others in large numbers of small groups. Deliberative Polling produces representative results; Deliberation Day brings the dialogue with the same issues to scale.

Second, the reviewers criticize the Deliberative Poll for collecting the fruits of deliberation via secret ballots or confidential questionnaires. I am concerned to insulate the measurement of considered judgments from all forms of social pressure. A jury verdict or push for a consensus statement does not offer this insulation. They claim that

my position somehow means I am not concerned with the reasoning behind the deliberation, just with tabulating support or opposition to proposed policies. This is not correct. Our projects go to great lengths to study the reasons supporting the judgments, with explanatory variables (values, empirical premises) that will shed light on support or opposition and with the transcripts of the small group discussions (and coding of those statements). These concerns should be evident in the four case studies presented in the book, as well as in other work I reference.

Third, they invoke four methodological concerns: First, "does the assignment to the deliberative condition . . . matter for outcomes"? Our projects investigate that with controlled experiments, some of which are discussed in the book, some published elsewhere. Second, do the projects "face selection, noncompliance, and nonresponse" issues? Such issues are always challenges for field experiments, but by collecting data from nonparticipants, from appropriate comparison groups, and control groups, and by working hard to get the highest response rates possible, these issues are manageable. Or so I argue, in the cases in the book and elsewhere. Lastly, they question "whether assignment of others to one's discussion group aggravates the intrinsic path dependence of deliberation." We have analyzed and continue to analyze the small group processes and the differences among the small groups, and we sometimes change the unit of analysis to the group or study level. We are aware of these issues and collect the data so that they can be studied.

Of course, the same issues apply to other minipublics, including the "deliberative town halls" in *Politics with the People*. From their book, we know very little about their "diverse cross sections," their attitudinal representativeness, how they match up to comparison groups, and so on about the proposed topic (immigration). They characterize results from their own confidential questionnaires before and after deliberation from their 19 small group discussions (p. 97). Assignment to one small group of 30 rather than another may affect the participant deliberations. This can be studied in their case, just as it can be studied in the Deliberative Polling small groups.

There is one fundamental difference, however. In my view, one-sided persuasion is not deliberation. Arguments offered must be answered. In the book by Neblo, Esterling, and Lazer, the representative offers arguments for his or her position, and the authors view it as a success that the participants move systematically in the direction advocated by the representative (p. 99). There is no apparatus in this design for balanced argumentation. The root of deliberation is "weighing." In my view, "deliberative town halls" should weigh competing arguments if they are to be deliberative. Hopefully, as the design of these important experiments evolves, they will find more room for the balance of competing arguments so that both representatives and their constituents will be better engaged in deliberation.