Debating Deliberative Democracy
Dedicated to the memory of Peter Laslett, 1915–2001, who helped us see worlds we have lost – and gained
Debating Deliberative Democracy

Edited by

JAMES S. FISHKIN AND PETER LASLETT
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Introduction

James S. Fishkin and Peter Laslett

In his essay for the first volume of *Philosophy, Politics and Society*, Peter Laslett posed the problem of whether the politics of “face to face society,” of small groups of manageable size talking to one another before taking decisions, could be adapted to the “territorial societies” of the large-scale nation-state. In that essay, Laslett probed the gap between face-to-face discussion as a preface to decision-making in small polities and the kinds of opportunities left for citizens in mass societies.

“The Face to Face Society” helped inspire work in political science and political theory that would attempt to bring some of the characteristics of small group face-to-face deliberation to the large-scale nation-state. In particular, it influenced James Fishkin to develop “Deliberative Polling,” a process discussed by several of the contributors to this volume. At the time Laslett’s essay was written, none of these issues were on the agenda of political theory (or related areas of the social sciences). In fact, it was reasonable for Laslett to ask at the time whether or not political theory would even continue to exist.

As political theory underwent a major revival, a process evident from the succeeding volumes in this series, a great deal of it came to focus not on realistic deliberations of the kind possible in a “face to face society,” but rather on the deliberations of agents in purely imaginary thought experiments. The work of John Rawls, in particular, inspired a flowering of work on hypothetical decision procedures, asking us what principles we would choose if we could hypothesize ourselves behind a “veil of ignorance” in which we lacked knowledge of all particulars about ourselves or our society. The Rawlsian “original position” was not meant to be instituted, it was only meant to be imagined. The claim was that if we envision it faithfully, we can work out the appropriate first principles of justice for the whole society.

The very abstractness of the Rawlsian hypothetical allows it largely to avoid a number of questions that more realistic prescriptions of deliberation would have to face. What goes on in a deliberative process? Is it necessarily a good thing? Who participates? Under what social conditions or institutions might it take
place? Apart from a few stipulated assumptions, it is not merely the Rawlsian agents who are behind a veil of ignorance. Rawls’s proposed conditions also shield us from any particular information that might fill out the picture of deliberation.

But the move from imaginary thought experiments to real (or at least possible) institutions, or the move from deliberators behind a “veil of ignorance” to those in a “face to face society” confronts us with precisely such questions. Instead of deliberations behind a veil, we are to envisage real people under realistic conditions making actual policy choices. But this greater realism prompts the questions already mentioned. First, what goes on in a deliberative process? At the core of any notion of deliberation is the idea that reasons for and against various options are to be weighed on their merits. But what kinds of reasons or arguments need to be weighed? Is deliberation limited to considerations of justice or the public good, or may citizens take account of their self-interest? Is deliberation inherently a social process, requiring shared discussion? Or can it be accomplished in isolation, as Robert Goodin suggests in his contribution, “Deliberation Within”? If it requires or includes discussion, does that include discussion limited to the like-minded, as in Cass Sunstein’s notion of “enclave deliberation” (one of the forms of deliberation he discusses in his “Law of Group Polarization”? Or does deliberation require a consideration of diverse and competing viewpoints, as many of the other contributors hold? What counts as making an “argument”? Does deliberation include story telling or perhaps even street demonstrations? Or is it just the rational discussion of “talking heads”? Our contributors cover the spectrum on such issues.

Second, is deliberation necessarily a good thing? Sunstein argues that under most conditions, group discussion will produce “polarization” in which people move to more extreme positions. But he admits that his work on juries and other small group discussions does not apply to “Deliberative Polls” where there may be a number of factors (moderators, balanced briefings, balanced panels and random samples of the public randomly assigned to groups) enforcing a balance in the arguments considered by the participants. So there may be different forms of structured deliberation that are less subject to his critique. Nevertheless, his critique shows that deliberation may not always be a good thing. Iris Marion Young, in her “Activist Challenges to Deliberative Democracy,” shows how an activist might have legitimate moral objections to the compromises required for deliberative discussion. There are some issues for which deliberative discussion might assume too much of the status quo and might only amount to complicity with injustice because only small changes from the status quo get on the agenda.

Even if deliberation is a good thing, can there be too much of it? Or too much to justify all the effort and expense or all the “decision costs” as economists would say? This is Ian Shapiro’s question in “Optimal Deliberation?” How
much deliberation is enough? While he does not finally give us an answer, he proposes some frameworks for considering the question.

In different ways, David Miller and Philip Pettit raise the issue of collective consistency. It would be an important challenge to deliberative democracy if we should expect it to be confused or incoherent. Miller’s essay, “Deliberative Democracy and Social Choice,” proposes a hypothesis very much to the contrary: that deliberation may induce a shared preference structure, a shared sense of the problem being decided upon, that allows the respondents to locate themselves along a dimension for evaluating the alternatives. This collective structuration of preferences (technically termed “single-peakedness”) guarantees protection against the cycles violating transitivity that have fascinated social choice theorists from the Marquis de Condorcet to Kenneth Arrow. Some political scientists, notably the late William Riker, famously argued that democracy was “meaningless” because of the prevalence of cycles.1 Miller’s hypothesis is that, post-deliberation, democracy may become more meaningful. This idea has since been supported by empirical evidence from Deliberative Polls. In a number of separate Deliberative Polling investigations with random samples of the public on realistic public policy questions, levels of single-peakedness that would rule out cycles were found after deliberation.2 There is thus empirical support for the proposition Miller puts forward that deliberative democracy offers some protection against the conundrums of social choice theory.

Yet as Philip Pettit shows, cycles violating transitivity are not the only kind of collective inconsistency relevant to democracy. The “doctrinal paradox” he explores focuses on inconsistencies between premises and conclusions. It is possible for majorities to approve the premises supporting one alternative but the conclusions supporting another. Which alternative then does a consistent form of democracy require? The doctrinal paradox applies to nondeliberative as much as to deliberative democracy, but Pettit argues that deliberative democracy suggests the appropriate response.

If we are committed to deliberative democracy, does this mean that we are committed to other good things, say, values of justice or the general welfare? With the Rawlsian hypothetical, the imaginary deliberations come out with set priorities for the first principles of justice – priorities, which, if the philosopher’s arguments are correct, do not change. But with real deliberations among real people who bring their own values, interests and priorities to bear on the process, the results are far less predictable. But the idea of going from deliberations that have a recommending force to prescriptions for public policy is roughly parallel. Amy Gutmann and Dennis Thompson argue that deliberative democracy cannot be just about process – that it carries with it certain substantive commitments. Perhaps so. But then can we tell what these are? Their position is that we can do so only provisionally, precisely because real deliberative processes may vary. Yet they do argue that certain kinds of bad outcomes can be ruled