

Deliberative Democracy as an Answer for Crisis in Democratic Governance

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Introduction

Democracy is undergoing constant transformation. Not without reason did Giovanni Sartori entitle the first, introductory chapter of his treatise - "The Era of Confusion in Democracy"¹. Due to the worldwide financial crisis, discourse is focusing heavily on democracy now more than ever. Democracy is said to be under threat as significant political decisions are being taken without wide-scale democratic supervision. This results in bottom-up requests to increase peoples' involvement in the decision making process. In the crisis era, radical voices advocating the return of power to the people, reverberate through social discourse.

There are a lot of current projects which aim to increase peoples' involvement in important decision making processes. One of them is the idea of implementing a deliberative approach to the decision making process on a wide-scale. Its authors have

¹ G.Sartori (1987) *The Theory of Democracy Revised*. Chatham, New Jersey: Chatham House Publishers, Inc., p.3.

highlighted mutual persuasion and knowledge acquisition as factors that can change reality and cure the modern crisis in democratic governance.

The purpose of this paper is to outline a selected normative concept – deliberative democracy - and to describe attempts to implement it in a modern democratic decision making process. The expected outcome of the analysis will assist an examination of whether this concept is capable of functioning in the real social-political world and if such an implementation would cause any significant change in the way in which politics is carried out today. This paper will also try to address the question as to whether such attempts could be considered as a shift toward radical politics.

The Core of Deliberative Democracy

The term "deliberative democracy" first appeared in social science in 1980, in an article published by the American political scientist Joseph Bessette². However, the term only became popular after it appeared in publications by Bernard Manin³ and Joshua Cohen⁴ in 1987 and 1989.

² J.M.Bessette (1980) Deliberative Democracy: The Majority Principle in Republican Government (in) R.A. Goldwin & W.A. Schambra (Ed) *How Democratic Is the Constitution?* Washington: American Enterprise Institute for Public Policy Research, p.102-116.

³ B.Manin (1987) 'On Legitimacy and Political Deliberation', *Political Theory* (15) p.338 - 368.

⁴ J.Cohen (1989) Deliberation and Democratic Legitimacy (in) A.Hamlin & B.Pettit (Ed) *The Good Polity. Normative Analysis of the State*. Oxford: Brasil Blackwell, p.17-34.

In Joshua Cohen's opinion the term 'deliberative democracy' refers to a certain association that is governed with the help of deliberation. Its members agree that the association was founded on the basis of the results of deliberation and constitutes a framework for further discussion. Debate is therefore the basis for the association's legitimacy and should be conducted in accordance with previously agreed and generally accepted rules. It is also important that these rules be straightforward and intelligible for all participants. According to Cohen, although the association's members have very different preferences and visions of the common good, they all share an obligation to resolve disputes and make decisions by means of deliberation. On the other hand, they do not feel obliged to achieve any particular goal⁵.

In this concept, the policy to create deliberative democracy should boil down to an 'ideal procedure' for debating and making decisions⁶. This procedure should be used in all institutions wherever possible. Joshua Cohen characterizes it by mentioning a set of necessary conditions – debates, in his opinion, must consist of an exchange of arguments and information such that the political stance taken by the parties should be accepted or at least respected. Public discussion should be open to all members of society and essentially no one should be excluded from it. This also means that all participants have an equal right to put forward arguments, criticize them and ask questions. According to Cohen, the members must always be fully sovereign and cannot yield to any external pressure. The only limitations that can be imposed are those established during

⁵ J.Cohen (1989) *Deliberation and Democratic Legitimacy* (in) A.Hamlin & B.Pettit (Ed) *The Good Polity. Normative Analysis of the State*. Oxford: Brasil Blackwell, p.17-34.

⁶ J.Habermas (1996) *Between Facts and Norms. Contributions to Discourse Theory of Law and Democracy*. Cambridge, Massachusetts: The MIT Press, p.304-306.

discussion on the debating procedure. The purpose of the debate is to achieve a consensus, but due to the necessity of issuing a decision within a specified period of time, the discussion may be settled by a majority decision. The author emphasizes, though, that 'deliberative majority rule' differs from majority rule in liberal democracy in that it is based on a majority who support a given position because they are convinced it is right - not on a group of people voting for a given option by chance. All important matters concerning society as a whole, should be decided by means of debate. This is also the means by which a consensus should be reached on the fundamental values a given organization is based on⁷.

The applicability of deliberative democracy to all possible institutions, including government, is a concept that was heavily criticized by Habermas⁸. Similar conclusions critical of the universal applicability of deliberation were reached by Dryzek. In his opinion, deliberative democracy should be based primarily on institutions in the domain of civil society⁹. David Miller holds much the same view – he asserts that deliberative democracy does not require institutions of the modern state to be transformed into grand discussion forums. He noted that specified decisions can be made in the course of deliberation by those citizens who have knowledge about the given subject or by those affected the most by the decisions to be made. A second solution is to create a decision-

⁷ J.Cohen (1989) Deliberation and Democratic Legitimacy (in) A.Hamlin & B.Pettit (Ed) *The Good Polity. Normative Analysis of the State*. Oxford: Brasil Blackwell, p.17-34.

⁸ J.Habermas (1996) *Between Facts and Norms. Contributions to Discourse Theory of Law and Democracy*. Cambridge, Massachusetts: The MIT Press, p.305-308.

⁹ J.Dryzek (2002) *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*. New York: Oxford University Press, p.162.

making process whereby guidelines agreed upon during local discussions would then be conveyed to representatives¹⁰.

The examples above clearly suggest that the opinions of various theoreticians as to what deliberative democracy is, are far from uniform. Nevertheless, all these thinkers share the conviction that deliberation is a desirable thing in the contemporary world, and thanks to it the public can change their preferences and determine what will benefit their community. They consider discussion to be the basis for legitimizing contemporary governments. The rules of deliberation, established by participants, as well as the equality and freedom of all participants to question arguments, are also important for them. Moreover, deliberative democrats are usually not opposed to the rules of representation, although they believe that governance could be more beneficial to society as a whole if certain decisions were made by means of deliberation.

Deliberation as a Method for Making Political Decisions – Deliberative Polls®

The idea of deliberative public opinion polls can be traced back to the work of James S. Fishkin¹¹. In 1988 the researcher developed this concept and began to work to popularize it, with some success.

¹⁰ D.Miller (1993) *Deliberative Democracy and Social Choice* (in) D.Held (Ed) *Prospects of Democracy*. Palo Alto: Stanford University Press, p.74-75.

¹¹ *Center for Deliberative Democracy at Stanford University, Deliberative Polling®: Toward a Better-Informed Democracy*, <http://cdd.stanford.edu/polls/docs/summary/>. Accessed 14 February 2010.

The idea of these polls was to use mass media and public opinion research tools in a new, constructive way. A randomly selected group of citizens is surveyed about their views concerning certain issues. Next, the respondents are encouraged to spend some time with other respondents for the purpose of discussing the issues in the survey. At the same time, they are provided with information about the issues which is also made available to the public. The next stage consists of conversations between the respondents, experts as well as politicians on the given issues. The purpose of these conversations is to discuss disputed issues and any problems which may surface during discussions. After deliberation, the poll respondents are asked the initial set of questions again and their responses are analyzed. According to data presented by the Center for Deliberative Democracy at Stanford University, the change in respondents' preferences defines the potential change in public opinion, provided that the public is well informed and engaged in the deliberation process¹².

According to experts at Tomorrow's Europe¹³, the most important element of deliberative public opinion polls is the analysis of change in respondents' preferences and their public presentation. The polls thus serve to inform the rest of society and to provide indicators to politicians.

¹² *Center for Deliberative Democracy at Stanford University, Deliberative Polling®: Toward a Better-Informed Democracy*, <http://cdd.stanford.edu/polls/docs/summary/>. Accessed 14 February 2010.

¹³ *Tomorrow's Europe. Deliberative Polling*, <http://www.tomorrowseurope.eu/spip.php?rubrique8> Accessed 14 February 2010.

One of the first deliberative public opinion polls was conducted in 1994 in Great Britain¹⁴. The poll focused on a number of issues – its primary focus was on crime and its sources covering many aspects: law enforcement, the criminal justice system and particular rights, such as the rights of persons under arrest, victim's rights and increased juvenile crime rates. The deliberation weekend was held in Manchester and telecast live for two hours on Channel 4. The independent public opinion research institute, SCPR, randomly selected 300 people. Their task was to take a stance on a series of statements concerning crime, such as:

- Sending more offenders to prison is an effective way of fighting crime
- Suspects should have the right to remain silent under police questioning
- I definitely disagree that the police should sometimes be able to 'bend the rules' to get a conviction

The results of the poll differed substantially before and after the deliberation. A hefty 19% of respondents changed their opinions about whether imprisonment is an effective way to prevent crime (38% of respondents agreed with this statement after deliberation, compared to 57% before). The change in preferences was similarly high concerning the right of suspects to remain silent (50% agreed after deliberation, 36% before). The respondents' preferences concerning other issues covered in the poll also changed considerably.

¹⁴ *UK Deliberative Poll Intro*, <http://www.youtube.com/watch?v=QfPwouJSmHE>. Accessed 15 February 2010.

An interesting democratic experiment proved to be deliberative public opinion polls which were conducted in Australia a few years ago¹⁵. This country is a constitutional monarchy where the head of state is the Australian Monarch (the title conferred upon the reigning British Monarch), whose duties are performed by the General Governor. In the early 1990s the idea of transforming Australia into a republic and granting the President the powers held by the Monarch and General Governor gained credibility. A deliberative poll, entitled 'Republic – yes or no?', was held from the 22nd to the 24th of October 1999 in the Old Parliament in Canberra. A randomly selected assembly of 374 people discussed issues relating to amending the constitution as well as the key question to be asked in the upcoming referendum: whether Australia should remain a monarchy or become a republic. Other issues were discussed, such as the impact on society of changing the country's constitution and the essence of these changes. The event was broadcast by ABC Television and ABC News Radio; it was also covered by BBC World, which meant that news about the deliberations was available in 57 countries around the world. The participants of the debate were divided into small groups of 15 people to discuss specific issues. The topics up for discussion were divided between the groups, and meetings with experts and politicians were arranged according to their preferences as to the referendum's outcome – thus, there was a 'Yes discussion panel' and a 'No discussion panel'. Information provided to the participants was prepared in a similar manner – they contained arguments in support of the monarchy or in support of the republic, and

¹⁵ *Australia Deliberates. A Guide to the Republic Referendum.* <http://www.ida.org.au/data/RDP%20Briefing.pdf>. Accessed 18 February 2010, p.1-2; *Issues Deliberation AUSTRALIA*, <http://www.ida.org.au/about.php>. Accessed 18 February 2010; *Center for Deliberative Democracy at Stanford University*, <http://cdd.stanford.edu/polls/docs/summary/>. Accessed 14 February 2010.

indicated the political and social consequences that would follow from choosing one or the other option. The results indicated significant changes in preferences under the influence of deliberation: a 20% increase (from 53% to 73%) in the number of respondents voting "Yes". It is interesting to note that while 7% of the respondents described themselves as "undecided" prior to the deliberation, this percentage after the weekend of discussions fell all the way to zero. During the deliberations the respondents were also asked to consider the question of whether to elect the President by direct vote or indirectly through Parliament – support for direct election shrank from 50% before the discussion to barely 19% after. Commentators emphasized that the Australian deliberations confirmed this mechanism is not only capable of changing voter preference, but also plays an effective educational role. Before the deliberations only half the respondents indicated that they had sufficient knowledge to make a decision concerning the new constitution. But after that weekend 78% of them stated that they had sufficient information to make the choice.

One of the most recent examples of putting the ideals of deliberative democracy into practice was attempted by POWER2010. POWER2010 is a social campaign which wishes to change the way politics is carried out today and to bring a “democratic renewal”¹⁶. The aim of the campaign is to indicate five key reforms to be made. Interestingly, these reforms are to be set not by experts but by the people themselves by deliberation and direct voting¹⁷.

¹⁶ *POWER2010 Deliberative Poll Guide to Reforms*,
http://citing.3cdn.net/114ff346931f337110_kkm6i41qv.pdf. Accessed 1 March 2010.

¹⁷ *POWER2010*, <http://www.power2010.org.uk/about/about-power-2010>. Accessed 1 March 2010.

The campaign is divided into four stages. The first stage ran from September 15th to November 30th 2009 and was designed to collect peoples' ideas about potential reforms. During that time, more than 4000 projects were submitted. These projects, previously organized by experts from Southampton University, were put under deliberation on the weekend of January 9th and 10th. According to the deliberative poll methodology, participants (a representative group of 130 British citizens) received a brief description of reform ideas with background information and both supporting and opposing arguments on each of the projects. Later on, they were divided into smaller groups in which they deliberated, with the support of a trained moderator. In addition, several meetings with experts were organized. Before and after deliberation, participants were asked to rank the proposed reform ideas on a scale of 0-10 (0 = extremely undesirable, 10 = extremely desirable). The result of deliberations indicated change in participants' attitudes towards particular ideas before and after deliberation¹⁸. After this two-day deliberation a short list of 29 projects with the strongest support (50% of participants or more) was drawn up. The participants listed the following three reforms as being the most desirable: The idea of strengthening select committees, allowing voters to vote for 'none of the above' on ballot papers (which had undergone an interesting shift from ninth position before deliberation) and increasing the number of issues decided by free voters¹⁹. An expected shift in preferences as a result of deliberation can be illustrated by the support for the idea of full disclosure of MP and civil servant communication with lobbyists. Before

¹⁸ *POWERr2010 Deliberative Poll Results Reform Rankings*

<http://cdd.stanford.edu/polls/uk/2010/power2010-reform-rankings.pdf>. Accessed 1 March 2010.

¹⁹ *29 Ideas to Clean up British Politics to be Put to the Nation:*

<http://cdd.stanford.edu/polls/uk/2010/power2010-29ideas.pdf>. Accessed 1 March 2010

deliberation this idea was ranked as the most desirable, while afterwards its position dropped considerably to 19th position.

The outcome of this deliberation might be a comprehensive subject for another paper itself. Generally, the top ranked ideas assume deepening democratic governance and allow people to express their political will more freely. However the chosen reforms do not lessen the role of representative democratic institutions in the decision making process in favour of more radical solutions. For example the idea of allowing local people to elect the heads of key services like the police or the election of the Prime Minister directly, received very low ratings.

In the third stage selected projects were put to a public vote during a five week period, which ended on the 22nd of February 2010. After counting, the five most popular proposals were chosen to make up the POWER2010 Pledge²⁰:

- a proportional voting system
- the scrapping of ID cards and government data hoarding
- introduction of elections to the House of Lords
- allowing only English MPs to vote on English law
- a commitment to drawing up a written constitution

It is clear that the chosen reformation proposals are not these which ranked top in the deliberative poll.

²⁰ POWER2010 Blog: <http://www.power2010.org.uk/blog/entry/a-peoples-agenda-for-change/>. Accessed 1 March 2010.

The aim of this pledge is to ensure that every candidate for the next Parliamentary elections declares whether or not he or she supports these reforms and if he or she is committed to implementing them which should bring about significant democratic change²¹.

Deliberative Democracy as a Radical Change? A Summary of Presented Examples

Analytical examination of deliberative democracy ideals show that the theory's assumption regarding the changeability of public preferences under the influence of deliberation is valid. In summing up presented examples, it is clear that the significant changes in preferences resulted from the deliberative process. In all the cases discussed herein it can be observed that the participants' preferences shifted after they took part in discussion and debate. The polemic claim that it was not discussion but new information that inclined the participants to change their opinions can be undermined by referring to the essence of the deliberation process – the theory shows that this process is not limited to an exchange of views and arguments, but begins with the creation of possibilities for participants to gain knowledge about the given issues. Deliberative democracy is based on discussion, though it is a discussion between enlightened and thoughtful citizens.

It should be mentioned however, that changes were observed only in the respondent groups – their preferences and decisions did not appear to have been directly reflected in society as a whole. For example despite the strong support for a republican constitution

²¹ *POWER2010*: <http://www.power2010.org.uk/pages/81/>. Accessed 2 March 2010.

expressed in the deliberative public opinion poll, Australian citizens voted to retain the monarchy in the referendum held soon after. Similarly, reform projects chosen as a result of public voting to make a POWER2010 Pledge were considerably different from these ranked as most desirable during the deliberative poll.

It should also be emphasized that, at least in the examples presented, it is impossible to judge whether deliberation could change the way in which politics is done today. The deliberative polls described above performed only a consultative function, thus their results were not binding for government authorities. However, such a conclusion might be changed by the potential mass effect of the POWER2010 campaign which was created in order to bring about real and significant change. It is interesting to note that POWER2010 has placed strong emphasis on modern media communication – supporters are recruited by popular social media networks. If this campaign brings about change both in politics and in public opinion, it will create a significant development to the deliberative democracy approach. Social media networks may confirm what was only assumed until now – wide-scale educational effects of deliberations.

In concluding this paper it is interesting to consider how attempts at implementing deliberative democracy ideas might be considered as a shift toward radical politics. Regardless of the fact that the term ‘radical’ might be considered as a problematic one, it is interesting to note that the attempts to implement deliberative democracy do not change the existing political order. The five reform proposals chosen to make up a POWER2010 Pledge are not in the line with British political tradition and therefore they might be perceived as somehow radical. However, these five ideas are observed as a

result of voting, not deliberation itself. In summing up, the implementation of deliberative democracy ideals does not prove to be a shift toward radical politics.