GLORIA REGONINI

# Paradoxes of Deliberative Democracy[1]

## THE PHILOSOPHY OF THE EXPERIMENTS

For a scholar with some knowledge about political decision making and the theories that explain it, immersing oneself in texts that illustrate the virtues and potentials of deliberative democracy is like entering a magical kingdom. Dreaming can be beneficial even for analysis, especially in these difficult times, because imaging the world that could be helps us to understand the world that is.

But this chapter aspires to do something else, to try to get a close-up view of the actual experiences that, more or less, directly draw inspiration from deliberative, inclusive, discursive and participative logics. Those who have, for professional reasons, analyzed these experiments have had to yield to the evidence: in the Americas, Europe, Australia and New Zealand, the number of initiatives following this trend continues to rise. There are as many examples as there are analytical resources to support them (university courses, publications, journals, Inter-

1. An early version of this chapter appeared in the Review *Stato e Mercato,* (1): 3-32, 2005.

net sites) and they now represent a very important component of attempts made to study the idea of democracy in greater depth[2].

The experiments that we will consider include a very broad range of designs.

At the one extreme, we have methods with a sharper general policy goal, such as:

- deliberative polling (Fishkin 1991, 1995)
- deliberative elections (Gastil 2000)
- citizen juries (Abramson 1994; Crosby 1995)[3].

In some ways, it is the philosophy that inspires these forums which would best be termed "deliberative democracy". In fact, their proponents believe that it is possible to involve citizens in managing public matters using tools that differ from those of representative democracy, based on the mechanism of the mandate given to legislatures through elections (Cohen and Rogers 2003). The need to parallel, integrate, or replace, at least in part, current political institutions has arisen from observation of their backwardness with regard to citizens' autonomous ability to reflect and coordinate.

2.  The Internet has provided the ideal medium for sharing these theories and practices. If you run a search on http://www.google.com using the string "democracy deliberative OR participative OR inclusive", you get 1,080,000 results (30 January 2005). If you run the same search on http://scholar. google.com you get 16,200 contributions to scientific publications (30 January 2005). To put this data into perspective, if you run a search for "ufo aliens" on http://www.google.com, you get 716,000 results, but on http://scholar.google.com the same search term yields only 235 results.

3.  For a more complete list, see The National Coalition for Dialogue & Deliberation (NCDD) http://www.thataway.org/ and the Citizen Science Toolbox, http://www.coastal.crc.org.au/toolbox/biblio.html.

These experiments are based on:

- faith in the ability of the common person to study problems of collective importance in-depth and to identify practicable, sufficiently well-organized solutions
- the promotion of peaceful, constructive dialogue as a tool for arriving at widely shared proposals
- self-determination of the agenda, potentially open to any issue.

At the other extreme there are participative policy-making experiments which assume:

- a closed agenda, limited to a specific public policy
- direct experience of the participants of alternatives and the results involved
- the obligation to respect, during their implementation, any agreements made.

There is a wide host of methods in between, such as consensus conferences (Joss and Durant, 1994) and community empowerment forums (Craig and Mayo, 1995) that combine the typical resources of the two models just described in different ways.

There are some features for grouping together these initiatives, generally defined in this way:

- faith in logos (Habermas 1991), in the act of communicating, in discursive practices:
  "Dialogue is about bringing together many voices, many stories, many perspectives, many experiences with a goal to increase understanding about others and ourselves. It is a safe and honest facilitated discussion aimed at providing an op-

portunity to tell your story, listen to others and build understanding"[4].

- Faith in reflection, that is, the typically human ability which allows us to see the frames of our reactions, our preferences and our preconceptions, even when we are using them:
  ".. the human being can reflect on and learn about the game of policy making even as they play it, and, more specifically, that they are capable of reflecting in action on the frame conflicts that underlie controversies and account for their intractability" (Schön and Rein 1994, pp. 37-38).

- The deliberative and inclusive tendency:
  "Deliberation is defined as 'careful consideration' or 'the discussion of reasons for and against'. Deliberation is a common, if not inherent, component of all decision-making and democratic societies. Inclusion is the action of involving others and an inclusionary decision-making process is based on the active involvement of multiple social actors and usually emphasizes the participation of previously excluded citizens." (Pimbert and Wakeford 2004, p. 1; see also Bobbio 2004).

- Reinforcement of civic spirit rather than the cynical spirit which is instead promoted by traditional political institutions. According to their supporters, these methods permit the assertion of a broader, more far-sighted view of the general interest, increasing the people's faith in the resources of democratic coexistence (Sabel 2001).

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4.   From the webpage of Jen Murphy, George Mason University's UDRP Dialogue Project, http://www.gmu.edu/org/UDRP.

The promises of deliberative democracy seem to overcome all paradoxes that, at least since the time of the *Federalist Papers*, have been at the heart of the theoretical reflections on "government by the people": how to reconcile the need for univocal decisions with the equally important need to guarantee expression of differing positions; how to ensure that a limited number of participants take position that accord with the will of all.

More specifically, this idea seems to be in sharp contrast with theories that have most rigorously analyzed the aporias and contradictions of the decisions that involve a collectivity, whether large or small–the rational theories of social choice:

"The theory of social choice consists in the description and analysis of the way in which the preferences of the individual members of a group are amalgamated into a decision for the entire group. Just as the values of the coalition are aggregated in the motion approved; just as the selection of the governing reflects – or does not reflect – the preferences of the electorate; just as the auctions and the decentralized contraction amalgamate the tastes of the participants" (Riker 1986, p. xi).

The analysis of the effects that rules have on collective decisions has produced several theories that have radically altered the value of the output of a public selection process. The most well-known are:

- Arrow's impossibility theorem (1951).
- Downs's rational ignorance.
- The impossibility, emphasized by Buchanan and Tullock (1962), of having decision-making rules which are capable of

simultaneously canceling out decision-making costs and external costs.

These (and other) theorems represent theoretical assertions that are "devastating for the coherence of democratic theory" (Hardin 2002). We will return to a few of the paradoxes shortly. But we should first recall the importance of Arrow's impossibility theorem since it demonstrates that the adoption of any decision-making rule which respects certain elementary criteria of equality among voters can lead to decisions that do not guarantee the requirement of transitivity, introducing cyclical or even chaotic decision-making processes (McKelvey 1979). In other words, only violation of democratic principles ensures stable decisions, whatever the configuration of the preferences of the members of a collective. Samuelson stressed that this is not a merely technical conclusion, but rather has profound implications for our way of evaluating democratic institutions, when he stated, upon the awarding of the Nobel Prize for Economics to Arrow: "Aristotle must be turning over in his grave: the theory of democracy will no longer be the same (and it no longer was the same) after Arrow" (Samuelson 1972).

Among the most interesting developments of this approach, mention should be made of the famous distinction of William Riker (1982), who bases the liberal conception of democracy on the awareness of the social choice paradoxes and on the skeptical conception of the idea that the public's choices reflect the general will; this naïve, romantic ideal survives, instead, in populist conceptions of democracy:

"Many people think that voting gives us the 'group preference' (..). But groups don't have preferences. They are not human beings. The fact that we talk about the 'popular will' does not mean that the 'popular will'

exists. The choice of a group surely is not independent of the process by which the choice is made. Therefore, there is no 'real' group preference. The outcomes that the different processes may permit a group to reach vary considerably. All these outcomes are, in a certain sense, acceptable and correct. But some are more acceptable to one person, others are more acceptable to other persons" (Riker 1986, p. 19).

For public choice theories, the popular will is an ectoplasm that it is impossible the materialize and capture. As much as they push normative valuations, they also stress the virtues of this approach which cuts off at the quick any pretense of interpreting the collective good in the presence of non-unanimous decisions.

## THREE POSITIONS

This set of theorems represents a provocation that cannot be ignored by those who try to take the promises of deliberative democracy seriously. On the other hand, the importance of conflict is shown by the large number of scholars who have addressed this issue. Their stances may by grouped around three theories:

- one paradigm invalidates the other (this is followed by an argument in favor of the preferred paradigm);
- the two paradigms, despite appearances, are absolutely compatible, if not convergent (Dryzek and List 2003);
- the two paradigms are based on different axioms and are not comparable (Shepsle 1990; Lalman et al. 1993).

Given that the third positions poses a 'point of order', so to say, that precludes comparison, we should start with it.

The theory of the lack of comparability between rational matrix theories on liberal democracy and deliberative democracy theories is based on a postulate – in the two cases, the objects of study and assessment are entirely different. In the case of social choice theories, we analyze the processes of aggregating preferences; in the case of deliberative democracy theories, the focus in on the process of forming shared opinions (Cohen 1986; Coleman and Ferejohn 1986). Thus, the terms "citizens", "choices", and "information" in the two cases are located within vastly different conceptual universes.

This position deserves some closer examination, for its undoubted virtues, and for the dangers that it could generate if raised too soon. Its greatest virtue is its avoidance of sterile conflicts by taking note of one fact: collective decision-making processes can be based on two different branches of thought. One, economic, or rational, or deductive, is based on the analysis of preferences "in the solid state", taken as given, "frozen". The other, transformative and interpretive, is based on the analysis of the plasticity and the flexibility of preferences, continually reshaped as it is compared with the assessments, the histories and the reasoning of others:

"The assumption of given tastes in the decision-making represented by the market is essential for the development of a a body of economic theory. But the extension of this assumption to apply to individual values in the voting process disregards one of the most important functions of voting itself. The definition of democracy as "government by discussion" implies that individual values can and do change in the process of decision-making." (Buchanan 1960, p. 293).

INTERMEDIATE PROBLEMS

Recognition of the legitimacy of both these perspectives is surely a step forward from the sterile search for a super-paradigm capable of supporting the theoretical superiority of one or the other (Regonini 1995). But, just as in the war between religions, it cannot be said that the balance that can placate them is without a price.

In the "rigid" version of the incomparability of the two paradigms, in order to avoid confrontation, some sort of *cuius regio, eius religio* is invoked – tell me where you are and I will tell you what research questions you may pose.

These defensive limits cut off the blossoming of a comparison that could yield important theoretical and empirical results. Once is it accepted as legitimate to study the New York Stock Exchange as a social system, or the family as an economic system, those who conduct research are faced with an adjoining, but entirely different, problem. In fact, the categories of methodological individualism or of participative action are not exhausted because they form the basis for the legitimacy of two different paradigms. Research can properly readapt them and use them as extremes of a scale for empirically studying interactions between different categories of actors.

This transition is extremely important in the case of deliberative theories, since we are not dealing with mere abstract speculation. In other words, comparison with the social choice theories is not on the same level and a comparison between social choice theories and, say, functionalism. Each day, dozens of forums that claim to be able to interpret the "choices of the people" or the "will of the citizens" are held in the name of deliberative theories.

"The core of the theory (..) is that rather than aggregating or filtering preferences, the polical system should be set up with a view to changing them by public debate and confrontation. The input to the social choice mechanism would then not be raw, quite possibly selfish or irrational, (…), but informed and other-regarding preferences. Or rather, there would not be any need for an aggregating mechanism, since a rational discussion would tend to produced unanimous preferences" (Elster 1986, p. 112).

A mechanical conception and a holistic conception of the human body are two paradigms that cannot be compared. But if the first asserts the inevitability of cellular decay, and the second says it can block it, it is obvious that the ground of empirical verification is more than legitimate.

In working with his variables, the researcher is immediately faced with the problem of how to discover cases that, in medical terms, we can call "false positives", i.e. how can one distinguish a deliberative process from a merely aggregative one, maybe carefully disguised by the rhetoric or due to a subtle manipulation, but in reality influenced, for example, by the incentive organizers have to boast of their successes in order to receive public funding?

The *cuius regio, eius religio* logic acknowledges the legitimacy of a question of this kind only after a choice is made to favor the "cynical" paradigm; there is only room within the civic one for processes deemed virtuous, and *vice versa*. This excessive zeal impoverishes both theoretical and empirical research. But trying to overcome this barrier is like navigating a mine field. In fact, our question's contiguity with another, much more delicate question weakens it – how does one distinguish the true participative actor from one motivated by "fuzzy logic"? And, likewise – how can one isolate the true calculator from those who ratio-

nalize their choices *ex post* in order to conform to that kind of layman's "religion" which is the ostentation of self-interest? (March and Olsen 1995)

This second series of questions has a higher likelihood of remaining irresolvable because it tends to overlap with the interpretation, not of behaviors, but of human motivations which, as mentioned before, are another ectoplasm that cannot easily be captured by observation.

Our theory is that the first type of question, that which regards not the actors' motivations, but the characteristics of the public decision-making process, allows us to take a few steps ahead. Even if a definitive answer is probably not it sight, there is much to be learned from the interplay of replies and counter-replies, by a closer comparison of the specific analytical resources the two approaches can put in the field.

Keeping in mind all that we said about the differences between and the legitimacy of the two paradigms, what follows is the attempt to use the rational theories to favour a better understanding of the limitations, weaknesses and risks of concrete experiments that refer to the idea of deliberative democracy, treating them in a way not dissimilar to that reserved by the public choice to the institutions of representative democracy.

As we have already remarked, the course is slippery and full of traps. But it is worth the effort of addressing it for two reasons. First of all, this exercise is important for refining empirical study strategies because it provides the researcher with indications of aspects that could affect the coherence and strength of these experiments.

But, it is also important on a normative level, since it deepens understanding of the conditions under which the practical application of these theories could maintain the original promises, or, on the contrary, could face a series of paradoxes and un-

desired effects. And behind all this is an interest in better understanding the possibilities for expanding democracy *tout court*.

## TWO DIMENSIONS

Based on the social choice theories, two dimensions appear to be particularly important for constructing an analytical typology of the different forms of deliberative democracy:

• the weight of the externalities of the decisions adopted
• the degree of spontaneity of participation.

### *The weight of externalities*

When consideration of the externalities is an important part of deliberative processes, we have cases that arise from a global perspective and that aim to take the standpoint of the entire citizenry, if not all of humanity.
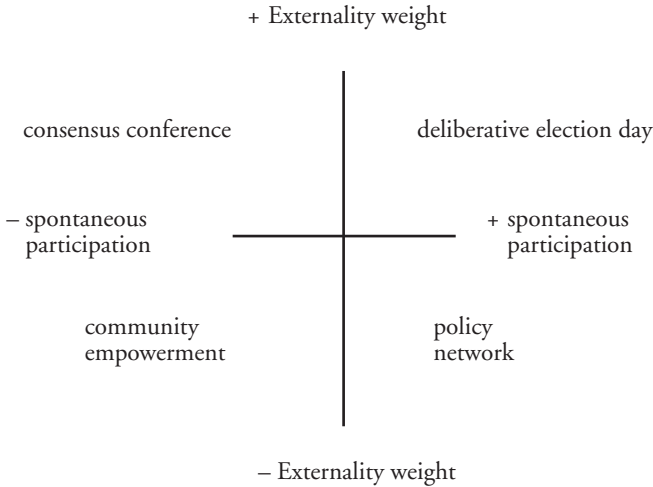
At the opposite extreme we have ranges of choice that focus on the consequences that affect most directly those who participate in the decision-making process or are in some way represented by them: their families, their professions, their neighborhoods.

### *The degree of spontaneity of participation*

Despite the fact that any decision-making arena requires a minimum of organizational preparation, the decision of whether or not to participate may be completely autonomous, spontaneous and offered indifferently to all.

Or, there can be some sort of selection, or at least canalization, from the outside, with targeted invitations or various forms of selective incentives.

With regard to these two dimensions, it is possible to imagine an arrangement of the most well-known forms of deliberative democracy in this manner.

+ Externality weight

consensus conference                    deliberative election day

– spontaneous                                            + spontaneous
   participation                                               participation

community                                      policy
empowerment                                 network

– Externality weight

Before going forward, it is important to stress that this configuration does not consider the infinite range of experiments that mix the different features of our four basic models. In addition, since there is no unanimous consensus of the methods associated with the different labels, the names given in the different quadrants are only used to facilitate identification, bearing in mind that it is the specific methods actually used to discover the 'will of the people' that determine the placement of different initiatives along our two axes.

## THE EXTRAORDINARY VERSATILITY OF POLICY NETWORKS

Our analysis proceeds from the bottom right corner, from the varied forms of decision-making centers aggregated from the common interest for a specific public policy-policy, or issue, networks, communities, forums, committees, etc.

As shown by the extensive literature[5] analyzing them, the specific characteristics of the configurations included in this category vary greatly, according to the degree of inclusiveness, the micro-sectoral specialization, the nature, whether economic or ethical, functional or territorial, of the aggregate interests, from the most to the least permeable to the participation of the common people (Börzel 1998).

If we put these differences between parentheses, it is to call attention to the aspects that these formations share and that generate the widespread appreciation they enjoy:

- those who participate in these decision-making processes do so because they are autonomously convinced that it is in their interest, or in that of their organization or of their community, to do so;
- the participants have a direct knowledge of the problems of which they speak;
- the costs and benefits of the agreement reached fall largely on those who have contributed to their agreement.

This formula seems to condense and reconcile the greatest arguments of the different theoretical analyses on democracy:

- draws from the lesson of American pluralism, foreshadowing a polyarchy supported by networks characterized by overlap-

5.   For a summary, see Regonini 2001, pp. 342-365.

ping allegiances, capable of guaranteeing a not-too-unbalanced distribution of power (Dahl 1982);

- permits decision-making processes based on partisan mutual adjustment, reducing the interference of external mediators or omniscient analysts to a minimum (Lindblom 1965);
- may coexist with representative democracy institutions, thus improving performance;
- since the awareness of the interdependence of interests and strategies constitutes the different decision-making arenas, the agreements have a rational foundation, as game theory tells us (Scharpf 1993);
- this fact guarantees the credibility of the commitments made by the participants, making the implementation stage easier;
- the effectiveness of the exchanges between the actors promotes trust in participation and the growth of social capital;
- the fact that individuals serve as catalysts, well-defined public policies makes these forums theoretically open to the contribution of common citizens who may bring with them the advantages of firsthand knowledge of different problems (Wildavsky 1979);
- in the United States, this type of interaction can claim to be in harmony with the pragmatic, bottom-up view of democracy, of which Dewey is the chief inspirer (Dorf and Sabel 1998);
- in Europe, their transnational extension is invoked in official documents as a condition underlying the idea of European Governance[6].

Basically, spontaneous participation capable of producing decisions with low externalities seems to represent the virtuous

6. See the White Paper of European Governance, European Commission, 2001.

quadrant, the basis of our way of thinking about pluralist democracy. And its merits do not end there; in fact, there are many authors who attribute to policy networks the ability to evolve until they become the building blocks of a new, more open conception of citizenship (Rhodes 1997; Latour 2005).

But numerous experiments over the past few years have populated the other three quadrants, forcing us to question the motives that lead to the rejection of the old "low externalities/spontaneous participation" model.

## THE LIMITATIONS OF POLICY NETWORKS

Addressing the limitations of policy networks means, in large part, measuring the limitations of pluralistic democracy. More precisely, the two strongest criticisms of pluralistic balances are based on the complaints about two different types of adverse effects:

- those that arise from participation relying on the spontaneous choice of individuals;
- those that arise from solutions only apparently free of externalities.

### *The perverse effects of participation relying on spontaneous choice*

The need for introducing decision-making forums featuring more inclusive participation than that obtainable by relying on the mere spontaneous judgment of individuals is based on one observation – procedures that require individuals to choose whether or not to bear the costs of participation tend to aggre-

gate networks in which holders of very intense, concentrated preferences are systematically over-represented (those whom political science labels "high demanders" or "preference outliers"), while the interests or points of views of the great mass of citizens are systematically under-represented.

It is important to note that this conclusion is supported by much deductive analyses and much empirical research. Among the former, reference should be made to Mancur Olson (1965) and to rent-seeking theories (Tullock, 1967). Among the latter, it should be recalled that, since their groundbreaking work on policy communities to their work on the politics of the British budgetary process, Heclo and Wildavsky (1974) warned of the risk that the specialization of languages and the fragmentation of competences may result in the erection of barriers against the uninitiated, turning "policy community" into closed villages.

The techniques for community empowerment and participative decision making try, in some way, to compensate for this imbalance by reducing barriers that increase the costs of participation and by providing common citizens with incentives for expressing their viewpoints.

### The perverse effects of solutions without externalities

Those who propose a way out of the balances of policy networks stress how their presumed ability to internalize costs arises by disregarding an undisputable fact – we live in a world of increasing and broader interdependence, so there are no longer collective decisions that do not immediately reverberate across the entire system connecting the fates of all humankind, if not all living things.

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The self-referential nature supporting policy networks, even when does not hide a premeditated strategy for transferring to other the costs of the agreement, is, in any case, an expression of a nearsightedness that handicaps the ability to imagine solutions that match the complexity of the problems.

Once again, as in the case of the criticisms of spontaneous participation, these observations are anything but baseless. In a way, one can take as metaphors in harmony with these inspirations the same rational analyses that denounce the perverse effects of sectoral balances based on reciprocity on the public budget.

Empirical research has demonstrated how, in many sectors-from labor policy to healthcare, from pension policies to educational policies-the policy networks are characterized by a very strong tendency to disregard assessments of long-term effects and the impact on the unrepresented. Consensus-broadening methods, such as consensus conferences or deliberative election days, seek to encourage the emergence of more far-sighted decisions that are more respectful of the high interdependence that binds the fates of all, bringing to the forefront issues, such as the balance of the ecosystem or the future of genetic engineering, otherwise destined to remain confined to the ruminations of a scant handful of experts.


THE DANGER OF HASTY CONCLUSIONS

Having reached this point, we think it is necessary to avoid that complaints about the limitations of policy networks and, more generally, of pluralistic democracy, are transformed into automatic appreciation of the experiments on deliberative democracy, thus evading consideration of the paradoxes or possible distortions that even these methods could create. To para-

phrase George Stigler[7], deducing the desirability of deliberative democracy from the failures of pluralistic democracy is to act like that judge in a singing contest who listens to the first singer and immediately awards the prize to the second before hearing him sing.

It is precisely at that point that some of the categories used by public choice for analyzing the limitations and paradoxes of traditional representative democracy may once again be useful for reading the possible weak points of the methods used to make the promises of deliberative democracy real.

It should be noted that the satisfaction regularly expressed by the participants in these experiments, their sense of empowerment and the increase in their trust in the potential of these methods cannot in any way be considered sufficient proof for allaying concerns about distortions or manipulations. On the contrary, in some ways they reinforce them. The sign of the success of these practices is, in fact, frequently identified by the organizers with a change in the preferences each participant had upon entering these deliberative laboratories (Luskin, Fishkin and Jowell 2002). More specifically, what happens within is that the distances that separate the various positions are shrunken and there is convergence towards judgments that spread and support the values on which the practices themselves are based: dialogue, sensitivity to the needs of others, reflection and farsightedness.

In comparison with the possible implications of what occurs in laboratories capable of "molding", of "reshaping" individuals' preferences, the genetic modifications of a grain of wheat appear

7.   The original story regards the comparison between market failures and the merely presumed superiority of public decisions, cited by Olson and Clague 1976, p. 81.

as banal experiments, although they seem to raise much more social alarm than the former. In other words, if there is really a decision-making engineer who, "has as his first task to facilitate the intelligent transformation of preferences and identity" (March 1994, p. 261), then there is need for a relentless analysis of the paradoxes and dangers of manipulation connected with these methods. And this need certainly cannot be placated by the claim that the results, in the end, tend to reinforce widely shared values.

*The paradoxes of facilitated participation*

The experiments involving the left column of our chart are distinct from the policy networks model since they envisage a form of providing an incentive or facilitating participation to recover what would otherwise have been absent from the decision-making processes due to the lack of the necessary resources to pay for the costs of being involved in a public choice: time, understanding of the issue, ability to persuade. The promise is to offset that particular type of "adverse selection" that is found in policy networks where the preferences of high demanders tend to be over-represented. The artificial reduction of participation costs has at least two effects that are worth reflecting upon: the first regards the characteristics of those selected; the second, the power of the selectors.

For the rational policy theories, abstention is the result of a choice in which the individual, in comparing the certain costs of participation with his hypothetical benefits, decides whether or not it is worth committing himself to a certain cause in a world in which it is necessary to be selective since you cannot be concerned about everything (Downs 1957). Certainly, Olsen's free

rider theory (1965) signals the risk that, in these evaluations, the narrowest viewpoints prevail over the need for firsthand support for defending public goods. It is true that some characteristics of representative democracy tend to facilitate the exercise of influence by the strongest lobbies, while they elevate the costs of representation of widespread interests. But it is up to the individual to decide, on a case-by-case basis, what variables to insert in the equation to determine whether or not it is convenient to participate.

Methods that promote inclusive practices propose to take action to artificially modify, through incentives or facilitations, the amounts on which the individual base their calculations, lowering costs, for example, with expense reimbursements, by holding meetings at convenient places and times, and/or by making the benefits more likely, for example, by ensuring the maximum coverage of decisions.

The problem is that, all else being equal, these incentives are more likely to be marginally more convincing for those citizens who do not view the resources absorbed by participation as in competition with other important spheres of activity: professional success, the family, religious practices.

In other words, there is a strong risk that what these means recover in terms of participation is not an expression of the "common people" and their judgments, but of an "eccentric" fringe, easily conquered to the deliberative cause, since, for example, they lack commitments, or are susceptible to the suggestions received, or because they are merely seeking a spotlights under which to shine[8].

8.  See Posner 2003. In another context, analogous arguments have been advanced by psychoanalysts against the generalised gratuitousness of their therapies.

In this case, the "silence of the lambs", or at least, the silence of the majority of citizens, would be drowned out, not just by the rant of the high demanders, but also the chatter of the time wasters, more willing to barter their preference for participation since there is a lack of interesting alternative opportunities.

This concrete possibility reveals the enormous discretionary power held by those who put out the call, set the criteria for invitation, establish the incentives and attend to the technical details, in the form of companies specializing in this type of action, of governments or groups of "citizens full of energy"[9].

The choice to amplify the voices of some runs the risk of producing new opportunities for adverse selection based not on the salience of the interests, as in the case of policy networks, but rather on the ostentation of one's preferences due to the lack of more interesting things to do.

### The paradoxes of pervasive externalities

The experiments reflected in the top line of our chart are distinct from the policy networks model because they offer decision-making forums capable of taking into consideration the entire range of effects that public choices could have on the collectivity. Unlike what occurs in the lower right quadrant, the goal of making the agreement as inclusive as possible cannot be achieved by making the indirect costs invisible but, on the contrary, by shedding light on them and reconstructing their im-

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9.   This expression frequently recurs on sites such as the *National Coalition for Dialogue and Deliberation*, http://thataway.org/resources/understand/models/nif.html.

pact, starting with local communities, then on to the entire human race, or even all living species.

The promise is to arrive at enlightened, far-sighted decisions that match the complexity of this society characterized by growing interdependence between the various elements that compose it.

For example, in determining the restrictions on the use of biotechnologies or in measuring the appropriateness of reintroducing nuclear power, participants are asked during consensus conferences or deliberation days to take a general stance: "Rather than ask the question, 'What is good for me?' the good citizen asks, 'What is good for the country?'" (Ackerman and Fishkin 2000, p. 23).

This enlarging of the horizon beyond the participants' direct experiences would require them to bear the huge costs of acquiring information that does not come from a firsthand knowledge of the issues at the heart of the debate.

Anthony Downs (1957) made the well-known assertion that, for the vast majority of citizens, it is rational to ignore the contents of the various electoral programs since the investment required for their careful evaluation is not worth the benefits individuals would receive from making a knowledgeable, informed vote. Therefore, the startling ignorance shown by the electorate when they are interviewed about the alternatives raised is rational (Lupia and McCubbins, 1998).

The more complex the issues become, bristling with technical aspects, expressed in specialist jargon, as in the case of many of the arguments submitted to deliberative forums, the more likely it is that the average voter skips the articles on these issues when reading the paper or changes the channel if he stumbles on a debate when watching television.

In order to avoid that the tendency to avoid information costs arises in a deliberative context, organizers in general should take it upon themselves to present three sets of data:

- provide all fact that could be useful for initial substantive knowledge about the issue;
- create a summary of the various positions held by the various advocacy coalitions (Sabatier and Jenkins-Smith, 1999): scientists, companies, civil organizations, parties, courts;
- prepare a map with the 'information on further information': given that, in general, the acquisition of new information is required for subsequent group decisions, the organizers prepare a list of parties who could be consulted and summarize the positions held by each.

In other words, organizers take upon themselves the very delicate issue framing stage of the decision-making process (Tversky and Kahneman 1986).

In order to grasp the enormous importance of this action, we should recall that, as knowledge management teaches us, information strategies are extremely sensitive to the motivations of those performing the research, as those who have something at stake find it very difficult to accept being replaced by any passerby in data collection. If I use Google to carry out a search on rising domestic heating costs, I would be using entirely different strategies (and would probably find different information) based on whether I am a homeowner who has to pay the bills, a fuel supplier, or a student who has to write a paper on the issue.

The objectivity artificially created by organizers' commitment to remain impartial can lead to a very different decision-making balance than that achieved through a debate between actors who are entirely responsible for the information they use.

An advocate of deliberative practices could respond that this diversity is exactly the desired result. The problem is that the second point of balance is strongly influenced by the issue framing undertaken by the organizers. Issue framing gives them the most

important and, in some ways, the most subtle agenda-setting power, since it allows them to act, one could say, on the roots of the decision, tacitly choosing the formulas allowed in the debate[10]. As Schattschneider noted, "the definition of alternatives is the supreme instrument of power; the antagonists can rarely agree on what the issues are because power is involved in the definitions" (Schattschneider 1960, p. 68)[11].

It should be noted that the disruptive effects of agenda-setting power are not tied to its malicious or partisan use. Rather, in some ways, the candor is more incisive than malicious, since it makes it more difficult for participants to understand the bias of the frames proposed to them.

Basically, trying to see things from God's perspective, without his omniscience, risks replacing the narrow-mindedness of the higher demanders seen within policy networks with the bias more or less known about by those who convene the deliberative fora.

In a way not dissimilar than that for participation incentives, information facilitation efforts also alter the balances which would result from the interaction of the actors in a pluralistic democratic context, but they do so in ways that are broadly exposed to perverse effects[12].

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10. Let us recall that controlling the agenda is one of the criteria identified by Dahl (1998) for recognising a functioning democracy, along with effective participation, voting equality, enlightened understanding and the inclusion of adults in the political process.

11. It should also be noted that Riker's (1986) heresthetic manipulates the agenda but, unlike the deliberative facilitator, he does so in an openly political role, which exposes him to supporting the costs of operations that fail to convince other deciders.

12. The lack of precise precautions in the "consensus conference" quadrant

## THE ROLE OF THE ORGANIZERS AND MANIPULATION OF BALANCES

The more we move away from the policy networks (-/+) quadrant in one of the other three possible directions (+/+, +/-, -/-), the more crucial the role of the organizers-facilitators becomes in leading decision making processes towards common positions. In Arrow's terminology, we can say the paradoxes tied to the impossibility theorem are resolved by imposing a "dictatorial" role, even if a benevolent one. But the fact that it is well hidden does not make this power more transparent or less cumbersome. The function entrusted to pages and pages of regulations in representative political institutions, with articles and paragraphs that specify the powers of the president, the presentation of the agenda, the proposal of amendments and sub-amendments, is here delegated to the facilitator, his professionalism and his ethics.

It must be clear that there is nothing inappropriate in this process, in itself. There are an infinite number of cases in which a collectivity entrusts, to "get us through", not in the regulations, but in the good sense and preparation of an individual or a jury: a school does it with its dean, a condominium with its administrator, two companies engaged in a dispute with a arbitrator, etc. As is well known, these agency relationships are subject to all the risks illustrated by principal-agent theories. But here the problem is even more serious because, in deliberative democracy institutions, there is no visible thread that directly or indirectly connects the agent-facilitator to the principal, which is assumed to be formed by all citizens – not during the *ex ante*

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increases the risk of combining two types of adverse selection: the called-time-wasters and the callers-preachers.

stage of evaluating the agent (when we are discussing procedures for his designation) and not during the *ex post* evaluation stage (when we judge the success of the experiment).

The unaccountability – in technical sense – of the facilitator is much more alarming the more successful the experiment is deemed. In fact, in these cases, we find that reshaping of individual preferences with which our analysis began.

Even when the number of participants is statistically irrelevant, as in the case of consensus conferences, the amplification of the results, generally through their presentation to the media and to traditional political bodies, may influence the political agenda.

In addition, since the commitment required of participants is much higher than that for a focus group, for example, the group dynamics that emerge, the emotional reactions, the cognitive processes and the collusions and idiosyncrasies can provide organizers with sensitive information, not so much as with regard to the general tendencies of the overall citizenry, but as to the weakest, most vulnerable points of the different frames, which are then exposed to the danger of easy manipulations[13].


SUGGESTIONS FOR RESEARCH

Having reached this point, we should stress that, all appearances to the contrary, we are not advocating a cynical view of participation. The path we have proposed does not, in any way, assert the superiority of economic, or deductive, theories over interpretative theories.

13.  For an assessment of the different more or less deliberative techniques, see Dryzek (2004).

Our first objective is to illustrate the importance, for the initial of empirical research, of an agnostic attitude with regard to a division of scientific work frequently based on the criteria we like to call *cuius regio, eius religio* ("whose religion, his religion") and stress the utility of an exercise in which the one's reasoning is pitted against that of others. We cannot expect the definitive validation of one or the other analytical perspective from this type of comparison. This distinguishes the substantial unresolvability of the problem of the "false positives" in social research compared with medical research, for example. But "unresolvable in a definitive way" does not mean removable or abandonable. For the social sciences, it frequently means fertile with theoretical and empirical hypotheses, provided that they are generated with scrupulous awareness that one is entering a mine field, where it is very easy to confuse axiomatic bases of the paradigms with the motivations of the actors.

What we can conclude is that, if subjected to the same rough tests that public choice uses to analyze the democratic-ness of representative institutions, even deliberative institutions appear to be violable and manipulable by those who wish to use them for their own self-interest. How frequent are these instrumentalizations, is another discussion. In a laboratory test, a small lock appears fairly easy to force. This does not mean that there are not thousands of towns where, despite the use of small locks, thefts do not occur. It would be shocking to use this evidence to come to the conclusion that the laboratory tests were wrong. It would also be shocking to suggest, as a regulatory solution, to extend the use of small locks to areas with high rates of break-ins, as may happen, stepping outside of the metaphor, with decision-making regarding the allocation of scarce resources.

When these precautions are adopted, the comparison of the two understandings here yields valuable suggestions. On the de-

scriptive level, they give precise signals concerning the aspects deserving special attention for understanding the seriousness of the experiments and their actual ability to forge social relationships based on dialogue and reflection.

This list includes:

- the type of problems debated
- the characteristics of the organization that identifies the fora, with particular reference to its financial and human resources
- the type of financing for the experiment
- the characteristics of the principal
- the qualifications and professional perspectives of the mediators-facilitators
- the strategy followed for invitations and public announcements
- the participation costs connected to the problem for discussion and the type of adverse selection that may occur in policy networks
- the adequacy of the incentives offered for participation with regard to the data from the preceding point
- the information costs connected with the problem for discussion and any barriers raised against "non specialists" by policy networks[14]
- the characteristics of the informational materials distributed (fonts, legibility, etc.)
- the techniques employed for managing and coordinating the discussion
- the forms of advertising used to disseminate the results achieved in the forum

14. It is important to note that, as the technical complexity of the issues grow, it is likely that the policy communities give way to other types of networks, such as epistemic communities and advocacy coalitions.

- the "intellectual ownership" of the materials gathered: data on participants, film clips, audio recordings, transcripts, etc.

On the prescriptive level, these same suggestions may be used to more precisely and effectively define initiatives[15], given the specific characteristics of the issue under discussion.

## DEMOCRACY: SINGULAR OR PLURAL?

The second objective of this work has nothing to do with a reflection on research methodologies, but rather on the variety of tools that can be associated with the term "democracy". Although, in these pages, we have only shown the uncomfortable spotlight on analysis on the institutions of deliberative democracy, this thematic choice was not intended to suggest a greater appreciation for the virtues of the pluralistic old democracy, whose limitations are fully documented in many analytical works. And, it is probably this deliberative reflection that accounts, in a deeper, more convincing way, for the adverse effects created by participation channels that give high demanders an enormous advantage and by narrow-minded solutions based on the removal of externalities. But since these analyses are followed by the proposal of concrete experiments, which promise to minimize the social costs created by these distortions, the problem of comparison and dialogue is no longer between paradigms, but between different ways of defining democracy.

15. The author has observed and overseen first hand experiments of deliberative forums on the issues of genetically modified organisms and clinical governance.

Before the fall of real socialism, to speak of democracies in the plural meant attributing a patent legitimacy to the self-defined "popular democracies". Today, history has clearly resolved this dispute, leaving us free to rethink in different terms the "plural number" associated with the concept of democracy.

Political science, through the contribution of American pluralism, has forged an initial, very important path, tying the idea of democracy to the vitality of the multiple associations active in civil society (Dahl 1982). The substantial instability of the winning coalitions, far from constituting a limitation, represents the greatest virtue of an open society (Miller 1983).

But maybe it is time to ask ourselves whether democracy does not live precisely because of the plurality of methods produced to try to capture – in vain – that ectoplasm called the "popular will"[16]. In other words, it could be precisely this incompleteness and the variety of different models experimented with that forms the greatest protection for the citizen-voter-contributor-deliberator. The list that follows is a brief example of the types most analyzed by scholars.

On the "failures" of representative democracy, with its cumbersome apparatuses consisting of parties, election rounds, legislative assemblies and governing majorities, much has been written especially (but not only) thanks to public choice. And much is said every day, because dissatisfaction is currently very widespread.

There is an ample body of analysis of the manipulation risks inherent in direct democracy tools, such as referendums (Nurmi 1998). The limitations of the appeals to public opinion, in an era marked by the exposure of the masses to large media outlets and by the requirement of the "photogenicity" of the issues

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16. Latour (2005) performs an interesting analysis of the etymological connection between *Demon* and *Demos*.

and of the leaders, have been looked at by a host of scholars, starting with the fundamental work of Walter Lippman (1922).

Compared with the classic "entries" in the traditional political science manuals, the end of the last century saw the creation of a series of new tools, born "in the shadow of the hierarchy" (Scharpf 1994, p. 40). We spoke earlier about the virtues and the dangers of the partisan mutual adjustment that occurs within policy networks.

The aspirations of the juridical democracy hoped for by Lowi (1969) to counter the excessive power of organized interests, butts up against the risk of tightening of regulation that poorly fits with the need for flexibility and self-coordination.

Transferring the job of ensuring the accountability of public decisions to the technical apparatuses, even as to the merits of their substantive rationality, risks creating a managerial, therapeutic (Gottfried 1999), expertocratic (Clarke and Newman 1997) state in which an elite made up of analysts trample over the assessments of the civil society (communities, associations, churches, etc.) in the name of its own vision of what is good for the collectivity.

The promises of *e-democracy* must still answer to the large imbalances in ICT access revealed by research on the *e-divide*.

This paper has tried to show that the fact of appealing to the integration and regeneration of preferences, rather than to their aggregation, does not provide deliberative democracy with sufficient protection against the paradoxes of social choice.

The author looks with great interest on experiments carried out to gradually shift the partisan mutual adjustment towards the center of the chart that we have drawn, with initiatives that try to safeguard both the direct knowledge of citizens on many policy issues as well as their ability to "place themselves in somebody else's shoes": not in the shoes of God, but in those of the immigrant downstairs, the failed student[17]. But even in these

cases, there are no guarantees that definitively resolve the paradoxes and manipulations.

The first conclusion, after this brief list, concerns a matter of method: comparing these different ways of capturing the ectoplasm or placing them in hierarchical order is a bit like comparing an electrocardiogram and a thermometer. Sure, each formula may have more or less happy, more or less appropriate outcomes. But there is a one basic fact in this theory of utter impossibility: the defects of one are the virtues of another. Deliberative democracy has enormous merits, but it is not an exception to this rule.

The second conclusion is related to the first: it is highly probable that different methods identify different public priorities, because an ectoplasm, unlike an individual, need not respect the transitive property in ordering its preferences. We are therefore doomed to live in a world in which the electoral results say one thing, the netizens active on the Internet say another, the press offers other positions, the deliberative fora suggest new solutions, etc.

In the past, the role of the fixer demanded by the institutions of representative democracy was based on the monopoly of the most direct and extensive of the instruments for capturing the ectoplasm: universal suffrage. There is no doubt that the margins of this primacy have been eroded by experiments carried out in the shadow of hierarchy and of technological development, which has enormously facilitated the exchange of information and coordination. In this new situation, there is no superforum, a Supreme Court able to adjudicate the title of best interpreter of the popular will, nor to regulate the right of experimentation on new demo-technologies.

17. This philosophy includes initiatives such as *Public Agenda*, the *National Issues Forums*, the *Public Policy Institutes*. These initiatives, which were strongly inspired by the pragmatism of John Dewey, are very close to the experimental spirit championed by Dorf and Sabel (1998)

With regard to these scenarios, those who come from a constitutional philosophy background, used to looking at inter-institutional conflicts from a "checks and balances" perspective, are probably better equipped that those who, coming from the continental European tradition of the "division of powers", continue to try to design a superpuzzle in which each pieces fits perfectly in the spaces left free by those adjacent. The thaumaturgical virtues that sometimes characterize the idea of governance in the European debate betrays the nostalgia for a logic that can lead to the unification of conflicting suggestions that arise from different ways of understanding democracy.

But beyond the constitutional traditions, civil philosophies also play a role, more specifically, the differing ideas of the public developed within the two contexts. In continental Europe, it is difficult to go into greater depth on this concept without immediately running into another, very cumbersome one: rights. Instead, in the American literature of the pragmatic matrix (Dewey 1927), this term refers to the need to test new paths together, since individuals are not completely free to arrange their lives, because they are tied to others by uncertainty, in that common adventure that is co-existences in a new epoch.

"(The idea of democracy) is still being invented, and is still open to a multiplicity of interpretations, of which none is final. The result of this situation is that individuals who appreciate democracy must learn to live with a certain dose of confusion about what they believe in" (Schattschneider 1969, p. 42).

Basically, may the ectoplasm continue to escape the host of the Ghostbusters on its trail, so that no one can say "I, the people": maybe this is exactly the most important thing in democracy.