

Virtual Democratic Possibilities:  
Prospects for Internet Democracy<sup>1</sup>

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Democratic possibilities can be influenced by new technologies because new technologies can change the ways large numbers of people communicate and interact. As a result, new technologies open up fresh possibilities for institutional design in possible democratic reforms--in the consideration of possible institutional mechanisms for consulting the public, whether those mechanisms are official or unofficial. In this paper I want to chart the main alternative forms of democracy that could be implemented on the internet and then and discuss what values they would help to realize.<sup>2</sup>

In considering the range of democratic mechanisms that might be implemented on the internet, I will be concerned with the answers to two basic questions: what and who? What form of public opinion is being expressed or assessed and whose opinion is it? Eventually, I will work my way to a scheme of six main possibilities, each with distinctive advantages and disadvantages, some cheap and easy, some nearly utopian.

To provide a framework for the discussion, giving some background to the distinctions I want to employ, I will begin with some key moments in earlier democratic reforms, both formal and informal. My initial focus is American, but I believe the debates I will point to resonate elsewhere as well.

### Raw and Refined Public Opinion

In our democratic experience thus far, the design (and possible reform) of democratic processes has confronted a recurring choice between institutions, on the one hand, that express what the public actually thinks but usually under debilitated conditions for it to think about the issues in question, as contrasted with institutions, on the other hand, that express more deliberative public opinion--what the public would think about

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<sup>2</sup> Portions of this paper draw on observations I develop at greater length in "The Filter, Mirror and the Mob: Reflections on Deliberative Democracy" paper presented at "Deliberating about Deliberative Democracy" University of Texas School of Law, February, 1999 and "Beyond Referendum Democracy: Competing Conceptions of Public Opinion" paper presented at the conference "Reason or Folly: Public Opinion and Direct Democracy", Ethics and Public Policy Center, Washington, D.C. August 29, 2000.

an issue if it were to experience better conditions for thinking about it. The hard choice, in other words, is between: debilitated but actual opinion, on the one hand, and deliberative but counterfactual opinion, on the other. One sort of institution offers a snapshot of public opinion as it is, even though the people are usually not thinking very much. The public is usually not very informed, engaged or attentive. Another sort of institution (at its best) gives expression to what the public would think about an issue if it were more informed, engaged and attentive--even though this more thoughtful opinion is usually counterfactual in that it is not actually widely shared. The only way out of this dilemma would be to somehow create more informed, engaged and attentive public opinion that was also generally shared by the entire mass public. This is a nearly utopian possibility under most conditions. Later we will briefly consider whether there are prospects for the internet (or for other institutions) bringing such a possibility closer to realization.

Deliberative or “refined” public opinion (I take the term “refined” from Madison’s famous phrase in Federalist 10 referring to representatives serving to “refine and enlarge the public views”) can be thought of as opinion, after it has been tested or reflected upon by comparison to arguments and information conscientiously offered by others who hold contrasting views in a context where reasonably good information is made available. I will refer to opinion as “raw” when it has not been subjected to such a process. One of the main distinctions I will pursue is between institutions that might express refined public opinion and those that would merely reflect opinion in its raw form.

We should be familiar with raw public opinion from all the familiar institutions of plebescitary democracy—initiatives, referendums, public opinion polls, focus groups.<sup>3</sup> Moves to more direct consultation in the United States, say, through direct election of Senators rather than the original indirect method, were also moves in the direction of more plebescitary democracy because they give more weight to raw public opinion. The transformation of the electoral college into a vote aggregation mechanism, as opposed to the original vision (which was that, state by state, it should function as a deliberative

body) is a similar move in the direction of plebescitary democracy. In the same way, the dramatic increase in the use of the direct primary for presidential candidate selection, particularly after the McGovern-Fraser reforms in the 1970's, has been a move toward more plebescitary democracy. National party conventions were once institutions of elite deliberation, engaged in multiple ballots for candidate selection and serious discussion of party platforms and issues facing the country. Now they are media extravaganzas, staged for their effects on mass public opinion with candidate selection having been determined beforehand by plebescitary democracy—through direct primaries.

Our most common encounter with refined public opinion is through representative institutions that seek, as Madison said to “refine and enlarge the public views by passing them through a chosen body of citizens.” At their best, such institutions are sensitive not just to what constituents actually think, but to what they would think if they were better informed. Later, I will discuss examples of new institutional strategies that more explicitly fill out this second alternative by giving expression to deliberative opinion on the part of the mass public.

This distinction between two forms of public opinion, raw and refined, corresponds roughly, but does not overlap perfectly, with the seemingly parallel distinction between direct and representative democracy. For example, one of the most influential institutions of plebescitary democracy, an institution that depicts the current state of public opinion as it is, with all its limitations, is the public opinion poll. While polls are closely aligned with direct democracy (and were originally offered as we will see by George Gallup as a proxy for direct democracy—even to the point that they were first called “sampling referendums”<sup>4</sup>) polls employ statistical samples to stand for, or represent, the rest of the public. The members of such a “representative” sample are selected by a random scientific process rather than by an election. But they are still “representative” of the mass public; they are a small body that stands for the rest, the much larger electorate of mass society.

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<sup>3</sup> For more on plebescitary democracy and its contrast with deliberative institutions, see my Democracy and Deliberation: New Directions for Democratic Reform (New Haven and London: Yale University Press, 1991).

<sup>4</sup> George Gallup “Public Opinion in a Democracy” (Princeton: the Stafford Little Lectures, 1938).

Why do I say that the form of public opinion typically assessed by the institutions of plebescitary democracy, raw public opinion, is typically “debilitated but actual”? It is “actual”, of course, in that polls, primaries and referendums give a snapshot of public opinion as it actually is. However, it is also “debilitated” in that the public is usually not well informed or paying much attention. A great deal of social science evidence has been accumulated to support the view that individual citizens, most of the time, are “rationally ignorant” about politics and public affairs<sup>5</sup>. Each citizen in the large scale nation state knows that with only one vote in millions, his or her individual vote or opinion will not make much difference. So there is little reason to pay attention or to become informed. All of us have other things to do with our time, tasks where we can make more of a difference than we can with one vote in millions. This lack of incentive for individual citizens to become seriously informed, engaged or even attentive, is, of course, regrettable from the standpoint of democratic theory. We would like citizens to be knowledgeable about the different positions of candidates in an election, or the arguments for and against a referendum proposal. However, a host of empirical evidence demonstrates that this is rarely the case.

Corresponding to each of these notions of public opinion, there is a common image of how democratic institutions work. The American founders relied on the metaphor of the filter. Representative institutions were supposed to refine public opinion through deliberation. Opponents of elite filtering, beginning with the Anti-Federalists, relied on a different notion of representation. Representatives were to come as close as possible to serving as a “mirror” of the public and its actual opinions. The “filter” creates counterfactual but deliberative representations of public opinion. The “mirror” offers a picture of public opinion just as it is, even if it is debilitated or inattentive.

### The Filter

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<sup>5</sup> The term comes from Anthony Downs An Economic Theory of Democracy (New York: Harper and Row: 1957). For a good overview of the current state of research on the limited knowledge of the American mass public, see Michael Delli Carpini and Scott Keeter What Americans Know about Politics and Why It Matters (New Haven: Yale University Press, 1996 ).

As Madison reported on his own position in his notes on the Constitutional Convention, he was “an advocate for the policy of refining the popular appointments by successive filtrations.”<sup>6</sup> Famously, he argued in Federalist No. 10, that the effect of representation was “to refine and enlarge the public views by passing them through the medium of a chosen body of citizens...under such a regulation it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, if convened for the purpose.” Running throughout Madison’s thinking is the distinction between “refined” public opinion, the considered judgments that can result from the deliberations of a small representative body, on the one hand, and the “temporary errors and delusions” of public opinion that may be found outside this deliberative process, on the other. It is only through the deliberations of a small face to face representative body that one can arrive at the “the cool and deliberate sense of the community” (Federalist No 63). This was a principal motivation for the Senate, which was intended to resist the passions and interests that might divert the public into majority tyranny.

The founders were sensitive to the social conditions that would make deliberation possible. For example, large meetings of citizens were thought to be dangerous because they were too large to be deliberative, no matter how thoughtful or virtuous the citizenry might be. As Madison said in Federalist No 55, “had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob.” A key desideratum in the founders’ project of constitutional design was the creation of conditions where the formulation and expression of deliberative public opinion would be possible.

The filter can be thought of as the process of deliberation through which representatives, in face to face discussion, may come to considered judgments about public issues. For our purposes, we can specify a working notion of deliberation: face to face discussion by which participants conscientiously raise and respond to competing arguments so as to arrive at considered judgments about the solutions to public problems. The danger is that if the social context involves too many people, or if the motivations of the participants are distracted by the kinds of passions or interests that would motivate

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<sup>6</sup> James Madison Notes of Debates in the Federal Convention of 1787 Reported by James Madison With an Introduction by Adrienne Koch (New York: Norton, 1987), p. 40.

factions, then deliberative democracy will not be possible. It is clear that from the founders' perspective, the social conditions we are familiar with in plebescitary or referendum democracy, would be far from appropriate for deliberation.

### The Mirror

As Jack Rakove has noted, the one widely shared desideratum in the American notion of representation at the time of the founding was that a representative assembly should, to use John Adams' phrase, be "in miniature an exact portrait of the people at large."<sup>7</sup> In the hands of the Anti-Federalists, this notion became a basis for objecting to the apparent elitism of the filtering metaphor (only the educated upper classes were expected to do the refining in small elite assemblies). The mirror notion of representation was an expression of fairness and equality. As the "Federal Farmer" put it: "A fair and equal representation is that in which the interests, feelings, opinions and views of the people are collected, in such manner as they would be were the people all assembled."<sup>8</sup> As Melancton Smith, who opposed the constitution at the New York ratification convention argued (and who may well have been "The Federal Farmer"), representatives "should be a true picture of the people, possess a knowledge of their circumstances and their wants, sympathize in all their distresses, and be disposed to seek their true interests." In line with the mirror theory of representation, Anti-Federalists sought frequent elections, term limits, and any measures that would increase the closeness of resemblance between representatives and those they represented.

"The people all assembled" is exactly the kind of gathering the Federalists believed would give only an inferior rendering of the public good. Recall Madison's claim that a small representative group would give a better account of the public good than would the "people themselves if convened for the purpose" (Federalist No. 10). The mirror is a picture of public opinion as it is; the deliberative filter provides a counter-factual picture of public opinion as it would be, were it "refined and enlarged".

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<sup>7</sup> Jack N. Rakove "The Mirror of Representation" in Original Meanings: Politics and Ideas in the Making of the Constitution (New York: Vintage Books, 1997), p. 203.

<sup>8</sup> Herbert Storing ed. The Complete Anti-Federalist (Chicago: University of Chicago Press, 1981), Vol. II, p. 265.

The Framers were clearly haunted by the possibility that factions aroused by passions or interests adverse to the rights of others, could do very bad things. The image they feared seems to be some combination of the Athenian mob and Shays's rebellion. Part of the case for deliberative public opinion is that the "cool and deliberate sense of the community" (Federalist 63) would be insulated from the passions and interests that might motivate factions. The founders believed that public opinion, when filtered by deliberative processes, would more likely serve the public good and avoid mob like behavior of the kind that threatens tyranny of the majority.

From the standpoint of the founders, the problem of the conflict between the two forms of public opinion—and the institutions that would express them--was soon dramatized by the Rhode Island referendum, the only effort to consult the people directly about the ratification of the Constitution. Rhode Island was a hotbed of paper money and, from the Federalist standpoint, irresponsible government and fiscal mismanagement. An Anti-Federalist stronghold, it lived up to the Founders' image of a place where the passions of the public, unfiltered by deliberation, might lead to dangerous results.

The Anti-Federalists sparked a thorough going debate over the proper method of consulting the people—one that dramatized the long conflict that followed between plebescitary and deliberative institutions. Referendum advocates held that "submitting it to every Individual Freeholder of the state was the only Mode in which the true Sentiments of the people could be collected".<sup>9</sup> However, the Federalists objected that a referendum would not provide a discussion of the issues in which the arguments could really be joined. The referendum was objected to, in other words, on the grounds that it would produce defective deliberation. By holding the referendum in town meetings scattered throughout the state, different arguments would be offered in each place, and there would not be any shared sense of how the arguments offered in one place might be answered in another. "The sea-port towns cannot hear and examine the arguments of their brethren in the country on this subject, nor can they in return be possessed of our views thereof...each separate interest will act under an impression of private and local motives only, uninformed of those reasons and arguments which might lead to measures

of common utility and public good.”<sup>10</sup> Federalists held that only in a Convention could representatives of the entire state meet together, voice their concerns and have them answered by those with different views so as to arrive at some collective solution for the common good. The very idea of the convention as a basis for ratification was an important innovation motivated by the need for deliberation. Direct consultation of the mass public might reflect public opinion, but it would not provide for the kind of coherent and balanced consideration of the issues required for deliberation.

Federalists also noted another defect—lack of information: “every individual Freeman ought to investigate these great questions to some good degree in order to decide on this Constitution: the time therefore to be spent in this business would prove a great tax on the freemen to be assembled in Town-meetings, which must be kept open not only three days but three months or more, in preparation as the people at large have more or less information.” While representatives chosen for a convention might acquire the appropriate information in a reasonable time, it would take an extraordinary amount of time to similarly prepare the “people at large.”

Of course, what happened in the end, is that the referendum was held; it was boycotted by the Federalists; and the Constitution was voted down. Rhode Island, under threat of embargo and even of dismemberment (Connecticut threatening to invade from one side and Massachusetts from the other) capitulated and held the required state convention to eventually approve the Constitution.

This incident was an early American salvo in a long war of competing conceptions of democracy. In the long run, the Federalist emphasis on deliberation and discussion may well have lost out to a form of democracy, embodied in referendums and other institutions of plebescitary democracy, that mirror public opinion as it is, with all its defects. Of course, democratic institutions typically will offer a mix of deliberative and plebescitary democracy, a mix of the filter and the mirror, but over the last two centuries of democratic experience in America (and indeed in most developed democracies) the

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<sup>9</sup> “Rhode Island’s Assembly Refuses to Call a Convention and Submits the Constitution Directly to the People” in Bernard Bailyn ed. The Debate on the Constitution Part II (New York: The Library of America, 1993), p. 271.

<sup>10</sup> “The Freemen of Providence Submit Eight Reasons for Calling a Convention” in Bailyn ed The Debate, p. 280.

balance has shifted towards far greater plebescitary influence in the mix—far greater deference towards raw public opinion (as opposed to refined or more deliberative views.)

In the United States, consider just what has happened to the Electoral College, the election of Senators, the presidential selection system, the development and transformation of the national party conventions, the rise of referenda (particularly in the Western states) and the development of public opinion polling. Many aspects of Madisonian “filtration” have disappeared in a system that increasingly “mirrors” public opinion constrained by rational ignorance. In these and many other ways, there has been a steadily increasing role for the “reflected” public opinion of the mirror rather than the “reflective” public opinion of the filter.

### Gallup’s “Town Meeting”

Before turning to our central argument, it is worth pausing to consider another key moment in democratic experimentation. The incident I have in mind speaks to the second dimension I want to consider—how the people are selected whose opinion is considered (or, in other words, whose opinion is considered or solicited in any form of democratic consultation). And the example I want to mention also offers some insight into how this second dimension (the “who” dimension) intersects with the first, the “what” dimension (what kind of public opinion being consulted).

After the initial triumph of the public opinion poll, when Gallup correctly predicted the winner of the 1936 US Presidential election (while an inferior method, the self-selected Literary Digest poll, had predicted a landslide for Alf Landon over Franklin Roosevelt), Gallup reflected on the aims of the poll, which he then considered such a serious instrument of democratic reform that he called it the “sampling referendum”. He argued that the combination of mass media and scientific sampling could bring the democracy of the New England town meeting to the large scale nation state

“Today, the New England town meeting idea has, in a sense, been restored. The wide distribution of daily newspapers reporting the views of statesmen on issues of the day, the almost universal ownership of radios which bring the whole nation with the hearing of

any voice, and now the advent of the sampling referendum which produces a means of determining quickly the response of the public to debate on issues of the day, have in effect created a town meeting on a national scale.”<sup>11</sup>

Gallup offered a version of the “mirror” of representation, that by using scientific sampling techniques, offered a better microcosm of the public than anything ever envisaged by the Anti-Federalists. But his achievement only dramatized the dilemma of democratic reform we have been exploring. He thought that the media would in effect, put the whole country in one room and the poll would allow for an assessment of the resulting informed opinion. But if the whole country was in one room, he neglected to realize the effects of “rational ignorance”—the room was so big that no one was paying much attention. Instead of the democracy of the New England town meeting, he got the inattentive and often disengaged democracy of modern mass society. Instead of informed and deliberative public opinion, he got the kind of debilitated public opinion based on a casual impression of sound bites and headlines that is common in plebescitary democracy throughout the world. Instead of reflective or “refined” opinion, he only got a reflection of “raw” opinion. Technology helped create a new form of democracy, but it was not one that realized the values of the town meeting. The town meeting, after all, offers the potential of combining deliberation with a consideration of everyone’s views. But the trick, in democratic reform, is to pay enough attention to the social context that might really motivate thoughtful and informed public opinion and then to combine the realization of that social context with a process for selecting or counting the views of the participants equally.

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<sup>11</sup> George Gallup “Public Opinion in a Democracy” (Princeton: The Stafford Little Lectures, 1938), p. 15.

## Six Forms of Democracy

	<b><u>Method of Selection:</u></b>		
	<b>1.Self-selection</b>	<b>2.Random Sample</b>	<b>3.Everyone</b>
<b><u>Public Opinion</u></b>			
<b>A. Raw</b>	1A SLOPS	2A Public Opinion Polls	3A Ref. Democracy
<b>B. Refined</b>	1B Discussion Groups	2B Deliberative Polls	3B “Deliberation Day”

Consider two fundamental distinctions: the first has to do with what form of public opinion is being assessed, the second has to do with whose opinion it is that is being assessed. When considering forms of public opinion, let us say that opinion is “refined” if it is the product of deliberation exposing it to a wide range of alternative views supported by sincere arguments and reasonably accurate information. Refined opinion is informed, informed about competing views and facts sincerely viewed as relevant by proponents of different positions. People are aware of the arguments and have reflected on them or thought about them. By contrast, we will say that opinion is “raw” if it is not the product of such deliberation.

The other distinction concerns whose opinion is being consulted. While the classifications I will focus on do not exhaust all the possibilities, they cover the principal practical alternatives. The people consulted can be self-selected, they can be selected by scientific random sampling, or they can constitute virtually all voters (or members of the group being consulted). When these two dimensions are combined, then the six possibilities in the above chart emerge.

The first category, 1A is already being implemented on the internet. Norman Bradburn of the University of Chicago has coined an acronym SLOP for self-selected listener opinion poll. Before the internet, radio call-in shows would commonly ask for

responses by telephone to some topic. The respondents to slops are not selected by scientific random sampling as in public opinion polls. The respondents instead, simply select themselves. They are predominantly those who feel more intensely or feel especially motivated. Sometimes, they are organized. The SLOP, it is thought, gets “grass roots” opinion. However, in the parlance of American lobbyists, sometimes the response is something more organized and synthetic—the impression of grass roots that is really “astroturf”.

A good example of the dangers of SLOPS came with the world consultation that Time magazine organized about the “person of the century”. Time asked for votes in several categories, including greatest thinker, greatest statesman, greatest entertainer, greatest captain of industry. Strangely, one person got by far the most votes in every category, and it turned out to be the same person. Who was this person who towered above all rivals in every category? Atatürk. The people of Turkey organized to vote, by post card, on the internet, by fax and produced millions more votes, as a matter of national pride than the rest of the world could muster for any candidate, just through individual, unorganized voting.<sup>12</sup>

Media organizations routinely conduct SLOPS on the internet on a wide range of political or social matters. A SLOP involves visitors to a web site, gives people a sense of empowerment (they are registering their opinions) but it produces data that is misleading, that offers only a distorted picture of public opinion. To take just one example, SLOPS, at the time of impeachment in the US routinely showed large majorities in favor, while scientific polls showed a completely different picture. Those feeling most intensely bothered to register their views, sometimes more than once.

It is often thought that technology might facilitate the better realization of ancient forms of democracy. But SLOPS hark back to the practices of ancient Sparta, not ancient Athens. In Sparta there was a practice called the Shout, where candidates could pack the hall and the one who got the most applause was the one elected.<sup>13</sup> Later we will turn to a different category that realizes Athenian rather than Spartan democracy.

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<sup>12</sup> “Is this the Man of the Century?” Guardian, October 30, 1997, page 1.

<sup>13</sup> “Lycurgus” in Plutarch on Sparta (New York: Penguin books, 1988), p. 38.

The difficulty with category 1A is that it offers a picture of public opinion that is neither representative nor deliberative. It offers a picture of uninformed opinion that is also distorted and partial in who it includes. If it is a mirror of public opinion, it is more like a carnival fun house mirror than one that reproduces what it reflects.

An alternative to the SLOPS of category 1A is the possibility of serious deliberation among a self-selected group. Discussion groups fill out Category 1B. If the discussion groups offer the opportunity to weigh the main alternative arguments that fellow citizens would want raised on an issue, then they can achieve a measure of deliberation on an issue even if the participants are not a good mirror of the entire population. The Kettering Foundation supports a large network of “National Issues Forums” (NIF) in the US and in several other countries, in which thousands of self-selected participants deliberate conscientiously and sincerely with briefing materials that offer a balanced and accurate basis for discussion.<sup>14</sup> These participants meet in churches, schools, neighborhood venues and spend hours in serious consideration of the alternatives. However, their conclusions, while filtered or deliberative are not representative of the views of the entire public.

While there are many discussion forums on the internet, it is worth pausing to note the difference between deliberative practices on the internet and those in face to face discussion. When NIF participants gather for a discussion forum, they can evaluate each others’ verbal arguments face to face; they have an extended period for arguments and concerns on one side to be answered by responses on an opposing side, they have an agenda of materials that cover the issue to make sure that they are at least aware of the main alternative arguments that have been previously voiced and they have a moderator to ensure that everyone in the forum talks, that no one dominates the discussion and that there is an atmosphere of mutual respect that permits the respondents to listen to each other.

Can such a forum be reproduced on the internet? One difficulty is that the internet in its present form tends to be text based. The visual and verbal expression of a face to face discussion is one that is open to participants even if they are less educated or less

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<sup>14</sup> For a good overview of these activities and the vision behind them, see David Mathews Politics for People (Chicago: University of Illinois Press, 1994).

comfortable with written materials. An NIF forum lasting a few hours gets a concentrated dose of attention and participation. Many forums on the internet involve respondents for only brief bursts of activity. Internet democracy sometimes seems as if it is suited for citizens with attention deficit disorder, zooming from one site to another rather than offering sustained dialogue. On the other hand, the internet offers the advantage that it is especially suited to asynchronous communication. People do not all have to be active at the same moment. Issues raised at one point can be responded to at a different time.

As technology improves we can imagine that non-text based, face to face discussion will become easier and easier. As broadband spreads, the interactions could approach something more like two way television than like an exchange of emails. As educational institutions attempt to adapt classes to the internet the same apparatus of discussion useful for education can be used for democracy. And as the availability of access to the internet spreads, access to the poorer and less literate strata of the population will mean that self-selected forums or discussion groups are not just from one side of the digital divide.

As discussion methods become better adapted to the internet, even for the less literate, the use of on line discussion groups serves the value of democratic deliberation. It contributes to creating more informed citizens. They do not, however, achieve the basic goal of realizing both of the values under discussion simultaneously. The voice of the people should be both representative and deliberative. SLOPS are neither. Discussion groups achieve deliberation among unrepresentative groups. For that reason they serve the enlightenment of the participants, but they do not offer a voice for “we the people”.

Category 2A, combining scientific representative samples with raw opinion is exemplified, of course, by the public opinion poll. It offers a better “mirror” than anything foreseen by the anti-Federalists and avoids the distorted representativeness of SLOPS. Just as Gallup vanquished the Literary Digest by using scientific sampling for the effective launch of the public opinion poll in the 1936 US Presidential election, this category, 2A, trumps the SLOPS of 1A. Public opinion polling reflecting raw public opinion offers a thin and defective picture of public opinion. The views represented by polls are crippled, as we saw earlier by rational ignorance. In addition, they are crippled by a second factor—the tendency to report opinions that are not only “top of the head”

but that may not exist at all. Phantom opinions or “non-attitudes” are reported by polls because respondents to polls do not wish to admit that they do not know, even when offered elaborate opportunities for saying so. Building on the classic work of Phil Converse of the University of Michigan, George Bishop and his colleagues at the University of Cincinnati dramatized this issue with their study of attitudes towards the so-called “Public Affairs of 1975”. Large percentages of the public offered an opinion even though the act was fictional. The Washington Post more recently celebrated the twentieth unanniversary of the non-existent “Public Affairs Act of 1975” by asking respondents about its “repeal”. The sample was split, with half being told that President Clinton wanted to repeal the act and half being told that the “Republican Congress” wanted its repeal. While such responses were based on a minimal amount of information (or misinformation provided to the participants, since the act did not exist in the first place) the information base was really just a response to a cue about who was for the proposal and who was against it.<sup>15</sup>

Scientific random sample is being experimented with for internet democracy. The difficulty of course, is that a large part of the population, even in the United States, is not on line. A pioneering effort is being made by Inter-survey to provide computers (web tv’s) to random samples of respondents. This step effectively opens up the possibility of good scientific polling to the internet. However, it does not deal with the fact that just like any other form of good polling, the opinions represented in this kind of internet polling may be top of the head or nearly non-existent, when the public is inattentive or lacking in knowledge or information.

During this period when so much of the population does not have computer access that machines have to be provided, there are some additional practical difficulties. If machines, such as web tv’s are provided, then for how long?<sup>16</sup> There are two sides to this problem—attrition and sensitization. The attrition problem is just that people who may sign on have to be maintained. In any panel people drop out and the

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<sup>15</sup> For a good overview of this work by George Bishop and the replication by the Washington Post under the direction of Richard Morin, see “Leaders, the Public and Democracy” *Society* (July 1995) Vol 35, No. 5, pg. 2.

representativeness of the sample must be monitored. That is a practical problem that can be dealt with by appropriate incentives (which of course will affect the expense) and which can be monitored by comparison to the original baseline sample or other surveys. If strong enough efforts are taken to keep the response rate high and to keep the panel intact, then there is no reason in principle why such a strategy should not do as well as good conventional surveys.

The second problem, sensitization occurs with any panel. Presumably, if people are being given computers, they are expected to participate for some significant period of time. The longer they are self-conscious members of the panel, the more they are likely to diverge from the rest of the population. They will pay more attention knowing that they may be asked questions. Of course, the Deliberative Polling strategy we will discuss below faces the same problem. But Deliberative Polling does not present itself as offering a mirror of actual opinion, but rather a picture of counterfactual yet more informed opinion. On line panels may move somewhat in the direction of being more engaged and informed. There is the danger, to be monitored, that they will fall somewhere between being a good mirror of actual opinion on the one hand, and a good picture of really more informed opinion on the other.

Deliberative Polling, which fits in our category 2B, was developed explicitly to combine scientific random sampling with deliberation. Deliberative polling attempts to employ social science to uncover what deliberative public opinion would be on an issue by conducting a quasi experiment, and then it inserts those deliberative conclusions into the actual public dialogue, or, in some cases, the actual policy process.

Deliberative Polling begins with a concern about the defects likely to be found in ordinary public opinion--the incentives for rational ignorance applying to the mass public and the tendency for sample surveys to turn up non-attitudes or phantom opinions (as well as very much "top of the head" opinions that approach being non-attitudes) on many public questions. These worries are not different in spirit from the Founders' concerns about mass public opinion, at least as contrasted to the kinds of opinion that might result from the filtering process of deliberation.

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<sup>16</sup> The Inter-survey effort, called Knowledge Networks, is releasing participants after three years because of the sensitization problem. See Michael Lewis "The Two-Bucks a Minute Democracy" New York Times

At best, ordinary polls offer a snapshot of public opinion as it is, even when the public has little information, attention or interest in the issue. Such polls are, of course, the modern embodiment of the mirror theory of representation, perfected to a degree never contemplated by the Anti-Federalists. But Deliberative Polling is an explicit attempt to combine the mirror with the filter. The participants turned up by random sampling, who begin as a mirror of the population, are subjected to the filter of a deliberative experience.

Every aspect of the process is designed to facilitate informed and balanced discussion. After taking an initial survey, participants are invited for a weekend of face to face deliberation; they are given carefully balanced and vetted briefing materials to provide an initial basis for dialogue. They are randomly assigned to small groups for discussions with trained moderators, and encouraged to ask questions arising from the small group discussions to competing experts and politicians in larger plenary sessions. The moderators attempt to establish an atmosphere where participants listen to each other and no one is permitted to dominate the discussion. At the end of the weekend, participants take the same confidential questionnaire as on first contact and the resulting judgments in the final questionnaire are usually broadcast along with edited proceedings of the discussions throughout the weekend.<sup>17</sup> In every case thus far, the weekend microcosm has been highly representative, both attitudinally and demographically, as compared to the entire baseline survey and to census data about the population. In every case thus far, there have also been a number of large and statistically significant changes of opinion over the weekend. Considered judgments are often different from the top of the head attitudes solicited by conventional polls.

But what do the results represent? Our respondents are able to overcome the incentives for rational ignorance normally applying to the mass public. Instead of one vote in millions, they have, in effect, one vote in a few hundred in the weekend sample, and one voice in fifteen or so in the small group discussions. The weekend is organized

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Magazine, November 5, 2000, pp. 64-67.

<sup>17</sup> For an overview see James S. Fishkin *The Voice of the People: Public Opinion and Democracy* (New Haven and London: Yale University Press, 1997, expanded paperback edition). Also, see James Fishkin and Robert Luskin "Bringing Deliberation to the Democratic Dialogue" in Max M. McCombs (ed.) *A Poll with a Human Face: The National Issues Convention Experiment in Political Communication* (Mahwah: N.J. Lawrence Elbaum, , 1999).

so as to make credible the claim that their voice matters. They overcome apathy, disconnection, inattention and initial lack of information. Participants from all social locations change in the deliberation. From knowing that someone is educated or not, economically advantaged or not, one cannot predict change in the deliberations. We do know, however, from knowledge items, that becoming informed on the issues predicts change on the policy attitudes. In that sense, deliberative public opinion is both informed and representative. As a result, it is also, almost inevitably, counter-factual. The public will rarely, if ever, be motivated to become as informed and engaged as our weekend microcosms.

The idea is that if a counterfactual situation is morally relevant, why not do a serious social science experiment—rather than merely engage in informal inference or arm chair empiricism-- to determine what the appropriate counter-factual might actually look like? And if that counterfactual situation is both discoverable and normatively relevant, why not then let the rest of the world know about it? Just as Rawls's original position can be thought of as having a kind of recommending force, the counterfactual representation of public opinion identified by the Deliberative Poll also recommends to the rest of the population some conclusions that they ought to take seriously. They ought to take the conclusions seriously because the process represents everyone under conditions where they could think.

The idea may seem unusual in that it melds normative theory with an empirical agenda--to use social science to create quasi experiments that will uncover deliberative public opinion. But most social science experiments are aimed at creating a counterfactual—the effect of the treatment condition. In this effort to fuse normative and empirical research agendas, the trick is to identify a treatment condition that embodies the appropriate normative relevance.

Two general questions can be raised about all research designs—questions of internal and external validity.<sup>18</sup> Sample surveys are relatively high on external validity: we can be fairly confident about generalizing the results to larger populations. By contrast, most social science experiments done in laboratory settings are high in internal

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<sup>18</sup> See Donald Campbell and Julian Stanley Experimental and Quasi-Experimental Designs for Research (Chicago: Rand-McNally, 1963).

validity: we can be fairly confident that the apparent effects are, indeed, the result of the experimental treatments. However, experiments done with college students, for example, lack a basis for external validity if the aim is to find out something about the general population.

If a social science experiment were to have relatively high internal validity, where we could be confident that the effects resulted from the normatively desirable treatment, and if it were also to have relatively high external validity where we could be confident about its generalizability to the entire citizen population, then the combination of those two properties would permit us to generalize the consequences of the normatively desirable property to the entire citizenry. We could be confident in the picture of a counterfactual public reaching its conclusions under normatively desirable conditions. In other words, if an experiment with deliberation were high on internal validity, then we could be confident that the conclusions were the result of deliberation (and related factors such as information). And if such an experiment were high on external validity then we could be confident about generalizing it to the relevant public of, say, all eligible voters. Only with both kinds of validity would the quasi experiment called Deliberative Polling have any claim to represent the considered judgments of the people.

While there have not been any full scale attempts to employ Deliberative Polling on the internet, there are projects in the works.<sup>19</sup> They confront difficulties of the sort we discussed earlier about adapting categories 1B and 2A to the internet. The Deliberative Poll combines aspects of the discussion group and the public opinion poll. Hence the impediments we reviewed to adapting face to face deliberation for discussion groups and the impediments we reviewed to adapting scientific random sampling for polls both apply. Both can be expected to be ameliorated over time as the internet eventually becomes as ubiquitous as the telephone and as the communicative processes available on the internet eventually become less dependent on text and more of an approximation to face to face discussion. As the on line Deliberative Poll develops, the appropriate mix of synchronous and asynchronous communication, the appropriate role if any, for moderators, the degree to which the discussions permit affective elements of communication, will all deserve experimentation. But the basic point remains: something

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<sup>19</sup> See <http://cyber.law.harvard.edu/9-10mtg/idp.html> for a description of such a project.

like face to face Deliberative Polling should eventually prove eminently practical. When it is realized, it will provide a public voice that is both representative and deliberative, that combines the values of both the mirror and the filter. In that sense it will be a public voice that is well worth listening to, because it would represent what everyone would think, under good conditions for thinking about it.

Yet category 2B has the disadvantage that it involves only a scientific random sample of the population. The thoughtful and informed views created in the experiment are not widely shared because the bulk of the public is still, in all likelihood, disengaged and inattentive because it is subject to the incentives for rational ignorance that routinely apply to citizens in the large scale nation state. Deliberative Polling overcomes those incentives for a microcosm, but leaves the rest of the population largely untouched (we say largely since the rest of the population may well witness the process through the media).

The last two categories, 3A and 3B, parallel the previous two, except that when ideally realized, they would offer the full embodiment of the kind of result represented by scientific sampling in 2A and 2B. If everyone somehow participated in mass consultations such as voting or referendum democracy, then 3A would represent the same views as those offered by public opinion polls in 2A. Of course, one problem with referendum democracy and other forms of mass consultation that attempt to involve the bulk of the mass public, is that turnout is often so defective that only a portion of the public participates. Sometimes the participation in referendums or national elections is so low, in fact, that the distinction between mass plebiscitary democracy and self-selected samples in SLOPS becomes difficult to draw. Of course, there are possible institutional remedies for low turnout. Australia has a long tradition of compulsory voting, fining non-voters, that has worked quite well to provide one of the highest turnouts in the world in national elections. However, it is well established that compulsory voting has done little or nothing to improve the level of knowledge or engagement among voters, just the level of participation.

There is no reason in principle why voting cannot take place on the internet provided that security features are sufficiently developed to protect against fraud. Sometime in the future, when the internet is as accessible as a telephone is now in the

US, then mass voting on the internet may be available to increase turnout. The availability of internet voting may even increase participation in that it may lower the level of inconvenience involved in voting. It may also facilitate the use of initiatives and referendums by making the collection of signatures more practical and less expensive. However, internet voting will not alter the incentives for rational ignorance and hence it is unlikely to affect the debilitated character of raw public opinion assessed by plebescitary democracy, on line or off.

The last possibility, 3B, is the most ambitious. Just as conventional polling (2A) models actual top of the head opinion in the mass public, which is represented by plebescitary democracy (3A) in our scheme, in the same way, deliberative polling 2B, models mass deliberative public opinion 3B. The latter, however, is usually counterfactual. The mass public, in other words, is usually not deliberating; it usually does not have considered judgments on most policy issues. How could this counterfactual possibility be realized? How could it be realized in either a face to face context or on line?

Bruce Ackerman and I have a proposal. We call it “Deliberation Day.”<sup>20</sup> The problem for the Deliberative Poll was to motivate a microcosm of the entire population to overcome the incentives for rational ignorance and to engage in enough substantive face to face discussion to arrive at informed judgments—informed about the issues and the main competing arguments about them that other citizens would offer. But it is one thing to imagine doing this for a microcosm; quite another to imagine doing it for the entire population. Gallup’s vision of the mass media turning the entire country into one great room foundered, as we saw earlier, on the lack of a social context that would encourage small group deliberation. If everyone is one great room in the large scale nation state, the room is so big that no one is listening. A different, more decentralized strategy is required.

We propose a national holiday in which all voters would be invited to participate in local, randomly assigned discussion groups as a preparation to the voting process a week later. Candidates for the major parties would make presentations transmitted by

national media and local small group discussions would identify key questions that would be directed to local party representatives in relatively small scale town meetings held simultaneously all over the country. Incentives would be paid for each citizen to participate. The cost, while massive, would make democracy far more meaningful as it would provide for an input from the public that involved most people and that also led to a large mass of citizens informed on the issues and the competing arguments. If the incentives for participation in this national holiday activity, “Deliberation Day”, worked and people actually became well informed, it would make real the counterfactual deliberative opinion represented by the quasi-experiment of the Deliberative Poll. Candidate behavior and advertising would have to adjust to the fact that voters would have become informed on the issues. The anticipation of such a deliberative public could do a great deal to transform the rest of the public dialogue.

Could such an admittedly near-utopian proposal be adapted to the internet? Doing so would require solving the additional problem of providing near universal access to the computers required for participation on line. Let us assume for the moment that there is a solution to that problem. Perhaps it is only a matter of time before access to some future version of the internet will be as common as access to a telephone is now. And let us assume that such access involves high bandwidth so that some elements of face to face verbal discussion are possible and the communications need not be entirely text based. The technology permits us to interact in something like a small discussion group with a manageably small number of other citizens.

If those problems are indeed overcome, then an on line version of Deliberation Day has some distinctive advantages over the face to face version. One of the powerful features of the Deliberative Poll is that it employs a microcosm of the entire population brought to a single place. When its participants are randomly assigned to small groups, then participants from very different parts of the country deliberate together. This increases the diversity in each discussion group and allows for everyone to be exposed to a greater variety of arguments. Deliberation Day, while employing local random assignment has people, nevertheless, meeting with people from the same parts of the

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<sup>20</sup> Bruce Ackerman and James Fishkin “Deliberation Day” paper presented at the conference “Deliberating about Deliberative Democracy” University of Texas School of Law, February 2000. The paper can be

country in local schools or other nearby venues. On line discussion could allow for the same variety as a Deliberative Poll but with involvement of virtually the entire mass public. In addition, the on line version would not have to take place in a single day. Provided that people were effectively motivated to continue their participation, a continuing on line deliberation could take place periodically over weeks or even months. The result would be as if everyone were assigned membership in a panel of the sort we discussed from Inter-survey, but membership in the panel involved not only responses to questionnaires, but also serious on-going deliberation.

Such a national, decentralized deliberative ideal is even more utopian on line than in our proposal for Deliberation Day. However, it shows the impoverished character of the versions of on line democracy now realized. These tend to be SLOPS or on line polls with scientific random samples or discussion groups. In other words, on line democracy thus far tends to lack both deliberation and representativeness, or in the best case, to achieve only one of our values, by, for example, achieving representativeness with adequate scientific sampling but not deliberation.

There are two categories in our scheme that achieve both values—2B and 3B--Deliberative Polling and some on line version of Deliberation Day. The former will become practical, the latter is utopian. But if Deliberative Polling can be made to work on line, it paves the way for possible experiments with Deliberation Day. It also gives voice to public views that represent everyone under conditions where they can think. Clearly the internet opens up the possibility of increased public consultation. If that is conducted with SLOPS or with adaptations of conventional polling, then the trend away from informed public opinion will only be exacerbated. But if the technology can be harnessed to return deliberation to the mass public, then a qualitatively new kind of democracy may be possible.