

## CHAPTER 6

### **Deliberation, Rationality, and Representation**

This chapter considers the relationship between the value of deliberation and the value of political equality. Deliberative democracy has probably been the dominant theme in the literature on democratic theory over the last fifteen to twenty years. Essentially it is argued that democracy has to be conceptualized not simply as a procedure for aggregating preferences but as a process whereby people interact, discuss, and find mutually satisfactory solutions. This conception of democracy is quite complementary to the theory of democracy developed so far in this book. After all, social decision rules are conceptualized in chapter 2 as the ground rules for legislative deliberation. Although the conclusions reached here differ from those of some deliberative democrats, the starting assumptions are similar. To summarize, it will be argued that the same institutions that satisfy political equality—proportional representation and majority rule—are those that are most likely to produce the kind of deliberation that deliberative democrats favor. Furthermore, deliberative democracy allows us to redefine social reason in a way that is defensible in a plural society.

Much is claimed for the value of deliberation in the literature. For example, in addition to more obvious and plausible claims that deliberation leads to better-informed decisions and can produce a better quality of reasoning, it is claimed that deliberative democracy can overcome the problems posed by social choice (D. Miller 1992; Dryzek and List 2003); that it can reconcile the freedom of the ancients with the freedom of the moderns (Cohen 1996); that it can reconcile procedural democracy (i.e., majority rule) with constitutional democracy with checks and balances (Gutmann and Thompson 1996); and (exaggerating slightly) that it can transcend all the contradictions of the philosophy of consciousness from Kant through Heidegger (Habermas 1984). There appears to be little that cannot be achieved with deliberation.

While accepting that deliberation is central to the theory and practice of democracy, it is necessary to be skeptical of many of these claims. For example, as argued in the previous chapter, it is logically impossible to reconcile majority rule with constitutional democracy based on checks and balances, as the latter is effectively supermajoritarian. It will be argued in

this chapter that deliberation does not offer an escape route from the problems posed by social choice theory; and in the next that the consensual basis on which a great deal of the deliberative democracy literature rests is logically flawed. Furthermore, it will be argued that there is a hard trade-off between the value of deliberation (which requires small group interaction) and the value of participation—a trade-off some deliberative democrats simply ignore, promoting both values simultaneously. However, it is important not to minimize the importance of deliberation in democratic theory because of the exuberance of some of its advocates.

I will argue that the institutions that satisfy political equality—proportional elections to the legislature and majority rule in it—are the institutions most likely to bring about reasonable deliberation. Partially this conclusion is tautological. Since Habermas (1984), rationality in deliberation has been defined in terms of the conclusions that people acting in good faith would reach if they deliberated under ideal conditions. Political inequality would violate such ideal conditions. However, the conclusion is also partly based on the incentives institutions provide for people to be open to changing their preferences. As Nino (1996) argues, the more people who need to be convinced in order to carry a decision, the more rational (in the sense of being universalistic and impartial) the arguments will need to be. Political inequality reduces the incentives to be reasonable, because it is possible for some people to get their way without having to persuade so many people.

Deliberative democracy can also give us a more suitable standard for social reason in a plural society. Social rationality has been understood as transitivity not only in social choice theory but also in traditional democratic theory. However, the demand for a transitive social welfare function is a preposterous one in a plural society, as argued in chapter 2. If we take value pluralism seriously, then the best we can achieve is a compromise between different values, and there may be many acceptable compromises. The concepts of communicative rationality (Habermas 1984) and public reason (Rawls 1993/1996) define a reasonable outcome as what could be agreed upon under fair conditions. The works of Dewey (1927/1946), Lindblom (1965), and Nino (1996) provide examples of communicative conceptions of reasonable decision making within the context of majority rule. Thus deliberative democracy can provide us with an attainable ideal for democratic choice.

While deliberative democracy has much to contribute to the theory of democracy, it is necessary for it to take account of social choice theory. Some deliberative democrats (Dryzek 1990; Cohen 1998) have argued that voting is only a small part of democracy, and that the overall consensus-building process in society is more important. This argument

was refuted on the grounds that voting is necessary if consensus is not reached, and even if it is, the anticipated voting outcome would influence what would be agreed (chapter 2). Democratic deliberation is deliberation oriented toward decision making by voting. As such social choice theory is relevant. As Knight and Johnson (1999, 570, 572) argue, formal theory can be a primary tool both for examining the incentives people face under different institutions and for examining the intrinsic, normative characteristics of such institutions.

This chapter will also consider representation. Given that a great deal of the deliberation that happens in a modern democracy is among elected representatives, it is necessary to consider the relationship between these representatives and those they represent. Indeed, since Burke (1777/1963) the connection between the question of representation and the mode of deliberation has been recognized. Thus deliberation will be related to both social decision rules and electoral systems.

Section 1 lays out the main claims about the value of deliberation and, in particular, the concept of social reason. It also considers the empirical and logical limits on what deliberative democracy can achieve, arguing that there is a trade-off between deliberation, participation, and political equality. Finally, it refutes the suggestion that deliberative democracy offers an escape from the problem of cycling. Section 2 considers the relationship between political equality and the value of deliberation in social decision rules, arguing that majority rule is likely to maximize both. It also considers the conditions under which this is most likely to produce reasonable outcomes. Section 3 considers the relationship between deliberative rationality and accountability in electoral systems, analyzing different conceptions of representation.

## **1. The Value of Deliberation and Social Reason**

The idea that deliberation is valuable in democratic decision making is hard to object to. It would seem perverse to argue that we can make better decisions by avoiding discussion of the issues in question. However, the relevant question is not whether deliberation is valuable, but rather how it should be valued against competing values, and indeed whether there are trade-offs between deliberation and other things we find valuable. Thus, after laying out why deliberation is valuable, we consider the trade-off between it and the values of political equality and participation.

Three main reasons are given by the proponents of deliberative democracy as to why deliberation should improve the quality of democratic decisions. First, deliberation can make people better informed and

thus able to come to better decisions. Second, deliberation can cause people to change their preferences (or at least their positions) and frame their arguments in more public-spirited ways. Third, deliberation may itself constitute social reason. That is to say, there are certain kinds of questions where the only measure of what counts as a reasonable resolution may be in terms of what can be defended deliberatively. This is particularly likely to be the case when we have competing reasonable claims. In addition to the claim that deliberation leads to better decisions, it is also argued by some that deliberation is valuable regardless of the outcome, because it has edifying effects on the participants. This argument will be considered in the next subsection, in the context of the relationship between participation and deliberation.

The first reason why deliberation should produce better decisions is the most obvious. In order to make reasonable decisions, people have to be informed about what they are deciding. This underlies the argument made in favor of deliberative democracy by Fishkin (1995). Members of a mass public have little incentive to inform themselves, because they are likely to have little impact on the outcome. That is to say, there is a strong incentive toward rational ignorance. Thus for Fishkin the measure of a reasonable democratic decision is what the people would decide if they were informed. We can estimate what this outcome would be by taking a representative sample of the people and having them deliberate. Of course, another way of informing people would be compulsory political education. The democratic advantage of deliberation is that it allows open access to the debate and avoids the question of who gets to decide what people are to be informed of.<sup>1</sup> Another advantage of deliberation is that it leads the participants to share information and experience. This can be valuable in that people can become specialists in certain areas and inform others (thus limiting the effects of bounded rationality—see Warren 1996; Fearon 1998) and also in that people are informed of a broad range of perspectives. One objection to the information-sharing argument is that people only have an incentive to share information when it benefits them, leading others to discount what they say as meaningless “cheap talk” (Austen-Smith 1990a,b, 1992). However, there are several responses to this. If people interact repeatedly, they have an incentive to cultivate a reputation for honesty (Mackie 1998). Furthermore, Przeworski (1998) argues that political communication can have an important coordinating function even if the actors are self-interested.<sup>2</sup>

The second claim made for deliberative democracy is that it causes people to change their preferences and to argue in a more public-spirited way. This claim, in fact, defines deliberative democracy for some writers (for example, Dryzek 1990).<sup>3</sup> It is possible that the process of deliberation

will lead to people changing their ultimate values, allowing consensus on the matters under question. However, this extreme form of value change, erasing the plurality of values, is not necessary for deliberation to be valuable. Even if a plurality of ultimate values is maintained, people may change their positions; that is to say, they retain their ultimate ends but are persuaded to accept other means to fulfill or pursue them. This may change situations where people take opposing positions into situations where all parties can achieve their objectives—that is, it can produce win-win solutions. Warren (1992) gives a nuanced account of the circumstances where such transformations of preferences are likely to occur and where they are not.

In addition to possibly allowing participants to identify win-win solutions to conflicts, deliberative democrats argue that deliberation forces participants to adopt more reasonable arguments. For example, Habermas (1990a) argues that communication oriented toward finding agreements leads to moral arguments that are universalizable and impartial. That is to say, I do not argue in terms of what is good for me, but in terms of what is justified for anybody. Similarly, Rawls (1993/1996) and Gutmann and Thompson (1996) argue that public deliberation leads to the adoption of norms of reciprocity—I only make arguments that I can justify in the context of other people who are arguing in good faith about what is fair—and publicity—I cannot make arguments that only work if people are unaware of them.

There are two mechanisms by which deliberation may produce the adoption of more reasonable arguments. One is the simple need to convince more people. As Nino (1996) argues, if it is only necessary to convince a small group of people, then it is possible to be successful by appealing to a very narrow sense of self-interest. But as it becomes necessary to build a broader coalition and convince more people (and, equally important, a more diverse group of people), it becomes necessary to frame arguments more broadly. An argument of the form “We should do  $x$  because  $x$  benefits people like us” is only convincing to people like us. To convince other people, it is necessary to couch the argument in more general terms. Eventually (it is hoped) this leads to arguments based on universal moral principles.

The second mechanism is through negotiation. Political negotiation is typically multilateral. If I wish to achieve my objective, I need to seek allies, and these potential allies can cooperate with me, or they can find other partners. Lindblom (1965) argues that this need to find allies is one of the most important forces toward reasonable decision making in politics. If I am intransigent in my demands, potential allies will shun me and seek cooperation elsewhere. In order to gain allies, I need to take account

of their interests and make concessions. Furthermore, it is to my advantage to develop longer-term relationships with allies. This gives an incentive to develop a reputation for fairness and keeping my word. Even though I may be able to gain a temporary advantage by double-crossing an ally, this is not in my long-run interest. This leads to the development of norms whereby my interests and the interests of my allies are accommodated and balanced. In the language of Rawls (1993/1996) we start out with a sense of the rational (our own interests) and end up with a conception of the reasonable (a conception of the balancing of our interests that can be defended to other people seeking a fair way to balance our interests).

The idea of negotiation is looked on with suspicion by some deliberative democrats, as it involves the pursuit of self-interest. However, it is crucial to the understanding of realistic political deliberation. This is recognized by the philosophers who have had the most influence on the deliberative democracy literature, Habermas and Rawls. Of course, a case can be made from *The Theory of Communicative Action* (1984, 286) that Habermas views negotiation as merely strategic and not communicative action, and indeed Johnson (1991) critiques this distinction as being unsustainable.<sup>4</sup> However, Habermas's more recent writings give negotiation a more positive role. For example, Habermas (1996a, 25) argues that compromise makes up the bulk of the political process, and that given value pluralism, bargaining between values is legitimate provided that the conditions under which the bargaining takes place are fair. The negotiation of competing interests is central to Rawls (1993/1996). People are assumed to have different interests, and political justice is considered as a fair equilibration of these interests, although Rawls makes it clear that more is required than a mere *modus vivendi* between competing interests.<sup>5</sup> For Rawls (1993/1996, 52–54) the rational (the individual pursuit of ends) and the reasonable (the willingness to propose fair terms to balance interests) are complementary. Without individual interests, the reasonable would be empty, as there cannot be a fair balancing of interests if no one has any interests. (Even altruism—putting the interests of others first—is meaningless unless those others have interests.) Likewise, without a sense of the reasonable, social cooperation would be impossible.

The final value of deliberation is that in many circumstances deliberation is constitutive of what is reasonable. That is to say, we can only say what a reasonable decision is after deliberation about it. For example, Dewey (1927/1946, 206–7) argues that the value of democracy is that it leads to debate and discussion in which the public is able to define itself and its interests. Similarly, we can consider the choice of fair terms

		Player 2	
		A	B
Player 1	A	4, 2	0, 0
	B	0, 0	2, 4

Fig. 6.1. An assurance game

of social cooperation as laid out by Rawls on the first page of *A Theory of Justice* (1971/1999). Social cooperation benefits everyone; however, certain terms of cooperation benefit some people more, while other terms benefit others. When a society deliberates over how to cooperate, there is clearly a common interest in agreeing to some form of cooperation; however, there is also a distributive aspect to the problem, in that society has to decide how the gains to cooperation are to be shared among various people. What we are faced with is essentially an assurance game, a two-player example of which is given in figure 6.1. If players 1 and 2 are able to both play strategy A or strategy B, they both are better off than if they play different strategies. However, coordinating on strategy A suits player 1 better, while coordinating on strategy B is better for player 2. (In figure 6.1, player 1's payoff is given first in every cell.)

For problems such as whether to coordinate on outcome A or B, it is hard to see what standards of rationality we can use other than to engage in deliberation. Clearly it is collectively irrational for the players to play different strategies, but there is no objective standard as to which coordinated strategy is better. Of course, if the game is repeated, it may be possible to play A sometimes, and B at others. Indeed there may be an infinite number of ways to divide the gains of cooperation. We could appeal to norms of equality, but this simply poses the question "Equality of what?" Different people may disagree as to what the basis of comparison should be (equality of outcome, equality of desert, equality of opportunity, equal division of the gains from cooperation, all of which may give different outcomes). Furthermore, when deciding the division of the gains from social cooperation, there is no common metric according to which all goods can be judged. Different people will value different goods and outcomes more highly than others, and people will differ in the importance they place on different matters.

Social rationality has been understood as transitivity (the ability to rank-order the alternatives from most to least favored) not only in social choice theory but also in traditional democratic theory. Both Rousseau (1762/1997) and Condorcet (1785/1995) argue that voting should produce a single best outcome that can be referred to as the will of the

people. Both Arrow (1951/1963) and Riker (1982), on one hand, and their most vehement critics accept the standard of transitivity.<sup>6</sup> (Witness the literature that attempts to minimize the effects of cycling or provide escape routes from it—Coleman and Ferejohn 1986; Dryzek and List 2003; Mackie 2003.) In this context we can see why transitivity is not a sensible criterion to demand of a social decision.

It is apparent that some outcomes are clearly bad, in that they make everyone worse off than some other outcomes (the Pareto or efficiency criterion). However, we need to make a choice between outcomes that pass this test (are Pareto efficient), and this decision is distributional. Distributional games typically produce cycles (a three-person majority-rule divide-the-dollar game is the simplest example). Some outcomes benefit some groups more than others. Therefore some groups favor some outcomes and other groups others. The eventual outcome is the result of negotiation or accommodation between different interests, not the result of a single interest from which we can expect transitivity. Thus social reason is inherently different from individual rationality. A socially reasonable outcome is one that balances a plurality of different claims, not one that maximizes a single criterion. This conception of reason is very different from the anthropomorphic ideal of collective will formation found in Rousseau and a great deal of traditional democratic theory, as well as social choice theory; however, it is quite compatible with the conceptions of public or communicative reason that take the plurality of values seriously, such as those found in Dewey, Rawls, and Habermas.

Indeed we can reinterpret Arrow's theorem (1951/1963) as a demonstration of the difference between individual and collective rationality. The axiom of independence of irrelevant alternatives implies that the choice between two alternatives can only depend on preferences between those two alternatives, not on preferences for any others. Therefore the choice between two alternatives A and B must depend on the coalition for alternative A versus the coalition for alternative B (it may depend on identity of the members of the coalitions, not just the size). Arrow shows that the only way to maintain transitivity under this condition (and the requirement of universal domain and Pareto optimality) is to have a single unitary winning coalition (i.e., a dictator). If we have multiple winning coalitions (as we must under a democratic decision rule), or even a single winning coalition with multiple members, then transitivity will be violated under some preference profiles. This has been interpreted by many (notably Riker 1982) as showing that there is no democratically satisfactory decision rule, and others (notably Sen 1979) as showing that Arrow's conditions simply eliminate all the information needed to make a social decision. The interpretation here differs from

both of these, in that both Riker's and Sen's interpretations accept the reasonableness of requiring transitivity. I argue that democratic decision making with a plurality of values is incompatible with transitivity. In the context of collective decision making, negotiation between competing values is not a second-best solution when consensus fails, but an integral and vital part of social reason.

The advantages claimed for deliberation are, I think, extremely plausible. We would in general expect deliberation to result in people being better informed (although it might also result in the opposite effect if there is enough misinformation, noise, and propaganda in the debate—see Stokes [1998]; Przeworski [1998]); it may well lead to people changing their opinions and coming to reasonable agreement (although as Knight and Johnson 1994 argue the opposite could also result—people discover they have irreconcilable differences they had not previously recognized); and deliberation and compromise may be the only reasonable way to resolve distributional issues. Indeed I would expect to find these effects of deliberation at work in any functioning democracy. The claims of some deliberative democrats, however, go far beyond this. Some argue for a form of deliberative democracy that involves mass participation and present this as an alternative to conventional representative democracy (Barber 1984;<sup>7</sup> Dryzek 1990, 2000). It is argued by others that deliberative democracy can overcome the problems posed to democratic theory by social choice (Miller 1992; Dryzek and List 2003). The following two sections lay out the logical and empirical limits of what deliberative democracy can provide.

### **The Limits of Deliberative Democracy**

We have seen the claims made as to the value of democratic deliberation. This section, however, focuses on the limits on what deliberation can provide us with. Given that people only have a limited amount of time to spend on politics, and given that deliberation requires small group interactions, there is a binding trade-off between the values of deliberation, participation, and political equality. Some of the literature on deliberative democracy conflates deliberation with participation. Indeed some writers frequently classed as “deliberative democrats” (for example, Barber 1984; Dryzek 1990) emphasize participation as much as deliberation. It sometimes seems to be assumed that “all good things go together.” (It should be noted that there is a long tradition that views deliberation as a function of representative government—Burke, Madison, and Mill being three notable examples—and that not all modern deliberative democrats share a populist enthusiasm for direct participation.)

However, in large democracies there is a trade-off between the values of direct participation and deliberation. In order to overcome this trade-off, it is necessary to violate another value that many deliberative democrats value—political equality. Thus I will argue that the values of deliberation, direct participation, and political equality form a trilemma. It may be possible to achieve two of these values, but only at the cost of sacrificing the third.

Fishkin (1995) argues that there are four democratic values we should be concerned about: political equality, deliberation, participation, and nontyranny. Furthermore, he argues that there are trade-offs between these values. We have discussed the question of majority tyranny in chapter 5 and concluded that typically it does not conflict with political equality. However, even without considering nontyranny as a separate value, it can still be shown that the other three values cannot be maximized simultaneously. Of course, reasons can be given for valuing all three of them. We have covered the value of political equality and deliberation at length already. As Pateman (1970) points out, there is considerable literature that disputes whether high levels of participation are valuable at all, claiming that this leads to instability. However, Pateman responds (following Mill 1861/1993 and Rousseau 1762/1997) that participation is valuable and edifying in itself. Essentially the argument is that participation in politics leads to moral development—people cease to view matters in terms of narrow self-interest and are forced to consider things in a more civic-minded fashion.

It is important to note that the trade-off here involves *direct* participation, not participation in general. By direct participation I mean involvement in the actual decision process, such as voting on legislation. This does not include indirect participation, such as attempting to influence decision makers. Thus the trade-off does not involve many activities that make up civil society, such as participating in social movements, interest groups, or political parties. The argument made here is *not* that too much citizen participation leads to an overload of demands on democracy by civil society. Rather it is simply the claim that if too many people are directly involved in the legislative process, then this process will either not be very deliberative or not very egalitarian. For example, it is quite possible to argue in the manner of Habermas (1996b) that democracy requires the strong generation of influence from an active civil society, while at the same time insisting that this influence be mediated through representative institutions in order to ensure that decisions satisfy equality and discursive rationality.

Even if we agree that deliberation, direct participation, and political equality are all desirable, it is clear that we cannot achieve all three at the

same time, at least not in a large democracy. (Large here includes even the smallest modern nation-states.) There are two constraints that are relevant. First, there is a limit to the amount of time that people are willing to devote to politics. Even if participation in politics is desirable (for either the individual or the society), there are many other ways in which people may want to spend their time. This constraint could in principle be overcome by coercion (people being “forced to be free,” to use Rousseau’s famous phrase), but this is clearly problematic in a free society.

The second constraint is that posed by complexity. Deliberation requires small group discussion. People have to discuss things in an interactive way. This is simply not possible with millions of people all participating at the same time. As Williamson (1975, 42–43) shows, the number of individual interactions in a peer group network is  $n(n - 1)/2$ , where  $n$  is the number of people. Thus with 5 people we have 10 interactions, with 10 people 45 interactions, with 100 people 4,950 interactions, with 1,000 people 499,500 interactions, and so on. Furthermore it is vital for deliberation that people be able to interact. Deliberative theorists emphasize that deliberation is not simply about exchanging information but about exchanging binding commitments and agreements (Habermas 1990a, 58–59). Ideally deliberation produces consensus, but when it does not, compromise is necessary. This requires players to come to binding agreements and deals. The more players the more complex and the harder it is to negotiate a deal including everyone. When we get beyond a fairly small group, the only practical way to negotiate a deal is for groups to delegate the right to negotiate on their behalf—that is, to have representatives. In modern democracy, this process happens at least twice: The people elect representatives, and these representatives choose a party leadership that chooses actual policy or negotiates over it with other parties.

Dryzek (1990) suggests that it is possible to overcome the problem of complexity and have mass participation deliberative democracy by not insisting that everyone take part in every decision. This, however, leads to the violation of political equality. If self-selecting issue-publics deliberate and decide various issues, then other interests are not considered. It may well be that certain groups have resource advantages that may make it easier to participate, such as time and education. If this is the case, we face the prospect of domination by what Elster (1983) called a “self-appointed activist elite.” (We should note that this activist elite need not be liberal or progressive—it could be the white, upper-middle-class parents on a school board just as easily as members of left-wing social movements.) Even if it is possible to address inequality in resources, self-selection is still a problem. The people motivated to participate are likely to be those who have a strong personal stake in the particular outcome. Thus the interests of a

small number of people with a lot at stake may be weighted disproportionately to the interests of a very large group of people each of whom has less at stake individually. In other words, concentrated interests will be privileged over diffuse interests. Dividing policy-making into decisions taken by discrete issue-publics also leads to problems concerning disaggregation and Sen's (1970b) theorem (chapter 5, this vol.). The policies that individual issue-publics make are reasonable when each issue is considered individually, but the overall package may make no sense (indeed may be unfeasible) when considered collectively. The individual parts effectively make a collective decision that could not be defended deliberatively to the whole population.

Warren (1996) argues that because of the complexity of public decisions, the public can only participate in a small number of them, and therefore the majority of decisions need to be made authoritatively. The problem then becomes how to generate a democratically acceptable form of authority. Warren (1996, 57) argues that such democratic authority can only result from people deferring when there exists "a set of institutionalized protections and securities within which the generative force of discursive challenge is possible." Although most decisions are taken authoritatively, challenge is always possible, so society's discursive resources are channeled into those issues where they are most needed ("contested" issues, as opposed to "settled" ones). I find this account persuasive. It does not, however, overcome the trilemma even for the limited domain of issues designated "contested." If the final court of appeal is the ability of self-appointed interest publics to contest, then political equality is violated, as the resources (financial and educational) to participate may be unevenly distributed. If the final court of appeal is majority-rule democracy, then votes are equally distributed, even if expertise is not. However, we are no longer dealing with direct participation and control, unless we opt for direct democracy and give up a high level of deliberation. It is notable that Dewey (1927/1946, 206–8) assigns this role to majority rule: Its value is that it forces experts to take account of the interests of mass publics, who although they lack expert knowledge do have the ability to judge experts.

Fishkin (1995) proposes randomly selected citizens' juries as a solution. However, citizens' juries are simply a form of representation and thus do not produce mass participation. Instead of using elections to choose those who deliberate, we instead use the random sampling techniques used in survey research to select a deliberative body that is representative of the population as a whole. This has some advantages, notably that it satisfies political equality (everyone has the same chance of being selected). However, only a very small minority of the population

would be selected in any given time period, while the remainder of the population would participate even less than under an elected assembly (they do not even get a vote for their representatives). Citizen juries and deliberative polls do not get around the fact that in order to have a small group that can deliberate, it is necessary for the majority of the population to be represented, as opposed to being actually present.

It should be noted that improved communication and information technology do not dissolve the trilemma. The Internet may indeed make it easier for citizens to become involved and to make contact with other citizens. However, it does not overcome the problem of rational ignorance that Fishkin (1995) points to. More important, it does not overcome the problem of network complexity. An online debate may provide a vast range of opinions (indeed there may well be a problem of information overload, as participants try to shout the same views louder and louder). However, it does not make negotiating an agreement between millions of people any easier. As noted earlier, negotiation involves making binding agreements—I concede this, you concede that. The only way to achieve this with a large population is by delegation to representatives.

Figure 6.2 illustrates the trilemma between political equality, deliberation, and direct participation, and relates it to various democratic alternatives (representative democracy, plebiscitarian democracy, and self-selected participatory democracy). For example, representative democracy can satisfy political equality and deliberation, but it is not particularly participatory. If the people elect representatives by proportional representation (chapter 3) and the representatives make decisions by majority rule (chapter 4), then political equality is satisfied. The representative body can be small enough for reasonable deliberation, although this may involve delegation to party leaders or specialist committees. However, most of the population participates only by voting for representatives. It will be argued in chapter 8 that “consensual democracy” (Lijphart 1999), as practiced mainly in the small countries of Europe, fits this pattern in that it is egalitarian, deliberative, but has limited direct participation. It is notable that Lijphart (1977) argues that this type of democracy requires that elites have sufficient independence from their constituents to negotiate mutually beneficial accommodations.

Plebiscitarian democracy satisfies political equality and participation, but not deliberation. Instead of bargains negotiated by representatives, decisions are taken by direct votes by the people. This satisfies political equality, in that everyone’s vote counts for the same. It is also highly participatory, in that everyone can participate on every decision. However, it is the antithesis of deliberative democracy. Given that any

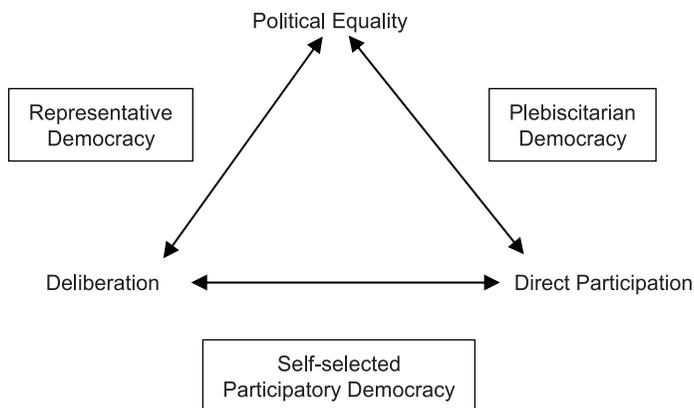


Fig. 6.2. The trilemma of deliberative democracy

individual will have little impact on the outcome, there are weak incentives for voters to spend time to get informed. More troubling from a deliberative point of view is the fact that it is not possible for the voters to negotiate a reasonable solution. The voters are simply presented with alternatives, and they are expected to vote on them. (Control over the agenda and the wording of the alternatives may be an important source of political power that violates political equality.) Furthermore, direct democracy requires that the public agenda be broken down into discrete issues that are voted on separately. This further undermines reasonable democratic deliberation. Even if voters make reasonable choices about each issue individually, the overall package of policies taken as a whole may make no sense (Anscombe 1976; Saari and Sieberg 2001; Lacy and Niou 2000). Indeed, the overall package may not even be feasible. For example, a people may decide to vote for a wide range of public services but vote against the taxes required to pay for them.

Plebiscitarian democracy involves mass direct participation but does not ask much of each participant. Most significant, each participant is not required to deliberate. Self-selected participatory democracy requires that decision makers participate more fully, such as by attending meetings or participating in deliberation. However, it is difficult in a liberal society to coerce people to deliberate (although not impossible; consider jury service). Furthermore, even if mass deliberative participation could be coerced, the result would be a body far too large to deliberate reasonably. Self-selected participant democracy gets around this by having an open right for anyone who wants to participate. This implicitly relies on the fact that many people will choose not to. The price of this is

that political equality is violated. The self-selected group that chooses to participate may well be made up of those with resource advantages (such as time and education) or those who have a disproportionate stake in the issue in question.

This book has argued that the trade-offs that are often claimed between political equality and other political values are largely illusory. However, the conflict between political equality, deliberation, and direct participation is very real. From an analytic point of view, this is where we end. From a normative point of view, I would argue that direct participation is the value that is most dispensable in politics. Once again, it should be emphasized that the trade-off with other values involves direct participation—participation in the final decision-making stage—not indirect forms of participation, such as being active in social movements, interest groups, or political parties. As I have argued at length, political equality is at the heart of what we mean by democracy. Deliberation is clearly necessary to make reasonable political decisions.

However, the case for direct participation is more dubious. Certainly it can be argued that people feel that a decision is more legitimate if they have personally participated in its making. Pateman (1970) argues that political participation is intrinsically edifying, leading to better, more open-minded citizens. However, participation is also a cost—time spent playing politics cannot be spent in other ways. Indeed, mass political participation could be regarded as highly inefficient, as a massive waste of collective time and life energy. As Femia (1996) argues, political participation may be edifying, but no one has made a convincing argument that it is more edifying than a variety of alternative activities, such as playing musical instruments, attending religious services, doing charity work, spending time with one's children, or staring into sunsets. Jon Elster (1983) makes the argument that it makes no sense for participation to be an end in itself. People only engage in politics in order to achieve some other objective, so participation has to be justified instrumentally. Warren (1992), while sympathetic to the idea that democratic participation transforms people's preferences and identities, argues that it cannot be expected to transform them completely. Even if we accept that the self is constructed socially through discourse, this does not imply that discourse and social interaction can arbitrarily transform the self in beneficial ways. Rather, the transformation of preferences is only likely in regard to specific kinds of issues. Finally, if participation is intrinsically desirable, it is possible to participate in activities other than direct political decision making. Participation in these social or indirect political activities can provide the edifying effects of participation without the trade-offs with more fundamental democratic values.

### The Failure of Deliberative Democracy as an Escape from Social Choice

Various authors have argued that deliberative democracy offers an escape from the problems posed by social choice theory in general and Arrow (1951/1963) in particular. Thus it is hoped that deliberation can “save” democratic theory from the nihilistic findings of social choice. This line of argument typically accepts Riker’s (1982) reading of social choice theory, which argues that Arrow’s theorem and the global cycling results undermine traditional democratic theory, leaving a Schumpeterian minimalist democracy as the only viable alternative. (For example, Dryzek [2000] entitles a chapter in his book on deliberative democracy “Minimalist Democracy? The Social Choice Critique.”) The results of social choice theory are nowhere near as corrosive to democratic theory as Riker argued, and the “problems” posed by social choice theory (such as cycling) are actually a vital part of the normal working of democracy, as I argued earlier. Thus, using deliberation as an escape route from the social choice results is unnecessary, even if it were viable. The remainder of this section will argue that it is not even viable.

The simplistic version of the argument that deliberative democracy overcomes the problems of social choice (that deliberation can produce consensus, and so voting is not necessary) has already been dealt with. A more sophisticated argument is that democratic deliberation does not necessarily produce consensus, but it restricts people’s preferences in such a way that transitive social choice is possible. David Miller (1992) and Dryzek and List (2003) provide arguments of this type. This argument can actually be found in Arrow (1951/1963), following Black (1948), who showed that a sufficient condition for this to be the case under majority rule is for preferences to be single-peaked in one dimension. That is, people may disagree on which alternative is best, but they all line the alternatives up in the same order, implicitly agreeing on how the alternatives are to be compared. Arrow (1951/1963, 83) speculates that other restrictions may produce similar results for mechanisms other than majority rule. The argument of David Miller (1992) and Dryzek and List (2003) is that deliberation will structure people’s preferences in such a way. I will argue that even if this is the case, it does not solve the problems posed by social choice theory. I will concentrate on Dryzek and List’s version of the argument because it is the most recent and most rigorous.

Arrow’s theorem states that there is no transitive social welfare function that satisfies four apparently indispensable conditions—universal domain, independence of irrelevant alternatives, the Pareto condition, and nondictatorship (chapter 2). Riker argues that this absence of a transitive

social welfare function means that all democratic outcomes are arbitrary. Dryzek and List (2003, 7) argue that deliberation may allow us to safely dispense with at least one of Arrow's conditions. This would allow for the possibility of finding a transitive social welfare function. They argue, "If *any one* of these conditions is relaxed, there exist social choice procedures satisfying all the others, and such procedures can, in principle, be employed in democratic decision making." This claim is actually too strong—the fact that a procedure satisfies the four conditions does not prove that it is even minimally democratic. More important, Dryzek and List assume that to be democratically acceptable a social choice procedure must be transitive. This rules out majority rule, which almost certainly produces cycles when preferences are not one-dimensional.

Dryzek and List's escape routes from Arrow's result are not convincing. First they argue that deliberation may enable us to dispense with universal domain by introducing more structure in preferences. To escape cycling we need for preferences to be single-peaked in one dimension. However, many issues are intrinsically multidimensional. In particular, any issue that involves spending money involves a budget constraint, so that the amount I want to spend on program A will depend on how much is spent on program B. Deliberation will not reduce this kind of multidimensionality—indeed as people become more informed they may well gain a better appreciation of these interdependencies.

Dryzek and List give four solutions for multidimensional preferences. The first is to decompose the issue into dimensions on which there are single-peaked preferences, and decide these separately. This will produce a transitive social welfare function. However, it is unlikely to produce a sensible decision and may even produce a Pareto inferior one (see Anscombe 1976; Saari and Sieberg 2001; Lacy and Niou 2000). Imagine designing an airplane by taking separate votes on the type of wing, fuselage, engine, and so on. This will produce a transitive ranking, but it is highly unlikely to produce a viable airplane, precisely because it ignores the multidimensionality and interdependence of the problem. Dryzek and List's second solution, lexicographic ordering, faces similar problems. (Even if fuel economy is the most important parameter in my car choice, it would be foolish to make my decision purely on the basis of that.) The third solution is logrolling. In practical terms, this is often how political institutions deal with multidimensionality. Dryzek and List are correct to note that logrolling has some normative value in that it makes use of information about intensity of preferences (this is why Buchanan and Tullock [1962, 131] argued that vote trading protected minorities). However, logrolling is not an escape from Arrow's theorem, because there are typically any number of possible logrolls (see Bernholz 1973; N. Miller 1975,

1977a). Which one occurs depends on the negotiating skills of the participants. This puts us right back in the Rikerian arbitrariness that the authors are seeking to escape. The fourth solution is not a solution at all but simply a statement that it is better to explore the dimensionality of the problem than to decide ahead of time that it is insoluble.

Furthermore, it is far from clear that democratic deliberation will reduce the number of dimensions. As both Mill (1996) and Knight and Johnson (1994) argue, the values of deliberative democrats lead precisely to open institutions and to more people being drawn into the process. This has the potential to increase the number of dimensions and thus generate cycling. By arbitrarily restricting the alternatives available, we can certainly produce a transitive social ordering; however, this process cannot be described as democratic, deliberative or otherwise. Claiming that democratic deliberation will produce unidimensionality seems a lot like trying to have our cake and eat it too. We want the benefits of a restricted set of alternatives, without admitting the unsavory restrictions and exclusions needed to produce it. Of course, whether free deliberation reduces or increases the number of dimensions is an empirical matter. Dryzek and List produce some evidence that it reduces dimensionality, but it is far from clear this evidence is generalizable. Furthermore, to overcome the problem of cycling, it is not enough to reduce the number of dimensions; it is necessary to reduce it to a single dimension—even two dimensions can produce global cycling.

Apart from restricting preferences, Dryzek and List give two other ways that deliberation may provide an escape route from Arrow's theorem. First, deliberation may allow us to dispense with the independence of irrelevant alternatives condition. If deliberation produces consensus about what the alternatives are, we do not have to worry about people disingenuously adding alternatives to manipulate the outcome. The problem here is that deliberation would have to produce complete consensus as to what the relevant alternatives are. The inclusiveness and equality valued by most deliberative democrats require an open agenda, so anything less than unanimity would not help us. Furthermore, many decisions that interest us are continuous. For example, the tax rate can be anything between 0 and 100 percent. It does not make much sense in such cases to argue about there being consensus about there being a finite number of relevant alternatives.

Second, Dryzek and List argue that if deliberation allows us to agree on interpersonal utility comparisons, then we can get a transitive social welfare function while satisfying all of Arrow's conditions. This is certainly true, but it hardly helps us with democratic decision making. This is because in the inevitable absence of consensus about a just way to com-

pare interpersonal utilities, we need a social choice procedure to decide how to aggregate these utilities. This is not to say that utilitarian procedures such as counting quality-adjusted life years to evaluate medical procedures cannot be useful in reaching rational decisions, only that such decisions presuppose a prior decision on values, democratic or otherwise.

We next consider an alternative way to reconcile social choice theory and deliberative democracy. This is to drop the transitivity requirement and accept that social preferences orderings may be cyclical. This allows us to rehabilitate majority rule, the procedure most commonly associated with democratic decision making. Instead of seeking to find escape routes to avoid cycling, we should embrace it. Cycling in social preferences does not imply chaos or radical instability. Cycling simply means that there are multiple alternative majorities, rather than a single, permanent, dominant majority. From the point of view of pluralist and democratic theory, the former is almost certainly preferable.

## **2. Procedural Justice and Deliberative Democracy in Social Decision Rules**

The previous chapters have laid out a procedural theory of democracy based on the principle of political equality and have shown that this implies very specific institutions. We have seen in the previous section that deliberation does not allow us to disregard the results of social choice theory. Therefore we need to ask whether there is a trade-off between political equality and deliberation. I will argue that the requirements of the two values are actually complementary. This section will argue that majority rule is the social decision rule most likely to bring about reasonable deliberation. The next section will argue that proportional representation is the seat allocation rule most likely to lead to reasonable deliberation in legislatures.

### **Why Majority Rule, Not Consensus, Is Most Likely to Promote Reasonable Deliberation**

I have shown that political equality implies majority rule as a social decision rule. However, many deliberative democrats have argued that consensus is the preferred rule for producing reasonable deliberation. It is important to distinguish between consensus as an outcome and consensus as a decision rule. It is hard to deny that an outcome to which everyone freely agrees (consensus as an outcome) is reasonable. However, it is not clear that giving everyone a veto (consensus as a decision rule) is the best

way to reach reasonable agreement. I will argue in the next chapter that the consensual basis for deliberative democracy and social contract theory is logically flawed and should be replaced by a theory based on majority rule. Here, however, I argue that majority rule is the decision rule most likely to bring about reasonable deliberation in practice.

Of course, if we consider social reason to be defined as deliberation under fair procedures (as we did in the first section of this chapter), and we define fairness in terms of political equality, then by definition there cannot be a trade-off between political equality and the value of deliberation in this sense. Majority rule is the only decision rule that is fair in the sense of treating all voters and all alternatives equally. Consensus—like all supermajoritarian rules—is biased toward the status quo and those who favor it, as was demonstrated in the last chapter.

We can also consider what kind of decision rules will lead to people deliberating reasonably and to people's preferences being transformed in a public-spirited manner. This is an empirical question, but it is very difficult to study empirically because there is no obvious way to measure the "reasonableness" of deliberation under different rules, or how people's preferences were transformed. In the absence of empirical evidence, we can consider theoretical arguments as to why some rules encourage reasonable deliberation more than others. The problem with the deliberative democracy literature based on consensus is that too often it requires the assumption that people will conduct themselves reasonably. This amounts to assuming away the problem. The point is to find rules that encourage people to behave reasonably or at least do not discourage them by allowing reasonable behavior to be exploited.

Therefore we need to consider the incentives that rules give for reasonable deliberation. If a rule leads to those who deliberate reasonably being systematically exploited by those who are narrowly self-interested, then we would expect over time that people will stop behaving reasonably. Indeed, even if everyone starts out behaving reasonably, such a rule would be morally corrosive in that it creates an incentive to take advantage of others. On the other hand, deliberation will be encouraged by a rule that at the very least does not punish the reasonable, and preferably creates an incentive for people to deliberate reasonably, even if for self-interested motives. If people start to deliberate reasonably for self-interested reasons, then we may hope that the reasonable behavior becomes established, either out of habit or out of the belief that the behavior will be reciprocated. Furthermore, this process may be self-transforming—if I have to convince other people to get what I want, then I have to learn their perspectives, and perhaps take their interests into account.

There are two reasons why we would expect majority rule to be the

rule most conducive to reasonable democratic deliberation. First, as Nino (1996) argues, the dynamic that causes preference transformation may be the need to convince other people of one's argument. To convince other people, I cannot make very narrow arguments of the type "This is good for me." If I am trying to convince a small, homogenous group, I may be able to get away with narrow arguments of group self-interest. However, the more people I need to convince, the broader my arguments need to be, perhaps eventually becoming universal moral arguments. Nino (1996) shows that majority rule is the decision rule forcing me to convince the most people in order to win the vote. Consensus may appear at first to require more people to be convinced, but this is only the case for someone advocating taking action or overturning the status quo. With consensus, the vote of one person in favor of the status quo is sufficient to defeat everyone else. Similarly, with a 60 percent supermajority rule, those in favor of the status quo only need to convince 40 percent of the participants to win. With majority rule, 50 percent is necessary to act or to block action. Thus to get one's way, one has to convince half the participants, which is more than is required for victory under any other rule.

The second reason for believing that majority rule is the rule most likely to lead to the reasonable transformation of preferences is its effect on the conduct of negotiation. Under majority rule, intransigence is a very risky strategy, because any proposal can be overturned and replaced by another by majority vote. If a player refuses to compromise, it is always possible to make a coalition around them. Indeed, it can be shown that majority rule is the decision rule with the smallest set of alternatives that cannot be overturned (Saari 1997). Therefore, the only way to protect your interest is to seek allies, which entails taking their interests into account. However, this is not the case under other voting rules. Under supermajoritarian rule or consensus, some outcomes may be locked in—if they become the status quo, it may be impossible to find a supermajoritarian coalition to overturn them. In this instance, players who like the status quo have absolutely no incentive to compromise—they are guaranteed what they want. Indeed, intransigence becomes an extremely prudent strategy—the favorable status quo becomes an asset to be defended. Worse yet, if supermajoritarian rule gives a group an effective veto, it may use this veto on matters on which it is indifferent, in order to extort concessions (or side payments) on other issues, a phenomenon Barry (1965/1990) called "the offensive use of the veto." Chapter 5 has already considered the pathologies of supermajority rule in detail, so it is not necessary to repeat the analysis, except to say that supermajority rule creates many incentives for obstructionism and extortion, as opposed to reasonable deliberation.

We can also consider how reasonable the terms of social cooperation negotiated under different decision rules are likely to be in terms of equity and efficiency. The previous chapter has shown that consensus (and supermajoritarian rules in general) tend to lock in existing injustices and thus are unlikely to be equitable. By contrast, majority rule is the most egalitarian social decision rule. The conservative bias intrinsic to consensus is somewhat ironic, given the left-wing leanings of many deliberative democrats. In terms of efficiency, we would expect consensus to produce efficient decisions in theory, in the sense that if it was possible to make everyone better off and nobody worse off, everyone would agree to it. However, in practice, consensus and highly supermajoritarian rules are likely to be extremely inefficient due to transaction costs. Under consensus a proposal beneficial to virtually everyone can be held up by one person, who would then need to be compensated. Indeed, as Barry (1965/1990) argues, the holdout may not even suffer from the proposal but may be strategically extorting “compensation.” For this reason, even Buchanan and Tullock (1962), who are among the most enthusiastic endorsers of unanimity rule, accept that in its pure form it may produce an unacceptable degree of inefficiency due to transaction costs. We would expect majority rule in theory to produce efficient outcomes, as argued in chapter 4. The next subsection considers the conditions under which we should expect efficient outcomes in practice.

Thus there does not appear to be any trade-off between the values of deliberation and political equality with regard to social decision rules. The decision rule dictated by the political equality (majority rule) is that most likely to bring about democratically satisfactory deliberation. In this, I am following Dewey (1927/1946), Barry (1995), and Nino (1996), who all conceived majority rule as the institutional basis of deliberative democracy. However, the outcome of this deliberation does not just depend on the procedural rule under which the deliberation takes place; it also depends on how participants play the game. Social decisions involve negotiation and vote trading. Next we consider the literature on what kind of outcomes these games are likely to produce, and under what conditions these outcomes will be normatively acceptable.

### **Rationality, Instability, and Deliberation**

Two criteria were laid out for an outcome being reasonable, over and above the decision being reached by reasonable procedures (section 1). First, the decision should be efficient. That is, it should not be possible to make some people better off without making others worse off. If there is another outcome that does this, it is clearly better, and it is not reason-

able to advocate the first outcome. Put slightly differently, the outcome should make use of all the possible gains from cooperation. The second criterion is that the outcome should be distributionally just. This section considers how well majority-rule bargaining will meet these criteria and under what conditions it will fail.

Let us start with efficiency. Buchanan and Tullock (1962, 131) argue that vote trading in legislatures typically leads to more efficient outcomes, in spite of widespread popular suspicion of the process. Legislators trade influence on issues they care little about for influence on issues that are vital for them and their constituents. This allows mutually beneficial trades, which results in everyone being better off. Buchanan and Tullock also make other claims about the beneficial effects of vote trading. The process of vote trading reveals information about the intensity of people's preferences (we can infer that if a legislator trades influence on issue A for influence on issue B, the intensity of their preferences on B is greater), which can lead to better decisions.

On the other hand, Riker and Brams (1973) argue that the bad reputation vote trading has among the American public is deserved, because vote trading can lead to highly inefficient outcomes. This is because vote trades have external effects—when two legislators trade votes, this does not only affect them but may affect every other legislator and their constituents. When we have externalities there is no guarantee that trading will make everyone better off. Indeed, it is possible that we could have a number of deals, each of which makes the participants better off, but which yield a combined result that no one would want. Furthermore, there is a considerable empirical and theoretical literature on what Americans call pork barrel politics—government spending on inefficient (but locally identifiable) projects that are electorally beneficial to politicians in spite of their inefficiency (Mayhew 1974; Ferejohn 1974; Fenno 1978; Shepsle and Weingast 1981; Weingast, Shepsle, and Johnsen 1981; Lancaster 1986; Lancaster and Patterson 1990).

Whether logrolling and vote trading produce efficient or inefficient outcomes will depend on how centralized the bargaining is. (Following Miller [1977a], a logroll is a decisive bargain where legislators trade votes to produce an agreed outcome. Vote trading is just the trading of votes on different matters.) We would expect a single centralized logroll to produce efficiency. (An example of this would be an agreement between coalition partners in a European country that lays out all government policy.) Under majority-rule bargaining, the outcome will typically be in the uncovered set (Miller 1980; see chapter 4, this vol.). The uncovered set is a subset of the Pareto set, and thus the outcome will be efficient. Intuitively, if an alternative that is inefficient is proposed, it is possible to

propose another alternative that makes everyone better off, and this will be accepted. The logic of Riker and Brams's (1973) argument depends on there not being a single centralized logroll, but rather on there being a number of successive votes on different issues. In this case it is possible for vote trading to produce a number of decisions, all of which have majority support, but which taken collectively no one would have chosen. Indeed, this scenario is quite plausible in decentralized legislatures such as the U.S. Congress. It is essentially the result of a logic similar to Sen's (1970b) as discussed in the previous chapter—decentralization is incompatible with Pareto optimality.

Another reason we may observe inefficient logrolls and pork barrel politics in countries with decentralized legislatures is a form of representative failure. Various writers on the United States (Mayhew 1974; Ferejohn 1974) have argued that the reelection prospects of U.S. Congress members do not depend on the welfare of their constituents, but on the perceived marginal effect that a Congress member has. Universalistic programs may help a member's constituents, but they are unlikely to help the member much. This is because the member cannot credibly claim much credit for bringing about a program that many other members (not to mention the president) also contributed to. What is far more valuable for the member is a locally identifiable project (such as a dam or a defense contract) that the member can credibly claim to have "won" for their district. Thus, Mayhew argues, members tend to neglect efficient national programs in favor of inefficient local projects, but tend to be rewarded for this. All these projects put together may be inefficient, but this does not stop them from being politically profitable. The cost of the projects is distributed nationally, and thus the individual member is not held accountable for it (see Shepsle and Weingast 1981; Weingast, Shepsle, and Johnsen 1981).

Let us now turn to distributional fairness. Majority-rule bargaining does not produce a core. That is to say, there is not a single outcome or set of outcomes that cannot be displaced by a challenging coalition. Although no player has an institutional advantage, this does not guarantee that we will get a fair outcome. It is possible that one set of players will form a majority coalition and gang up on the others, taking a disproportionate share of the benefits for themselves. Of course, this winning coalition is unstable—it is possible for some of the losers to offer some of the winners a better deal than they are currently getting and replace the winning coalition. Seeing that the excluded can always break up the winning coalition, those in government may be extremely careful to take the interests of those not in government into account, not wanting to provoke them into destabilizing the governing coalition. At least this is what we

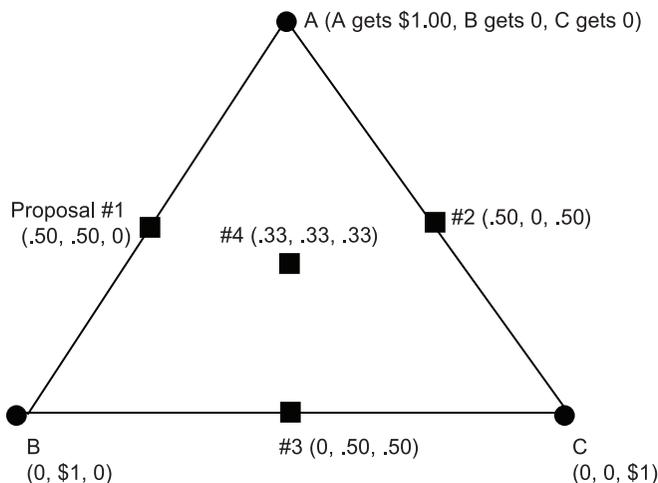


Fig. 6.3. A three-party bargaining situation

would hope would happen. Next we consider the conditions that are necessary to produce this outcome.

Consider the following highly simplified example. We can think of the simplest possible majority-rule legislature as a three-player divide-the-dollar game, as illustrated in figure 6.3. The single-shot version of this game has no core—if (say) players 1 and 2 make a deal to split the dollar, then player 3 can break this coalition by making an offer that makes player 3 and one of the other players better off. In proposals 1, 2, and 3 two players split the dollar between themselves and leave the other player with nothing. However, the outcome we typically associate with consensual democracy is proposal 4, where all three players split the dollar (at least roughly speaking). The question is, under what conditions is this a rational outcome to the game?

If we play the game repeatedly with a low enough discount rate, and players are risk averse (they prefer the same payoff every round to a distribution of payoffs with the same expected value), then this proposal can be an equilibrium. If the result of the players playing the game competitively is that two random players split the dollar, then a repeated even split represents a Pareto improvement over the cycling outcome and thus can be an equilibrium by the folk theorem.<sup>8</sup> However, this grand coalition is still vulnerable to a smaller winning coalition. If players 1 and 2 were able to coordinate and always coalesce, then they would both be better off than by joining the grand coalition. The question is, why should a grand coalition be viable, but a permanent minimal winning coalition

not? For us to get consensual outcomes, it would seem that this would have to be the case.

I can only provide a speculative answer. I suspect that evolutionary game theory may be able to provide some insight here at some point in the future, but currently most work in this field considers two-person interactions, with three-person coalition processes considered intractable (see Binmore 1994, 1998; Skyrms 1996). I also suspect that the internal contents of norms matter and that the stability of these norms is a result of forward induction. Suppose there is a commonly understood norm that everyone should split the dollar every round. Suppose also that there are two types of agents, trustworthy and cutthroat. Suppose player 2 goes to player 1 and suggests cutting out player 3. Player 1 will infer that player 2 is cutthroat and will break norms whenever it maximizes his or her short-term advantage. If the communication between the players is private (the offer cannot be proven to player 3) then player 1 will ignore the offer, because he or she can see that player 2 is untrustworthy, and the result of accepting the offer would be to return to the cycling outcome. If the communication is public, player 1 will make a deal with player 3 (who is still viewed as trustworthy) to cut out the cutthroat player 2. Anticipating this, player 2 would never make the initial offer. Another way of viewing this situation is that carrying an extra player in the coalition is a costly signal that you are trustworthy.

The conditions under which this equilibrium holds, however, are demanding. There has to be a common norm (or theory of justice, to put it in terms of Rawls 1971/1999) that is universal across the group, and sub-groups cannot have sufficiently strong trust to cooperate in spite of the group norm. That is, the different groups must all distrust each other enough not to collude in a minimal winning coalition, but trust in the universal norm enough not to act opportunistically. In cases where different groups have strong ties this will probably not apply. For example, Hazan (2000) argues that Israel is only semi-consociational for this reason. The secular, traditional, and orthodox communities share consensual arrangements. However, there is a common Jewish identity that excludes Israeli Arabs, an identity that takes its political manifestation in the shape of the convention that an Arab party cannot be pivotal in a governing coalition. Thus the secular, traditional, and orthodox communities and the parties that represent them trust each other sufficiently to collude to exclude the Arab parties. That is to say, in spite of the very considerable differences between the three communities, they all resist the temptation to make a coalition with the Arab parties or even to threaten this for the sake of leverage.<sup>9</sup> Lijphart (1977) argues that one necessary condition for consociational democracy is a strong sense of overarching

loyalty to the country that cuts across sectional boundaries. That is exactly what this model suggests is necessary.

Thus we have conditions under which we would expect majority-rule bargaining to produce efficient and distributionally equitable outcomes. Efficiency depends on there being a centralized bargain. Otherwise the logic of Riker and Brams (1973) applies, and successive deals can produce a final outcome that nobody would choose as a whole. An equitable outcome depends on far more complex factors. In particular it depends on the establishment of norms of reciprocity and the fact that the players do not trust each other well enough to form tyrannical coalitions (that is, essentially to act as if they were a single majority player). These are, of course, simply theoretical results. In chapter 8 we assess the economic efficiency and equity of countries with egalitarian political institutions—the so-called consensual democracies of Europe. To anticipate the result of that chapter, egalitarian political institutions make no difference to economic efficiency (as measured by growth, inflation, etc.) but lead to considerably greater income equality.

### **3. Procedural Justice and Deliberative Democracy in Electoral Systems**

Deliberation in modern democracies typically takes place among elected representatives, for reasons laid out in the first section of this chapter. As Fearon (1998) argues, if we value deliberation it is necessary to explain how it is possible in societies of many millions; and if this involves representation, we need to explain how the representatives are connected to the people.<sup>10</sup> We will find that we will face the same trade-off between deliberation and participation that we observed earlier. Just as there is a trade-off between deliberation (which requires small group interaction) and mass participation, so there is a trade-off between modes of representation that encourage deliberation and modes that are more “participatory” in the sense of allowing localized control over the representatives. Of course, the relationship between deliberation and representation has been appreciated for a long time. For example, Edmund Burke’s “Letter to the Sheriffs of Bristol” (1777/1963) considers the behavior of a representative and the deliberative nature of the legislature essentially two aspects of the same phenomenon. I will argue that large-district, closed-list proportional representation is most likely to produce reasonable deliberation between representatives. Plurality elections in some ways better fit the “direct control” or participatory conception of representation, in that they encourage more control over

representatives by local activists and interests. However, the argument that plurality elections provide accountability and direct control turns out to be flawed. Direct control is only possible via direct democracy, which bypasses representation altogether and, as argued earlier, typically does not allow extensive deliberation.

### **A Typology of Representation**

The value of political equality implies proportionality in electoral rules, as demonstrated in chapter 3. However, we can consider the nature of representation in terms of three further dimensions. The first concerns the behavior of representatives. This involves several related but logically separate distinctions: whether the representatives behave as delegates, directly implementing the wishes of their constituency, or whether they behave as trustees; whether the representatives deliberate about broad national policy or they bargain primarily for local interests; and whether representation is party centered or candidate centered. Second, there is the mode of control the voters have over their representatives. On one hand, elections may produce a division of power that leaves decision making to deliberation between the elected, while on the other, elections may produce unambiguous results giving voters direct control over the choices presented to them. Finally, there is the question of descriptive representation (Pitkin 1967). We may ask whether the legislature is an accurate microcosm of society as a whole in terms of various ascriptive characteristics such as class, gender, and ethnicity.

For the first two dimensions, we can say that one option is more compatible with a deliberative conception of representation, while the other is more compatible with the values of direct participation and direct control by the electorate. Clearly, deliberation requires that representatives are able to behave to some degree as trustees, free to engage in discussion and change their minds, whereas the value of direct control and participation are more compatible with representatives being bound to the instructions of their constituents. Advocates of deliberative democracy typically argue that one of its main virtues is its ability to elevate political discourse to the most universal and impartial terms. This is better served by broad national debate than by parochial interest advocacy. If, however, we value direct participation and control by activist citizens more than deliberation, the consequence of this may well be that representatives play to local concerns. Strong parties facilitate deliberation rather than direct control, because parties in a legislature are essentially a second level of representation. The representatives themselves choose representatives to negotiate for them. This facilitates small group deliberation, but further

removes the decision from the mass public. In terms of the control of representatives, elections that do not produce a decisive result (such as a parliament where no one has a majority) necessitate deliberation and compromise, while decisive election results produce a more plebiscitarian style of politics. Descriptive representation, however, cannot be thought of in terms of the deliberative-participatory distinction. Rather, a legislature can be descriptively accurate or inaccurate with respect to various criteria. Table 6.1 summarizes our typology of representation.

Burke’s (1777/1963) defense of the trustee model of representation is explicitly based on the idea of deliberation. It is the duty of the member of Parliament not to be subservient to the wishes of people possibly several hundred miles away from the debate, but to exercise independent judgment based on the arguments. Thus in order to have deliberation, we have to give up direct control over representatives. In a similar vein, Lijphart (1977) argues that consociational democracy in the small countries of Europe is possible because party leaders have sufficient independence from the subcultures they represent to make accommodations and compromises. Powell’s (2000) notion of “authorized representation” is a further refinement of this idea. Homogenous communities in a plural society choose representatives who are then authorized to deliberate and negotiate on their behalf. Powell assumes homogenous communities, but this is not actually necessary to the model. We can think of the choice of representatives in the same way as we think of a choice of

TABLE 6.1. Typology of Representation

	<b>Deliberative</b>	<b>Participatory— Direct Control</b>
1. Representative behavior		
a. Mandate vs. independence	Representatives as trustees	Representatives as delegates
b. National vs. local	National representation: “deliberative body of one nation”	Particularistic representation: “congress of hostile ambassadors”
c. Party representation	Strong parties/party government	Weak parties/candidate-centered government
2. Control of representatives	Indirect/authorized representation	Direct/controlling elections
3. Descriptive representation: accurate vs. inaccurate		

attorney. We choose a representative or attorney to negotiate on our behalf, and they are authorized to do so at our pleasure.

Burke's (1777/1963) "Letter to the Sheriffs of Bristol" combines the case for national as opposed to local representation with the case for trustee representation. Members are to use their judgment independently, but not only to advance the interests of their constituency; rather they should serve the public interest. Parliament should be a "deliberative body of one nation," not a "congress of hostile ambassadors." Here there is clearly a trade-off between the values of deliberation and direct control. Deliberative democrats typically argue that deliberation should be oriented toward the general good. However, direct local control may well lead to representatives aiming primarily at ensuring that their constituents receive a fair share (or better) of the rewards of government. Indeed, there is considerable empirical evidence (see previous section) that this can lead to pork barrel spending projects that are socially inefficient but advantageous for legislators whose districts receive them.

Strong party government should promote deliberation but may dilute direct control. Party government in a legislature amounts to the representatives choosing representatives. Thus instead of maybe several hundred legislators trying to negotiate, a handful can. This allows the small-group interaction necessary for deliberation. Parties also serve as publicly visible entities that can take responsibility for decisions and have an incentive to engage in broadly defined policy-making. In a disorganized legislature, legislators can easily escape blame for failures by blaming each other, and there is an incentive to avoid broad public policy initiatives, as no single legislator can credibly claim credit for a national program. Rather, it is likely to be advantageous to legislators to try to win small projects that directly benefit their constituents. However, parties put another layer between the general public and the final decision.

Turning to the control the constituents exercise over their representatives, we can consider two models. First, there is the model where elections do not produce a definitive policy result but rather share power between parties. Proportional representation elections are obviously of this sort. Various parties receive seats, none has a majority, and these parties have to negotiate over policy. Clearly this promotes deliberation, as parties have to persuade each other since none can enact policies unilaterally. In the other model elections produce a definitive result. Elections have a winner-take-all quality. Single-member district plurality elections are the most obvious example of this. A candidate either wins the election, or not. Nationally, a single party usually wins a majority and thus control. This would appear to give the electorate,

either national or local, direct control over the outcome, although we will see that this argument is problematic.

Descriptive representation is the degree that representatives resemble the people they represent according to some salient characteristics, such as class, gender, or ethnicity (Pitkin 1967). This can be justified either in terms of the need for the legislature to represent the will of the people or in more liberal terms that a person's interests can only be understood and protected by someone like them (Mill 1861/1993). We should note that descriptive representation can be justified regardless of the other characteristics of representation. For example, if representation is particularistic and oriented toward immediate interests, then a group may consider descriptive representation important, so that they receive their fair share. However, if representation is oriented toward a national public interest, a case can also be made that descriptive representation is important to make sure that a group's conception of the public interest is taken into account.

There is empirical evidence that proportional representation tends to provide more accurate descriptive representation, at least with regard to some categories (Farrell 2001). However, other factors, such as party policies toward inclusion, may be equally important. It has generally been assumed that while proportional elections provide more accurate descriptive representation, single-member district elections provide better geographical representation. However, geographical representation is simply a form of descriptive representation. It is a form that is privileged in district elections, whereas at-large proportional elections treat all "communities of interest" (to use Burke's [1792/1963] term) equally—people can vote on the basis of where they live, their gender, class, ethnicity, or whatever they think is most important. Empirically, it appears that even national list proportional representation provides more accurate geographical descriptive representation than has sometimes been assumed. Latner and McGann (2005) find that in Israel and the Netherlands (the two countries with virtually pure national list proportional representation) there is a considerable degree of geographical representation, and that the most peripheral regions are rather overrepresented.

### **Why Large-District, Closed-List Proportional Representation Is Most Likely to Promote Deliberation**

I will argue here that PR elections are more likely than other systems to produce reasonable democratic deliberation. Thus there is no trade-off between the values of political equality and deliberation in electoral systems. As with social decision rules, there is a lack of empirical evidence

due to the lack of an obvious way of measuring deliberative quality. Once again we have to rely on arguments based on the incentives that institutions create.

As with majority rule, we can begin with the argument made by Nino (1996). People are forced to adopt universalistic arguments and principles when they need to convince other people. The more people that need to be convinced, the more universalistic the argument has to be. The electoral system that demands most people to be convinced in order to form a government is proportional representation. Assuming majority rule, it is not possible to form a winning coalition without the support of the representatives of at least 50 percent of the population, whereas with all other systems a minority can form a government. If we have a supermajority required to form a government or pass legislation, proportional representation is still the system that requires convincing the most people. If 40 percent is required to block legislation, with proportional representation the representatives of 40 percent are needed, whereas with other systems the representatives of less than 40 percent can be a blocking coalition.

We would expect PR elections to produce democratic deliberation for three other reasons. First, PR elections allow for the representation of a broader range of viewpoints than plurality or elimination elections. Such elections tend to reduce the number of parties represented, create barriers to entry for new parties, and also tend to reduce the representation of interests that are not geographically concentrated. It is for this reason that Mill (1861/1993) was an early advocate of a form of PR. Indeed, under plurality elections it is possible for two parties to act as a duopoly and systematically exclude ideas or proposals from the political agenda. For example, Aldrich (1995) and Weingast (1998) argue that the second party system in the United States was able to systematically exclude the issue of slavery from political competition until the rise of the Republican Party in the 1850s. Second, proportional representation increases the incentives for parties to compete with broad national appeals. Under plurality elections parties can write off geographic regions where they can never hope to win a majority, and make particularistic appeals to their heartlands. Under PR, however, a vote is worth the same wherever it is won, so it is worthwhile to frame arguments in ways that can be convincing to everyone. Third, by increasing the number of parties represented, PR elections reduce the probability that any party will have a parliamentary majority. If no party has a majority, it is necessary for parties to negotiate coalitions. This forces parties to make concessions and take into account the interests of other parties, as opposed to being able to force through their programs on single party votes.

There are, however, many different variations on proportional representation. There are two dimensions of particular interest on which these systems vary—district magnitude and whether they use an open or closed list. These characteristics affect electoral incentives for representatives and thus may affect the way they deliberate. With a small district magnitude, a representative only has to appeal to the people in a small geographical area. If we accept the argument that the more people someone has to convince, the broader and more universalistic their arguments will be, large district magnitude should produce better deliberation. Of course, national at-large elections maximize the number of people who need to be convinced in order to win a seat. In practical terms, small district magnitude creates an incentive for representatives to look just to the interests of their constituents and to be more concerned with locally visible projects than national policy (Mayhew 1974; Lancaster and Patterson 1990). It is also possible for small district magnitude to produce weak party systems and particularistic politics under PR. Fourth Republic France (see Duverger 1962) is the most obvious example of this (see also Farrell 2001 on Ireland and de Winter 2002 on Belgium).

Open-list systems can have similar perverse effects (Chang and Golden 2003; Carey and Shugart 1995). Under some open-list systems, a very small number of personal preference votes can be vital to promote a candidate up the party list and leverage a much greater number of party votes. In these circumstances, the main competitor of a candidate will not be the other parties, but their own co-partisans. This creates a strong incentive to focus representation on the small number of people likely to give the candidate preference votes. This can lead to heavily factionalized parties, clientelism, and outright corruption, with pre-1994 Italy being an obvious example. However, it seems that open list systems such as that in the Netherlands (see chapter 3), where a small number of preference votes cannot leverage a large number of parties' votes, do not produce these perverse incentives. On the other hand, in the Netherlands, preference votes rarely result in candidates being elected out of list order. Primary elections may also force party members to compete against each other with particularistic appeals. Hazan (1997) argues that party primaries had this effect in Israel from 1996, leading to an increase in special interest legislation.

Thus we would expect PR elections with large district magnitudes and closed lists to maximize the incentives for reasonable democratic deliberation. Proportional representation produces multiparty government, which forces parties to negotiate in order to form coalitions. Large district magnitudes and closed lists increase the incentives for parties to offer broad, national programs, as opposed to candidates or factions appealing to particularistic interests.

### Accountability and Direct Control

I have argued that there are two conceptions of representation, one based on deliberation, the other based on direct control. If PR elections better serve deliberation as well as political equality, it seems natural to argue that plurality elections are better at providing direct control or at least accountability (the ability to exert control by punishing governments that fail to deliver the goods). Indeed, accountability is one criterion for which even authors very well disposed toward proportional representation (Lijphart 1994; Powell 2000) admit winner-take-all has advantages. However, we will see that the argument that plurality elections provide accountability and direct control is problematic, largely due to the fact that voters have one vote while governments make many different decisions. In fact, the only way to embody the ideal of direct control is direct democracy, which I have already argued entails a strong trade-off with the value of deliberation. What low district magnitude elections (and single-member district election in particular) may be able to provide is a form of representation that is more participatory, in the sense that there is a more direct link between legislator behavior and local activists and interests.

It should be noted that the principle of local accountability and national accountability are logically mutually inconsistent. This has not stopped many opponents of proportional representation from citing both as advantages of first-past-the-post elections (see, for example, Hain 1986). National accountability means that voters have direct control over the national outcome. The Labour Party (say) puts forward a party platform, and if the voters elect the Labour Party, it carries out this platform. This, however, assumes that it is able to execute its platform. This is only the case if the Labour members of Parliament vote the party line. If Labour MPs vote according to the wishes of their constituents, it is possible for the nation to elect a Labour government but for this government to be unable to execute its program, negating popular control at the national level. However, if Labour MPs vote party line all the time, they are not accountable to their constituents, and local accountability is violated. As McLean (1991) argues, there is a logical contradiction between the will of the whole and the will of the parts.

The degree of direct popular control that plurality elections allow is severely limited by the fact that voters can only choose between a limited number of party platforms, indeed often only between two real contenders. As a result the combination of policies a voter really wants may not be on offer. Furthermore, the argument that first-past-the-post elections are more responsive to changes in public opinion than PR, and thus

make parties more accountable, is true only under very restrictive conditions. First-past-the-post elections are extremely responsive over the range where a party goes from being second largest to being the largest party (typically 35 to 40 percent of the vote—see Taagepera and Shugart 1989). Whereas proportional elections are responsive over the entire range of vote shares, single-member district elections concentrate all their responsiveness into a very narrow range. Thus they are rather unresponsive if a party goes from 45 to 40 percent of the vote. This is especially problematic if (as in the case everywhere except the United States) single-member district elections fail to reduce the number of parties to two. It may indeed be possible to identify the government, but holding it accountable also means being able to replace it. If the opposition is incompetent, split, or even more obnoxious than the government, this may not be possible. These reasons may account for why Powell (2000) finds that governments in countries with single-member district elections deviate from the preferences of the median voter more than governments in countries with proportional representation.

The argument that plurality elections allow direct popular control as opposed to control by party leaders under PR is also dubious. It is certainly true that under PR, party leaders negotiate coalitions after elections to determine the future government and its program. However, under plurality elections party leaders also have considerable power. Typically the leaders of the two main parties form a duopoly that has exclusive control over the viable alternative governments that the electorate can choose between, whereas under PR systems (especially those with large district magnitude and low thresholds) there are few barriers to entry by new competitors. Under PR, party leaders have postelection power to negotiate coalitions. Under plurality elections, party leaders have preelection monopoly power to control the alternatives presented. It is far from clear in which case the party leaders have most control. Nevertheless, the argument that PR increases the power of party leaders is regularly appealed to in the electoral reform debate in the United Kingdom (see several contributors in Jenkins 1998), in spite of the fact that it is hard to see how a party leader in a democracy could be more powerful than a British prime minister is already, with exclusive control over ministerial jobs and other patronage, and the ability to pass legislation by party line votes.

If we desire direct popular control over government policy, the only way to achieve this is to dispense with representation altogether and go for direct democracy. Some deliberative democrats have been relatively favorable toward this (Nino 1996; Barber 1984). However, as argued in the previous section, direct democracy is highly unlikely to be deliberatively

satisfactory for a number of reasons. Plebiscites do not allow face-to-face negotiation, the alternatives on the ballot are given and cannot be amended, and it forces the electorate to decide issues separately, which may lead to highly irrational outcomes.

It may not be possible for plurality election to provide direct popular control of government, or even more accountability than proportional elections. However, single-member district plurality or low-district-magnitude PR elections may provide outcomes more in line with the participatory model in other regards, particularly legislator behavior. Such elections may lead to legislators being closer to their constituents in the sense that they behave more as delegates and less as trustees. Furthermore, the appeals they make may be more oriented toward particularistic local interest and less toward national policy, and as a result parties may be weaker. However, these are empirical questions, and the answers are not obvious. For example, in the case of the United Kingdom, parties are strong and politics mostly national, in spite of plurality election, presumably due to the parliamentary system and the power of the prime minister, although there is some evidence that local concerns occupy an increasing amount of an MP's time (Norton 2002).

## Summary

The same institutions that satisfy political equality are those most likely to provide deliberatively rational outcomes. This is obviously (indeed tautologically) true if we define deliberative rationality in terms of what people would decide under procedurally fair conditions. However, it is also the case if we define deliberative rationality in terms of changing preferences toward less egocentric and more universalistic principles. Following Nino (1996), the more people it is necessary to convince, the more necessary it is to make arguments in terms of broad principles. The social decision rule that requires the most people to be convinced in order to carry the day is majority rule, not (as claimed by some advocates of deliberative democracy) consensus. The electoral system where a candidate has to appeal to the most people is national list proportional representation.

Of course, deliberative rationality does not only depend upon the existence of political equality. It also depends on factors such as precise institutional forms and legislative norms. For example, political equality implies majority rule in the legislature. However, a majority-rule legislature may proceed by negotiating one grand bargain, or it may proceed by means of a series of decentralized logrolls. The first situation will lead to an outcome that is rational in the sense of being efficient; the second may

lead to an outcome that is quite inefficient for the reasons outlined by Riker and Brams (1973). Similarly, under majority rule the threat of instability may lead all players to be careful not to threaten the vital interests of any other player, as any player can disrupt the winning coalition by offering support for a very low price. However, if the members of the current winning coalition trust each other so strongly that they are not willing to listen to outside offers, this logic breaks down and we may see a permanent majority coalition. In terms of electoral systems, there are many systems that provide for proportionality. However, some systems (large-district closed-list) are more likely to lead to national deliberation, while others are more likely to lead to particularistic politics and pork barrel.

Whereas this book has argued that there is little evidence for the perceived trade-offs between political equality and other desirable values, there is a strong trade-off between deliberation and direct participation. This trade-off is particularly troubling as many deliberative democrats esteem both values highly. If we also insist on political equality, the three values form a trilemma. Deliberation requires small group contact, so that the participants can not only hear each other's arguments but also negotiate and develop norms of reciprocity and trust. This conflicts with the value of participation, that as many people as possible should take part. In order to respect political equality, we cannot allow self-selection of participants, as those most prepared to participate will probably be an unrepresentative group perhaps with material or cognitive advantages. A similar trade-off applies to representation. If we value deliberation we will favor modes of representation and election that allow representatives freedom to deliberate and come to their own conclusions. If we are more concerned with participation, we may favor practices that allow local activists more control over representatives.

The idea of democratic deliberation, particularly in the work of Dewey (1927/1946), Habermas (1984), and Rawls (1993/1996), allows us to reformulate the idea of social reason in a way more suitable for a plural society. Previously both traditional democratic theory and social choice theory have argued that the goal of democracy is to provide a definite social choice—that is a transitive ranking of the alternatives—that could be referred to as the will of the people. This implies that all the values of society can be condensed into a single dimension—that is, into a single value. This effectively negates the plurality of values, and is not a reasonable requirement in a plural society. Rather, what is desirable is to negotiate a reasonable compromise between different values under a fair and reasonable decision rule, that is, majority rule.

The consideration of deliberation in this chapter has largely been

theoretical. However, there are a group of countries that have political institutions almost completely consistent with political equality and that are considered by most commentators to have extremely deliberative and rational politics. These are the so-called consensual democracies of Western Europe—Denmark, Norway, the Netherlands, Sweden, and, to a lesser extent, Austria and Belgium (Lijphart 1984b, 1999). We consider these countries in chapter 8.