Introduction

Deliberative Systems and the Problem of Scale

Even the decentered society cannot do without the reference point provided by the projected unity of an inter-subjectively formed common will.[1]

—Jürgen Habermas

Dysfunction in American democracy has become a source of concern to people across the political spectrum in the US and around the globe. While this disquiet is well founded, it is also worthwhile to remember that democracy itself is evolving. As with other forms of social self-organization, democracy shifts and transforms in and over time as societies themselves change in unforeseen ways.[2] For several decades numerous scholars have held that one potential next stage in the evolution of democracy is the emergence of "deliberative democracy." In this vision, deliberative democracy is democratic self-governance in which a society chooses how to live in common through a conversation-based process of collective reflection and discussion. This deliberative democracy has been described often – frequently following the philosopher Jürgen Habermas – as involving an exchange of reasons among people who are engaged in meaningful communication and consideration on

[1] Habermas, Jürgen. 1992. "The Unity of Reason in the Diversity of Its Voices," in *Postmetaphysical Thinking: Philosophical Essays*, trans. William Mark Hohengarten. Cambridge: MIT Press, 141.

[2] R. J. Reinhart, "More in US Say Government is the Most Important Problem," *Gallup*, June 15, 2017, www.gallup.com/poll/212426/say-government-important-problem.aspx?utm_source=alert&utm_medium=email&utm_content=morelink&utm_campaign=syndication. For a detailed discussion of how American democracy has already evolved and become more democratic over time, see Robert Dahl, *How Democratic is the American Constitution?* (New Haven: Yale University Press, 2001). In this book, I follow established convention in using the terms *America* and *American* in reference to the United States of America, thus eclipsing their larger reference to the Americas as a whole. I acknowledge, however, that for some readers, especially those attuned to colonial and postcolonial history, this narrow application is problematic from a long-term hemispheric perspective.

a matter of common concern. In this democratic ideal, the common will is created and influentially expressed through a process of collective reflection, discussion, and choice.

This idea of deliberative democracy, including its many scholarly variations, has taken a central place in democratic theory in what is often called the "deliberative turn." Predominant as this idea has become, however, the concept of deliberative democracy has also gained as many critics as advocates. Those who reject the idea of deliberative democracy have often done so on the grounds that it is too idealistic, vague, and abstract. Many critics thus dismiss deliberative democracy as impossible to realize, considering it a theoretical fantasy that ignores, or leaves in place, the brutal and unjust social hierarchies and inequities of power that have infected the heart of politics around the globe for thousands of years.[3] Critics have likewise emphasized, with good reason, that most representative democracies today seem to be *less,* rather than more, attentive to the voices of their publics. To many, this increasing irrelevance of public voice signals a democratic malaise that appears intractable because it is sustained by inequities of power and access for which there is no end in sight.[4]

The scholarly debate over deliberative democracy has long ago moved beyond the domain of political theory to the work of empirical researchers. The deliberative turn has sparked extensive scholarly experimentation with deliberative practices. These experiments yielded useful institutional designs intended to help implement deliberative democracy (Nabatchi et al. 2012; Smith 2009; Parkinson 2006). Yet experimentation with deliberative practices has also remained primarily small-scale. To date this has left scholars searching fruitlessly for ways to institutionalize deliberation on a large national or international scale. Political

[3] The literature encompassing the deliberative democracy debate is voluminous and widely known. For a narrative of the full extent of the discussion see Nabatchi et al. *Democracy in Motion: Evaluating the Practice and Impact of Deliberative Civic Engagement* (Oxford: Oxford University Press, 2012).

[4] The literature on democratic malaise includes many scholarly works, including Jacob S. Hacker and Paul Pierson, *Winner-Take-All-Politics: How Washington Made the Rich Richer and Turned Its Back on the Middle Class* (New York: Simon & Schuster, 2010) and Larry M. Bartels, *Unequal Democracy: The Political Economy of the New Gilded Age* (New York: Russell Sage Foundation, 2008). Many contributions have arisen in domains beyond the academy. See for example, Parker Palmer, *Healing the Heart of Democracy: The Courage to Create a Politics Worthy of the Human Spirit* (San Francisco: Jossey-Bass, 2011).

scientist Robert Goodin has stated the remaining task simply: "Deliberative democrats need to find ways of linking the virtues of small-scale deliberation with decision-making for larger-scale societies" (Goodin 2008, 3). One theoretical response to this challenge has been the emergence of the idea of deliberative systems that potentially span and include many diverse parts of a society in deliberative practice.[5] Yet so far, for many reasons – including the size, diversity, and persistent internal social divisions in the United States and other democracies – the establishment of large-scale deliberative democracy has remained beyond reach.

But perhaps the goal of realizing deliberative democracy is much closer than we think. In this work, I explore the possibility that the practical creation of deliberative democracy on a large scale – particularly in the form of a publicly self-organized deliberative system – is much closer to fruition than we realize. Specifically, I propose that without our full awareness, at least one large-scale deliberative system has already emerged in the US in the form of a publicly self-assembled, national-scale, public engagement on a topic of key public concern. In this process, members of the public themselves created the deliberative system that they needed, aided in part by new communication technologies and existing social networks that together facilitated public self-organization through tools and experiences available today to nearly all members of US society.[6] If so, then the shape of this deliberative system largely followed the pattern theorized by a team of democratic theorists led by Jane Mansbridge (2012). In addition, in practice deliberative system formation also required a number of additional features and mechanisms as yet unexamined. I propose in this work that these additional features included three specific social catalysts, several underlying mechanisms, and the overcoming of particular

[5] As discussed later in this chapter this possibility has been theorized by Jane Mansbridge with a team of democratic theorists, see Mansbridge et al., "A Systemic Approach to Deliberative Democracy," in *Deliberative Systems: Deliberative Democracy at the Large Scale*, ed. John Parkinson and Jane Mansbridge (Cambridge: Cambridge University Press, 2012), 24–26.

[6] Most of the literature on deliberative democracy employs the term *citizen*; however, I have used other more inclusive terms in this work to include the many millions of non-citizen member of the US who are contributing members of the political landscape, including an estimated 12 million unauthorized residents, the majority of whom are Latina/o immigrants. For further discussion see, Raymond Rocco, *Transforming Citizenship: Democracy, Membership, and Belonging in Latino Communities* (East Lansing: Michigan State University Press, 2014).

cognitive obstacles, elements that all together enabled the practical formation and growth of a large-scale deliberative system.

To investigate this possibility, I offer in the chapters that follow an empirical, data-driven, exploratory, and theoretically grounded inquiry into the prospect that the US public – a highly diverse democratic people – has *already begun* to informally implement the long elusive practice of deliberative democracy. In so doing, I ask in this study two interrelated questions: *Are the practical processes for the implementation of deliberative democracy emerging as new social practices in the US public domain?* And *if so, what underlying mechanisms are at work in these nascent processes?* My overall answer to the first of these questions is yes. There is reason to believe that there is at least one – and potentially only one – example of the formation of a deliberative system in the United States on an issue of common concern. I propose that this example can be seen in the extended US public discussion of the issue of social and legal equality for the US lesbian, gay, bisexual, and transgender (LGBT) minority. This discussion, I suggest, grew into an informal, large-scale, deliberative system that formed and grew in the US until reaching a national scale over time during the years from 1987 to 2015, with rapid acceleration from the introduction of new communication technologies after 2006. This large-scale deliberative system, in turn, served as the vehicle for a relatively rapid and seismic shift in US public opinion, including a new consensus favoring full equality for LGBT people. This new consensus overcame longstanding anti-gay bias, thereby producing an unexpected transformation in societal practice that occurred most visibly in the United States between 2002 and mid-2015.[7]

If this observation is accurate, then this development raises the possibility that large-scale deliberative practices can also arise on other topics. If so, then a practical path is emerging by which it is possible to render public voice and will as the guiding mainstays of democratic decision-making. If deliberative democracy is increasingly viable as a form of

[7] This case study focuses primarily on the US context, but other discussions have taking place in other nations around the globe. Ireland, for example, approved same-sex marriage by a wide margin of 62.07 percent to 37.93 percent in national referendum on May 22, 2015, www.irishtimes.com/news/politics/marriage-referendum/results. Thus while it is beyond the scope of this study to attend to the international examples of public engagement on LGBT civil rights, some international developments may parallel the developments discussed here.

large-scale democracy, then it remains to be understood, however, exactly how such a transformation has unfolded, and by extension, what other practical steps might still be needed to advance deliberative systems on other issues of common concern. This book offers an empirical exploration of these unfolding possibilities. In it, I focus on the prospects for implementing deliberative democracy now as a practice of democratic self-governance centered on public choice that is exercised through public engagement and deliberative practice.

In the remainder of this introduction, I describe the scholarly context and trajectory of this study. I also situate the concept of deliberative democracy in its broader historical context by briefly describing its larger philosophical and practical purpose within its intellectual history. I then sketch the current state of scholarly knowledge on deliberative democracy, focusing on one major challenge in the study of deliberative democracy: the problem of scale. Finally, I identify the methodological approach used in this project, as well as provide a brief roadmap for the chapters that follow.

Deliberative Democracy in Context: Habermasian Origins and Contemporary Conundrums

The potential implementation of deliberative democracy is intertwined today with the emergence of the information age, networked societies, and a development in knowledge and awareness known as the "linguistic turn." As noted by philosopher Jürgen Habermas in the epigraph to this introduction, the linguistic turn has significantly shifted how we understand the processes of human reason, but it has left public reason and collective will as significant as ever. The linguistic turn is the understanding that all societal norms, practices, and human identities are socially constructed in an ever-ongoing manner through language-mediated processes.[8] As detailed in later chapters, these language-

[8] The insights of the linguistic turn have emerged across many disciplines, yet as discussed in later chapters, the implications of the linguistic turn are not always consistently or fully taken into account in democratic theory. As elaborated in this work, the possibility of deliberative democracy via deliberative systems depends to a large extent on processes of social construction. For classic scholarship across disciplines, see in ordinary language philosophy, Ludwig Wittgenstein, *Philosophical Investigations* (New York: Macmillan, 1968); in continental social theory see Michel Foucault, *History of Sexuality, Volume One* (New York: Vintage Books, 1980); in anthropology, Fredrik Barth,

based processes of social making and remaking – combined also with factors of communication technology, and social networks within existing social domains – together play a constitutive role in the emergence of large-scale deliberative systems. To situate these diverse elements in the narrative to follow, it is helpful at the outset to briefly review and contextualize the idea of deliberative democracy itself as Critical Theorist Jürgen Habermas originally theorized it. Doing so also positions deliberative democracy in its broader historical context and original purpose. The backstory of the idea of deliberative democracy begins with the Age of Reason.

The Age of Reason in Europe (1620s–1780), also known as the Enlightenment, arose from the turmoil and hardship of the Wars of Religion (c. 1524–1648). While not all of the conflicts of the period were religiously based, the rigid unreason of religion at that time fostered incalculable losses and bloodshed across Europe. The Age of Reason, which also coincided with the rise of Newtonian physics, sought to cast aside religion in favor of reason, objectivity, and science. Secular reason and science were thought at that time to be untouched, and therefore untainted, by emotion, metaphysics, religious fanaticism, and related social influences and fervors. It was therefore thought that the project of privileging Enlightenment reason and science would solve the problem of humanity's persistent engagement in war, thievery, and other self-destructive activities (Muthu 2003).

This Enlightenment project, however, did not produce the hoped for peace and justice. Instead, the claims of reason and the tools of science were soon put to use to justify renewed rounds of destruction, including the atrocities of colonization, empire-building, war, and bigotry in its many forms, including racism, sexism, and the imperialist erasure of sexual, gender, religious, and cultural diversity (e.g. racial and ethnic eugenics).[9] By World War II, science and reason had not only permitted

Ethnic Groups and Boundaries: The Social Organization of Culture Difference (Boston: Little, Brown and Company, 1969); in sociology Anthony Cohen, *The Symbolic Construction of Community* (Chichester: Tavistock Publications, 1985); and in psychology Kenneth Gergen, *Invitation to Social Construction* (London: Sage, 1999).

[9] These facts are generally well known, but for anuanced treatment see Sankar Muthu, *Enlightenment Against Empire* (Princeton: Princeton University Press, 2003). For these forms of bigotry in the US context, see Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994) and Michael Bronski, *A Queer History of*

violence, but both were heavily implicated in the genocide of the Holocaust and in the creation of the greatest threat to humanity – the atomic bomb.[10] The grand failure of the Enlightenment project to produce peace and justice thus posed a conundrum: Why had reason failed to produce peace? The scholars of the Frankfurt School, particularly Max Horkheimer and Theodor Adorno, sought to understand and resolve this conundrum through their scholarly work in the tradition of Critical Theory (Wiggershaus 1994).

Philosopher Jürgen Habermas – a key originator of the concepts of public reasoning now central to the theory deliberative democracy – is the principle intellectual heir to the Frankfurt School tradition. As Horkheimer and Adorno reached the end of their productive years, they thus looked to Habermas to undertake their concern with the failure of the Enlightenment project to realize peace and justice.[11] Having assumed the intellectual mantle of the Frankfurt School from its founders, Habermas then proceeded to guide the living tradition of Critical Theory. Discourse ethics – or more precisely the theory of communicative reason – theorized by Habermas was his response to the conundrum that concerned his predecessors (1990d). Over time, other scholars also embraced the project of developing discourse as a mode of collective reasoning that could help humanity overcome conflict and live in peace. These various developments eventually led to the conception of deliberative democracy (Bessette 1978, 1994; Dryzek 1990, 2000; Dryzek and Niemeyer 2010; Ackerman and Fishkin 2004). Yet a deliberation-based answer to the shortfalls of

the United States (Boston: Bacon Press, 2011); with regard to the colonial suppression of gender diversity see also, Will Roscoe, *Changing Ones: Third and Fourth Genders in Native North America* (New York: St. Martin's Griffin, 2000).

[10] Or at least the *appearance* of reason, see Kai Erikson, "Hiroshima: Of Accidental Judgments and Casual Slaughters," In A *New Species of Trouble: The Human Experience of Modern Disasters* (New York: W.W. Norton & Co., 1994), 185–202; For artistic representation of the scale, the use, and testing of nuclear weapons see also aConcernedHuman, "A Time-Lapse Map of Every Nuclear Explosion Since 1945 – by Isao Hashimoto," *YouTube*, Video, 14:24, posted on October 24, 2010, www.youtube.com/watch?v=LLCF7vPanrY.

[11] The work of the early Frankfurt School was broad and varied and many other concerns were also addressed. The tradition continues today having produced many students over time. I am trained in part in this tradition by two of Habermas's students and later colleagues, Seyla Benhabib and John B. Thompson.

the Enlightenment project was not the response that Habermas's mentors expected or desired of him. Rather, Horkheimer and Adorno felt that the key to understanding the failure of Enlightenment reason – and thus to redeeming and transforming the Enlightenment project – lay in transcending the false understanding of the self as unitary.

More specifically, in several of their later works Horkheimer and Adorno argued that the presumption that the self (i.e. defined here as the embodied consciousness of human subjectivity) is unitary is a deceptive and destructive error. This error contributes to the subjugation of nature and to a false image of human beings as impenetrably separate from each other, rather than mutually influencing and fluidly interconnected.[12] They observed (like Hume, William James, and others) that the self, and thus the subjectivity of political agents, is not unitary (Barvosa 2008, 2–5). Rather, the self is decentered, internally diverse, and multiple. Horkheimer and Adorno came to believe that insistence on this factual error was somehow linked to – and in part responsible for – a great deal of the violence, conflict, and failed democratic practice that marred post-Enlightenment human history. Together Horkheimer and Adorno gestured that the way forward to resolve this conundrum and to increasingly produce peace was to consider how the actual inner diversity of the self could be better understood both on its own terms and also in relationship to the projects of anti-fascism and greater social justice. Their expectation was that their protégé, Habermas, would undertake this next step, explore the multiplicity of the self, and thus solve the conundrum.

Conversely, however, Habermas held that the kind of "subject-centered" philosophical approach to the issues of fascism, failed democracy, and large-scale violence that he was expected to pursue

[12] In an extended account of the project of Enlightenment and its distortions, including the humanity's destruction of nature, Horkheimer and Adorno stated (albeit in esoteric terms) how human subjectivity is perceived falsely as shorn of its inner diversity: "It is the identity of the spirit and its correlate, the unity of nature to which the multiplicity of qualities falls victim. Disqualified nature becomes the chaotic matter of mere classification, and the all-powerful self becomes mere possession – abstract identity." Max Horkheimer and Theodor W. Adorno, *Dialectic of Enlightenment* (New York: Continuum Publishing Company, 1991), 10. For further discussion in the context of a longer tradition of seeing the self as a multiplicity, see Edwina Barvosa, *Wealth of Selves: Multiple Identities, Mestiza Consciousness, and the Subject of Politics* (College Station: Texas A&M University Press, 2008), especially 2–9.

had reached the end of its usefulness (1990b). Habermas contended alternatively, that what was needed was to rethink reason itself as a collective communicative exercise that took place in an uncontrolled public sphere. To him, this kind of collective public reason could be self-correcting and thus, to Habermas, was a far more promising path to democratization and also to peace and justice. This path, he argued, would bring new philosophical and practical understanding that would be useful in resistance to fascism, social hierarchies, and other forms of injustice. Habermas thus shifted focus from intersubjectivity to discourse and public reason (Habermas 1984, 1984a, 1989, 1990b). As these ideas of centering collective reasoning in the pursuit of justice were taken up and developed by others, the multidisciplinary study of deliberative democracy was born.[13]

In Habermas's departure from the course of his mentors, he significantly redirected the focus of the Frankfurt School tradition.[14] Habermas's initial arguments regarding the public sphere, and communicative and discourse ethics sparked key debates and have, over time, founded an enormous and still growing field of scholarship dedicated to debating the theory and practice of deliberative democracy. Thus for over thirty years, Habermas's work has led scholars on an inspiring and ongoing intellectual journey to reimagine public reason. More specifically, Habermasian deliberative theory conceives of public reason as a process of deliberative rationality in which public reasoning involves an exchange of mutually intelligible reasons toward the formation of mutual public understanding and agreement. But Habermas described this ideal of deliberation less as a specific procedure, and more as a philosophically complex vision. In that vision, public reason was reconceived in the form of a free, full, and

[13] Some narratives also credit Rawls, but for reasons articulated by Simone Chambers, it is arguably more accurate to trace the origins of deliberative democracy primarily to Habermas. See Simone Chambers, "Deliberative Democratic Theory," *Annual Review of Political Science* 6 (1) (2003), 308.

[14] Some scholars, such as Paul Apostolidis, have argued that returning to the concerns, cultural focus, and methods of the early Frankfurt School is productive for understanding continued political challenges to justice and peace, especially the continued problem of religion-related intolerance; see Paul Apostolidis, *Stations of the Cross: Adorno and Christian Right Radio* (Durham: Duke University Press, 2000). In undertaking a cultural focus in this inquiry, I likewise strive to echo the approaches of the early Frankfurt School.

equal public exchange and deliberation that is not controlled, determined, or otherwise undermined by coercion or hierarchies of power (Habermas 1992, 1993, 1990d). Moreover, this view was not based on an existing empirical reality, but rather theorized in an anticipatory manner from the pressing needs and problems of existing democratic practice.

As compelling and inspiring to many as this philosophical vision of deliberative democracy has been, however, the implementation of this ideal has often been seen as impossibly utopian and frustratingly elusive. As such, despite its appeal, the theory of deliberative democracy has often seemed perplexingly out of sync with the contrary realities of everyday democracy – democracy marked by inequities of power, inattention to public voice, intolerance, violence, and widespread human inclinations toward mutual disregard and miscommunication within and among large and deeply diverse societies. These persistent problems – which caused the failure of the Enlightenment project in the first instance – also appear to many to plague the seemingly ideal solution of deliberative democracy (Hagendijk and Irwin 2006, 169). As detailed in the next section of this chapter, among scholars working in various intellectual traditions today, the deliberative turn is widely embraced and prolifically discussed. Yet it has been also a point of ongoing frustration that deliberative democracy has not yet been put into practice on a large scale even as people worldwide have increasingly clamored for increased democratic voice of the kind promised by the ideal of deliberative democracy. Moreover, the serious consequences of unwise governance – involving for example extreme economic inequality, climate change, and decaying infrastructure – have continued to mount. In this context, arguably the most significant problem of the study of deliberative democracy has been the problem of how deliberative democracy can be realized on a large scale.

A Primary Challenge to Deliberative Democracy: The Problem of Scale

Many scholars of democracy generally share with the American public, and many observers worldwide, a concern with deep dysfunctions in American democracy. This concern often extends to hope for productive change not only in the US, but also in less-than-fully