

Devolution, Decentralization and Deliberation:
'But lets Talk about It'

- 19

Grant Jordan, Aberdeen University, Scotland

- * Paper for the thematic seminar at Hokkaido University, 19 May 2006.
- * None of these papers should be cited without the author's permission.

Devolution, Decentralization and Deliberation: `But lets Talk About It`

This paper tries to *connect* 3 apparently rather disparate activities I have been engaged with in recent years:

1. Scottish Devolution
2. Local authority decentralization
3. Deliberative Democracy and the Turnout Problem in British democracy

The paper starts by arguing Scottish Devolution was in an important way about changing democratic practice; it then looks at a current pressure to change Scottish local government by making it more democratic by decentralization. It argues that these rather detailed and technical sounding matters actually involve a rather large and controversial issue - the challenge to representative democracy by public participation in general, and deliberative devices in particular. Arguably while matters such as local government structures may *appear* to be perhaps of second order importance, they signal the deliberative 'turn' in democracy which appears to be one of the major themes in the discipline. There is discontent, at least within the UK and US political science community, with electorally based democratic opportunities¹.

There are now at least three principal forms of modern democracy:

Secret ballot and representation,

Technical resolution by experts,

Deliberation (and less deliberative direct mechanisms).

¹ And it is also offered as an alternative to a group based pluralist decision making.

So the paper will discuss three topics (Devolution and New Politics, Decentralization, and Deliberation) before trying to link them via a newly fashionable term Double Devolution.. Speculatively the paper suggests that the appeal of pragmatic attempts at change such as devolution and local decentralization in recent years can only be understood when we note that their justification borrows (seldom explicitly) the *halo of benefits* that can be claimed for deliberation. As with ‘one phrase politics’, the content of Double Devolution is less important than the impression it gives. Change invoking the spirit of deliberation is hard to criticize because the phrase has so many attractive connotations.

Essentially the paper asks, ‘Need the nature of democracy change from an electoral to a deliberative focus as is now widely assumed in the literature?’ It suggests that the new Labour Government policy in the UK of Double Devolution is ‘Policy without Learning’: that this formula has no, or at least a surprisingly weak, research base in its support and indeed ignores empirical academic research over two decades.

Arguably there are considerable merits that would derive from the deliberative ‘turn’ in democratic theory (Dryzek, 2000, p1), *if they can be implemented*. But whether the idea can be operationalized and whether these merits apply to the ad hoc assembly of innovations sailing under the deliberative flag is very questionable. In fact this paper both tries to deny the deliberative halo from the reform improvisation that goes on its name – and more contentiously, tries to strip the halo from deliberation itself. Controversially the paper queries the prominence of this normative goal in the discipline. It says it is destination pursued by many political scientists is clear, but there is no research based, road map helping us establish whether the goal exists, and how we get there.

Devolution and New Politics

Initially the paper tries to argue that the shift from an electorally legitimated to a more participatory democracy is present, even if not prominent in most recent political reforms – certainly in Europe. In line with a previous paper I delivered at Hokkaido it is argued that the movement towards Devolution in Scotland very visibly ‘window dressed’ their changes by suggesting the new system would be participatory and even deliberative. This brought important support into the coalition advocating change. As I advanced that argument before I will rather rush through a summary today)

Devolution in the Scottish form might have been:

- a political device to *constrain* pressures for complete separation (Independence).
- a means of reconciling traditional identities within a multi national state
- and specifically - be a means to better match the political preferences of discrete sub national population units with political outcomes².
- a means to secure political controls over what were essentially decentralized administrative arrangements.³
- a way of combating regional economic malaise by tailoring economic management to improve local economy⁴.

² To be blunt, and to put this in clearer language, this point is that Devolution was seen as the essentially to ‘cure’ the problem that in the 1980s and 90s Scotland kept voting Labour and kept getting Thatcher (ie Conservative) governments ... The so called Democratic Deficit.

³ The argument was that there was administrative Devolution without an adequate political analogue to control these administrative decisions.

⁴ As Mikine Yamazaki describes in his paper on Regionalisation and Globalisation the region is often seen as the appropriate unit to carry out economic development policy. He quotes Ohmae (1995) who argued that the regional level can better carry out economic development. This argument seems the primary driver in Japan? In Scotland politicians are reluctant, for reasons of electoral popularity, to use tax varying powers ...

However as argued previously Devolution was not simply a means to change the geographical locus of decision making, it was also a remedy to what were seen as defects in the practice of democracy. This was the *New Politics* argument. Advocates were rejecting *Westminster type politics*, as well as Westminster (ie London based Government) itself. They were as interested in participatory politics as repatriated politics. Devolution was not just to deliver decentralized democracy in a territorial sense, but was also fairly explicitly assumed to be about introducing a far more *participatory* democracy. The thrust of this paper is that invoking participation and/or deliberation in their support made Devolution proposals more attractive and indeed ‘scrutiny proof’: anyone – as this paper may show – querying the deliberative dream has an uphill battle. Arguments made in the name of greater participation were almost dissent-proof. Those aspects of Devolution were in my view never adequately challenged to test their worth.

Causes such as Devolution do not get on the agenda automatically. Without effective policy entrepreneurs they would stall. Entrepreneurs perhaps act in the political process because they can impose their own priorities on the agendas, and many of the devolution organisers appear to have had a participatory fixation as well as a devolution aim. There was perhaps no necessary connection between Devolution and Participation, but in UK at least the two became intertwined.

In this light the Scottish Parliament was intended to be more than just the old regime writ small: it represented a wish by some to move away from the confrontational style of politics, to embrace a new, and arguably more

democratic, way. Broader participation and consensus was to be the remedy. The *New Politics* of Scotland was to enhance the role of consultation and improve the policy making access of (some types of) minority (social) interests.

For reasons of time I will not in this delivered paper revisit the evidence claim that there is a Deliberation Code that can be read implied in most of the Devolution literature. So I will leave the claim unsupported by detail but it is in the 80 page draft my unfortunate discussant had to read.

Put simply the idea of a New Politics gateway channelling all kinds of minorities into the heart of policy influence was found wanting. For one thing significant interests in society *already* had significant political access. Moreover as was shown in the embarrassing attempt to repeal a Conservative policy restricting the teaching of homosexuality in schools, the large public mass may well not have shared the preferences of those reforming politics in their name.

So the New Politics experience in Scotland was underwhelming as an example of some new form of democracy. The importance of the Scottish experience in the context of this paper is that it attempted new, more participatory mechanisms – with minimal results. As will be argued later the idea that this sort of reform is the necessary direction of change is still being recycled in different arenas despite its lack of impact in Scotland. [I should add I am not saying that Devolution has not enhanced democracy in Scotland. I am saying New Politics has not done so.)

Deliberation I see as floating around as a *solution looking for problems*. But this paper sees the actual record of its introduction leading to the interpretation that it is in fact a *problem looking for a problem* As

suggested above is also argued that the ‘halo’ around the concept of deliberation in democracy actually protected some rather poor quality innovations from proper scrutiny as they usurped the deliberation ‘badge’.

Of course as Yamazaki (2005) convincingly argues that in the Japanese context, the main reason for the advancing of regionalism/devolution is economic management and administrative reform rather than revitalising local democracy. But the assertion made here is that the Scottish pressure for change was less economic than democratic.

Decentralization Good: Post Code Lottery Bad?

The second instance where I stumbled on an untested assumption that democratic decentralization and deliberation was the way forward was when I was asked earlier this year by my local authority (Aberdeenshire) to assist them review their organisation. In particular they were responding to national instructions by trying to increase the amount of decentralization within the organisation.

Local authorities in Scotland are large by international standards. The average population of the 29 councils in Scotland - excluding the island authorities is 173 thousand – ranging from 76,000 in Berwickshire to 620,00 in Glasgow. From pre 1974 to 1995 there was a reduction in the number of Scottish units of local government by 93%. There is currently a proposal to take the number down to 15 – doubling the average size to around 350,000.

Unitary Authorities in Scotland- Population after reform(At 1st June, 1995)

Aberdeen City	218,220
Aberdeenshire	223,630
Angus	111,020
Argyll and Bute	90,550
Clackmannan	48,660
Dumbarton and Clydebank	97,790
Dumfries and Galloway	147,900
Dundee (City of)	153,710
East Ayrshire	123,820
East Dunbartonshire	110,220
East Lothian	85,640
East Renfrewshire	86,780
Edinburgh (City of)	441,620
Falkirk	142,610
Fife	351,200
Glasgow (City of)	623,850
Highland	206,900
Inverclyde	89,990
Midlothian	79,910
Moray	86,250
North Ayrshire	139,020
North Lanarkshire	326,750
Perthshire and Kinross	130,470
Renfrewshire	176,970
Scottish Borders	105,300
South Ayrshire	113,960
South Lanarkshire	307,100
Stirling	81,630
West Lothian	146,730
TOTAL	5,048,200
Islands	
Orkney	19,760
Shetland	22,830
Western Isles	29,410
TOTAL	72,000
TOTAL SCOTLAND	5,120,200

Source: Confederation of Scottish Local Authorities (COSLA)

In local government design terms in the UK Big has been seen as Beautiful as it better suited the planning that was fashionable. If anything, the future in Scotland is probably *to have even larger* units sharing particular services.

Again I read with interest the Yamazaki paper and discover that Japan is consolidating municipalities within prefectures. I note that the prefectures are seeking enhanced power as a form of Devolution.

But something else happened as UK and Scottish local governments have grown larger. Government has tried to do attain two contradictory ends simultaneously. The current authorities were set up by the Conservative Government who in the 1994 *Local Government Scotland Act* that was primarily about increasing the size of local government units had nonetheless instructed Councils as follows:

23.—(1) Every council shall have a duty to prepare a draft decentralisation scheme for their area in accordance with this section.

(2) A draft decentralisation scheme shall contain a council's proposals for the administration of their functions within the whole area of the council and shall ... without prejudice to the generality of the foregoing, may include provision as to—

(a) arrangements for the holding of meetings of the council (or any committee or sub-committee of the council) at particular places within the area of the council;

(b) *the establishment of committees for particular areas and the delegation to those committees (under section 56 of the 1973 Act) of specified functions of the council;*

(italics added)

This Conservative Government notion that the larger local structures they themselves were instituting should also contain decentralisation making to enhance participatory democracy was repeated by the new Labour Minister. Malcolm Chisholm MP, Labour's Local Government Minister at The Scottish Office, speaking at the COSLA Decentralisation Conference in Edinburgh, said:

`True devolution pushes power as close to the people as possible, not just stopping at the Scottish Parliament or at local authority level. Local authority decentralisation is an important element in this process.

I recognise and encourage legitimate diversity. However, ultimately we all want decentralisation schemes to deliver real democratic gain, and this is the yardstick I'm sure the public will be using to gauge any scheme.

Decentralisation is not an add-on: it is about the organisational culture of local authorities. ...`

There then seems a routine wish -among UK politicians at least - to want the administrative economies of large units - and a nostalgic wish for a sort of responsive micro democracy where decisions reflect local wishes. The wish is to argue for efficiencies of scale -but pre empt criticisms of remoteness and technocracy by borrowing the deliberative 'halo' and making some sort of gestures to micro democracy – is commonplace. There may be good instincts to push in conflicting directions, but this paper argues surely it is necessary to recognise incompatibility when it occurs? It is arguing that a one phrase policy such as Double Devolution is a sort of presentational trick - implying that contradictions can be resolved – because that avoids difficult choices.

Experience to date as reflected in the published research does not support the idea that contradictions can be avoided simply by evolving a new label to contain them. The paper says that this discussion of this topic need not be speculation like who will win the World Cup. We can decide by looking in the past. Meadowcroft (2001) studied those local authorities in England in which the Liberal Democrats applied their community politics ideas that involved decentralisation and participation. Though this was in effect a sub sample of the most enthusiastic, pro change councils his studies found the success to be limited. In Sutton a councillor explained that unless they had a personal interest members of the public were unlikely to attend and ‘as soon as that is over they get up and walk out, either pleased or disgusted as the case may be.’ He reported the views of some members based on their experience was, ‘It was felt, perhaps with some justification, that to expend time and energy extending participation to people who demonstrably did not wish to participate was a futile exercise.’ And there was the danger that ‘the views of a vocal minority may be seen to represent the public as a whole.’

Meadowcroft notes that the flag ship example of local participation, the South Somerset District Council, mobilised 0.07% of their electorate ... He accepts Hill’s (2000, p107) conclusion, ‘it is the middle-aged, middle-class and better educated who participate the most’ in so called ‘thicker’ democracy. Meadowcroft’s review of the practice of *the keenest councils in terms of decentralization* ends leading him to suggest that the ‘inevitable limitations’ of think and deliberative democracy will ‘only lead to disappointment and disillusionment.’

Yet the difficulty in mobilising other than a minority – pushing their very self interested views is only problem. There is also a political

schizophrenia about local discretion and consistency. In fact the mindset of working politicians that ‘small is good’ quickly runs into a contrary principle – that ‘consistency is good.’ This was captured by Burns (2000) in looking at area committees within English local authorities.

‘Diversity from Neighbourhood to Neighbourhood.

... in experimentation with local democracy ... even those councils with a strong ideological commitment [to it] have found it difficult to accept different levels and patterns of service in different neighbourhoods. It is almost as if they had not realised that the very responsiveness for which they argued produces the diversity that they are uneasy about. *Variation*⁵ *appears to challenge deep seated values of equality, justice, and fairness, yet local variation is the very essence of local democracy.* (Burns, 2000, p967 italics added)

⁵ Technically one can say that the consistency should be in outcomes and a variety of approaches in delivering that standard is acceptable. That is a sophistication in argument seldom acknowledged. In any case can't localities also want to determine local levels of service?

So there is a very basic, natural wish by politicians to decentralise, but an equally compelling imperative as soon as variation appears is to assume that different means worse. In the war of one phrase politics the benefits of Deliberation are quickly countered by a phrase with very different connotations. *Post Code Lottery* is stuck on any instance where local discretion is hpermitted. So any instance of real variation caused by decentralization and discretion is seen as a problem rather than a virtue. So in October 2001 a Minister from the Scottish Executive that wishes decentralization objected to post code variation ...

We must end the postcode lottery, and raise all public services to the levels of the highest.’⁶

I think the phase in French is that Ministers want to eat cake but not get fat.

In some policy areas in the UK such as education and social work strong central regulation (for good reasons) means there is little scope for local variation. In other policy fields the constraint is political - that anything other than standard pattern means that some areas or some elements in some areas will by definition be below the average - and instantly be branded as ‘sub standard’, inconsistent, akin to a ‘post code lottery’ ...

Decentralization like Devolution it is an easy aspiration and a difficult ‘ask’. It is perhaps natural to *want* low level community based decision making – but the result of such decentralization often offends instincts about equality of outcomes. My local authority in fact decided not to introduce more decentralisation when they realised that it implied a move from consistency in delivery of services.

⁶ At least when Garrison Keillor described the children of Lake Woebegon as ‘all above average’ he was joking. British Ministers seem to have difficulty in accepting that however good things get, many examples would still be ‘below average.’

Discontent, Deliberation and the Democratic Malaise

Both Devolution and Decentralization are based on the notion that something needs fixed. The big claim in this session is that Deliberation is the fashionable cure. Unconvincing though critics like myself may find the case, deliberation is an idea 'in good currency'. It is hard to counter the idea of mutually acceptable decisions (but of course even harder to reach them ...) Sanders argues,

Especially when ... problems are difficult, ... deliberation recommends itself because it relies on a broad consideration of alternative solutions, increasing the likelihood that the perspectives held by all members of a heterogeneous community will be given voice. (Sanders, 1997, p347).

She correctly points out, 'When democratic theorists suggest remodelling our politics, it is in the direction of making them more deliberative.'

Contemporary discontent about the practice of politics can be dated to Carole Pateman's *Democracy and Participation* (1970). That was the occasion for a step change in the level of discontent with vote based democracy: 'deliberation' (almost inevitably small scale) is seen as superior democratic form. The other baseline argument in favour was probably Barber's notion in *Strong Democracy: Participatory Politics for a New Age* (1984). He said, 'Strong democracy is defined by politics in the participatory mode: literally, it is self government by citizens rather than representative government in the name of citizens.' He claimed, 'Participatory politics deals with public disputes and conflicts of interest by subjecting them into a never ending process of deliberation, decision, and action.'⁷]

⁷ While Hardin (1999, p122) is generally persuasive but concedes too much when he says deliberation will work 'if at all' only in parlor room discourse or in the small salons of academic conferences. , not

Within political theory the deliberative tide surged further around 1990. Saward (2000) says this has seen the most ‘sustained and intense exchanges in political theory for many decades.’ Gutmann and Thompson (2004, pvii) note that, ‘No subject has been more discussed in political theory in the last two decades than deliberative democracy.’⁸

Dryzek (2000, p1) argued

Deliberation as a social process is distinguished from other kinds of communication in that deliberators are amenable to changing their judgements, preferences, and views during the course of their interactions, which involve persuasion, rather than coercion, manipulation, or deception. The essence of democracy itself is now widely taken to be deliberation, as opposed to voting, interest aggregation, constitutional rights, or even self- government. Dryzek (2000, p1)

Deliberation as a destination is fairly easy to recognise. If we arrived there I think we would know it. One of the best evocations of the potential benefits was set out by Mark Warren (1996, p241) ,

‘Theories of radical democracy hold that if individuals were more broadly empowered, especially in the institutions that most directly affect their everyday lives, their experiences would have transformative effects. Individuals would become more public spirited, more tolerant, more knowledgeable, more attentive to the interests of others and more probing of their own interests. And institutions that make collective decisions in radically democratic ways will tend to generate new forms of solidarity, cooperation and civic attachment.’ Warren (1996, p241).

in the normal world of rough- and – tumble politics. Who has seen an academic change their mind – far less change it because of the thrust of a conference presentation?

⁸ In the academic field the positions of Rawls and Habermas are thoroughly explored but neither are picked up on the empirical applications that have been attempted. Rawls appears to require less by way of interaction to establish policy positions. Personal reflection seems sufficient. For Habermas communicative interactions permit the consensus that is important (and the assent that generates). For Habermas cooperation is necessary to produce acceptable outcomes. (discussed in Nino, 1996, chapter

The assumption of reformers is that deliberation is a ‘good thing’: it may well be the case, but it is hard to see this as other than an optimistic guess. This paper is arguing if deliberation is to be pursued it should be *demonstrated* that it meets some fairly easily identified challenges..

Sanders (1997, p354) points out that Schumpeter, for example, foresaw dramatically different (less attractive) consequences from public participation. She can quote him for example, ‘citizens ‘lack a direct and unmistakable link with ... private concerns ... ‘ That political scientists would prefer that the world was not as Schumpeter described it, is not a reason to ignore the case. Normative disagreement is not a licence to edit contrary opinions out of the literature.

What we should avoid is being fooled by the packaging and brand name. Thus would deliberation be as popular if the label was simply ‘meetings’? In fact as argued throughout this paper, using the *designation* of deliberation (irrespective of the content) carries with it very positive associations. Normative deliberation focuses on the successes, but are there guarantees that practical examples will succeed?

This review particularly looks at the sophisticated case for deliberation set out by Gutmann and Thompson in *Democracy and Disagreement* (1996). They particularly reserve deliberation to a middle democracy of moral conflicts that they say should not be usurped by the courts or resolved by interest group bargaining. Stephen Macedo in *Deliberative Politics* (ed) lists the sorts of issues that are particularly appropriate for Gutmann and Thompson type discussion as health and welfare, affirmative action, environment, surrogate motherhood and doctor assisted suicide. A very reasonable case can be made that the views of the public in such matters do not require professional assistance: there are no

huge cross cutting economic arguments. More of ‘these’ (whatever the results of these deliberations) probably do not mean less of something else ... The premise is that the public are as qualified as parties and experts to make these sorts of judgements.

⁹The central proposition in Gutmann and Thompson (1996) is ‘when citizens or their representatives disagree morally, they should continue to reason together to reach mutually acceptable decisions.’ This sort of sentence grabs the moral high ground for deliberation: as Sanders (1997, p347) put it, ‘...opposing deliberation *seems* irrational.’

Sanders nonetheless sets out several grounds for querying the apparent near consensus among academic theorists in support of deliberation. Thus she notes, for example, that the assumption that deliberation requires a respect for other views may assume precisely something that may be lacking. As Sanders (1997, p356) points out Gutmann and Thompson accept ‘appeals to deliberation amount to demands for a certain kind of discourse in democratic political settings: reasonable, foresighted, steady and oriented to a common, not sectarian, problem.’ So the sub text is not that just the public participate, but they do so ‘nicely’. (In English of course ‘nicely’ rather implies that the activity is unworldly)¹⁰

⁹ (I think Gutmann and Thompson make an interesting case and in fact this type of deliberative agenda on moral matters might be more attractive to the public than discussing the micro matters of local government in a way other deliberative advocates imply. Put simply some of the top down ideas about ‘involving the public’ offer nothing of substance for the public to decide.).

¹⁰ (In fact to complicate matters Gutmann and Thompson (1996)] do not assume that deliberative *outcomes* are ‘right’ even if they pursued ‘right’ procedures.¹⁰ This though means that deliberation has, at least in the abstract way it is often discussed, a possibility of endless recourse to alternative forums ... That a policy is the consequence

But the weight of academic opinion seems to be behind deliberation. Stoker is a leading UK political scientist active as researcher on behalf of the Office of the Deputy Prime Minister in advising on democratic improvement. In 1996 he said, ‘Deliberation should be central to the decision making of political leaders The sort of deliberation drawn from communitarian ideas requires that some considerations given to drawing in a broader spectrum of the public into deliberative settings.’(1996, p201) He continued (1996, p206) ‘a system of “good” local governance should display the values of openness, deliberation and a capacity to act.’ ‘Should’ reflects the normative DNA that runs through the deliberation advocates. This is about improving the world not primarily understanding it ...

Another sort of analysis of the state of democracy in the UK was recently expressed by a major report *Power to the People* (March 2006) by the Power Inquiry. This was a prestigious project supported by the Joseph Rowntree charities. This paper argues however that the problem, with reformist policy advocates such as Stoker or the *Power Inquiry* (2006) in their ‘hear no evil, see no evil’ treatment of alternative notions of democracy, is that they simply ignore findings that are the inconvenient.

One example of the unacknowledged dangers of deliberation in small forums (a central deliberative assumption) is that the dynamics of small groups might not work as reformers hope. Thus Sunstein (2002) raises the issue of *group polarization* that suggests that members of a deliberating group predictably move toward a more extreme point in the direction of

of deliberation is supporters say not therefore in itself conclusive that it is good. Might another play on another day get a different result?)

their pre – deliberation views.’ His research found, for example, that if before deliberation a jury had an average award of \$1.5m in mind with a median if \$1m, after deliberation ‘the jury will probably award punitive damages in excess of the median, perhaps higher than the mean as well, and very possibly as high or higher than the highest award selected in advance of deliberation by any individual juror.’ In 27% of cases the final total award was higher than any predeliberation figure by any juror! He offers other examples,

Sunstein (2002) Group Polarization

- *After discussion, a group of moderately profeminist American women becomes more strongly profeminist.

- *After discussion, a group of French citizens becomes more critical of the United States and its intentions with respect to economic aid.

- *After discussion, a group of whites predisposed to show racial prejudice offers more negative responses to the question whether white racism is responsible for conditions faced by African Americans in American cities.

- * After discussion, a group of whites predisposed not to show racial prejudice offers more positive responses to the same question.

The deliberative assumption that cozy, small scale discussions leads to comfortable centrist consensus *may* be correct, but it has to confront contrary views. There is contrary evidence to consider. Whereas deliberation is assumed to be bridge building exercise leading to a conflict reduction, there is the possibility that as Schapiro suggests ‘deliberation might promote disagreement and enhance conflict.’ (Schapiro, 1999, p31) He says that deliberation can be ‘consciousness raising’ revealing to participants the nature of what separates them. Advocates *assume* consensual outcomes. But those responsible for public policy

innovation should judge between researched conclusions not proceed by assumption and wish fulfilment.

And reverting to the polarization point, even if the opposite occurs and deliberative participants do reach agreement in a sort of ‘averaging’ of opinions this might be not what public policy requires. Compromise may be ‘nice’ politics, but not effective politics. The sort of anti union, Thatcherite deregulatory direction of public policy in the UK may be seen as good or bad: it would be fanciful to have expected it to have the resulted from a myriad of small democratic forums. Following political leadership the public might endorse such change: that is not to say it would be reasonable to assume controversial changes can made in a bottom up way.

The important argument here is that we should critically look for evidence on the development of deliberative based reforms. My complaint is that reformers are failing to provide a Policy Learning base – and worse are ignoring any evidence that suggests a gap between the assumed benefits and the actual outcomes. This is returned to in the discussion of Double Democracy where the UK Government is still, despite evidence, suggesting that the direction of change should be deliberative.

Curing the Decline of Representation?

The attraction of Deliberation and Participation seems linked to the unattractiveness for some of party and election based politics. Dahl argued some years ago, ‘Typical of democrats who live in countries long government by polyarchy is a belief that polyarchy is insufficiently democratic and should be made more so. ... While intellectuals in democratic countries where polyarchy has existed without interruption for

several generations or more often grow jaded with its institutions and contemptuous of their shortcomings, it is not hard to understand why democrats deprived of these institutions find them highly desirable, warts and all. (1989, p223)

In the UK the attractiveness of deliberation seems linked to what Dahl referred to the jaded support, and indeed even contempt, for electoral politics.

The Power Commission relied on an excellent overview of alternatives to electoral democracy compiled by Graham Smith, *Beyond the Ballot Box: 57 democratic innovations from around the world*. Yet the evidence base actually cited in the commission report from Smith's work was limited. They repeatedly commended, without ever elaborating on the detail of operationalization, a minor case study of the Harrow Open Budget process whereby 300 participants spent six hours deliberation on a Sunday afternoon to 'discuss and chose priorities'¹¹ for the 2006/7 council; budget. However the description and discussion is wholly uncritical¹². But nonetheless they heroically conclude, 'Following the consideration of this largely positive evidence, we are convinced that participatory approaches to democratic decision making are now coming of age.'

But as Daniel Bell (1999, p72) points out the most effective way to end the carnage of Bosnia was not deliberation but a closed meeting with

¹¹ But on p234 they say, 'Our work makes it clear, however, that influence need not mean participants having a final or absolute say over a key decision or policy. The majority of citizens simply want to know that their views and interests have been taken fully into account...' Is there really evidence that the public want to invest time in giving their views – irrespective of whether they achieve satisfaction?

¹² There is nothing on this on the Harrow website – making it difficult to evaluate and hard to see how it aids the democratic experience of those not involved.

‘several leading thugs in Dayton, Ohio.’ Is the mechanism or the result what counts? Bell (1999, pp72-3) argues that East Asian countries such as Taiwan, Japan, and South Korea have managed a relatively egalitarian distribution of wealth without relying on inclusive structures of political deliberation. Instead, social justice in the East Asian region was promoted at least partly) by means of clever policies devised by meritocratically chosen bureaucrats.’

Double Devolution: Policy without Evidence?

This paper has used the term Policy Without Learning because in an age of policy transfer and evidence based policy making it sees Devolution, Decentralization and Deliberation substantially failing in terms of matching the promises of participative democracy, yet the UK Government’s reaction seems to be to want more of it. The Government, having in effect been told the public do not want one pup, think the offer is more attractive if two are proposed ... Double Devolution is on offer.¹³

This paper suggests to the contrary that real life attempts such as in the Devolution practice and local government decentralisation simply do not give grounds for confidence that the deliberative direction is democratically profitable. Wilson (1999, p250) noted in his review of English local government that during 1997

‘some 88% of authorities had undertaken service satisfaction surveys,
... Some 47% of local authorities used focus groups,
26% visioning exercises,

¹³ A proposal to introduce an elected regional assembly for the North East of England and undertake a massive shake-up of its local councils has been decisively rejected by voters in the region. The referendum held on 4 November 2004 rejected the plans 77.9 per cent to 22.1 per cent on a 47.7 per cent turnout

18% citizens' panels

and 5% citizens'juries.'

But Wilson cautions, 'no matter how elaborate or cutting edge they might appear, however, they do not necessarily result in policy impact ... Indeed, participatory initiatives might actually be counter-productive in raising expectations that then are not then met.' Lowndes, Pratchett and Stoker (2001, 214) reported after surveying local authorities, 'The limited impact of public participation initiatives on final decisions is not wholly surprising, and, indeed, it may even be appropriate ... Among many authorities there is a perception that there is little public enthusiasm for enhanced participation, particularly among those groups who are traditionally excluded from public participation.'

Despite such the clear reservations in such evaluations the New Labour Government's attraction to local government decentralisation has been given academic justification by Stoker (2005) in, for example, a plenary contribution in May 2005 to the 6th Global Forum on Reinventing Government in Korea. Stoker argued for,

A new localism – a strategic approach to devolution – to allow local communities and governments to involve themselves in the decisions that (affect) their social and political environment.

Stoker suggested that,

New Localism can be characterised as a strategy aimed at devolving power and resources away from central control and towards front line managers, local democratic structures and local consumers and communities, within an agreed framework of minimum standards and policy priorities.(Stoker, 2005)

New Localism is presented as meeting a need for 'a more engaging form of democracy'. Once again the particular reforms of New Localism

borrow the legitimacy and regard established by ideas such as local deliberation.

Stoker (2005) argues in favour of participatory governance that, 'To be a full citizen means to be involved in the decisions that affect yourself and your neighbours.' Oscar Wilde's alleged answer to the why he was not a socialist was 'I prefer to keep my evenings free.' Wilde's socialism looks like Stoker's citizen: busy being 'worthy'. Should we assume the only good citizen is a busy body citizen?

Stoker continues, 'Good governance is not just a matter of delivering good outcomes. At least as important is the manner in which it is done, and involving citizens on an active basis ... Participation beyond the ballot box can be obtained through various methods of public consultation and deliberation.' So for Stoker there is no good policy for citizens, only by citizens. Stoker concludes, 'Network governance tells us we can have democracy and management. Indeed that they are partners. The paradigm places its faith in a system of dialogue and exchange through networks. It is through the construction, modification, correction and adaptability of that system that democracy and management are reconciled.'

I do not know how these would read in Japanese, but in English they are industrial scale platitudes.

As Schapiro (in Macedo, 1999, p31) expresses it, the general point remains that there is no particular reason to think deliberation will bring people together...' Ministers (and academics) have every right to hope optimistically that it *might* be the case – but to be convincing about the merit of this direction of change, evidence is required. Arguably it is past

the time for suggesting participation – just beyond the horizon - is the answer. After all it was in 1977 that Cupps was writing,

It is no longer sufficient simply to be ‘for’ citizen participation; increasingly the central issues in the participation debate will be how much public participation, under what circumstances, and with what impact on public policies and administration.

By now the jam-tomorrow-deliberation is not convincing: Where are the demonstration projects?

Despite the realism in the reviews of practice (and despite the lack of one iota of hard evidence after a decade and more of efforts) a speech by David Miliband, Minister of Communities and Local Government, to the annual conference of the New Local Government Network on 18 January 2006 linked empowerment and devolution and probably coined the Double Devolution¹⁴ term.

The Minister argued:

- Second, that at local level we need a stronger framework of opportunity and responsibility in which to express these rights - in fact a **double devolution**, not just to the Town Hall but beyond, to neighbourhoods and individual citizens.
- Third, that the driving principle of reform should be **subsidiarity**, to the individual and to the neighbourhood, with a National Neighbourhood Agreement as a bedrock of commitment from national and local government.
- Fourth, that **empowerment takes a range of forms**, from direct payments and individual budgets to neighbourhood management and better forms of consultation with councils, and that it can reward responsibility where individuals want to take on a new, active role in the design or production of services.
- And, finally that real empowerment of citizens is a vital part of a **new central-local relationship**. ...We need to ask

¹⁴ How this relates to New Localism is unclear. They both hint at something rather than elucidate.

ourselves in central departments not only how we can improve things at a local level but first how we can empower local government and local people to find their own solutions.

Miliband in fact touched on one of the issues raised earlier. He conceded that in England a lot of powers are held centrally in Whitehall. For reasons of spending control and equity – tackling the ‘postcode lottery’- national government takes a lot of decisions that in other countries are taken locally. He then concedes that English local authorities are very large by international standards But he did not explain how the urge for national consistency was to be reconciled with the wish for local discretion. Instead he simply offered ‘double devolution: central government but also local government and its partners committed to devolve and communities having the capacity to take up the opportunities which are offered to them.’ In essence he identified the problem of wanting decisions taken at different levels, invented a name for the solution, but did not describe how the solution actually worked.

Arguably Miliband offered a label for process rather than much of a clue about its nature. As *Public Finance* noted on 20th January, ‘Unless the Office of the Deputy Prime Minister spells out the nuts and bolts of how neighbourhoods can exercise control, councils will remain rightly sceptical. ... ‘Double devolution’ is not a bad soundbite. But the minister for communities needs to take it to the next level.’ On the 10th of February *Public Finance* was predicting local government reorganisation for England in a June White Paper,

its philosophical heart will be based on the Miliband mantra of ‘double devolution’. He sees this as part of a deal under which big councils could be rewarded with extra responsibility and freedoms, as long as they agree to hand specific functions, from street cleaning to park maintenance, down the line to (as yet undefined) neighbourhood providers.

This is near what I see as the heart of the problem. On the one hand deliberation is about aspiring to\make individuals a role in the shaping of society but the specific things on offer are the rights to choose how dustbins are collected. It is simply sharp practice to imply one set of rewards from what are in fact a very different set of arrangements, New buzzwords like Neighbourhood Charters and ‘neighbourhood governance’ are emerging, but what sort of decisions are really thought to be appropriate after the agenda for discussion is qualified in practice?:

The Shrinking Scope of Deliberation:

- some topics are off the agenda as non deliberative (eg race)¹⁵
- some decisions may have been centralised in the name of consistency,
- others allocated to large unitary authorities in the name of efficiency,
- some off loaded to the market
- and others claimed for professional resolution

it is not clear there is a menu left worth contesting ...

Delivery? The Deliberative Doubt?

The paper has had an over supply of words starting with D – democracy, devolution, decentralization, deliberation. Delivery is also one of the favoured New Labour buzzwords, but is Deliberation deliverable? As noted we know the destination. But is there a road map to get there? While it might be good *if* deliberation worked, might the preconditions for it working include so changing public values that non deliberative methods would also work?¹⁶

¹⁵ Wertheimer (in Macedo, 1999, p173) shows that Gutmann and Thompson distinguish between some positions worthy of moral respect even if the might be judged wrong – and others that are not worthy of respect.

¹⁶ Bell (1999, p7) discusses the implementation of deliberation – pointing out that the most influential

Graham Smith in *Beyond the Ballot* did a masterly job in assembling a range of democratic tools on behalf of the Power Inquiry. (In fact remarkably little of it was absorbed into the report.) It was published by the inquiry in May 2005 and is available on their website.

For present purpose the most relevant section was chapter 4 which dealt with Deliberative Innovations. He reviewed 11 forms: In Smith (1995) *Beyond the Ballot Box* he describes

- 4.41 Citizen's Juries
- 4.2.2 Consensus conferences
- 4.2.3 Deliberative opinion polling
- 4.2.4 Deliberative mapping
- 4.2.5 Citizens Council (NICE)
- 4.2.6 America Speaks
- 4.2.7 National Issues Forum
- 4.2. 8 Study Circles
- 4.2.9 Democs
- 4.2.10 Democracy Café
- 4.2.11 Deliberation Day

Indeed at first sight it seems almost impossible not to prefer policy making among equal participants sharing views and working towards well informed consensus rather than decisions based on ill formed electors turning out in low numbers to 'legitimate' politicians to take decisions. **If there was such a choice on offer who would choose the latter?** But the thrust of this argument is that the 'choice' does not exist. Smith's list does not convince about practicality.

political philosophers appear to concentrate on morally desirable political principals – these may be overwhelmed before the need for feasibility is considered.

What the deliberation corpus still lacks are real life cases where publics with prior interests participate in real decisions and are content with outcomes that go against their interests¹⁷. The literature lacks evidence and evaluation. As Shapiro (in Macedo, 1999, p28) notes in his commentary on Guttmann and Thompson (1996) 'I did not detect mention in their discussion of any actual deliberative process that they did not insist falls significantly short of their deliberative ideal. *Nor can I think of one.*' (italics added)

Lowndes *et al* in their study cited earlier of the practice of enhanced participation in the late 1990s in England do not oversell their product and comment (p450) 'people may like the *idea* rather than the *reality* of participation. But somehow their article enters the academic consciousness as indication that 'doing' deliberation is a dawdle.

In another review Wilson (2001, p301) notes that 'There is often an implicit assumption that communities are homogenous entities which can achieve consensus through discussion of their preferences. This is frequently not so, and encouraging more participation can emphasise differences within communities, lead to greater parochialism and exacerbate cleavages.'¹⁸

So this paper suggests that for all studies done on deliberative and participatory techniques the evidence is underwhelming. While Miliband presents his Double Devolution as the future, it is hard not to think it is echoing soundbites of the past, and where are the lessons from past

¹⁷ And in the evaluation the 'spiral of silence' and socially acceptable responses would have to be allowed for.

¹⁸ One argument against deliberation is that it simply takes too much time. Sanders (1997, p358) quotes Reich, (1988) 'public deliberation will take up inordinate time and resources ... and it can easily cycle out of control.' But there may be crippling problems before that difficulty is reached ...

experience? (In the library in Hokkaido I found a book by Brian Smith on Decentralization in 1985. He had a chapter on Decentralization, Participation and Neighbourhood. Twenty years ago he was anticipating this paper

In Britain for example, the reorganization of local government proceeded on the assumption that larger areas were needed to ensure effective provision of services ... No sooner had the legislation been implemented than it was being argued in government circles that both democracy and effectiveness required a much more localized orientation within local governments. (1985, p166-7)

For the Minister, Miliband, now to sustain his case for Double Devolution by saying,

‘Second, needs are increasingly diverse – and critically, individual citizens know more about their needs and their neighbourhood’s needs than anyone else. As the Horsley Hill Residents Association in my constituency put it to me at the conclusion of the first stage of their Participatory Appraisal:

“We have always been the experts about what is wrong with the area, and now someone has asked us and we have the confidence to explain”. ‘

Is the best evidence he had to hand? Where is the institutional memory that civil servants and academics are meant to offer? Are we deciding to continue on the expensive experiments of the past 30 years on the basis of an exchange between a Minister and a residents’ association?

In 1999¹⁹ Pratchett wrote a thorough overview of ‘New Fashions in Public Participation: towards greater Democracy.’ (Parliamentary Affairs). And of course even then he started, ‘there is nothing new about public participation...’ He described how, ‘In recent years, however, traditional mechanisms for public engagement have been

¹⁹ In the same year in *Parliamentary Affairs* David Wilson was similarly discussing ‘more innovative methods of consultation ... new methods of deliberative participation, .. have emerged.’ See also Stewart (1995).

supplemented ... by a range of more innovative processes which seek to change radically the nature and impact of public participation. Citizens' juries, citizens' panels, visioning, community planning and other such terms have all become part of the everyday language of modern local government ...'(1999, p616).

If this was all 'everyday' in 1999 there are two points:

1. In what way is Double Devolution new? Is there a concept of (Even) New(er) Politics?

If we *have* such experience of deliberative and other innovations do we have a positive evidence base from experience?

So we have less evidence than warrants placing all our democratic hope in the deliberative basket. Should doubts not accumulate if supporting evidence does not? In addition to querying Has it been Done? There are still concerns, Can it be done? 'Should it be done'

Can it be Done?

Parkinson (2003, -180) says that in order to meet Habermas' (1975, p108) condition that there is 'no force except that of a better argument', there is a need for communicative competence, reciprocity, inclusiveness, willingness to be persuaded, willing to abandon pre formed attitudes, etc. As Parkinson says the result is not just talk, 'it is a very particular kind of public talk.' As one reads ones way into the deliberation literature one can be blinded for some time to the central point that to get the benefits claimed by proponents one cannot simply have 'deliberation – lite' in the Double Devolution mode but it implies meeting a demanding set of requirements.

This raises an issue as to whether participation is limited to those who are prepared to enter under those conditions. Are those who are not prepared to 'reason beyond their self-interest' to be disenfranchised?

Are those unable to do this effectively de facto disenfranchised? Does deliberation rule out those with religious values that cannot be suspended or amended in discussion. Gutmann and Thompson say 'in deliberative disagreement ... citizens should try to accommodate the moral convictions of their opponents to the greatest possible extent, without compromising their own moral convictions.' What if this happy outcome is impossible? Of course it would be a good outcome if there was a way that individuals can retain their convictions while accommodating the wishes of others. But is politics irreducibly about the opposite ?

Arguably the techniques supposedly to bring about deliberation, and as described by Smith, are themselves unacceptably distant from deliberation as presented as an ideal²⁰. Deliberation advocates prefer inclusivity. The devices on offer end up with a heavily self selected minority 'representing' the public. (Some citizens I suspect would rather take their chance with politicians than zealots.) Advocates imply citizens select decisions and outcomes, but in practice a reservation of 'final' decision by politicians is often sneaked in.

Even if issues can be decomposed into small manageable topics and presented by neutral organisers, is resolution possible? Even well

²⁰ . For example one technique on offer is citizen juries of say 12-24 members of the public selected at random (*but of course not accepting at random*. They are expected to spend 3-4 days hearing evidence. Smith quotes Coote and Mattinson (1997) 'a small number of ordinary people, without special training, is willing and able to make important decisions in the public interest.'²⁰) Here then is a case where the deliberating public are *deciding* rather than recommending. Which is it? We are told that such events will be run by 'independent organisations' but if a minority loses out will they not query 'independence'..

developed bodies of knowledge such as on global warming rest on controversial data with a significant minority of sceptical scientists. What are facts? The analogy is constantly made to a court of law. Well if the topic is, for example GM food, will both sides field the sort of forensic skills of cross examination that help juries? How will the public be able to screen out the simplified and distorted media version of science that fills their minds before the sessions? Are hysterical tabloid headlines about 'killer tomatoes' part of the evidence base that citizens would take to the deliberation on GM food?

The *false choice* is on offer that normal' decision making makes mistakes and deliberation would get it right. Thus Smith (2005, p51) puts forward the argument against deliberative micro – forums' being seen as indefensibly expensive - the 'House of Commons Select Committee on Public Administration has reaffirmed its commitment to deliberative techniques, arguing that the governments attitude "fails to take proper account of the cost – sometimes a very high cost – which can be attached to rushed government decisions based on contested scientific judgements.'

Of course this is a false and misleading prospectus. The choice is presented as being between where Government might be seen to have got things wrong (eg control of foot and mouth disease in UK in 2001) and a hypothetical case where a deliberative reading of the science might have produced a better policy. But what are the grounds for thinking the deliberative response would have produced a better scheme. Could both procedures not be right or wrong on different occasions? ? It is of course true that scientific evidence is often contestable, but how would a deliberative forum be better placed than the scientific elements of Government to distinguish cutting edge alternative scientific paradigms -

from minority scientific ‘noise’. That is the hard thing and we need to be convinced by reformers that deliberation does that better – not offered a false choice between Government being wrong and deliberation always being right.

Should it be Done?

Although a supporter importantly Warren (1996, p242) notes, ‘Although the transformative ideals of radical democracy are attractive for many reasons, they too often seem beset by fuzzy utopianism that fails to confront limitations of complexity, size, and scale of advanced industrial societies. Moreover, contemporary political culture – propelled by the mass media and permeated by rhetorics of fear and hate – hardly seem conducive to deliberative ideals.’²¹,

So Warren at least *contemplates* in a scholarly way the unthinkable: that the desirability of deliberation is irrelevant given the matter of practicality. He suggests that common assumptions need to be rejected. First he says that the Rousseauian notion of the state as the political expression of a democratic community does not match the differentiated, pluralized and politicized nature of contemporary societies.

Moreover Warren says that those pushing the argument in favour of deliberation have to drop the inherent belief that democratic participation is an attractive activity, one that people would naturally choose if only they had the opportunity. ‘*They should dispense with this romantic dogma.*’ (1996, p243, Italics added).

²¹ Warren avoids the circularity that the political culture is defective. More deliberation would improve it: more deliberation needs improved political culture ...

Warren (1996, p266) warns that the public reluctance to participate may not be because 'our culture induces apathy, and excessive individualism but also because of the unattractive features of politics as such.' This intuition that the public might resist the deliberative invitation is supported empirically. Conover, Searing and Crewe (2002, p60) note,

There remains, however, a major obstacle to encouraging more deliberative, public discussions. According to our focus groups, a number of citizens avoid public discussions precisely because they are too public. They view political preferences as fundamentally private and do not want to reveal them to acquaintances and strangers. And they see argumentation and persuasion, as not only threatening their preferences, but as an inappropriate invasion of their privacy. Political discussion is simply too revealing, for it can inadvertently expose our basic identities and character.²² (Conover, Searing and Crewe (2002, p60)

So for most people political discussion is recognised as dangerous in the sense that it reveals differences that they feel may be better sublimated or denied²³. As Robert Goodin pointed out Gutmann and Thompson's (1996, p1) central wish for participants to 'reason together to reach mutually acceptable decisions.', neglects a maxim enunciated by George Washington at the age of 14. In his copybook of *Rules of Civility and Decent Behavior in Company and Conversation*, Washington noted, 'avoid taking firm positions on contentious issues.' As Goodin points out it is often politically useful if things are left unsaid. Goodin accepts that

²² Eliasoph (1998) makes the interesting argument that this is a sort of 'political etiquette'. People are happier talking 'back stage' as a way of 'looking out for the common good.'

²³ He notes the 'discomfort' that some feel with 'political talk.' He said that raising political controversies may well cause people to 'inch away.' Of course there is the J S Mill proposition that the put are not unable to take part but that their capacities are underdeveloped because of existing practices and structures ... But Hardin (1999, p116) does not argue that the public cannot understand and contribute. His point is they cannot be motivated to understand given understanding will not be useful in their lives nor (realistically) affect outcomes ...

sometimes things have to be faced but he notes the advantages in leaving ‘tender’ subjects undiscussed if possible.²⁴ Sunstein (1999, p130) makes the compatible point that, ‘Silence ... can help minimize conflict ... What is said and resolved is no more important than what is left out.’

Another reason for an unpopularity of deliberative forums might be that that some members of the public light instinctively recognise that they are at a disadvantage compared others – say to highly paid lawyers with well developed skills... - they might prefer the equality of the ballot box to protect their interests. Deliberative pessimists might conclude with Walzer (1971) early in the debate, ‘Participatory democracy means the sharing of power among the activists.’

Bell (1999, p756) cites Berkowitz (1997) who pointed out that ‘mastering the art of conversation requires are a combination of gifts. He suggests, ‘intellectuals who commend a politics of conversation are like ‘oligarchs of all ages, (who) place themselves in the compromised position of advocating a general principle that directly advances their own class interest.’

Deliberation is an attractive possibility (to some), but it might be that many members of the public²⁵ are happier ‘contracting out’ their political input to parties and groups that they support. They might think that there is more chance of impact through that sort of professionalized

²⁴ Goodin (2006) is not against all deliberation but he has reservations on unlimited and uncontingent use.

²⁵ William Simon 91999, p56) concedes , as a professor Public Interest Law at Stanford, ‘The political style they (Gutmann and Thompson, 1996) favour will be attractive to much of the professional class... I don’t intend the “Professional class” qualification as a put-down. I like deliberative politics: it is my kind of politics.’ But he does suggest that others might find the deliberative style ‘doesn’t suit their most fundamental political aims, makes them vulnerable strategically, or just doesn’t get them very far ...’

representation. They might think the chances of pivotal impact through their personal participation is so low that they can find other more useful activities²⁶.

Sanders (1997, p349) pointed out that the citizens likely not to have due impact in deliberative forums are those systematically disadvantaged through other mechanisms – women, racial minorities, especially Blacks, and poorer people. Barristers such as Lady Kennedy (of the Power Inquiry) might relish putting forward their views in deliberative for a – because the equality of the vote is replaced by the bias of education.

Losing personally (as the reluctant deliberators might fear) might be less desirable than a representative system where the representative can lose without the individual feeling personal loss. And as Smith (2005, p54) concedes in quoting Posner (2004), ‘Widespread deliberation by citizens at large on issues of politics would mainly just reduce the civility of our politics by raising the temperature of public debate, making our politics more ideological and therefore more divisive.’

Walzer said (1971), ‘But many of the people who stay away from meetings do so for reasons that the militants do not understand or will not acknowledge. They stay away not because they are beaten, afraid, uneducated, lacking in confidence and skills (though these are often important reasons), but because they have made other commitments; they have found ways to cope with short of politics ... Nonparticipants have rights; it is one of the dangers of participatory democracy that it would fail to provide any effective protection of these rights.’ Dahl said, ‘In

²⁶ Tony Crosland famously warned against the influence of activists.

liberal societies, *politics is a sideshow in the great circus of life* (1961, p305) (emphasis added).

Dahl (1961: 279) notes that the myth of the primacy of politics in the lives of citizens is long seated, but it is reinforced by a tendency to confuse ‘what is and what ought to be’ and by ‘the inescapable fact that those who write about politics are deeply concerned with political affairs and sometimes find it difficult to believe that most other people are not’.

Are we to be compelled to spend our time participating – to avoid minorities speaking in our names. When Polsby (1980p117 edn) wrote. If a man’s major work is in banking, the pluralist assumes he will spend his time at the bank, not in manipulating community decisions.’ He was not complaining that the banker was excluded but he was accepting a degree of specialisation in the political system that allows the political elite to rule – subject to an ultimate ‘throw the rascals out’ control by the banker, his colleagues, the customers and the rest of the electorate. Suggesting that everyone ought to be interested enough on politics to want to contribute *sounds* appealing; It has the apple pie quality that suppresses discussion. ...

Reformers seem to build in an assumption that the issue is discovering that ‘balance point’ that will be treated as consensus. But is politics not to the contrary not built on another assumption that there will be fundamental conflicts²⁷? To wish away the ‘bad’ side of politics by wishing away conflict is wishing away the problem²⁸. (Sanders (1997,

²⁷ Cochrane (1996) argues against ‘sanitising the political process.’

²⁸ Weale (2001, p419) notes that Habermas (1996) sees the goal of democratic discussion as consensus. Weale comments, ‘The trouble with this tactic is that it only seems plausible by underplaying the pluralism of values that are supposed to be transmuted, via the method of discursive exchange, into some sort of consensus ...’

p352) cites Cohen and Rogers who suggest a precondition for satisfactory deliberation is removing 'material inequalities'. This rather suggests that making society fit for deliberation removes the need for deliberation ...)²⁹

It is politics without the controversy and passion. Honig makes the point, 'most political theorists are hostile to the disruptions of politics' and 'assume the task of political theory is ... get politics ... over and done with.' There is the possibility then that in a world ideal enough for ideal deliberation would not require it. Schauer says, 'Public deliberation ... might be nice but would hardly be necessary, since any other form of decision procedure would also produce, essentially by stipulation, ideal results. '(Schauer, 1999 p24-5).

The instinct towards deliberation is perhaps a good aspiration for citizens, but its normative thrust perhaps erodes its relevance. The addiction to deliberation is more Beach Boys than Pateman or even Barber. (The lyrics say 'Wouldn't it be nice'). Well wouldn't it be nice if Stoker were right and the way forward in remedying problems that are global, are about resource competition, value and religious incompatibility, is through mutual respect, reciprocity and discussion. Well wouldn't it be nice? But where is this transformation to start? Where are the first steps? And of course the lyrics go on to say but lets talk about it.' Did the Beach Boys invent deliberation?

As Schapiro argues the emphasis on deliberation as a means to resolve disagreement/ conflict, 'attends too little to the degree to which moral disagreements are shaped by differences of interest and power.'In

²⁹ Mouffe (1999) 'The inherently conflictual aspect of pluralism. Linked to the dimension of undecidability and the ineradicability of antagonism is precisely what the deliberative democracy is at pains to erase.'

discussing Gutmann and Thompson (1996) he says that sometimes people might better resolve differences by deliberation, but he asks, 'what reason is there to think that failure to attempt this is the principal reason why public policy issues are not resolved along the lines Gutmann and Thompson advocate? Wertheimer (in Macedo, 1999 queries 'mutually acceptable decisions' as an ambition. He points out that a jury in a first degree murder case should really try to establish the truth – not satisfice by accommodation each other with a manslaughter verdict.

Finally how will resources be redistributed in a deliberative world? The vision of pushing decisions down to local levels rather smacks of letting the poor choose the nature of their poverty. Politics might importantly be about redistribution. What processes will facilitate that?

The Deliberative movement has forgotten an insight from Lindblom (1959). When Lindblom suggests that the test of a 'good' policy is *agreement* is of course deliberately confronting those who want shared reason for agreeing to the policy: For Lindblom agreement is sufficient even if the diagnosis and goals of those agreeing are far apart. They have to share nothing – except preparedness to sign up for the policy.

Such fragile and superficial agreement is at odds with those who want deliberated agreement that shares underlying purposes. For Lindblom's Successive Limited Comparison (SLC) approach there is no need for agreement about objectives, as long as the policy is agreed upon. Lindblom thus argued provocatively, 'it is not irrational for, an administrator to defend a policy as good without being able to specify what it is good for.' Are those in favour of deliberated prepared for such 'irrational' sounding conclusions?

This paper has the title Policy Without Learning as it suggests that in Devolution in the UK, Decentralization in local government and in Deliberative experiments there is a body of experience of changes in a particular direction on which to reflect. At minimum the paper suggests the empirical evidence is not leading to 'learning' when the UK Government sees Double Devolution as a 'must buy' brand. It would be far too pessimistic to argue that politics as we currently know it is a perfection that cannot be improved upon. But a review of the alternatives suggests that the time is past where we can simply claim that the Great Leap Forward to Deliberation is based on a credible body of evidence. Such a leap would be in spite of the evidence and not because of it.

Finally the apolitical Holy Grail of deliberation may be a wholly inappropriate one:

It is a fundamental property – and perhaps defect – of democracy that citizens may watch laws being made, and when they do so they often compare democracy to its image and then reject the actual process with righteous disdain, even outrage, opaquely dismissing it as bickering and correctly, but uncomprehendingly, labelling it 'politics as usual'. Effectively, however, politics as usual is the same as democracy in action. (Mueller, 1999: 248)

In my response to deliberation there may appear something disproportionate. Why should I care if a large bunch of well meaning and optimistic individuals wish to reform democracy in ways that I personally think are wrong headed. I think to understand my concern we need to pick up the notion of 'brand'. There is for my taste too much negative advertising about representative democracy by those wishing to promote their product. In selling their snake oil of untested remedies the deliberative reformers should not be so critical of damaging confidence in 'business as usual.'

Preliminary list of Operationalization Issues for Deliberation.

Who decides on the groupings that deliberate?

Who decides what resources they get? Can they claim on resources of others?

What can they deliberate about?

Who decides on the limits of agenda?

Who decides if their conclusions are permitted?

How are decisions reached? Who has authority to report?

Can decisions be reopened?

What if deliberative meetings are inconsistent between policy fields?

What if deliberative meetings conflict with conclusions of other groups?

Is there one example that the advocates want to put forward as a reasonable approximation of what they want to proliferate?

Barber, B (1984) *Strong Democracy*, U of California Press.

Burns, D, 'Can Local Democracy Survive Governance, *Urban Studies*, Vol 37 No 5-6, 963-973.

Burns, D, Hamblton, R, hoggett, P (1994) *The Politics of Decentralisation* Revitalising local Democracy, palgrave Macmillan.

Bulpitt, 1983)

Bohman, J, 1998, 'Survey Article: The Coming of Age of Deliberative Democracy', *The Journal of Political Philosophy*, Vol.6, No.4, pp.400-425

Button, M and Mattson, K, 1999, 'Deliberative Democracy in Practice: Challenges and Prospects for Civic Deliberation', *Polity*, Vol.XXXI, No.4, pp.609

Chowcat, I, 2000, Moral Pluralism, Political Justification and Deliberative Democracy, *Political Studies*, Vol.48, pp.745-758

Cochrane, A (1996) From theories to Practices: Lking for Local Democracy in Brirain, in D king and G Stoker 9eds) *Rethinking Local Democracy*, Macmillan/ Conover, P, searing d, Crewe, I (2002) The deliberative potential of Political Discussion, *BJPS*, 32, pp21-62.

Coote, A and Mattinson, D (1997) *twelve Good Neighbours*, Fabian Society.Cronin t (1989) *direct Democracy*, Harvard U P

Dryzek, J 2000, *Deliberative Democracy and Beyond*, OUP

Dryzek Einsiedel, E, F and Eastlick, D, L, 2000, 'Consensus Conferences as Deliberative Democracy', *Science Communications*, Vol.21, No.4, pp.323-343

Eliasoph, Nina (1988) *Avoiding Politics: How Americans Produce Apathy in Every day Life*, Cambridge U P.

Fearon, J, D, 1998, 'Deliberation as Discussion', in Elster, J (ed), *Deliberative Democracy*, Cambridge: Cambridge University Press

Gardner, J, A, 1996, 'Shut Up And Vote: A Critique of Deliberative Democracy and The life Of Talk', *Tennessee Law Review*, Vol.63, No.2, pp.421-451

Gargarella, R, 1998, 'Full Representation, Deliberation and Impartiality', in Elster, J (ed) *Deliberative Democracy*, Cambridge: Cambridge University Press

Gutmann and Thompson (2004) Why Deliberative Democracy, Princeton U P.

Hogget P and Hambleton (eds) *Decentralisation and Democracy*, SAUS. Occasional Paper 28.

- Hoggett, P, Hambleton, R (1987) *Decentralization and Local Democracy*, The Policy Press.
- Hunt, I (2004) review in *Australian journal of Political Science*, Vol 39, no 1/p234.
- Johnson, J, 1998, 'Arguing for Deliberation: Some Skeptical Considerations', in Elster, J, (ed) *Deliberative Democracy*, Cambridge: Cambridge University Press
- Kim, J, Wyatt, R, O and Katz, E 1999, 'News, Talk, Opinion, Participation: The Part Played by Conversation in Deliberative Democracy', *Political Communication*, Vol.16, pp.361-385
- Leach, S and Pratchett, I (2005) local Government; New vision rhetoric or reality? *Parliamentary Affairs*, Vol 58, no 2 pp318-334.
- Leib, E (2004) *Deliberative Democracy in America: A proposal for a Popular Branch of Government*. Penn State U P.
- Levine, P, 1999, 'Getting Practical About Deliberative Democracy', Institute for Philosophy and Public Policy (Report), Vol.19, No.4, pp.9-15
- Lownes, V Pratchett, L, stoker, G (2001) trends in Public Participation: part 1 Local Government Perspective., *Public Administration*, Vol79 no 1, 205-222.
- Lownes, V Pratchett, L, stoker, G (2001) trends in Public administration part two – citizens's perspectives ; *Public administration*, Vol 79, no 2. 445 –455.
- Lupia, A and McCubbins, M, D, 1998, *The Democratic Dilemma: Can Citizens Learn What They Need to Know?*, New York: Cambridge University Press
- Lustick, I, S and Miodownik, D, 2000, 'Deliberative Democracy and Public Discourse: The Agent Based Argument Repertoire Model', *Complexity*, Vol.5, No.4, pp.13-30
- Meadowcroft, J (2001) Community Politics, representation and the Limits of Deliberative Democracy, *Local Government Studies*, Vol 27, No 3, pp25-42.
- Mackie, G, 1998, 'All Men Are Liars: Is Democracy Meaningless?', in Elster, J (ed), *Deliberative Democracy*, Cambridge: Cambridge University Press
- Michelman, F, I, 1997, 'How Can the People Ever Make the Laws (A critique of deliberative democracy)', *Modern Schoolman*, Vol.74, No.4, pp.311-330
- Mitchell, J 'The creation of the Scottish parliament: journey without end.' *Parliamentary Affairs*, 1999 52: 649-665.
- Mouffe C (1999) 'Deliberative Democracy or Antagonistic Pluralism.' *Social Research* Vol 66 no 3, Fall,
- Nino, C (1996) *The Constitution of Deliberative Democracy*, Yale U P.

Osborne and Gaebler

Parkinson, J 'Legitimacy Problems in Deliberative Democracy', *Political Studies*, 2003, Vol 51 180-196.

Pateman C (1970) *Participation and Democratic Theory*,

Polsby, N 1963, ref to 1980 edn) *Community Power and political Theory*, Yale U P.

Pratchett, L (1999) 'New Fashions in Public Participation: towards Greater Democracy,' *Parliamentary affairs*, pp616-633

Sanders, L 1997 'Against Deliberation' *Political Theory*, 25 (3) 347-76

Saward M (ed) (2000) *Democratic Innovation*, routledge/ECPR.

Saward, M, 2000, 'Enacting Democracy', *Political Studies*, vol 51, no1. 161-179.

Stokes, S, C, 1998, 'Pathologies of Deliberation', in Elster, J, *Deliberative Democracy*, Cambridge: Cambridge University Press

Smith G (2005) *Peyond the Ballot box, Power Inquiry*.

Smith, G, and Wales, C, 2000, 'Citizens Juries and Deliberative Democracy', *Political Studies*, Vo.48, No.1, pp.51-65

Stoker (1996) 'redefining local Democracy' in Pratchett and Wilson, *local Democracy and Local Government*, Macmillan

Walzer, M (1971) 'A Day in the Life of a Socialist Citizen' in *Obligations: Essays on Disobedience, War and Citizenship*, Harvard U P.

Warren m (1996) ; What Should we Expect from More democracy@ Radically democratic Responses to Politics, *Plitical Theory*, Vol 24 no 2 May, pp241-270.

Warren M (2002) what canm Democratic Participation Mean Today, *political Theory*, vol 30, no 5, Oct pp677-701

Weale, A *Deliberative Democracy, Science and Public Policy*, vol 28, no 6, pp413-421.

Weeks, E, C, (2000) 'The Practice of Deliberative Democracy: Results from Four Large Trials', *Public Administration Review*, Vol.60, No.4, pp.360-372

Wright, A (2000) *Scotland: The Challenge of Devolution*, Ashgate.

Wilson, D (1999) (Exploring the Limits of Public Participation in Local Government, *Parliamentary Affairs*, vol 52 no 2, 246- 259

Wislon D (2001) *Local Government: Balancing Diversity and Uniformity. Parliamentary Affairs*, Vol 54, 289-307.

Yamazaki (m) 2006) *The Emergence of Regionalism under Globalisation in Japan* (typescript draft)

.....

OMIT FOR TIME REASONS

But Russell Hardin (in Monroe, 1997, p208) applies rational choice theory to this and gets an unfashionable, but powerful, conclusion. After pointing out the lack of influence that a citizen might have through voting – even if they tried had to inform themselves on political matters. He says, ‘I can generally expect to gain more from using my time and energy in other pursuits than in following and participating in politics.’ But he goes on,

One might say it is nevertheless morally incumbent on me to learn about politics and to participate because my doing so contributes to a good outcome that benefits others as well as myself. Even if it is rational or self interested for me to be ignorant and to participate very little, it may still be wrong.

However Hardin does not accept this line of self criticism. He says, ‘Without becoming a full time politician, I cannot expect to have significant effect on politics no matter how I strive to learn about it. And if I learn about politics from reading and participating, I necessarily have to do less of something else/ would I have a better impact on the world or be better off or a better person for that change in my behaviour?’ He says, ‘plausibly not.’ But then adds crucially. ‘moreover , I would not want most others to spend too much time learning about politics because I depend on how well they do other things, all of which would suffer if knowing politics took much of their time. Therefore, it may be neither irrational nor immoral for me – and most other people as well – to be relatively ignorant about politics.’³⁰

Critics of electoral democracy, such as the Power Inquiry, quote – as if it is conclusive – interview data such as,

Many people feel their views are not taken into account...(2006, p29)

³⁰ He concedes that sometimes participation is desirable but concludes, ‘Still much of the time, my coming to know enough to participate intelligently and my participating might fail to be either rationally or morally required. Admonitions at the level of the polity that we ought to participate for our own collective well- being are a cavalier fallacy of composition/ The form of that fallacy is often a blending of the conceptual fallacy identified by Arrow and the motivational fallacy identified by Downs and Olson. It is twice fallacious. At this late date, it is also increasingly contemptible.’

People want to feel that their vote makes a difference to their lives, for many this is not felt.

People need a feeling that their vote might actually have some effect.

In fact people don't really think they make a difference.

When I vote I never believe I can make a difference. (2006, pages 74-5)

These kinds of remarks perhaps conflate two complaints – neither of which is served by more deliberation.

The first complaint may be about pivotality. This is essentially why Downs/ Olson erroneously suggested non voting would be 'normal'. Of course in large electorates the individual vote is unlikely to be crucial. But is the elector saying that they should have the critical judgement, it is not a generalizable preference ...Not everyone can be crucial. It is unfair to offer deliberation as offering much more scope for personal determination . One voice in a large population is as powerful/powerless as one vote ...

Secondly, the 'lack of a difference' complaint seems to be saying that the parties are similar because they have established positions where the voters are likely to agree with them. Is this really a democratic problem? Parties and public agree? Unless the parties are inept is there a possibility that a deliberative consensus will discover a quite distinct consensus? Strangely this argument in favour of deliberation appears to prefer conflict to agreement.

Making the perhaps unwarranted assumption that deliberation advocates have a syndrome of other reform preferences are the reformers really indifferent to outcomes³¹ ? One reason perhaps why proponents of deliberation seem to prefer it to electoral common ground is that reformers assume outcomes will emerge closer to their personal preferences than electoral competition generates. Is support conditional on the assumption (that seems widespread) that given information the public involved will select policies that fit in with other reform agendas – banning GM goods, increasing gender equality, curtailing energy use, increasing use of public transport. There is a remarkable confidence that the public will turn out to be liberal, egalitarian, environmentalist and collective in their orientations. Should the public turn out to prefer nuclear over wind, support for misguided action in Iraq over indifference

³¹ Fish (1999, p 100) comments, 'their commitment, despite assertions to the contrary, is not to deliberative democracy, but ... to particular outcomes.'

to fate the Iraqi people, car jams over bus queues, is that acceptable to the reformers? Is the support for deliberation conditional on the outcomes of deliberation?

The deliberative orientation assumes that opinion is endogenous and individuals search for information to make their personal judgements. But if ‘opinions’ are shaped by other actors, then deliberation becomes a different process³².

.....

Schauer (1999) suggests real examples of deliberation might demonstrate,

Lack of accountability, with the pursuit of private rather than public interests, with the effect of special interest groups, and with deliberators out of touch with the actual concerns of those whose interests are in fact at stake,. And when we consider having the decision made by public deliberation, we confront the problems of demagoguery, of sound bite- democracy, of the persistent inability of facts and evidence to transcend background normative belief, and of the extent to which the inequalities of society in general are reflected and replicated in its deliberative environments. ‘

.....

Deliberation has yet to satisfactorily resolve the scale problem (how do small scale decisions relate to general societal rules?) and a deliberative paradox. If, as Parkinson suggests (2003, p181) deliberative democratic outcomes are legitimate ‘to the extent they receive reflective assent through participation in authentic deliberation by all those subject to the decision in question.’ (Dryzek, 2001, p651) then deliberation in small groups (also a requirement) cannot bind large masses to decisions in which they did not participate. Reciprocity is a term that crops up frequently, but it is hard to see that this principle extends outside the

³² Parkinson (2005) reviews a major attempt to use the media to approximate to Fishkin’s deliberative poll technique. He concluded , ‘The media are not broad pipes which simply convey whatever is put into them but, like all institutions, shape that input in sometimes significant ways.’ In particular he notes the media need for ‘dramatization’ and ‘polarization’.

forum of deliberation. Therefore I must participate in a mood of reciprocity vis a vis other participants but what are my obligations to those not present? If decisions are local who is solving the *aggregation* of opinion problem

As a small example had policy in mumps/measles and rubella vaccination (MMR) been public dominated would a better policy have emerged – steered by an over sympathetic press attitude to (now discredited) scientific minority views³³? Wertheimer (p170) points out that by time deliberationists have set up their requirements, ‘the principles that should constrain the deliberative process may provide less space for genuine disagreement and democratic choice than a robust theory of democracy should.’ From a Japanese student in a class in the 1970s I picked up the useful; phrase ‘different dreams in the same bed...’ For example, when the Scotland and Wales Devolution Bill was under consideration, it was supported by Labour as a means of preventing Scottish independence and by the SNP as a means of securing it. It was a successful policy in this regard even if the participants were in coalition for different ends. In reality there is no need for identity of goal for people to work together.

³³ Weale (2001, p420) warns against setting up the too great a dichotomy between participatory institutions and representative ones. But unless the deliberative mechanisms are powerful and substantially replace representative can great benefits be claimed?