5-21-2007

From Dahl to O'Leary: 36 Years of the "Yale School of Democratic Reform"

J. H. Snider
Founder & President of iSolon.org, snider@iSolon.org

Follow this and additional works at: https://www.publicdeliberation.net/jpd

From Dahl to O'Leary: 36 Years of the "Yale School of Democratic Reform"

Abstract

A review of Kevin O'Leary's book, Saving Democracy: A Plan for Real Representation in America.

Keywords

Book Review

From Dahl to O'Leary: 36 Years of the "Yale School of Democratic Reform"

Kevin O'Leary. Saving Democracy: A Plan for Real Representation in America. Place: Stanford University Press, 290 pages, 2006.

J.H. Snider

With the perspective of hindsight, it is now clear that there has emerged a "Yale School of Democratic Reform" ("Yale School") running from Yale Political Science Professor Robert Dahl (Ph.D. 1940) through a series of Yale Political Science Ph.D. students: James Fishkin (Ph.D. 1975), Ethan Leib (Ph.D. 2004), and Kevin O'Leary (Ph.D. 1989). The students have all scattered to various universities in California, but they have all followed in Dahl's tracks.

The central insight of the Yale School is that a large, randomly selected sample of American voters could be brought together to deliberate in such a way that some of the most intractable problems of America's representative democracy could be solved. These randomly selected bodies--variously called a "minipopulus," "deliberative opinion poll," "popular branch of government," "people's house," and "citizens assembly"--hearken back to the Ancient Athenian Council of 500, which was randomly selected and played a vital role in Athenian Democracy. However, the Yale School does not seek to return to the direct democracy of Ancient Athens. Instead, it seeks to graft these randomly selected bodies onto today's representative democracy.

There are many other advocates of randomly selected bodies (e.g., see Becker 1976; Barber 1984; Callenbach and Phillips 1985; Snider 1994; DeLeon 1997; Carson and Martin 1999; Gastil 2000; Gibson 2002; Crosby 2003; Snider 2006). Indeed, Solon, who ruled Athens more than 2,500 years ago, is widely credited as the original author of the concept. But the Yale School tends to be distinctive in the theoretical rigor with which it pursues its ideas, the extensive dialog it engages in with the Founding Fathers of American democracy, the large size and national jurisdiction of its proposed random bodies, the visibility of its proponents, and the book length of its arguments.

To my knowledge, the Yale School was launched in 1970 with the publication of Dahl's *After the Revolution*. That book set the pattern of all that would follow: a rigorous, theoretically grounded critique of current democratic practice followed by a proposal to address those problems with a novel institutional arrangement of randomly selected citizens. Here is Dahl's proposal from 1970:

> Selecting representatives by election has completely displaced selection by lot in modern democracies, so much so that a proposal to introduce selection by lot will almost certainly strike most readers as bizarre, anachronistic and—well, antidemocratic.

> Nonetheless, I propose that we seriously consider restoring that ancient democratic device and use it for selecting advisory councils to every elected official of the giant polyarchy—mayors of large cities, state governors, members of the U.S. House and Senate, and even the president.
>
> Let us imagine that the membership of each advisory council were to consist of several hundred constituents picked by the same procedures used to ensure randomness in modern sample surveys….
>
> Anyone who has grown accustomed to thinking of the citizen in a polyarchy as more subject than citizen will no doubt be surprised by my proposal. Yet… I do not see any problems that could not be met satisfactorily by the exercise of reasonable foresight before establishing the councils…. (pp. 122-3).

In his acclaimed 1989 book, *Democracy and Its Critics*, Dahl once again—but this time with greater emphasis—lays out a grand theoretical vision of the nature and possibilities of democracy, then concludes with essentially the same proposal he introduced in 1970. This time he calls his advisory council a "minipopulus" and introduces the idea that telecommunications could greatly facilitate it.

> An attentive public that represents the informed judgment of the demos itself? The idea seems self-contradictory. Yet it need not be. Suppose an advanced democratic country were to create a "minipopulus" consisting of perhaps a thousand citizens randomly selected out of the entire demos. Its task would be to deliberate, for a year perhaps, on an issue and then to announce its choices. The members of a minipopulous could "meet" by telecommunications…. A minipopulous could exist at any level of government—national, state, or local. It could be attended—again by telecommunications—by an advisory committee of scholars and specialists and by an administrative staff. It could hold hearings, commission research, and engage in debate and discussion.
>
> I see the institution of the minipopulus in Polyarchy III not as a substitute for legislative bodies but as a complement. (p. 340)

I quote Dahl at length because these passages reveal how the key ideas about randomly selected political bodies developed by Fishkin, Leib, and O'Leary evolved from Dahl. Similarly, Dahl's critique of contemporary democracy, especially his focus on the seemingly intractable existence of political inequality, animates the work of all the members of the Yale School.

Fishkin's two major works, *Democracy and Deliberation: New Directions for Democratic Reform* (1991) and *The Voice of the People: Public Opinion and Democracy* (1995) make the case for "deliberative opinion polls." According to Fishkin, a deliberative opinion poll "provides a statistical model of what the electorate would think if, hypothetically, all voters had the same opportunities that are offered to the sample in the deliberative opinion poll." (1991, p. 4). In practice, Fishkin's deliberative polls have generally involved bringing at least several hundred randomly selected voters together for several days to deliberate and then vote on an issue.

More than anyone else—even Dahl himself--Fishkin has come to be identified with what I am calling the Yale School. A skilled political entrepreneur and marketer, Fishkin has raised tens of millions of dollars over the years to test and promote his ideas. With his prominent perch at Stanford University, he is probably the most visible living advocate for randomly selected political bodies.

By dropping Dahl's proposal to incorporate the random body into the formal machinery of government and instead conceiving of it as an enhancement of current polling techniques, Fishkin's proposal doesn't need government approval and thus appears more politically realistic; that is, no constitutions have to be changed or legislation passed to bring it to fruition. Leib and O'Leary, in contrast, have returned to Dahl's initial proposal to embed the random body within government.

In his *Deliberative Democracy in America: A Proposal for a Popular Branch of Government* (2004), Leib makes the case for institutionalizing Fishkin's "deliberative opinion polls" so that they carry substantially more political and democratic weight. His specific proposal--presented in an abstruse style--is to create a fourth branch of government, the "Popular Branch," made up of 525 randomly selected individuals. The agenda for this branch would be created via a popular ballot (like the initiative) and via legislative recommendation (like the referendum). Service in the Popular Branch, as with today's jury service, would be compulsory.

Now, in O'Leary's new book, *Saving Democracy: A Plan for Real Representation in America* (2006), we have the most complex network of random bodies yet proposed. O'Leary proposes 435 random bodies, one for each member of the U.S. House of Representatives. Each of these bodies would be made up of 100 randomly selected individuals for a total assembly of 43,500. The local assemblies, aggregated together, would form a virtual national assembly, the "People's House," which would have, in its ultimate form, many of the same powers as the current United States House and Senate. A national steering committee, made up of 100 representatives drawn from the 435 local assemblies, would set the agenda and perform administrative functions for the People's House.

Curiously, unlike most other advocates of randomly selected bodies, O'Leary lacks a vision for how his proposal could operate at the state or local levels. One could conceivably adapt O'Leary's proposal for other legislative bodies. But O'Leary appears to dismiss such a need because he thinks democratic failure is much more severe at the national than local level.

O'Leary's book has great strengths. He writes with the grace of a first rate journalist and brilliantly situates his policy recommendations in a grand panorama of political theory and history. The theoretical stage is especially well populated by the great dead men of democratic theory, including Madison, Hamilton, Jefferson, and Machiavelli. But when it comes to O'Leary's peers tending the same gardens, notably John Gastil (arguably, an honorary member of the Yale School) and Ethan Leib, he is curiously dismissive, granting them only a footnote.

Despite his evident learning and scholarship, O'Leary argues for his proposal like an advocate rather than a serious intellectual. This is reflected in his failure to seriously grapple with potential objections to his proposal. He does attempt to deal with many potential objections.

But, despite the many words devoted to this task, he seems to have casually dismissed the most serious potential objections. In form, then, he has followed rigorous scholarly methods. But in substance, he has come up short by directing his firepower at straw men.

At a Brookings event launching O'Leary's book, Jonathan Rauch pounced on this weakness. Rauch, a prominent journalist and critic of current democratic practice, spun out a scenario whereby President Bush's campaign mastermind, Karl Rove (or other political operatives, Rove just being a vivid example), could manipulate and corrupt a citizens assembly. Such operatives could greatly influence the relatively small fraction of citizens who would agree to devote a year of their lives to participating on a citizens assembly. And, after an assembly was selected, such operatives could influence how assembly members voted and who attained leadership positions within the assembly. In short, the types of political forces that O'Leary decries influencing Congressional representatives would also influence the politics of randomly selected representatives. Rauch thus concludes that the citizens assembly "won't be insulated from politics but will be insulated from political accountability."

O'Leary could have dealt with many of Rauch's objections with some fine tuning to make his proposed citizens assembly less susceptible to corruption. But there are some objections that probably cannot be addressed without fundamentally changing the nature of O'Leary's proposal. For example, O'Leary requires that, driven primarily by civic spirit, 43,500 citizens be willing to give up a good portion of their lives to seriously grapple with public policy issues. But given what we know of human nature and relevant political behavior, is this plausible? Would people devote so much energy to an endeavor if their chances of making a difference were so small?

For example, despite fighting hard to join Congress and receive its large monetary and non-monetary membership benefits, members of Congress tend to invest significantly less energy in becoming experts on subjects when they cannot reap selective rewards for such efforts (Krehbiel 1991). Partly as a result, Congress--only about 1% the size of O'Leary's legislative body--is divided into specialized committees, with members taking their voting cues from members with expertise on other committees.

One solution to the incentive problems that come with large legislative size, then, might be to reduce the size of the People's House or increase the specialization of its members. But such solutions to the size problem would come in conflict with O'Leary's other, strongly stated argument that a random body on the order of 500 people is too small and that in a People's House all citizens should have an equal opportunity to debate the issues; otherwise, there wouldn't be political equality.

O'Leary's book also has some quirky inconsistencies. On page 127 he criticizes Fishkin's deliberative opinion polls because "Most busy citizens are not going to want to pack their bags for a three or four day deliberative convention in a far-off city with complete strangers to discuss the great issues of the day." Yet, as far as I can tell, O'Leary's proposal demands far more of citizens, albeit with travel over lesser distances.

Another inconsistency is that O'Leary's book was published in September 2006, but it contains a section labeled "Imagine the Year 2004," where he describes how the political environment could change if, "At the end of 2003, in a fit of civic zeal, Congress passed the Citizen

Assembly Act putting into place a system of town hall in congressional districts across the nation." (p. 133)

In the final analysis, however, I'm being too harsh. O'Leary has done a great job describing flaws in current democratic theory and pointing out how a random body could help alleviate them. If his particular solution seems a bit arbitrary and poorly thought out, that's hardly an unusual criticism of many an otherwise outstanding political science book that concludes a rigorous analysis with a series of half-baked policy recommendations. However, since O'Leary has placed so much emphasis on his policy solution in his title and in the overall structure of his book, any weakness in that solution is more damaging.

Clearly, there is much work left to be done to realize the vision Dahl sketched out more than 35 years ago. It is noteworthy that the pace of scholarly work on institutionalizing randomly selected democratic bodies has greatly accelerated since 2000. In the last several years there have been experiments with citizen assemblies in British Columbia, Ontario, and the Netherlands that are unprecedented, show signs of catching on elsewhere, and are generating a flurry of new research. The distinguishing feature of these new experiments is the randomly selected body's narrow focus on issues, such as designing electoral systems, where elected officials have a blatant conflict of interest (Snider 2006).

Given all this experimentation, the odds of an O'Leary-like proposal coming to fruition are greater than ever before. For those seeking an eloquent exposition of the democratic rationale for such a development, O'Leary's book is an excellent resource.

--J. H. Snider, Ph.D., is the President of iSolon.org, a non-partisan public policy institute that publishes the Citizens Assembly News Digest and is committed to exploring and advancing opportunities for democratic reform brought about by new information technologies. From 2001-2007, Snider was a Fellow and Research Director at the New America Foundation, where he founded its Citizens Assembly Initiative.

References

Barber, B. R. (1984). <u>Strong democracy : participatory politics for a new age</u>. Berkeley, University of California Press.

Becker, T. L. (1976). <u>American Government, Past, Present, Future</u>. Boston, Allyn and Bacon.

Callenbach, E. and M. Phillips (1985). <u>A Citizen Legislature</u>. Berkeley, Calif. Bodega, Calif., Banyan Tree Books ; Clear Glass.

Carson, L. and B. Martin (1999). <u>Random selection in politics</u>. Westport, Conn., Praeger.

Crosby, N. (2003). <u>Healthy Democracy: Empowering a clear and informed voice of the people</u>. Edina, MN, Beaver's Pond Press.

Dahl, R. A. (1970). <u>After the revolution? Authority in a good society</u>. New Haven,, Yale University Press.

Dahl, R. A. (1989). <u>Democracy and Its Critics</u>. New Haven, Yale University Press.

DeLeon, P. (1997). <u>Democracy and the policy sciences</u>. Albany, State University of New York Press.

Fishkin, J. S. (1991). <u>Democracy and deliberation : new directions for democratic reform</u>. New Haven, Yale University Press.

Fishkin, J. S. (1995). <u>The voice of the people : public opinion and democracy</u>. New Haven, Yale University Press.

Gastil, J. (2000). <u>By popular demand : revitalizing representative democracy through deliberative elections</u>. Berkeley, University of California Press.

Gibson, G. (2002). Report on the Constitution of the Citizens' Assembly on Electoral Reform. Vancouver.

Krehbiel, K. (1991). <u>Information and Legislative Organization</u>. Ann Arbor, University of Michigan Press.

Leib, E. J. (2004). <u>Deliberative Democracy in America: A proposal for a popular branch of government</u>. University Park, Pa., Pennsylvania State University Press.

O'Leary, K. (2006). <u>Saving democracy : a plan for real representation in America</u>. Stanford, Calif., Stanford University Press.

Snider, J. H. (1994). "Democracy On-Line." <u>The Futurist</u> **28**: 15-19.

Snider, J. H. (2006). "Solving a Classic Dilemma of Democratic Politics: Who Will Guard the Guardians?" <u>National Civic Review</u>(Winter).