Reform Pluralism as Political Theology & Democratic Technology

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1. Introduction[1]

Robert LaFollette, the great progressive Senator and presidential candidate, famously argued that, "The cure for what ails democracy is more democracy." One might aptly characterize Bruce Cain's book, *Democracy More or Less,* as an extended rebuttal to LaFollette's populist prescription for healing the body politic. Cain mounts a sustained assault on what he sees as the naïvely Whiggish optimism of LaFollette's epigones in the contemporary reform community. Neo-populists propagate "the more democracy illusion" by pushing reforms that are only superficially more democratic. Instead Cain proposes *reform pluralism* as both an overarching theory of democratic politics and a set of concrete policy prescriptions. On Cain's account, modern democracy is (and can only reasonably aspire to be) primarily interest group pluralism. So one might summarize the book's positive argument as an inversion of LaFollete's maxim: "the cure for what ails interest group pluralism is more interest group pluralism."

Despite the book's extraordinary breadth and detail, I want to argue that we should resist reform pluralism as an overarching theory, even though we might embrace some of the specific proposals for reform. My case for these conclusions proceeds as follows. In the next section I suggest that the book's main argument commits a category mistake by conflating the four normative conceptions of democratic *standards* (pluralism, populism, apolitical/progressive, and deliberative) with largely empirical theories about *how best to realize* those standards.[2] I then go on (section 3) to reconstruct the normative standards implicit in those theories. One consequence

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[2] Cain initially lists three major reform approaches, but later the deliberative approach comes in for discussion roughly commensurate with the "apolitical" approach. Throughout the book the main conflict is between the pluralist and the populist, with the other two as secondary rivals. As someone sympathetic to deliberative theory I have chosen to elevate it to a fourth basic approach for purposes of the present discussion.

of conflating standards and strategies is that the populist, progressive (apolitical), and deliberative theories are not presented in their most persuasive forms, and the pluralist perspective becomes too protean, losing some of its theoretical edge. As a result, many of the more specific policy debates between the theories are partly adjudicated by appeal to the conflated macro-theory (section 4), rather than squarely on the local evidence about their effectiveness in promoting a given standard. And in doing so, the argument builds a false ceiling in to our normative aspirations that threatens to become a self-fulfilling prophecy. Finally (section 5) illustrates this problem by sketching some empirical evidence for the viability of more *directly representative democracy* in contrast to pluralism's emphasis on mediation.

2. Political Theology v. Democratic Technology

Throughout his critique of populist and deliberative theories of democracy Cain focuses on their excessive idealism and unworkability in practice. Pluralism is to be preferred largely because it is more realistic. For example he asserts that "[T]he romanticism of citizen participation inevitably cedes to the realities of pluralist intermediaries." These differences are cast in terms of recurring theological metaphors: "democracy's original sin," "pluralist heaven," "political purgatory," among others. It is scarcely too much to speak of a "pluralist reformation" in which average citizens are fallen creatures who are justified by faith in political institutions.

This "reformation" view of citizen capacities leads to sharp criticism of other theories that rely on a less thoroughgoingly pessimistic picture:

> "Agreement on the merits or by rational persuasion (the deliberative ideal) might
> be optimal, but not always achievable … Deliberation advocates at least
> understand that the process of opinion formation matters greatly, but their vision
> of human motivations is highly rationalist and idealistic. The pluralist, by
> comparison, recognizes the importance of group dynamics and that compromise is

> sometimes highly political – i.e., not necessarily the best solution by some objective standard but sometimes the most feasible one given fundamental differences in opinion, partisanship or ideology."

The accusation that deliberative theory is overly idealistic (e.g., that it rejects political compromise) is common, but illustrates a subtle but important confusion that runs through the book about the core of democratic conceptions of legitimacy.[3] Deliberative theory, for example, is primarily about articulating the normative standards implicit in democratic practice. Only secondarily is it an empirical theory about the causal virtues of specific talk-oriented political innovations (e.g., Deliberative Opinion Polls) that might better realize those standards. Going all the way back to 1976 Jürgen Habermas, arguably the leading philosopher of deliberative democracy, articulated the distinction between deliberation as a normative theory and what he called "organizational" questions:

> If one calls democracies precisely those political orders that satisfy the procedural type of legitimacy, then questions of democratization can be treated as what they are: as organizational questions…*Democratization cannot mean an a priori preference for a specific type of organization, for example, so-called direct democracy*…Schumpeter and his followers reduce democracy to a method for selecting elites. I find this questionable, but not because, say, this competition of elites is incompatible with forms of basic democracy – one could imagine initial situations in which competitive-democratic procedures would be most likely to produce institutions and decisions having a presumption of rational legitimacy. I find Schumpeter's concept questionable because it *defines* democracy by procedures that have nothing to do with the procedures and presuppositions of free agreement (Habermas, 1979:186-7).

For Habermas, no practices or institutions can be ruled in a priori – that is, without practical knowledge about the vagaries of implementation. Even more striking, very little can be ruled *out*

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[3] Here I only discuss the claim that deliberative theory is overly idealistic. For a reply to the related claim that deliberative democracy is overly rationalist, see Neblo (2003) and Neblo (2007).

a priori either – Habermas explicitly countenances Schumpeterian practices as compatible with deliberative standards, even though Schumpeter can be characterized as an arch-pluralist *avant la lettre*. Cain's discussion of the four theories collapses this distinction between normative standards and organizational questions, impeding our ability to assess their relative merits as either normative theories or democratic technologies.

In this light, Cain's critique of populism and deliberative theories on the basis of their supposed remoteness from reality is beside the point, akin to arguing that measuring a basketball player's shooting percentage is inappropriate because perfection on that scale is "unrealistic." Should one therefore switch to a criterion that only requires that the ball touches the rim, since it would be more realistic in the sense of narrowing the gap between the ideal and the actual? Doing so would not be sensible because the new standard does a poorer job of validly tracking how we value a player's contribution to a team. Those who perseverate on what they take to be the normative over-ambition of various populist and deliberative theories (or the superior "realism" of alternatives) make a similar mistake.

3. Four (Implicit) *Normative* Theories

If we are to avoid conflating the issue of standards versus organizational questions, then it is crucial to reconstruct how both of them map on to the four theories under consideration. The book does not have a sustained discussion of these issues, but we can piece together various strands:

> "To the populist, [democratic distortion or skew] means a chronic deviation from median voter preference … To the pluralist, skew is the systematic disregard for the interests of the majority coalition … This may or may not be effective or efficient, but it is democratic. Those who favor apolitical approaches would

vehemently disagree with both the populist and the pluralist. For them, democratic distortions are deviations from public welfare."

It is easy to see how standards and organizational questions get conflated in the case of the apolitical approach. Indeed, the name embodies the confusion: it is one thing to say that democratic legitimacy rests on maximizing the public welfare, and it is an entirely different (empirical) matter to say that apolitical expertise is the best means to doing so. So when Cain writes "A pure advocate for apolitical welfare maximization accepts no deviation from neutral, expertise," he is bundling ends and means in an unhelpful and confusing manner. It would be more sensible to call *apolitical reformers* those who think that neutral expertise is the best means to achieving *whatever* they regard as the relevant normative standard (i.e., it could be public welfare, but also median enlightened preferences, various conceptions of equality, among others). *Progressives* per se would then be epistemic instrumentalists regarding welfare maximization. That is, public welfare is the standard to be pursued, and neutral expertise, democratic contestation, and whatever else might work are all instrumental to identifying and achieving that goal as best as possible.

The issue is a bit more subtle in the case of the populist since citizen initiatives and the like would seem to be closely linked to the concept of the median voter preference. Yet elsewhere Cain writes, "The populist conception of fairness is straightforward and consistent: the system should aim for individual equality at all levels." So it appears that equality is the master standard for the normative populist (e.g., Christiano, 2008). If so, then it becomes largely an open set of organizational question as to what sorts of practices will promote political equality

best (e.g., the *actual median voter's* preference might not reflect the median *eligible voter's* preference or equality might be expressed in ways other than discrete preferences).[4]

Elsewhere, however, Cain writes, "Neo-populists want to monitor government closely because they do not trust their delegates and do trust their own opinions, however ill informed." This statement comports with other claims that suggest another potential standard for democracy – i.e., that democratic legitimacy is a direct expression of collective will. That is, the public has the right to decide – it is *their* decision – whether or not those decisions are "good" by some other standard (e.g., Waldron, 2006). If so, then populism relies on a kind of *aggregate political expressivism* as its standard, and the organizational questions center around how to translate the relevant collective entity's expression (majority, plurality, super-majority, vulnerable minority, etc.) into policy. On this account, Cain's portrayal of populism appears more apt: it would seem that citizen initiatives and other bypasses of representative government would promote those goals. However, in this case criticisms on the basis of practicality are not to the point since the standard would warrant such bypasses.

Pulling apart standards and organizational questions is trickiest in the case of pluralism. Recall that for the pluralist, democratic distortion consists in "the systematic disregard for the interests of the majority coalition." But it is not clear what this might mean. Elsewhere Cain argues that the pluralist is quite open to deviations from majoritarianism (e.g., on the filibuster, the Electoral College, the Senate, liberal rights, etc.). But it cannot just mean the *winning* coalition given some institutional setup since that would be circular (i.e., there would be no room for deviations). So this criterion for democratic distortion is a bit puzzling.

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[4] I say "largely" a set of organizational questions because in some cases there is also a direct procedural element. For a discussion of these issues, see Neblo (forthcoming).

The standard makes more sense, however, when stated positively – i.e., it is plausible to define democratic legitimacy (or at least *legitimation*) in terms of the majority coalitions that emerge from a given institutional setup. Indeed, elsewhere, this appears to be Cain's position: "A pluralist conception holds that there can be different conceptions of fairness and that the determination of what is fair will often be determined politically … Subject to a few rights constraints, fairness is defined through normal legislative or constitutional procedures."

Though coherent, there are two problems with this positive setup. First, it does not appear to be of much help in *reforming* politics, since it is only well defined in terms of a given set of political arrangements (e.g., what constitutes a majority coalition will differ across specific instantiations of Westminster, U.S. style, and PR systems). Second, it is a deflationary theory in that it is normatively quite modest. Other than a "few rights constraints," fairness is mostly just whatever a basically democratic political system generates.[5]

Cain appears to embrace this democratic minimalism when he admits that the majority coalition criterion "may or may not be effective or efficient, but it is democratic." So the specifically democratic value of pluralism appears to reside in its ability to generate legitimation – for decisions *to be regarded* as legitimate, with the substance of *what* is regarded as legitimate varying over time in the U.S. (and presumably across states). The adjunct pluralist goal of avoiding a *stable* winning coalition would then be important because having consistent losers would undermine perceived legitimacy and social stability. (Otherwise, for the pluralist there should be nothing specifically *undemocratic* about outcomes serving a consistent winning coalition.) So pluralism as a normative standard focuses on stability and broad legitimation.

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[5] Other passages make clear that Cain does not intend a more normatively ambitious procedural constructivism here. In my view the minimalism occasionally becomes problematically complacent, as with the discussion of the potential racial motivations behind felony disenfranchisement. See Neblo (2004) and Neblo (2009) for a discussion of motives in liberal democracy with special reference to race politics.

Such a standard can swing independently of concrete pluralist reform proposals like augmenting political parties, promoting competition between interest groups, and the like. These proposals might serve the pluralist standard well or poorly, and may serve some other democratic standard (e.g., deliberative contestation) even better.

Cain does not discuss deliberative theories in as much detail as populist theories, but he does consider new deliberative forums at some length. As noted above, though, the normative standards of deliberative theory are rooted in procedural presumptions of rational legitimacy (epistemic proceduralism), and only contingently relate to organizational questions surrounding Deliberative Opinion Polls and other talk based political innovations. So again, it is quite possible that new deliberative forums might better serve to maximize the progressive's public welfare, or pluralist stability better than the specifically deliberative conception of legitimacy. Such connections are largely empirical questions that get suppressed by conflating standards and organizational questions.

4. Between Extremism and Acquiescence

Fusing normative standards and organizational questions leads Cain to present the alternatives to pluralism in fairly stark and inflexible form. To take just a sampling from the summary positions: the neo-populist is apparently committed to 1) belief in a citizenry with zero variance in their capacities and a very high "mean," 2) the thorough exclusion of political intermediaries like parties, interest groups, and the media, 3) consistent and mechanical majoritarianism, 4) virtually no exceptions to freedom of information, and most radically 5) unfiltered plebiscitary democracy completely supplanting representative government.

If this is the best that neo-populism can do, I am eager to sign-on with the pluralists too. But it is hard to shake the feeling that this characterization crosses the line between a useful ideal type into a less useful straw-man. As far as I can tell, the figure does not track any major thinker of whom I am aware, and the discussions of specific thinkers (e.g., Lessig, Isaacharoff, Fishkin, Hasen, Ackerman & Ayers, Berry & Gersen, Amar) and concrete policy proposals (e.g., McCain-Feingold and substituting the popular vote for the electoral college) reveal them to be much less extreme.

The sketch of the reform pluralist on the other hand has the opposite problem. Rather than being stark and inflexible, it is problematically protean: "The pluralist goal is not to create a consistent system built on any one of the three approaches, but to think more coherently about the blend." As noted, though, it is not clear that any major thinker advocates for Cain's picture of a "consistent system" of populism. And a consistent democratic system of being apolitical seems like an oxymoron (more like benign technocratic authoritarianism). Pluralism is allowed special pleading – "The failures of pluralism in practice do not reflect its ideals," – that is not offered to the other theories.

For example, "[P]luralists do not dismiss the value of citizen sovereignty and electoral participation. But they believe that it typically requires the supplement of intermediary contestation." But rather than define them as extremists, why not say 'Populists do not dismiss the need to supplement citizen sovereignty and electoral participation with intermediary contestation, but they typically place more emphasis on the former?' Surely there are more real populists who take this position than the radical one. The argument here and elsewhere (e.g., invoking "the more democracy illusion," "the delegation paradox," "the iron law of political

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intermediaries," "corruption confusion," and "judicial imperialism" by fiat) relies on the fallacy of persuasive definition.

Juxtaposing straw-men versus a protean theory might not be all that problematic if we were really just arguing over terms. If the populist and the pluralist mostly differed in matters of emphasis, or on empirical beliefs about the location and functional form of possibility frontiers trading off various democratic desiderata, then the names would not be doing much work, and arguments could be adjudicated on the level at which they arose. But here the names are doing a great deal of the work.

On Cain's definition the populist is committed to a belief in limitless citizen resources and the extreme position of completely replacing representative government. So any incremental step in the direction of relying a bit more on citizen competence or modest proposals to place some limited elements of representative government under direct popular (or deliberative) control are condemned by association with the extreme positions, rather than focusing on the merits of the marginal change on its own terms. On specific policy controversies (e.g., party primaries, deliberative forums, sunshine laws, citizen initiatives), the reform pluralist can borrow credibility from the protean macro theory, while the populist has to overcome the suspicion that anytime she disagrees with the reform pluralist it is because she is a naive optimist or a radical extremist.

Consider the "delegation paradox." It is clearly not a paradox in any straightforward sense since there is no logical contradiction in the effort to gain more citizen control, thereby narrowing the representation gap. The argument relies on making the implicit – and implausible – twin empirical claims that the status quo is both perfectly efficient in its use of the participatory resources of the citizenry, and that it is impossible to marshal even marginal increases in those

resources. It is true that many populist and deliberative proposals rely on the idea that the status

quo has not completely tapped out citizen resources or efficiencies in their use. But that does not

commit them to the extreme position that such resources are effectively infinite, or that

reorganizing how they are used will realize practically limitless efficiencies.

This problem manifests itself most clearly in one of the book's key passages:

> "*The original sin of citizenship is our cognitive fallibility: it can never be overcome*. Representative government and pluralist design accept that fallibility, aiming for a framework of competing groups and organized interests. The 'more democracy' illusion downplays that inherent cognitive fallibility, and creates more opportunities for citizens to monitor, participate and control government directly. In the end, there is no escaping the original sin problem, and the inevitable subsequent disappointment with past reform merely generates a new cycle of efforts."

Strictly speaking, this formulation either proves too much or it is a non sequitur. If the real issue

is our (undeniable) cognitive fallibility, then the argument proves too much. Elites are

cognitively fallible as well, and yet governance is to be turned over to them. The real issue must

hinge on specialization and division of labor. But these are very different than inherent cognitive

fallibility. If so, then invoking theological blanket statements about original sin masks the ways

that specialization and division of labor can be mitigated in various ways.

As noted above, absent a much more thorough empirical argument, coining the term

"more democracy illusion" and claiming that disappointment is "inevitable" because of "original

sin" commits the fallacy of persuasive definition. In some cases populist reforms may lead to

illusory gains in democratic control, but in others they may not. The matter cannot be settled by

invoking a misleading and overly general notion of our cognitive fallibility, especially since

there is no reason to believe that citizens in more populist and deliberation-oriented countries

like Switzerland, Denmark, and Australia are any less cognitively fallible or free from sin than those in the U.S. Their social and institutional situations are different, to be sure – but that is the whole point. It is one thing to say that our cognitive fallibility can never be *overcome*, and quite another to suggest that different institutional contexts cannot mitigate them in appreciable ways.

5. Pluralist Pessimism as a Self-Fulfilling Prophecy

Cain and other critics of populist and deliberative democracy have good reasons to be skeptical that more opportunities will make a positive difference. Barely half of the U.S. population bothers to show up and vote, even in Presidential elections. Why should we think that they will be lining up for more costly and demanding forms of participation? Any apparent enthusiasm for popular involvement appears to be rooted in people's loathing of corruption, not in a deep sense of duty or desire to have their voices heard (Hibbing and Theiss-Morse, 2002). As a result, more participatory opportunities would serve as, at best, yet another opportunity for the small number of people who are already deeply involved in politics to press their advantages. At worst, it would waste social resources, deepen inequality, and aggravate mass cynicism.

Yet many populist and deliberative democrats disagree, arguing that disaffection with politics is largely endogenous to the perceived failures of democracy understood as interest group liberalism and partisan blood sport. If so, then current patterns of engagement would not reflect how citizens would participate given more attractive opportunities. The pluralist model assumes, for example, that voting is lexically prior to something like participating in a deliberative forum. Those who do not vote would certainly not want to participate in something more demanding.

Neblo et. al. (2010), however, shows that this is emphatically not the case. Very large (seven to one) majorities of the public say, contrary to the "keep the bums honest" rationale, that they would be more interested in political participation if they thought that it was a more rational and less group mediated interaction. And such hypothetical willingness to participate was born out in practice as well. In twenty-one consultative experiments involving twelve sitting members U.S. Representatives and a U.S. Senator, the profile of those willing to participate in direct representation was markedly different from those who participate in standard partisan politics and interest group pluralism. Remarkably, those willing to participate in such an event were *more representative of eligible voters than actual voters* – i.e., those who show up to vote are less like average citizens than those who took up this deliberative opportunity. Average citizens do not seem to regard such opportunities as filigree on "real" politics nor as an indulgence meant only for political activists and intellectuals.

A related study, Esterling et. al. (2011a) found that so called "rational ignorance" about politics (emphasized by pluralists) is less a matter of free-riding than a perception that staying informed about politics is a fool's errand. Many average citizens believe that if "real" politics is only a matter of interest group pluralism and partisan warfare, then there is little reason for them to expend the effort on a rigged game. Citizens need a more persuasive set of motives and opportunities to stay informed. Deliberative democrats claim that more directly representative consultation provides both the motive and the opportunity. In the field experiments, constituents demonstrated a strong capacity to become informed in response to these opportunities, and markedly increase their sense of external political efficacy as well (Esterling et. al., 2011b). The primary mechanism for knowledge gains is subjects' increased attention to policy *outside* the context of the experiment due to a perception that elected officials actually care about what they

think. Moreover, this capacity for motivated learning seems to be spread widely throughout the population, in that it is unrelated to prior political knowledge.

Now one might argue that only a tiny number of people can participate in any given gathering and that new opportunities for consultation may not remedy – and may in fact exacerbate – inequalities. The first thing to note in this regard was that the Members of Congress were quite enthusiastic about the events, preferring more direct and deliberative engagement with a more representative cross-section of their constituents (Burden et. al., 2007; Esterling et. al., 2012; Lazer et. al., 2009). Several of the Members continue to hold such consultative events on their own.

Moreover, Minozzi et. al. (2014) and Lazer et. al. (2013) assess these scope criticisms by "scaling up" deliberative events, and linking data on participants' social networks with their participation in the consultation experiments. The larger deliberative events showed a similar set of patterns as the smaller events.[6] Attending the deliberative session dramatically increased interpersonal political discussion on topics relating to the event. Importantly, no participant or network characteristics conditioned these effects. The results suggest that such events scale up well, that even relatively small-scale encounters can have a broader multiplier effects in the mass public, and that these events are equal-opportunity multipliers.

Now in one sense reform pluralism might be able to embrace the kinds of new participatory opportunities discussed here. After all, they stay squarely in the orbit of representative government. But in another sense they are in tension with reform pluralism because they rely on a normative theory of *directly representative democracy* (Neblo et. al., 2014). The basic idea behind directly representative democracy is simple and intuitive: the

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[6] Based on our events, a member of the House who spent an hour each week on them could, in principle, reach almost all of her voting eligible constituents every three election cycles or so.

primary representative relationship in republican democracy, pace reform pluralism, is between a constituent and her elected representative. Parties and interest groups, though often practically important, are secondary and derivative. Counter-intuitively, they can demobilize if they are thought to supplant directly deliberative accountability. Rather than relying solely on electoral outcomes and interest group lobbying, directly representative democrats seek to strengthen institutions, practices, and frames of thought that emphasize this primary representative relationship via *ongoing republican consultation* and *ongoing discursive accountability*. If disaffection with politics is endogenous to the perceived failures of interest group liberalism and bitterly partisan politics, then the worry for a directly representative democrat is that doubling down on pluralist reform will only reinforce cynicism and disengagement. It is an open question as to how far we might take directly representative reforms, and how they would ramify through the larger political system. But if pluralism is to be a salutary influence in the reform debate, it is crucial that pluralist pessimism not become a self-fulfilling prophecy.

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