

## INSINCERE DELIBERATION AND DEMOCRATIC FAILURE

*ABSTRACT: An enduring challenge of democracy is to give citizens an effective say in collective decision making by ensuring broad participation in political discourse. Deliberative opinion polling aims to meet this challenge by providing new opportunities for ordinary citizens to form educated opinions. This approach to broadening deliberation does not aim to control substantive outcomes, unlike conceptions of deliberative democracy that promote improved dialogue while also restricting the possible outcomes. But both classes of reform overlook the prevalence of democratic failures stemming from social pressures that discourage open and honest communication. New avenues for dialogue will remain clogged unless supported by political institutions that protect dissenters, and by a political ethic that rewards candor.*

On top of the charges leveled against democracy since Plato, recent critics have condemned the hollowness of democratic deliberation. It is said that politicians will not tackle certain entrenched problems and that neither the media nor academia fulfill their obligation to force these issues into public discourse. The result, it is further said, is a confused and generally ignorant citizenry that lacks the knowledge to judge either its representatives or its sources of information. However, the implication of this line of thought is usually taken to be the need for more democracy, or for more direct democracy, rather than

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less. It is argued that if political representatives will not take the lead on controversial topics, if the media prefer sensational stories to dispassionate analysis, and if academics are caught up in intellectual fads divorced from daily life, potentially huge benefits might flow from consulting the citizenry directly.

### *Limits of Democratic Deliberation*

In *Who Deliberates?* (Chicago: University of Chicago Press, 1996), Benjamin Page offers a clue as to why taking issues directly to a sample of ordinary citizens might generate ideas and insights that differ systematically from those in the mass media. He analyzes the media's handling of three episodes—the Gulf War of 1991, the Los Angeles riots of 1992, and the 1993 discovery that Zoë Baird, the nominee for U.S. Attorney General, had employed illegal aliens in her home and failed to pay their Social Security taxes. Drawing his conclusions mainly from these three studies, Page skillfully shows that the media do not simply reflect the preferences and understandings of the citizenry at large or even those of the sub-populations that are knowledgeable about particular issues. Far from serving as neutral transmitters of popular aspirations and ideas, they pursue agendas of their own. Specifically, media outlets construct debates in such a way as to make their own positions appear reasonable, balanced, and enlightened. They also control the prominence with which stories are covered, select the quotations around which interpretations are built, and choose which facts to report. Although competition among media outlets mitigates the resulting distortions, by no means does it ensure the accuracy or completeness of the information available to citizens.

Consider the coverage that the op-ed pages of the *New York Times* gave to the debate over whether the United States should declare war on Iraq. To casual readers, the steady stream of editorials, columns, and letters might have given the impression of a free-wheeling debate that lived up to the ideal of open democratic deliberation. Page finds, however, that this impression was an illusion. The diversity of views was limited, and certain widely held views received little attention, if any at all. Moreover, certain kinds of relevant experts, such as Iraq specialists and civil-rights leaders, were essentially excluded from the discussion. The viewpoints featured on the editorial pages generally mirrored the debates within government circles, with none present-

ing Iraq's side or questioning the legitimacy of intervention, and very few proposing serious negotiations. When a Kuwaiti woman told tales of Iraqi atrocities to a televised hearing of the House Human Rights Committee, the *Times* did not report that she was a relative of the deposed Kuwaiti rulers. Nor did it attempt to verify her claims, which turned out to be fabrications. Letters to the editor and opinion columns were arranged so that the newspaper's own editorial position—continue sanctions, with the possibility of force later, so as to induce a complete Iraqi capitulation—fell right in the center. Through this selection process, the *Times* (intentionally or unintentionally) made its own position seem moderate and temperate. In theory, Page cautions, voices speaking through other media outlets might have corrected the consequent informational distortions. But the *Times* carries enormous weight in foreign-policy deliberations, and most print and electronic media simply replicated its biases.

Following the Iraqi invasion of Kuwait, Americans outside the circles able to shape the direction of events remained mostly silent. They formed no mass movement to make themselves heard. The case of Zoë Baird shows, however, that under certain conditions the citizenry will shed its usual complacency. When Baird's nomination was announced, the media's initial reactions were almost uniformly positive, and the few misgivings involved mostly her ties to the business establishment. Moreover, her strong support continued even after the illegal hirings became public. For several days thereafter, major newspapers and television news programs continued to predict that Baird would easily win confirmation. Their optimism was based, we now know, on the views of bureaucrats, legislators, academics, reporters, and pundits who, possibly because many employed illegal aliens themselves, were inclined to consider Baird's offenses minor infractions unworthy of attention. This optimism betrayed a bias of America's politically vocal class, one that the rest of society tended not to share.

The public uprising against Baird's nomination started on talk radio, as outraged Americans called in to question how legislators could let a wealthy corporate lawyer get away with tax violations. The tone of the calls indicated that people who struggled to obtain legitimate child care had difficulty identifying with someone who broke the law when she could easily have obtained help through entirely legal means. The mainstream media, like the members of the Senate committee considering the nomination, began paying more attention to Baird's infraction, but at first they continued to predict

confirmation. Only when the masses grew more indignant did officials and the media recognize that the illegalities constituted a scandal serious enough to sink the nomination. As they joined the chorus of opposition, Baird withdrew her name from consideration. The gap between the positions of the policy elites and those of the masses only narrowed when a mass upheaval forced the former to change.

It is tempting to conclude from this episode that, although the democratic process may work slowly, the desires of the people prevail in the end. However, as Page observes (101), this case was unusual. Baird's infractions were uncontested and easy to understand, because they were simple and were readily related to very widely shared experiences of parenthood. By contrast, most other policy debates involve complex issues that impinge on people's personal interests through channels they scarcely understand, limiting their ability to develop their own ideas. On matters like trade negotiations with Mexico, the Middle East conflict, savings-and-loan regulations, and even military involvement in Iraq, most Americans do not have well-formed personal positions, let alone ones they can articulate comfortably.

Page's analysis, though it captures a significant element of reality, also misses something important. While it is true that *most* people outside the circle of professional policy makers and communicators lack the skills to deliberate on complex social issues, *some* clearly have the requisite abilities. Also, the policy elites themselves are rarely unified on any given matter; whether the issue is Baird's confirmation or dealing with Iraq, both the media and policy makers ordinarily harbor individuals who disagree with the dominant position of the moment. But it is one thing to disagree, another to *express* disagreement. Whatever their social status, individuals may conceal misgivings about the dominant viewpoint and hide information that is inconsistent with the established consensus. They may even feign approval of widely supported positions so as to avoid personal criticism and to protect their reputation. Depending on the issue, some may take reputational risks if they know their dissent might make a difference. But this knowledge depends on the presence of a critical mass of vocal dissenters whose views cannot be dismissed as those of a small special-interest group or a deranged fringe. If such a critical mass seems unlikely to form, most potential dissenters may find it prudent to keep their expressed preferences and understandings within the range of mainstream debate.

What was striking about the Baird case was not only the simplicity

of the legal infraction at issue. Equally notable was the failure of anyone to defend the actions that landed Baird in trouble. Even she acknowledged her mistakes and apologized for breaking the law. The consensus over her culpability meant that by criticizing Baird, citizens did not assume serious reputational risks. The lack of any dispute over Baird's culpability facilitated the self-identification of an outraged mass large enough to make the elites take notice.

In the case of determining the American response to Iraq's invasion, no preliminary consensus existed. Although practically no one sought to justify the invasion itself, until Operation Desert Storm, public discourse on the appropriate American reaction was divided. Even so, it appeared that supporting either side of the debate would open one to criticism, then or in the future; in particular, one might be accused of being unpatriotic for opposing the American military buildup or of being a warmonger for supporting it. Such risks militated against public participation in the debate. This, and the lack of consensus among ordinary citizens, allowed national policy makers and the media greater freedom of action than they would enjoy during the public revolt over the Baird nomination.

The Baird episode does not show, then, that mass democracy is consistently responsive to the wishes of the masses. Where the facts are complicated or the citizenry is divided, the elites may essentially do as they please. And even when the masses have their way, "debate" can be distressingly one-sided. The debate over Baird was more like a monologue both initially, when it was driven by elites, and subsequently, when it was driven by the general public. As Page notes, the uprising that forced Baird's withdrawal did not produce a calm examination of the many issues that her offenses raised. Were Baird's infractions the manifestation of a general child-care crisis that forced millions of parents to break the law? Did the fault lie partly with cumbersome procedures required of employers intent on paying their Social Security taxes? Might the standard imposed on Baird discourage many talented people from seeking office? And did Baird's many qualifications outweigh her misdemeanors? Senators conscious of such complexities refrained from bringing them up, lest they be accused of elitism or softness on crime.

However, the Baird controversy did, at least, stimulate broad political involvement, and it helped identify and diminish a gap between elite and mass judgments. Is this possible in a broader array of decision arenas? Can one construct institutions that would allow broader

participation while also raising the quality of deliberation above that of the emotional outburst that sank the Baird nomination? Responding to such questions, various political theorists have proposed institutions to promote popular but also thoughtful deliberation on current issues. The most ambitious of these proposals is "deliberative opinion polling," the brainchild of political scientist James Fishkin.

### *Deliberative Opinion Polling*

Fishkin's first major defense of his proposal appeared in *Democracy and Deliberation* (1991); he then refined his ideas in *The Voice of the People* (New Haven: Yale University Press, 1995). The challenge of modern democracy, he says in the former work, is to "bring some of the favorable characteristics of small-group, face-to-face democracy to the large-scale nation state" (1). In other words, it is to recreate the ideal of a New England town meeting in politics too large for everyone to know each other and too complex for them to follow every political issue.

Selected randomly from the general population, the members of a deliberative poll come together to discuss current political issues in a setting that encourages careful consideration of the facts, respectful listening, and open-ended learning. The meetings are televised, allowing even nonparticipants to educate themselves about policy dilemmas and possible solutions. Scholars and government officials are invited to join the deliberations, enabling them to communicate their expertise without needing to resort to slogans and sound bites. At the conclusion of the proceedings, the randomly selected participants are polled so as to reveal what the members of the polity *would think* if they had adequate opportunities to reflect on issues of the day.

Televised deliberations on political issues existed, of course, even before deliberative polling was conceived. From the earliest days of television, there have been political programs that feature lengthy debates and tough questioning by experts. And today, anyone with access to cable television is able to watch the proceedings of legislatures and assorted legislative committees. Fishkin considers deliberative polling different, on the grounds that its participants are representative of the entire nation rather than consisting mainly, and often exclusively, of distinguished policy makers and commentators. By virtue of its intentionally broader composition, it serves to attenuate the gaps between elite and mass views. Fishkin also claims, and considers it

important, that the participants in a deliberative poll cannot be bought, as professional politicians and pundits frequently are.

By this logic, a deliberative poll conducted at the time of the Gulf crisis would have lessened the distortions of public discourse. By bringing into the open the differences between elites and the masses, it would have made the U.S. administration and the media more sensitive to viewpoints other than the narrowly circumscribed ones that received serious consideration. This is overly optimistic, however, because one can be given an opportunity to deliberate yet still be reluctant to express oneself thoughtfully and honestly. The very factors that keep professional deliberators from addressing risky subjects and taking sensitive positions can just as readily undermine the usefulness of deliberative opinion polling. Contrary to the impression that Fishkin (1995, ch. 1) gives, the participants in a deliberative poll need not shed their expressive inhibitions just because they were selected to perform a social duty. Nor is it likely that broadcasting their dialogue will bolster their willingness to speak their own minds. To make a statement before television cameras is to risk being showcased as a paragon of political incorrectness before a vast audience. This danger will ordinarily make participants think twice before uttering potentially controversial thoughts.

Consider President Clinton's 1997 town meeting on race in Akron, Ohio. Invited to share their reflections with others, the residents of Akron did not articulate anywhere near the diversity of ideas about affirmative action that anonymous surveys, for all their limitations, routinely pick up. Similarly, the Los Angeles jury that heard the criminal lawsuit against O. J. Simpson was, like the participants in a deliberative poll, selected to decide a controversial case on behalf of millions of citizens. Nevertheless, the jury abdicated that responsibility by refusing, after months of fine-grained testimony that riveted the nation, to discuss and weigh the evidence before it. Although it may be decades before the complete inside story of its "deliberations" comes to light, the reticence of at least some of the jury members, including perhaps all of its nonblacks, may well have been influenced by the prospect of having to explain how one might be convinced of Simpson's guilt without being a racist.

To be sure, there are issues that citizens assembled for a deliberative poll might not mind discussing honestly. But Fishkin does not rest his case on relatively uncontroversial issues. The promise of deliberative polling allegedly lies in its ability to enrich public discourse and

achieve compromises on sensitive issues such as affirmative action, immigration, AIDS, Social Security reform, the distribution of educational funding, and school prayer. Yet it is precisely on such controversial matters that expressive inhibitions are apt to debase deliberative polls.

Perhaps social pressures suppress thoughts whose expression would be unwelcome anyway. But there is no way to prevent the expression of socially destructive thoughts without risking the concealment of ideas that, at the very least, merit consideration. A social climate that keeps genuine racists from expressing themselves honestly may also keep the supporters of color-blind government from publicizing misgivings about affirmative action. No system that publicly reveals people's preferences and ideas can overcome the problem of insincerity in political communication.

It is true that in Fishkin's system, the polling that follows the deliberations gives respondents the cover of anonymity. However, insofar as the discussions were afflicted by insincerity, any learning that occurred will have been shaped by the truncated, censored, and distorted thoughts that participants opted to communicate, rather than by the full extent of their knowledge and sensitivities. Consequently, such polling would not necessarily yield better results than ordinary polls.

Because modern communications have greatly raised the potential costs of saying something or even making a gesture that some powerful group will portray as insensitive, people take great care in expressing themselves in public settings. One of the essential qualifications of a successful modern politician is expressive prudence—the capacity to anticipate the possible uses to which a public statement can be put, and to take the necessary precautions. It is for this reason that politics is increasingly portrayed as a shallow and dishonest profession.<sup>1</sup> Politicians have not always had to monitor their expressions so carefully. Before the mass media penetrated every household, officials could more easily make statements offensive to powerful groups without destroying their careers. Having angered a group of listeners, they could defuse criticism by qualifying or reinterpreting the offensive statement, placing it in context, or pointing to a career of accomplishments against which one slip looks trivial. The technology of videotaping being unavailable, the controversial statement could not be replayed for general viewing, so such episodes were more likely to pass without permanent harm to the politician's career.

That hypocrisy and insincerity are critical problems of contempo-



rary democracy is evident in the lampooning of politicians and the mockery of various forms of political correctness, left and right, in contemporary humor. The jokes told in comedy clubs, on talk shows, and on the Internet provide an outlet for insights, feelings, and inclinations that people ordinarily feel compelled to hide or deny. Shaftesbury ([1714] 1968, 71–72) captured the underlying process in terms that still ring true. “The natural free spirits of ingenious men, if imprisoned and controlled, will find out other ways of motion to relieve themselves in their constraint,” he wrote. “And whether it be in burlesque, mimicry, or buffoonery, they will be glad at any rate to vent themselves, and be revenged on their constrainers.” He went on to argue that buffoonery will be most pronounced where the pressures against free expression are the heaviest. Although Shaftesbury’s proposition has not been tested systematically, at least in modern democracies the correlation is probably strong. American comedians commonly make ethnic jokes (although usually relatively safe ones that poke fun at their own group); they rarely joke about matters on which public discourse is essentially free, such as local building codes.

Yet another result of political dishonesty may be the steady increase in ballot initiatives that allow individuals to bypass politicians and legislate directly through their own votes. In California, the state with the most voter initiatives, the 1990–1997 period saw 48 initiatives, compared to only 21 between 1950 and 1969 (Purdum 1998).<sup>2</sup> In November 1996, 23 states considered 90 initiatives on issues ranging from legislative term limits to allowing the medical use of marijuana. As Fishkin observes, plebiscites are flawed instruments for collective decision making. They may trample on the rights of minorities or violate constitutional principles; and, even when these dangers are avoided, they elude the fine-tuning obtainable through deliberation, negotiation, and compromise. Yet they provide voters low-risk opportunities for acting on grievances that politicians refuse to address. It costs opponents of affirmative action almost nothing to sign a petition for placing on the ballot a proposition that would prohibit it. Since the list of signers is not publicized, they can communicate their honest wishes anonymously, without subjecting themselves to the risks inherent in open dissent.

Putting an initiative on the ballot requires resources, which often come from special-interest groups that sense the existence of sharp inconsistencies between public discourse and the unarticulated private thoughts of the masses. These efforts may be popular precisely

because they *avoid* deliberation and the attendant pressure for dishonesty. Consider the 1998 California ballot initiative against bilingual education for immigrants, which garnered a 61 percent majority. The teachers and bureaucrats who deliver bilingual education supported the practice to help the children of recent immigrants succeed in school. But polls showed that most people, including many immigrants, considered bilingual education an obstacle to the cultural assimilation and economic advancement of new Americans. For years, however, the few vocal opponents of bilingual education had endured charges of immigrant bashing and insensitivity to immigrant cultures—charges leveled by teachers, educational administrators, and policy elites in government, the media, and academia. This pattern is consistent with the suggestion that where we find democratic failure, its source lies mainly in obstacles to *sincere* dialogue, not inadequate opportunities for dialogue per se. The premise that seems to underlie Fishkin's proposal is, therefore, questionable at best.

To be sure, greater candor may raise social tensions by bringing into focus latent, previously unrecognized conflicts. But it may also have the opposite effect by revealing broad agreement on matters that had seemed deeply divisive. For example, it would show that a large majority of Americans oppose color-conscious policies.<sup>3</sup> Nor is race the only issue on which generally unrecognized agreements remain to be publicized. Through in-depth interviews with ordinary Americans of diverse ethnic and economic backgrounds, Alan Wolfe (1998) has discovered that agreement is far broader on the major issues of our time—immigration, welfare, racism, family, religion—than one would know from the ongoing culture wars in academia and the mass media.<sup>4</sup> Moreover, on certain issues where elites tend, at least publicly, to favor one particular view, ordinary Americans tend to think quite differently. For example, while toleration for unconventional lifestyles runs deep in the United States, it does not extend to gay rights—at least not yet. And while ordinary Americans generally favor continued immigration, they also believe in the ideal of the melting pot, now rejected by many vocal elites as a vehicle for cultural oppression.

### *Deliberation and Moral Conflict*

The discrepancies between public opinion and private opinion, and between elite public opinion and that of the masses, do not exhaust

the sources of tension that a healthy political system will keep in check through deliberation. In all societies, including those under democratic rule, an additional source of friction lies in moral conflict within and across individuals. These conflicts are unlikely to vanish merely by being made visible through a deliberative poll. Their successful resolution requires individuals to remain open to revising their moral judgments. This is the starting point of *Democracy and Disagreement* (Cambridge, Mass.: Harvard University Press, 1996), by Amy Gutmann and Dennis Thompson. Observing that moral disagreement is a fact of life, Gutmann and Thompson argue that citizens should face up to their conflicts and reason together to arrive at mutually acceptable priorities.

However, Gutmann and Thompson do not want moral discourse to be a substantively neutral or undirected process. In contrast to Fishkin, whose open-ended deliberative polls may (in theory) generate any policy outcome whatsoever, they see deliberation not only as a vehicle for achieving moral peace but as an instrument for satisfying three substantive political principles—basic liberty, basic opportunity, and fair opportunity—through means consistent with three deliberative principles—reciprocity, publicity, and accountability.

Most Americans, if asked whether they share these principles, would undoubtedly answer that they do; practically all would agree, for instance, that freedom is a fundamental right and that all political players, from the president on down, ought somehow to be accountable for their actions. The crux of the Gutmann-Thompson enterprise thus lies in their interpretations of these principles, which essentially suit the policy goals of today's left-liberal elites. Conscious that Americans, given a full set of options, would resolve controversies over welfare, health care, preferential admissions, the environment, and abortion in ways inimical to the current left-liberal agenda, Gutmann and Thompson use their basic principles to rule out entire classes of outcomes as illegitimate. Nevertheless, they repeatedly point out that views detrimental to their favored agenda deserve a respectful hearing, even if they are denied the possibility of shaping policies.

In long segments of the book, Gutmann and Thompson attempt to put their three substantive principles into action. They argue, for instance, that these principles require organ transplants to be available to all who need them (30), efforts to combat racism through color-conscious remedies such as black teachers for black students (325) and black representation schemes that one could not justify for other

groups (154), and a ban on exporting hazardous wastes to nondemocratic countries whose citizens lack an effective voice in their governments' decisions (149). Gutmann and Thompson insist that their principles provide a realistic blueprint for the good society. They suggest, therefore, that these principles lead to substantive positions that are not only morally defensible but socially feasible.

The overall argument suffers from internal inconsistencies, and its claim to realism lacks empirical foundations. To start with the logical difficulties, let us contrast Gutmann and Thompson's case against exporting waste products with their argument for race-conscious government. If it is illegitimate to export wastes to Namibia because the Namibian people *might* object, should we not question the legitimacy of race-conscious policies that a clear majority of Americans *do* oppose? Alternatively, if a countermajoritarian response is justifiable in fighting racism, why should the export of toxic wastes be opposed simply on majoritarian grounds? In neglecting to specify when majority rule is legitimate and when it is not, Gutmann and Thompson end up applying their principles selectively to meet predetermined goals. Because their principles are not adequately generalizable, even readers sympathetic to all of Gutmann and Thompson's own applications of the principles may reach conflicting policy conclusions in contexts they do not discuss.

Its inconsistency reflects an ambivalence that runs throughout *Democracy and Deliberation*. Gutmann and Thompson make it clear that the policy implications of their basic principles must be respected regardless of their popularity. Accordingly, if informed that most Americans oppose color-conscious policies, they would respond that such criteria must still be implemented because they are essential to fair opportunity. Yet they do not consider themselves antidemocratic. On the contrary, they consider it important that people's wishes be respected most of the time and in most contexts. They present no logical reason, however, why countermajoritarian policies should be the exception rather than the rule. Perhaps majorities should be overruled whenever serious issues are at stake. The authors minimize this possibility on the grounds that open deliberation, if conducted within the constraints they favor and in an atmosphere of mutual respect, would lead most people to accept the moral superiority of the left-liberal agenda.

This brings us to the book's lack of realism. Economic libertarians, fiscal conservatives, religious fundamentalists, and sundry other groups that fall outside the left-liberal tent would not accept the substantive

constraints on deliberation that Gutmann and Thompson propose merely because they would retain the right to speak. Citizens who subscribe to other agendas will consider these constraints not as instruments for improving upon the existing democratic system but as tools for circumventing its requirement to seek consensus through genuine persuasion. Surely, many of them will see, or will be taught, that the opportunity to get a polite hearing for one's political views is meaningless unless these views have a chance of prevailing. If citizens are to treat their own claims as provisional, as they always should, they must know that citizens of different persuasions will do the same. Moreover, the expectation that deliberation alone will generate a consensus in favor of the left-liberal agenda is as far-fetched as it would be to suggest that enough exposure to scientific discussion would lead to the end of religion. Consequently, Gutmann and Thompson's political agenda cannot be implemented without coercion. Even an attempt to phase it in gradually would pose enormous dangers to basic liberties.

Another source of unrealism is that the argument fails to confront inescapable tradeoffs. It is one thing to decree that everyone ought to have free access to all forms of health care, another to meet the resulting demand. Health care must be rationed somehow, whether by governments, by free markets, or by "managed care" organizations. This is true regardless of whether one shares, for example, Gutmann and Thompson's view that it was immoral for Arizona's health-care program to deny certain indigents organ transplants that might have prolonged their lives; if transplants are not rationed, then some other form of health care, or investment in education, or something else, must be rationed instead. Yet *Democracy and Deliberation* provides no systematic guidelines for making such tradeoffs. Should a society subsidize organ transplants for octogenarians unlikely (but sometimes able) to survive the transplant operation? Do resource limitations not require policy makers to keep expensive projects with low expected benefits from crowding out projects with higher ones? The book neglects such questions because it simply assumes that deliberation would not produce an unfeasible set of requirements.

Democracy has no political or economic agenda of its own, and broad political participation need not produce moral standardization.<sup>5</sup> However, Gutmann and Thompson are right to suggest that a shared morality will facilitate the acceptance of policies that generate losers as well as winners.<sup>6</sup> They are also right to claim that open discussion can help a moral consensus to emerge. But is this necessarily a good

thing? Like Fishkin, Gutmann and Thompson fail to take account of the social pressures that, in the course of producing consensus, militate against honest moral discourse.

Consider again the issue of rationing organ transplants. Whatever policy Arizona's legislature adopted, citizens partial to other policies would have considered the choice unjust—unless, perhaps, the policy had emerged from a sincere dialogue designed to find a broadly convincing consensus. Understandably, Gutmann and Thompson lament that the legislature did not justify its transplant restrictions to the applicants who were, or stood to be, rejected (30). But why did Arizona fail to produce the requisite justifications? Although the explanation is doubtless complex, the key point is probably that by articulating reasons for treating some operations as too risky or too costly, legislators would have risked attacks on their character. They would have been accused of playing God, heartlessly condemning to death those with the disease in question, or displaying animosity toward the poor. Facing the prospect of a tarnished reputation, prudent legislators thus voted for rationing and then quietly waited for new controversies to push the transplant issue out of the news. The motivation to retain social approval can easily overwhelm the courage to stand alone.

In keeping their insights to themselves, knowledgeable individuals impoverish public discourse, which impairs society's capacity to generate compromises and reforms. Certain positions appear publicly indefensible, even if they are widely shared. Under these conditions, private thought languishes as well, making problems seem insoluble. Thus, the social pressures that impel people to falsify their preferences, values, and knowledge can exact potentially huge social costs.<sup>7</sup> As a rule, less effort goes toward exploring solutions to problems on which public discourse is constrained than toward reflecting on problems that one can discuss honestly without endangering one's reputation.

Although institutions that promote and facilitate deliberation are essential to democracy, their usefulness is limited insofar as individuals feel compelled to censor themselves. At the very least, such institutions would have to be supplemented by a widespread ethic of sincerity that would instill a responsibility to express one's political convictions in public, both out of self-respect and out of concern for the welfare of others. And it would heighten the respect we feel for others' truthful expression, even when they support ends we oppose.

Arguably, however, Americans already adhere to an ethic of sincerity. Dissidents of all creeds, nationalities, and persuasions are ad-

mired here, perhaps more than anywhere else, for refusing to abjure their views even under severe pressure. This ethic does not, however, prevent tolerance for dissent from quickly dissipating whenever and wherever people consider their basic lifestyles under threat (McClosky and Brill 1983), and the examples I have cited, all drawn from American politics, suggest that sincerity readily crumbles in the face of social pressure. There may be deeper forces at work that make political sincerity incompatible with democracy itself. As Tocqueville ([1835] 1945, 255) recognized, "the moral authority of the majority is partly based upon the notion that there is more intelligence and wisdom in a number of men united than in a single individual." Under democracy, "the theory of equality is thus applied to the intellects of men." Insofar as a society accepts the linkage between numbers and moral legitimacy, its members are liable to fear going against the majority. Tocqueville's point might also explain why even those convinced that the majority is misguided are afraid to articulate their reasons: they know that the majority considers its moral superiority self-evident and will therefore believe in its right to intimidate dissenters.

An effective ethic of sincerity, then, would have to rest on the conviction that numbers alone provide no moral justification, that the majority can be wrong, and that intellects are not all equal. The spread of such an ethic would thus require a fundamental rethinking of the normative basis of democracy.

#### NOTES

1. Morgan and Reynolds 1997, esp. ch. 5, offers many relevant insights.
2. For a record and analysis of the trends up to 1990, see Allswang 1991.
3. My own work on preference falsification (Kuran 1995, chs. 9, 14) provides evidence of substantial hidden opposition to such policies. For complementary observations, see Steele 1990.
4. For supportive findings, see DiMaggio, Evans, and Bryson 1996. Hunter 1991 examines the culture wars.
5. A similar point is developed by Benhabib 1994.
6. Even the beneficiaries of a policy derive advantages from moral justifications of it, if only because otherwise it might weigh on their conscience. Accordingly, in promoting particular causes, moral treatises may give comfort to people who already accept them. Ordinarily, of course, the arguments advanced by any given moralist will reach not only people who stand to be comforted but also ones liable to be disturbed. The Gutmann and Thompson volume

will comfort some readers and possibly unsettle others. For the details of this argument, see Kuran 1998.

7. For the underlying argument, see Kuran 1995, chs. 11–14.

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