

Deliberative Democracy

Issues and Cases

**Edited by
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CHAPTER 3

Expertise and deliberative democracy*Mark B. Brown***Introduction**

Expertise plays an ambiguous role in the theory and practice of deliberative democracy. By involving lay citizens in reasonable discussion on complex topics, deliberative democracy aims to bridge the gap between populist and elitist forms of democracy. Deliberative democracy provides an alternative to both ignorant mob rule and technocratic rule by experts. When lay citizens have real opportunities publicly to discuss their interests, opinions, and experiences, they are more likely to reach reasonable decisions. Lay deliberation enhances the epistemic quality of political decisions and, in this respect, deliberation might be seen as a substitute for both technical and ethical expertise. Deliberative democrats thus often reference Aristotle's notion that, because different people know different things, when they put their knowledge together, they collectively know more than the experts. Nonetheless, most deliberative democrats also recognise the value of lending greater credence to those with specialised knowledge about a particular topic with regard to questions about that topic (Goodin, 2008: 93–7). Nearly all public problems today involve technical knowledge of one kind or another, so effective public deliberation inevitably relies to some extent on expertise. Lay citizens would not even be aware of problems such as climate change or toxic pollution without the studies produced by scientific experts. And expert knowledge has the potential to improve efforts to design, implement, and evaluate public policies on a wide range of contemporary issues. Though policy-relevant expertise is often uncertain and controversial, it is an important resource for effectively addressing public problems.

Most lay citizens seem to know very little about science, leading to much hand wringing over the dismal state of 'science literacy' in advanced democratic societies (Mooney and Kirschenbaum, 2009). Indeed, standard surveys of public knowledge of basic scientific facts and processes reveal much room for improvement (National Science Board, 2012). More contextual studies of science literacy, however, suggest that, when faced with a particular sociotechnical controversy, citizens are usually capable of acquiring the expertise they need to clarify and articulate their interests (Bauer, 2008). But how can citizens best make use of the expertise they acquire? How can they determine which experts are reliable? Which questions should citizens delegate to experts and which

should they reserve for lay deliberation? What should citizens do when experts disagree? Should experts always play the same role in lay deliberation, or does it depend on the specific issue or the specific social context, and who decides?

With a few notable exceptions, deliberative democratic theorists have rarely devoted much attention to such questions. In fact, they have often defined lay deliberation in explicit opposition to technical expertise (Manin, 1987: 355; Fung, 2003: 343). Practitioners, in contrast, have increasingly sought to increase the public legitimacy of technically complex policy decisions by instituting various forms of deliberative governance (Bäckstrand et al., 2010; Renn et al., 1995). This chapter first examines how several leading deliberative democratic theorists view the role of expertise in public deliberation. John Rawls and the co-authored studies by Amy Gutmann and Dennis Thompson rarely mention expertise but what they do say is revealing. More extensive discussions of expertise appear in the work of Jürgen Habermas, James Bohman, Mark Warren, and like-minded thinkers. For these authors, expert authority supports deliberative democracy when it is embedded within an institutionalised culture of public scrutiny. These authors say little, however, about questions regarding expert credibility, uncertainty, and disagreement. The second part of the chapter takes up these issues, arguing that the proper role of expertise in public deliberation depends on the specific features of the issue at hand, especially with regard to the degree of scientific certainty and political disagreement. Seen in this light, the proper role of expertise in deliberative democracy often becomes a political question, which is shaped by various social and cultural factors, the interpretation of which should also be subject to lay deliberation.

Deliberative democrats on the role of experts

A search through the indexes of books on deliberative democracy for terms such as 'science' and 'expertise' usually produces few, if any, results. Indeed, as various commentators have pointed out (Turner, 2003: 2–5; Baber and Bartlett, 2005: 188), most contemporary political theorists have devoted little attention to the politics of expertise. Nonetheless, deliberative democrats occasionally remark on the role of expertise in public deliberation, and it is worth seeing what a few of the most influential authors have to say.

John Rawls notes that citizens who reason about justice 'reason only from general beliefs shared by citizens generally, as part of their public knowledge' (Rawls, 1993: 70). In this respect, he suggests, citizens engaged in public reason do not require technical expertise. Another key requirement of public reason, however, is to accept what Rawls calls the 'burdens of judgment', the sources of disagreement between reasonable people in pluralist societies. Some disagreements, of course, result from irrationality, ignorance, egoism, and other threats to reasonableness. But Rawls argues that, even if such factors could be eliminated

and people would conscientiously attempt to reach agreement on basic moral questions, the burdens of judgement would ensure that people in contemporary pluralist societies would continue to disagree on many fundamental questions. The burdens of judgement include ambiguous and indeterminate normative claims that people weigh and interpret differently, owing in part to different life experiences. They also include uncertain technical expertise – that is, situations in which the ‘evidence – empirical and scientific – bearing on the case is conflicting and complex, and thus hard to assess and evaluate’ (Rawls, 1993: 56). When the technical expertise relevant to basic moral questions is uncertain, Rawls rightly argues, people will probably disagree about its implications for those questions. Rawls, however, does not discuss how lay deliberators might best assess such conflicting and complex empirical evidence. Indeed, he later suggests that public reason can usually rely on scientific consensus when he writes that the values of public reason include ‘accepting the methods and conclusions of science when not controversial’ (1993: 139; see also 224). Rawls does not seem to recognise how rarely policy-relevant science remains uncontroversial. Moreover, Rawls does not discuss any special role for technical experts in public deliberation. For Rawls, write Baber and Bartlett (2005: 57; see also 188–9), scientists ‘produce the information necessary to trigger the precommitments that have been arrived at by rational decision makers in the original position and thus set these in motion’. But scientists apparently do not play any particular role in shaping those precommitments or deliberations about them.¹

Critics have often argued that Rawls’s theory of justice itself amounts to a form of expertise because his approach seems to reduce public debate on questions of justice to the hypothetical deliberations of philosophers (Habermas, 1990: 66; Dryzek, 2000: 15–16). Rawls rejects this critique, explaining that wide-ranging discussions in civil society do not recognise epistemic distinctions among participants. ‘The point of view of civil society includes all citizens ... There are no experts: a philosopher has no more authority than other citizens’ (Rawls, 1995: 140–1). And he applies the same point to more structured deliberations on constitutional essentials which follow the requirements of public reason and lead to Rawls’s notion of justice as fairness. ‘In justice as fairness there are no philosophical experts. Heaven forbid!’ (Rawls, 1995: 174; see Baber and Bartlett, 2005: 52–3). All citizens, Rawls argues, can adopt the presuppositions of the ‘original position’ and arrive at Rawls’s principles of justice for themselves. Whether or not Rawls’s theory of justice supports some sort of rule by philosophical experts, Rawls says nothing about how disagreements among either ethical or technical experts should be addressed by lay citizens.

Moreover, Rawls restricts the requirements of public reason to deliberation on constitutional essentials, which seems to exclude most expert deliberation. All corporate bodies and associations, Rawls writes, including ‘churches and universities, scientific societies and professional groups’, engage in a form of rea-

soning that is public with regard to their members but non-public with regard to citizens generally (Rawls, 1993: 220). Rawls rightly notes that each kind of association has its own rules of evidence and criteria of justification, and he acknowledges that associations must respect their members’ basic liberties. But Rawls does not discuss whether citizens might sometimes be justified in calling for reforms within scientific associations, especially those that address questions of social and political relevance.

Like Rawls, Amy Gutmann and Dennis Thompson (1996; 2004) say little about expertise but they occasionally note that lay deliberation needs to be informed by appropriate empirical evidence. Indeed, they conceive empirical claims as an important component of the key deliberative virtue of reciprocity.²

Reciprocity asks that our empirical claims in political argument be consistent with reliable methods of inquiry, as these methods are available to us here and now, not for all times and places. Neither relativity nor uncertainty is grounds for abandoning the most reliable methods of inquiry at our collective disposal. By using the most reliable methods of inquiry, we demonstrate our mutual commitment to reach deliberative agreement in the empirical realms that are relevant to moral argument. (1996: 15; see also 56)

Despite this acknowledgment that lay deliberation depends on expertise, Gutmann and Thompson devote most of their other comments on expertise to emphasising its limits within public deliberation. With regard to the US abortion debate, for example, they note that the two sides each relies on different kinds of expertise: pro-life advocates emphasise medical knowledge about embryonic development; while pro-choice advocates reference social scientific studies on the societal effects of unwanted pregnancies. Gutmann and Thompson reasonably conclude that the constitutional status of the foetus is not likely to be settled by further scientific research (1996: 74). Similarly, when discussing public deliberation on health care priorities, Gutmann and Thompson rightly argue that, even if ‘legislators could show that the most significant issues on the dispute over health care funding were technical’, the relevant ‘medical and scientific information, though important, could not determine the choices that affect basic opportunities’ (1996: 226). Like Rawls, Gutmann and Thompson argue that expertise can never answer basic moral and political questions. This point is certainly correct but it offers little guidance for how expertise might best inform lay deliberation on such questions.

Gutmann and Thompson do mention that, for experts to inform deliberation, they must translate their expert knowledge into ordinary language. ‘Citizens are justified in relying on experts if they describe the basis for their conclusions in ways that citizens can understand; and if the citizens have some independent basis for believing the experts to be trustworthy’, such as a record of past reliability, as well as an institutional system that fosters critical scrutiny

by other experts (Gutmann and Thompson, 2004: 5). Put differently, the role of expertise in deliberative democracy – like all other institutional arrangements – should itself be subject to deliberative scrutiny. These points seem correct, as far as they go, but Gutmann and Thompson say nothing about different possible roles that experts might adopt. Nor do they consider how the content of expertise itself – as opposed to its political role – might be shaped by lay deliberation.

In contrast to these brief comments on expertise by Rawls and Gutmann and Thompson, Habermas offers a more detailed account of how the politics of expertise might shape deliberative politics. Building on the Frankfurt School tradition, including concerns about the technical ‘rationalization’ of politics voiced by Weber and Horkheimer and Adorno, Habermas took an early interest in the relation of science and politics. In *Toward a Rational Society* (1970: 66–80), Habermas draws on John Dewey to argue for a pragmatist view of expertise based on the mutual shaping of scientific knowledge and political decisions. Habermas draws a now familiar distinction between the instrumental orientation of ‘work’, associated with science and technology, and the communicative orientation of ‘interaction’, associated with public deliberation. By reducing political questions to technical questions, he argues, elites expand the legitimate human interest in the instrumental control of nature into an ideological programme for defending elite privilege. But Habermas also criticises the Weberian insistence on insulating science and politics from each other. Social values and interests can be realised only through appropriate technical means, and emerging technologies foster the generation of new values and interests. Democratic politics should direct technical progress towards self-conscious practical needs, Habermas argues, rather than towards the assumed needs generated by consumer capitalism. And these practical needs should be assessed in the light of the technical possibilities for realising them.

Habermas recognises that intelligent communication between experts and politicians faces many practical obstacles, and he warns against subjecting scientific discussion to the whims of mass opinion (1970: 69). But he also criticises the positivist rejection of dialogue between lay people and experts. Such scepticism about lay competence ‘confuses the actual difficulty of effecting permanent communication between science and public opinion with the violation of logical and methodological rules’ (70). The communicative barriers between lay people and experts result from practical institutional constraints rather than from an essential epistemic divide. Habermas goes on to advocate building an interactive ‘net of rational discussion stretching between practice and science’ (71).

Technical expertise also plays a key role in Habermas’s theory of discourse ethics, which rests on three kinds of validity claims that together render statements normatively valid: factual truth, normative rightness, and subjective truthfulness or sincerity (Habermas, 1984: 273 ff.; 1990: 58; 1996: 164; Warren, 2002: 192). The empirical facts determined by scientific experts are thus integral

to the normative validity of claims made in public deliberation. But Habermas also makes clear that normative claims are only ‘analogous’ to scientific claims of factual truth.³ Whereas the meaning of norms depends on ‘legitimately ordered interpersonal relationships’, the empirical states of affairs assessed by science ‘must be assumed to exist independently of whether we formulate them by means of true propositions or not’. Language and the social world are mutually dependent in a way that language and the natural world are not (Habermas, 1990: 56, 61). Habermas, in short, adopts a constructivist view of moral rightness and a realist view of factual truth. Constructivist research in the social studies of science, in contrast, while not denying that nature exists prior to science, emphasises the social structures and practices that shape scientific claims (Jasanoff et al., 1995).

Habermas’s more recent work integrates his theory of discourse ethics with a deliberative theory of law and democracy. He emphasises the need for a functional division of labour between expert administration and political deliberation. But Habermas also warns that the ‘specialized and competent fulfillment of tasks by experts is no protection against a *paternalistic* self-empowerment’ by administrative agencies (1996: 188). He insists that ‘the administration be empowered to carry out its tasks as professionally as possible, yet only under normative premises not at its disposal: the executive branch is to be limited to *employing* administrative power according to the law’ (1996: 188). That is, experts alone should not determine the purposes for which their expertise is used.

The key to limiting administrative power lies in Habermas’s ‘dual track’ model of deliberative democracy which locates deliberation in formal state institutions (especially parliaments but also administrative agencies) and in the informal public sphere. The latter is constituted by a wide range of different types of organisational settings, including civil society organisations, the news media, and conversations at work or across the garden fence. Expertise potentially enters the process of public opinion and will formation at any of these multiple sites. Experts may shape decision-making in state institutions but they may also influence opinion formation in the informal public sphere. The public sphere includes a jumble of diverse participants – religious leaders, literary figures, sports heroes, and film stars, as well as scientific experts (Habermas, 1996: 363) – with various kinds of reputation and authority. Unlike the equal power guaranteed by the formal sovereignty expressed through voting, the informal sovereignty of public opinion ensures unequal power. That is, those with more deliberative resources – including time, attention, information, ability, reputation, and authority – may legitimately become more persuasive than others (325).

But the political influence that the actors gain through public communication must *ultimately* rest on the resonance and indeed the approval of a lay public

whose composition is egalitarian. The public of citizens must be *convinced* by comprehensible and broadly interesting contributions to issues it finds relevant. (364)

Whichever arguments end up convincing this 'public of citizens', it retains the task of influencing and monitoring the exercise of formally authorised political power by the state (300, 351). So, like Rawls and Gutmann and Thompson, Habermas argues that the influence of experts on public deliberation ultimately depends on their power to persuade the public. (For more discussion of the public sphere see Chapter 8, 'The public sphere as a site of deliberation: an analysis of problems of inclusion', by Maija Setälä).

More than these other authors, however, Habermas recognises how easily expertise becomes politicised. 'As soon as specialized knowledge is brought to politically relevant problems, its unavoidably normative character becomes apparent, setting off controversies that polarize the experts themselves' (Habermas, 1996: 351). The politicisation of expertise cannot always be avoided, Habermas notes, but expert controversies can be integrated into deliberative politics, and thereby, 'shaped by the publicly organized contest of opinions between experts and counterexperts and monitored by public opinion' (351). Habermas thus suggests that we respond to politicised expertise not by invoking the ideal of value-free science but by democratising expert controversies.

Similarly, Habermas argues that the technocratic image of administrative expertise has never matched reality, and the increasing need for administrators to weigh competing normative values 'can be treated rationally only in discourses of justification and application that cannot be contained within the professional confines of a normatively neutral task fulfillment' (440). Habermas thus sees a need for 'a "democratization" of the administration that ... would supplement parliamentary and judicial controls on administration from within' (440). For Habermas, public deliberation needs both to constrain and to direct the power of administrative experts.⁴

Building on these considerations, James Bohman and Mark Warren offer more extensive discussions of technical expertise in deliberative democracy.⁵ Given the unequal distribution of knowledge in society, Bohman writes, citizens are often forced to 'surrender their autonomy to experts, delegates, and other forms of division of labor' (Bohman, 1996: 168). Bohman notes that expert authority rests not simply on knowledge but also on trust – both the trust of other experts and, when it comes to policy-relevant expertise, the trust of affected publics (168). Like Habermas, Bohman argues that 'expertise must be publicly convincing to be effective, and it can be lost through abuse and disuse' (169; see also 46). Public trust in experts can be enhanced by public challenge insofar as such challenges receive a response that citizens deem adequate. Just as elected representatives seek to maintain the support of multiple constituencies, 'experts, too, have to enlist the ongoing cooperation of the public to keep their

enterprises functioning' (Bohman, 1996: 192; Warren, 2002: 193; Baber and Bartlett, 2005: 104–5). Mark Warren makes a similar point when he argues that expert authority is constituted in part by the existence and vitality of 'institutionalized opportunities for discursive challenge' and a 'critical political culture' that enable experts and laypeople publicly to challenge expert claims whenever the need arises (Warren, 1996: 49, 55–6). Bohman and Warren thus offer a democratised version of the epistemic division of labour envisioned by Rawls and Gutmann and Thompson. As Bohman puts it,

The division of labour can be democratic so long as it fulfills two conditions: It must establish free and open interchange between experts and the lay public and discover ways of resolving recurrent cooperative conflicts about the nature and distribution of knowledge. (Bohman, 1999: 592; see also Bohman, 2000)

Though lay citizens must trust experts, their trust need not be blind. When technical uncertainty or public controversy raises justifiable doubts about expert claims, lay citizens and their representatives need effective opportunities to hold experts publicly accountable.

In a more detailed treatment of the same idea, Warren (2002: 194–5) discusses several ways in which deliberative democracy helps to improve the role of experts in politics. By encouraging flat organisational structures and limiting hierarchies, deliberative democracy improves information flows and increases the pool of socially available knowledge. By equalising opportunities for public discussion, deliberative democracy encourages the expression of diverse types of expertise, especially non-professional, experiential expertise that otherwise has difficulty being heard. And, by limiting the influence of money and power, deliberative democracy helps to ensure that citizens can assess expert claims on their merits. Under such conditions, Warren writes, 'experts are left to establish their authority – as they should – on *epistemic* grounds, on the basis of which warranted trust in expertise can develop' (Warren, 2002: 195).

But what does it mean to establish authority on epistemic grounds? Does it exclude social considerations? Warren's formulation suggests what sociologists of science call 'asymmetry' in the assessment of scientific claims: relying on social factors such as money and power to explain the production of false knowledge claims while explaining the production of true knowledge claims solely on epistemic grounds. A symmetrical approach, in contrast, shows how social values and political interests (as well as non-human forces) shape both the acceptance and rejection of scientific claims (Bloor, [1976] 1991).⁶ This becomes important for deliberative democracy once one realises, as I discuss below, that lay judgments of expert authority need to employ both epistemic and social criteria.

The notion that experts must translate their claims into ordinary language so that lay people can understand them – as Gutmann and Thompson, Bohman, and Warren all argue – makes a good deal of sense but it raises some difficult

questions. First, emphasising popular translation efforts by experts easily suggests that lay people remain passive with respect to expert claims: either experts speak their esoteric language and lay people cannot understand anything or experts translate their claims into ordinary language that lay people automatically understand. What capacities and concerns do lay people bring to their interactions with experts? How can lay people best judge among competing expert claims? The next section takes up these questions.

Second, the authors discussed here say little about cases in which experts consistently fail to persuade large segments of the general public. How should deliberative democrats respond to many lay people's rejection of the scientific consensus on climate change and biological evolution? This problem is less pressing than many assume. As I discuss in the next section, public support for effective public policies rarely depends on public support for the expert knowledge relevant to those policies. Those concerned about public rejection of expertise often exaggerate the role in politics of experts. Moreover, to the extent that experts disagree among themselves, it is neither likely nor desirable that any single group of experts persuades the entire public to adopt its position. Experts working in policy-relevant areas have often sought to increase their policy influence by concealing their disagreements (Beatty, 2006), and public scrutiny helps keep experts honest. Nonetheless, widespread public rejection of mainstream scientific knowledge in certain areas remains disconcerting. With regard to climate change, for example, experts have sometimes played down their disagreements about various details but many people reject even the robust expert consensus on the basic notion that anthropogenic climate change is occurring. How to respond? Some call for environmental authoritarianism but much evidence suggests that, on the whole, democracies produce better environmental policies than authoritarian regimes (Bättig and Bernauer, 2009; Held and Hervey, 2009). A better response, therefore, is to attempt to improve democracy rather than abandon it in the face of excessive public scepticism toward experts. The institutions and practices advocated by deliberative democrats increase the likelihood that lay citizens will respond to expert consensus with critical trust rather than with outright rejection or blind acceptance.

Lay evaluation of expert claims

As the preceding discussion indicates, several leading democratic theorists argue that expertise can inform lay deliberation only to the extent that experts translate their claims into ordinary language. It is certainly true that much of what citizens know about science depends on the popularisation efforts of working scientists and, more commonly, science journalists, science educators, and science museums. But an emphasis on popularisation can be misleading in at least two ways. First, popularisation is not a specific feature of lay-expert

relations but also part of communication among experts. As many commentators have noted, expert discourses are closed not only to non-experts but also to experts from other disciplines. Experts communicating with experts from other fields need to translate their language into something close to everyday language (Turner, 2003: 66). Similarly, the notion that experts need to persuade lay people by translating expertise into ordinary language should not be taken to mean that authority can be eliminated from lay-expert communication. Regardless of what experts might say, lay people can always request further evidence, and then more evidence to support the previous evidence, leading to an infinite regress (Latour, 1987: Chapter 1). At some point, expertise inevitably depends not on persuasion but on authority. Authority need not be conceived as unquestioning acceptance, as noted previously, but it cannot be eliminated from lay-expert relationships.

Second, by emphasising the need for experts to translate their claims into ordinary language, commentators cast lay-expert relations in terms of the public's lack of knowledge. This neglects the many experience-based cognitive resources that lay people bring to deliberative settings. It also suggests a 'deficit model' of science communication which emphasises the lay public's knowledge deficit and gives scientists the task of rectifying it (Irwin and Wynne, 1996).⁷ Similarly, emphasising translation or popularisation suggests a one-way, transmission-belt image of lay-expert communication. In practice, however, lay people often attempt to evaluate expert claims for themselves.

Some argue that, because lay people lack the time and competence to understand the basis for expert claims, they have no choice but blind trust in experts (Hardwig, 1985). But, even if lay people cannot evaluate the *esoteric* claims specific to a particular discipline, they can use social indicators, heuristics or other cognitive shortcuts to assess *exoteric* claims that go beyond a particular field of expertise (Goldman, 2001: 94). The use of social criteria to assess expert credibility is also common among experts themselves – not only among experts from different fields, as with the translation efforts discussed previously, but also among experts from the same field. Empirical studies of scientific practice show that experts assess other experts according to their apparent skill, honesty, personality, professional affiliation and nationality, among other factors (Collins and Evans, 2007: 50, n. 10). Indeed, according to Collins and Evans (2007: 45–6), lay people's capacity to identify trustworthy experts is merely a special case of the judgements that we all make every day about friends, acquaintances, salespeople, politicians and others we encounter in daily life. As members of advanced industrial societies, most people have developed a tacit sense of who properly counts as a scientific expert and who does not.⁸ Beyond such tacit judgements, however, scholars have specified various metacriteria, some more effective than others, that lay people use to evaluate expert claims to authority.

Elizabeth Anderson (2011) suggests three criteria that lay people might use

to assess the relative credibility of experts in public discourse: expertise, honesty, and epistemic responsibility. For assessing a person's *expertise*, Anderson (2011: 146–7) outlines a 'hierarchy of expertise': those at the bottom lack any academic credentials; those at the next few levels have increasingly rigorous academic credentials in fields of increasing relevance to the issue in question; experts at the top levels supplement their academic credentials with relevant professional experience and recognition. Anderson argues that lay people should weigh experts' testimony in proportion to their place on the hierarchy. She fails to note that many people who lack academic credentials – environmental justice activists, for example, or farmers or factory workers – may have relevant knowledge and experience (Collins and Evans, 2007: 67).⁹ Moreover, those with academic credentials may offer partial, and thus misleading, testimony without violating professional standards insofar as their thinking is confined within a disciplinary framework.

Anderson also offers several criteria for assessing the *honesty* of experts. Financial conflicts of interest or a record of fraud and deception are reasonable grounds for being sceptical about expert claims. But some of Anderson's other examples of dishonesty – 'cherry picking data or other misleading use of statistics', 'misrepresenting the arguments and claims of scientific opponents' (Anderson, 2011: 147) – are inevitable features of the politics of expertise. When taken to an extreme, of course, misrepresenting data amounts to dishonesty. But in the rough-and-tumble world of everyday politics, what one person calls 'cherry-picking' another might call 'popularization' (Sarewitz 2004). Moreover, what some might call expert biases are actually incorporated into the basic assumptions of entire disciplines. Epidemiology and toxicology, for example, typically focus on different explanations of disease. Rather than relying on professional honesty, lay people may be better served by more broadly assessing the general character of experts who testify in public, using the same everyday cues they use to form opinions about politicians and other public figures (Dryzek, 2000: 53–4).

Finally, Anderson's criteria for judging *epistemic responsibility* include various standard features of scientific practice, such as sharing data with colleagues and facilitating the replication of one's experiments. But they also include epistemic responsibility towards the public, expressed by refraining from mass-media publication of one's results until they are peer reviewed, and avoiding 'dialogic irrationality' which involves 'continuing to repeat claims after they have been publicly refuted by others, without responding to the refutations', as well as avoiding association with 'crackpots' (Anderson, 2011: 147–8). Other things being equal, lay people should lend greater credence to experts who exhibit various deliberative virtues: inviting opponents to express disagreement; offering patient and charitable responses; showing interest in possible counter-evidence; and readily admitting mistakes (Dryzek, 2000: 165; Goldman, 2001;

Matheson, 2005: 151–5). Of course, experts may adopt deliberative virtues that lend their testimony a reasonable form even while the content is false or misleading (Anderson, 2011: 148). In such cases, lay people probably have little recourse but to rely on additional experts to expose expert irresponsibility.

These various cognitive shortcuts may help lay people assess the credibility of expert testimony but they also raise several problems. First, cognitive shortcuts allow lay people to make intelligent judgements with limited information but that does not eliminate the need for at least some information (Delli Carpini and Keeter, 1996: 52–3). Though Anderson says that her indicators of expert credibility can be assessed by anyone with an Internet connection, many of them seem to require significant time and effort. Indeed, in some cases – such as misleading use of statistics or misrepresenting claims of opponents – assessing the indicators requires knowledge and experience similar to that of the experts themselves. It may even require what Collins and Evans (2007) call 'interactional expertise' which involves the ability intelligently to discuss technical matters with leading scientists in the field without being able to contribute to the science itself.

Additionally, finding ways for lay people to assess competing experts still frames expert advice in the linear terms of the deficit model mentioned previously. It suggests that effective public deliberation on complex problems depends on lay people first getting the science right and then choosing policies supposedly implied by the science. Anderson repeatedly suggests, for example, that a key obstacle to effective American climate policy lies in widespread public ignorance about climate science and, more specifically, in the American public's failure properly to assess the relative credibility of duelling climate experts. But, despite more than twenty years of trying, no major industrial country has used climate policy significantly to reduce greenhouse gases, including countries such as Denmark and the Netherlands that enjoy broad societal acceptance of mainstream climate science. Conversely, the United States government has frequently implemented major policies without scientific consensus on relevant factual matters, including ozone depletion and, more recently, health care and financial reform (Sarewitz, 2011). As Roger Pielke puts it, 'disagreement about science does not preclude consensus on action, and general agreement about science does not preclude opposing views on action' (Pielke, 2007: 128). These points suggest that there is less need for lay people to judge which experts are most credible than to determine whether sufficient evidence exists for no-regrets policies – that is, policies that remain defensible regardless of which experts end up having more truth on their side.

Finally, most efforts to devise criteria for assessing expert credibility, including Anderson's (2011), do not distinguish different roles for experts depending on the particular issue at hand. The appropriate role of experts can be expected to vary according to any given issue's public salience, degree of public mobilisation,

expert credibility, and perceived scientific and political consensus. In a field such as theoretical physics, with low public salience and little controversy among either experts or politicians, the deficit model of science communication may be entirely appropriate. Experts can present the consensus view of their discipline, allowing lay deliberators to incorporate the best available factual information into their political judgements. In fields such as genetic engineering or climate research, in contrast, scientific uncertainty and political controversy render top-down models of science communication obsolete (Bucchi, 2008: 70–1; Ezrahi, 1980; Pielke, 2007).

Put differently, most prominent public issues today involve ‘ill-structured’ or ‘wicked’ problems that combine high decision stakes with a lack of societal agreement on both science and values (Ezrahi, 1980; Fischer, 2000: 127–9; Funtowicz and Ravetz, 1993; Turner, 2003: 52–4, 66–9). Effectively addressing such problems requires the insights of multiple scientific disciplines which employ diverse methods and standards of evidence. Decision-makers must consider not only different possible responses to a problem but also different conceptions of the problem itself. Moreover, the knowledge relevant to such problems often contains irresolvable uncertainties, especially with regard to long-term impacts such as those associated with climate change. This means that technical choices inevitably become intertwined with social values and political interests, and reaching democratically legitimate judgements requires the involvement of lay citizens. Under such conditions, even if experts successfully translate their claims into ordinary language, and even if lay people correctly identify the most credible experts, many questions remain about how expert advice can best shape lay deliberation.

Alternative roles for experts and expertise

Experts and expert knowledge enter into lay deliberation in various ways. At the most basic level, expertise is always already part of deliberation because it permeates the cultures of modern societies and shapes people’s identities and assumptions (Foucault, 1978). Organisers of consensus conferences and citizen panels have often sought to recruit ‘blank slate’ participants with no prior knowledge of the issue at hand but such efforts are naive because the most innocent lay person has inevitably absorbed various cultural messages about science and technology, and they are also self-defeating because informed and opinionated participants are likely to devote more effort to deliberation (Kleinman et al., 2011).

Experts and expertise also play a role in framing the topic of deliberation (Parkinson, 2006a: 128–33). How broadly or narrowly is the topic defined? Which aspects of the topic are deemed distinctly political, and hence subject to lay deliberation, and which aspects are considered technical, and hence

reserved to experts? Which symbols and metaphors do participants employ to discuss and understand the topic? For example, deliberation about climate change will proceed rather differently depending on whether the issue is conceived as primarily a matter of technological innovation, market regulation, social transformation, global justice, or democratic governance. When organisers of deliberative forums select expert briefing materials and expert witnesses, they inevitably go beyond merely informing the participants and also frame the topic of deliberation (Tucker, 2008: 136).¹⁰ As I discuss below, framing effects do not invalidate lay deliberation but they pose challenges for institutional design and deliberative practice.

Beyond these matters of background assumptions and issue framing, many science policy scholars have argued that the role of expert advisers should vary according to the specific issue at hand (Ezrahi, 1980; Habermas, 1970; Jasanoff, 1990; Weingart, 1999). Pielke (2007) identifies four acceptable roles for expert advisers. When the issue is characterised by widespread consensus on both science and values, experts can play the role of *pure scientist*, limiting themselves to summarising the state of knowledge in their particular field. Or they can adopt the role of a *science arbiter* who responds to lay inquiries about specific technical matters. In situations where both science and values are in dispute, experts might choose to act as *issue advocates* who openly promote a particular political agenda or interest group while being careful to specify that their political arguments do not follow directly from their scientific expertise. Or they might become *honest brokers of policy alternatives* who combine technical and political considerations to clarify existing policy options and identify new options for policy-makers. Given the hybrid nature of their task, honest brokers are usually interdisciplinary advisory committees rather than individual experts (Pielke, 2007: 151, 154–6). The United States’s former Office of Technology Assessment, for example, included diverse experts and worked closely with policy-makers to produce reports that identified a range of policy options (17, 95).

Depending on the issue context and the personal preferences of the expert, Pielke argues, any of these four roles may be appropriate. Never acceptable, however, are *stealth issue advocates* who fail to distinguish their scientific claims from their political views, and pretend the former directly entail the latter. Pielke focuses on experts who provide advice to public officials but one might extend his analysis to consider different roles for experts with regard to various kinds of lay deliberation.

In the case of specially designed deliberative forums, such as citizens’ juries, consensus conferences, and deliberative polls, organisers usually establish a separate expert panel and then schedule one day on which the lay participants question the experts (Brown 2006). This approach tends to put the experts in Pielke’s science arbiter role: the experts provide politically neutral answers to specific technical questions chosen by the lay citizens, and the experts do not

become engaged in deliberation about policy alternatives. This approach has much to recommend it. The science arbiter role seems more likely to enrich lay deliberation than asking the experts simply to summarise their areas of expertise (pure scientist) or to advocate specific policies (issue advocate). But Pielke rightly argues that the science arbiter role becomes implausible when the issue involves extensive political controversy and scientific uncertainty. Under such 'wicked' conditions, mentioned previously, it becomes almost impossible for experts to avoid becoming enrolled in political controversies. Partisan activists do not even need to resort to bribery or corruption to garner expert support, insofar as legitimate differences in disciplinary perspective and expert opinion allow all parties to find qualified experts who support their views (Sarewitz, 2004). One might consider, therefore, how the experts involved in citizen panels might adopt the role of honest broker. A step in this direction appears in efforts by organisers to recruit experts and counter-experts with competing political views (Fishkin, 2009: 120).

To develop further the honest broker role, citizen panels could be organised as hybrid deliberative bodies that include experts and lay people (Brown, 2009: 231–7; Turner, 2003: 67–9; Callon et al., 2009). Many government advisory committees and collaborative planning processes take a hybrid form, involving scientific experts and diverse stakeholders in joint deliberation (Brown, 2008). Avoiding an institutional divide between experts and lay people may help participants to avoid exaggerating the impartiality of experts and the ignorance of lay citizens. Most so-called lay people have expertise of one kind or another about one topic or another, and the relevant expertise often becomes apparent only during deliberation itself (Goodin, 2008: 104–7). There is something ironic about deliberative forums that aim to challenge the political dominance of experts but then provide experts with a privileged spot in the programme and reduce lay–expert communication to a staged question-and-answer format.

To be sure, engaging experts and lay people in joint deliberation raises concerns about experts dominating the discussion but similar concerns already exist with regard to the many deliberative inequalities among lay participants. Some people are more talkative than others without necessarily being more thoughtful and informed. The common remedy is to employ a skilled facilitator who ensures that participants are treated with equal respect and have an equal opportunity to make their voices heard (Callon et al., 2009: 162; Smith, 2009: 85–8). A good facilitator ensures that all participants receive equal consideration, and the facilitator's basic task remains the same regardless of whether the participants are experts or lay people. Indeed, even without experts among the deliberators, facilitators need to have enough expertise to ensure that deliberation remains informed by the best available science without undermining the epistemic authority of the deliberators themselves (Moore, 2011). Moreover, it is not obvious that lay deliberators are always susceptible to expert domination,

and many empirical studies find little evidence of excessive lay deference towards experts. Studies of consensus conferences and similar deliberative forums have generally found that lay participants were able both to learn from and thoughtfully challenge expert testimony (Chen and Deng, 2007; MacLean and Burgess, 2010). Fishkin notes that 'once participants learn that the experts disagree they feel freer to re-examine the issues for themselves' (Fishkin, 2009: 120).¹¹ Empirical studies also suggest that 'left to their own devices, groups tend to use information that is already commonly shared, downplaying unique information held by specific individuals', whereas more extensive discussion makes it more likely that deliberators will take up new information (Delli Carpini et al., 2004: 328). In the end, whether experts are relegated to a separate panel or asked to engage in ongoing deliberation with lay people, it is important to remember that effective lay–expert communication does not happen automatically. Some empirical studies thus highlight the need for long-term capacity building among laypeople and experts (Powell and Colin, 2008).

Societal contexts of expert advice

In addition to the factors discussed so far, the role of expertise in public deliberation is also shaped by the broader societal and cultural context. The politics of expertise takes different forms in different cultures, and it is also shaped by internal differences within cultures. Only two societal factors can be briefly considered here. First, in addition to the frames created by the organisers of deliberative forums, science communication research shows that mass-media frames significantly affect how lay people view scientific expertise. In the United States, for example, the media's tendency to adopt a controversy frame with regard to climate change, giving equal weight to mainstream climate scientists and their critics, long contributed to an exaggerated public perception of scientific controversy (Boykoff and Boykoff, 2004; Nisbet, 2009).

Second, research on 'cultural cognition' indicates that people's basic values and assumptions shape their assessments of expert credibility. For example, those who reject mainstream climate science may do so in part because they perceive a conflict between climate science and their cultural values. According to one study, those with hierarchical and individualist values tend to dismiss expert claims about environmental risks because they assume that accepting such risks would lead to government regulation which they reject. Those with egalitarian and communitarian values have the opposite response (Kahan, 2010).

There are at least three different strategies for responding to the effects of both cultural cognition and media frames. The first seeks to reframe expert advice to accommodate people's existing presuppositions. One scholar suggests presenting information in a way that affirms rather than challenges people's values and suggests, too, employing experts with diverse value orientations.

The aim is 'to create an environment for the public's open-minded, unbiased consideration of the best available scientific information' (Kahan, 2010: 297; Anderson, 2010: 156–7). This approach, taken by itself, continues to cast lay citizens as the passive recipients of expert knowledge.

A second and more promising strategy seeks to reframe expert advice to appeal to a broader and more engaged public. The common framing of climate change in terms of 'environmental catastrophe' or 'junk science' suggests a linear model of science advice, polarises public discussion, and leaves unclear how lay people might shape the policy response to climate change. A 'public accountability' or 'economic development' frame, in contrast, highlights opportunities for constructive public engagement that may appeal across ideological lines (Nisbet, 2009).

A third strategy is to subject media frames and cultural values to critical scrutiny through public deliberation. Most research on frames uses surveys or laboratory experiments to assess individual opinions in the absence of social interaction. But empirical research on deliberation shows that cross-cutting conversations that include diverse perspectives tend substantially to reduce framing effects (Druckman and Nelson, 2003). Such studies suggest that neither media frames nor cultural values should be seen as barriers to be eliminated on the royal road to objective expertise but as resources for and objects of collective deliberation. Moreover, not only lay people but also experts are influenced by media frames and culture cognition. Deliberation about expertise, therefore, might best take the hybrid form mentioned previously, including experts and lay people in joint discussion about the various values, interests, and scientific claims that shape their assessments of the issue at hand (Lane, 2011).

Conclusion

Both lay deliberation and expert advice aim to improve the epistemic quality of public decision-making. In this respect, they both contribute to the normative legitimacy of political decisions and they both contain a technocratic potential. For the poorly informed, it probably does not matter much whether policies are justified with reference to lay deliberation or expert advice – in either case, those who lack the relevant epistemic resources may well reject such decisions. The most common response – to attempt to improve science literacy and increase opportunities for lay deliberation – makes sense as far as it goes, but it offers little guidance for coping with the current situation in which so many lack access to both expertise and deliberative opportunities. A complementary response, which has become increasingly common among deliberative democrats, is to emphasise the role of non-deliberative modes of political activity, such as bargaining, voting, advocacy, testimony, and so on. As Dennis Thompson puts it, 'deliberative democracy includes many kinds of political interaction other than

deliberation' (Thompson, 2008: 502). Similarly, Mansbridge and colleagues (2010) persuasively argue that deliberation should not exclude expressions of power and interest as long as these are eventually justified in deliberative terms.

This growing interest in non-deliberative modes of politics needs to be matched by increased attention to the role of expertise. With regard to narrowly defined technical questions on which experts agree (such as whether lead in drinking water harms human health), there may be little need for lay deliberation, and lay people would be well advised simply to ask the experts. On broad political questions (such as the relative priority of reducing lead in drinking water compared to other goals), experts should not be asked to provide decisive answers but their expertise is an important resource for public deliberation. But exactly how to make the best use of the available expertise remains a difficult question. It becomes especially difficult when experts disagree and when their disagreements become intertwined with political disagreements. This chapter has outlined a few considerations for coping with such situations. But, like other political questions, the role of experts in deliberative democracy should not be answered by experts alone.

Notes

1. According to Baber and Bartlett (2005: 154) 'in sharp contrast to Habermas, Rawls seeks to incorporate expertise but allows no special role for the individual expert in deliberative democracy'.
2. 'Reciprocity is to justice in political ethics what replication is to truth in science ... Just as repeated replication is unnecessary once the truth of a finding (such as the law of gravity) has been amply confirmed, so repeated deliberation is unnecessary once a precept of justice (such as equal protection) has been extensively deliberated' (Gutmann and Thompson, 2004: 133–4).
3. Baber and Bartlett (2005: 88) write that:

according to Habermas: the same processes of redeeming validity claims through appropriate types of argumentation is [*sic*] implicit in practical (moral and legal) disputes, as well as disputes about aesthetic judgments and scientific generalizations. All anticipate and, indeed, presuppose noncoercive and nondistoritive communication.
4. On Habermas's view of experts, see also Baber and Bartlett (2005: 189–91).
5. See the discussion of Bohman, Rawls and Habermas in Baber and Bartlett (2005: 49–54). Though he shares much of Habermas's view of expertise, Bohman also argues that Habermas's highly diffuse conception of public deliberation in civil society eviscerates the notion of democratic self-rule, since dispersed public opinion cannot plausibly be said to govern (Bohman, 1996: 179–80).
6. The 'symmetry principle' of the strong programme in the sociology of science is often associated with the notion that science is a 'social construction' that is unconstrained by non-human nature. The symmetry principle is better understood, however, as a methodological principle for studying the production of scientific knowledge. The symmetry principle does not deny that scientific knowledge is shaped in part by

mind-independent reality. It says only that reality alone cannot explain the acceptance or rejection of scientific claims.

7. See Kusch's (2007) discussion of Cass Sunstein's writings on risk assessment.
8. Collins and Evans (2007: 57–60) call this 'ubiquitous discrimination'. A more special case, which they call 'local discrimination', occurs when lay people identify trustworthy experts based on locally acquired experiential knowledge, such as workers' familiarity with the experts at their workplace.
9. Collins and Evans (2007: 67–9) argue that experience alone is the most reliable criterion for evaluating experts, though they acknowledge that it, too, can be misleading.
10. Fishkin (2009: 126), in contrast, argues that the selection of balanced briefing materials and competing experts ensures that competing stakeholders have the opportunity to articulate different frames of the issue.
11. Fishkin also reports that participants in deliberative polls often show large gains in political knowledge (Fishkin, 2009: 121).

CHAPTER 4

Interests, public policy and deliberation

Darren R. Halpin and Juraj Cintula

Introduction

Dedicated scholars of deliberative democracy have focused upon critiquing representative models of democratic decision-making and promoting both the merits and empirical feasibility of institutional design for decision-making procedures consistent with deliberative principles. More recently, a concern with deliberation itself has been taken up by studies exploring the way institutions – or even specific individual 'deliberative events' – can be designed to promote deliberation among stakeholders, citizens or even elites (see Parkinson, 2004; Smith, 2009). Some work has focused on macro-level processes, such as the role of civil society in facilitating broad and open deliberation over key issues of the day. Others emphasised micro processes, discrete decision-making events with a focused agenda and limited participation.

These 'events' – such as citizens' juries and the like – are most often studied bracketed off from the broader 'orthodox' policy process within which they are frequently positioned. As such, the question of how – if at all – they fit with the broader policy process is underexplored: for instance, are they supplementary exercises to the 'orthodox' policy process? Though the actual link such exercises have back to the orthodox policy process have been largely ignored, we can still find that some research has been done in this field – specifically concerning the true nature of deliberative events and initiatives in real life. For example, Magin (2007) offers a complex analysis of the urban planning process in Western Australia and tries to find out whether its major deliberative initiative ('Dialogue with the City') is inconsistent with deliberation ideals. He is pessimistic. The scope of events considered in the literature has recently extended to online consultations by the British central government (see John et al., 2010). Regardless of the scope of the analysis, it has been persuasively argued that a new generation of scholars has pursued 'real world approximations of deliberative democracy' (Elstub 2010a). Our approach taken in this chapter is generally consistent with this noted shift in concern towards what might be called *deliberation in policy practice*. Yet, our point of departure is not the first-generation political philosophy of Habermas or Rawls but, instead, the deployment of deliberation as a part of the repertoire of 'orthodox' public policy. We start with policy practice and work back to make links with the 'core' deliberative literature.