

Josh Cohen

1. I disagree with Larry's claim that "it does not depend," though I was glad that he asserted it so forcefully. It strikes me as implausible in a variety of ways that anyone has a universal technology of conflict resolution. I say this as a huge admirer of the work that Larry does, which is both interesting and inspiring. The crucial issue, it seems to me is to have a sense of the universe of ways of addressing conflicts and a sense of which ones may be more appropriate for which sorts of conflicts.

2. I agree with Larry's central claim: that people who work in the area of deliberative democracy ought to give more attentive to work on resolving disputes. Sometimes the deliberative democracy discussion operates at too-great a remove from issues about the resolution of more focused problems and disputes, despite the fact that such resolution provides a good testing ground for efforts to make a more deliberative democracy. (This point about deliberative democracy and "problem-solving" is important in Archon's work and in a 1997 piece that Sabel and I authored on "directly-deliberative polyarchy").

3. That said, there are also large issues about making democracy more deliberative that may not be best approached by focusing on concrete problem-solving: issues about education, about the media, about commitment to cultural pluralism and toleration, about polarization and how to have the political parties that are essential to mass democracy without the destructive competition and polarization that they sometimes produce (I think this is part of the implication of keeping in kind the Yankelovich point that deliberative democracy puts deliberation together with democracy).

4. I think the Hajer/Kahane point about processes not reaching closure when a decision gets made is right and important. Though the precise bearing on deliberative democracy and/or dispute resolution is not entirely clear, it is a mistake to draw too sharp a distinction between decision-making and implementation. There is a distinction, and "that's what we decided" is an important thing to say when issues about implementation emerge, but the point about closure remains and remains important.

5. Jenny made a very good point about deliberative polling: the precise implications are not clear to me, but it is important to bear in mind. So the claim in deliberative polling is: we have a random sample, so now we have a pretty good idea what the people would decide if the people were to decide in a deliberative and informed way. What Jenny said was that "we do not do democracy that way." I took her to mean that there is great reluctance to assign any democratic authority to decisions made by a small group, even if the group is a random sample. Fishkin has an answer (with some help from Archon): the answer is that the point of deliberative polling is NOT to authoritatively decide anything but to help guide the judgment of citizens or decision makers (the point of polling lies in the domain of communicative power). But if deliberative polling works by informing the judgments of citizens or of policy makers, we need more of a story about how that works or might work: not just about the technique of deliberative polling (as important and interesting as that is), but about how the results of deliberative polling might be inserted into a larger democratic process, as one of the elements that citizens take into account in deciding what they think about an issue.

Is there a larger theme that runs through these comments? I guess the idea is that, as we are thinking about deliberation and about dispute resolution, we need to keep in mind the larger setting of mass democracy that frames our research and our practical efforts (as depressing as that setting can sometimes be).