

A Critique of Consensus Process: Theory, Practice and Implications

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Beginning the Circle: An Introduction

I have known for years that if I do not write things down I will forget them and things that I considered to be important will be lost. That observation is the context for this entire project. On September 10, 2001, I was preparing myself for a meeting of the Washington, DC Independent Media Center (DC IMC), a group that, like other radical participatory groups, operates on consensus process. I had been involved in the DC IMC for more than a year at this point and I was beginning to become disillusioned with the direction of the group. I often left meetings by storming out in disgust with the length of the meetings but more importantly in frustration with the decision making process. During this preparation, I wrote: “Why is it that consensus process seems to privilege the collective at the expense of individuals?” By writing that question down, I began this project and more than a year later that question retains its importance.

At the time I made that observation, I was working as a media consultant for Free Speech TV (FSTV), an organization that collaborates with the Independent Media Center during mass mobilizations. I wanted to allow members of the mainstream media access to the DC IMC and FSTV during the fall meetings of the World Bank and the International Monetary Fund. Other “more radical” members of the collective thought that the DC IMC should never allow mainstream media access to our space. There was a contentious debate, where neither side was willing to budge, and the response was to delay making a decision. Neither side had achieved anything. As I walked out of the meeting I wondered why consensus process which is so democratic in theory—open

membership, everyone participates, no hierarchies, unanimous decisions, etc.—was so antidemocratic in practice.¹

As more problems began to surface—including a large-scale critique of sexism in the DC IMC—I began to realize that consensus process is the antithesis of democracy and that no degree of synthesis could reconcile it. When trying to explore this problem with others involved in consensus-oriented groups, I found that through criticizing the process I became a *persona non grata*. Criticizing the process, in many of my detractors' views, was the equivalent to advocating distant representative democracy, where participation is limited to voting every four years and writing letters to Members of Congress. That was never my objective. Instead I wanted to evaluate the process we were using and look for ways to improve it so that individuals, like me, would not feel like they would have to sacrifice themselves to the collective rather than maintain a semblance of individuality.

I had no idea, that this was an entire focus of study in political science, until I began my research. I had no idea that the research I was doing would lead me to conclude that consensus process can never be improved because of its many flaws. I hope to show through democratic theory and an analysis of consensus process in practice that consensus process is not the ideal form of participatory democracy and that unanimity is often equivalent to tyranny. Additionally, and perhaps more importantly, I hope to show to proponents of consensus process, that there are other, better methods of

¹ In this case, “antidemocratic” refers specifically to the DC IMC refusing to make a decision. This, arguably, is not the usual definition of “antidemocratic.” However, when important decisions are not made, those involved are less likely to remain in the group. With fewer people participating, democracy itself is stifled.

making decisions beyond a dichotomy of representative democracy vs. consensus process.

I have a long list of people to thank for their help in this project. My housemates at 942 Westminster St for allowing me to have another room in the house, without a rent increase, to work and study. Specifically I would like to thank my housemates, Karen Zamperini, Jill Blankespoor and Alexis Rodich who read various sections of this paper and offered needed advice. Two other housemates, Christopher Strohm and Alan Bushnell, who are both active members of the DC IMC, deserve recognition for allowing me to bounce ideas off of them for the past year, even though they didn't always agree with me.

I also thank Adam Eidinger, who believed in my work enough to keep me on as an Associate with the Mintwood Media Collective and run his political campaign, although I spent vastly more time on this project as it reached its final phase. I thank him specifically for never criticizing my priorities and being a great friend.

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Two people in particular deserve special recognition: Joshua Davis and Professor Samuel Chambers. Josh, a profound and talented journalist, read most of this work, commenting extensively on the grammar, tone and flow. Since he is not a political scientist, his feedback helped me tone down the overly academic portions of this project and tailor it to a more diverse audience. I cannot thank him enough for listening to my jargon for hours on end and providing encouragement and reassurance at the most difficult times.

Similarly, I cannot thank Professor Chambers enough for all the help he provided. He forced me to restructure this project from a personal rant on my own observations to something that is more informative and more useful to political theory. He forced me to read texts that I was scared of approaching and encouraged me to think critically about what I was reading. In addition to making this a better project, it has also made me a better person. His feedback on every chapter was extremely useful: from correcting my grammar to evaluating my sometimes-convoluted logic. I do not think that it is overstating his contributions by stating that this project would be utterly useless without his help.

Finally, I dedicate this project to everyone associated with the Washington, DC Independent Media Center. The DC IMC was the inspiration for this project and although many people initially rejected my argument and alienated me, others were supportive and thankful. At the very least, people from the DC IMC, like Joanie Y and Eddie Becker, listened to my developing argument and encouraged me to continue working. This project is for all of you in hope that someday the DC IMC and other radical participatory

groups will become more participatory and more democratic. That is the most radical thing, you all can do.

Chapter 1: Participatory and Deliberative Democracy

It has become passé to state that American democracy is faltering. It is unnecessary to read Robert Putnam's popular analysis of the decline in American civic participation to see this: the statistics on voter participation are far more telling.²

According to the Center for Voting and Democracy, voter turnout in 1996 was at 49% and in 2000 at 51%.³ That means roughly half of the American electorate failed to participate in the crucial presidential elections. However, it is not that simple.

Presidential candidates attempt to speak to "the people" in order to win votes; in our representative system "the people" theoretically "speak" through their elected members of Congress. In 2000 there were 156,421,311 registered voters, but only 97,414,777 bothered to cast a vote for their U.S. Representative in Congress.⁴ The millions of other Americans were silent. It may be passé to say it, but there is something wrong with American democracy.

The Blame Game: Structural Deficiencies in American Democracy

There are at least two ways of approaching an analysis of the decline of American democracy. One is to look at the steadily declining voter participation statistics and place the blame on some recent phenomenon such as television or the media. The other is to look at the structure of American democracy and find that participation was limited when the Constitution was implemented.

² It is important to note that voter participation is not the only way to gauge American political participation. There are other mechanisms including participation in new social movements, other forms of protesting, writing letters to the editor, etc. However, since the legislative branch is intended to represent the views of the people, when fewer people vote in elections, it can be said that participation has dropped.

³ Center for Voting and Democracy, found at <http://www.fairvote.org/turnout/preturn.htm>.

⁴ The number of registered voters comes from the Federal Election Commission, found at <http://www.fec.gov/pages/2000turnout>. The number of people actually casting a vote for their Representative in Congress comes from the Center for Voting and Democracy, found at www.fairvote.org/turnout/congressionaldist.htm.

Although both Putnam and Fishkin hold modern developments responsible for the decline in civic participation, they have varying ideas of which modern problem is at fault. Unlike Putnam, who nearly blames everything on television⁵, Fishkin has a more refined view—holding the American media at least partially responsible for the growing disinterest in participation. Fishkin looks at studies completed by Kiku Adato and Daniel C. Hallin on the shrinking amount of time allotted to presidential candidate soundbites over a 20-year period from 1968 to 1988.⁶ Television itself cannot be completely at fault because at its early stages—even in 1968—people were still voting. However, as the soundbites shrunk from 42 seconds to only 9 seconds, voting decreased significantly.⁷ He concluded that, “the effective political discourse reaching the mass public continues to be mostly the shrinking soundbite, a medium that reduces political debate to messages worthy of bumper stickers or fortune cookies.”⁸ Later, he details how the media’s coverage of candidates’ debates is limited mostly to “conflict, controversy, or confrontation”⁹ not substantive issues. With so little time allotted to how the candidates feel about important issues, the people feel that they do not have enough information to make an informed choice between the candidates. Therefore, they are unlikely to vote in an election, which as I will show below, has the potential to undermine representative democracy.

⁵ Robert Putnam, *Bowling Alone: The Collapse and Revival of American Community*, (New York: Simon & Schuster, 2000), 192 and 216-246. “Americans at the end of the twentieth century were watching more TV...and watching more programs that were associated specifically with civic disengagement (entertainment, as distinct from news.)” 246.

⁶ James Fishkin, *Democracy and Deliberation: New Directions for Democratic Reform*,” (New Haven: Yale University Press, 1991), 109.

⁷ Ibid.

⁸ Ibid., 109-110.

⁹ Ibid., 110.

Like most theorists blaming modern phenomena, Fishkin's conclusion is too simplistic to be fully accurate. The media may be partially responsible for declining participation, but American democracy was not created to facilitate full participation to begin with. In other words, blaming a modern phenomenon is only looking at a small segment of the much larger problem. In order to understand why so many theorists are writing on "participatory democracy" one must look at structural deficiencies in American democracy. Two theorists, Barber and Honig, look at these structural deficiencies. They argue that the structure of American democracy limits participation. Increasing participation, following their analysis, requires drastic reform.

Barber argues that the decline in civic participation is not emblematic of modernity. Instead it is caused by liberalism and its creation, representative democracy. Barber defines representative democracy "...as a form of government in which some of the people, chosen by all, govern in all public matters all of the time."¹⁰ Therefore, the people who chose, usually by voting, have little to no involvement in the actual governing.¹¹ Their participation is limited only to periodic trips to the polling place.

Representative democracy is ingrained into the American system through the Constitution.¹² James Madison in Federalist No. 10 detailed how a representative democracy was vastly superior to direct democracy.¹³ Specifically, Madison states,

[The] first difference is on the one hand to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom

¹⁰ Benjamin Barber, *Strong Democracy: Participatory Politics for a New Age*, (Berkeley: University of California, 1984), xxii. Referred to below as *Strong Democracy*.

¹¹ *Strong Democracy*, xxii. Barber states: "The approach purchased efficiency without sacrificing accountability, but it did so at an enormous cost to participation and to citizenship."

¹² Professor Chambers reminded me that the Constitution does not specify the exact type of representation. That is, the Constitution does not state that a reform like turning toward Proportional Representation can not be implemented. Groups like the Center for Voting and Democracy are actively promoting changing from Single Member Districts to Proportional Representation.

¹³ Fishkin, *Democracy and Deliberation*, 17.

may best discern the true interest of their country, and whose patriotism and love of justice, will be least likely to sacrifice it to temporary or partial considerations.¹⁴

According to Fishkin, Madison's argument was based on the idea "that in an extended republic, tyranny of the majority will be less likely than in a small, direct democracy, where the passions of the people can be immediately aroused."¹⁵ However, Madison expresses more than just a fear of tyranny of the majority. By favoring a "patriotic" and wise elite over an unrefined American public, he explicitly rejects the decision-making capabilities of average Americans. But, using Madison's logic against him, the American public has to be refined, wise, and patriotic enough to vote for representatives who are the most "patriotic" and have the greatest amount of "love for justice." In a representative system, the American voters "discern the true interest of the country" by voting for their representatives. However, in order for representative democracy to work, the people have to choose their representatives. In recent years, the people are not even choosing. This is because there is another structural deficiency at play.

Following the 2000 presidential election fiasco, Bonnie Honig provided another analysis of why American democracy is not reaching its potential. Through a series of pointed questions, Honig's essay, "Dead Rights, Live Futures: A Reply to Habermas's 'Constitutional Democracy,'" presents the argument that because the Constitution is a historical document, in the present-day people's democratic agency is bound by a document they did not produce.¹⁶ She addresses the problem with having "both the rule

¹⁴ James Madison, Federalist No. 10, 47.

¹⁵ *Democracy and Deliberation*, 17.

¹⁶ Bonnie Honig, "Dead Rights, Live Futures: A Reply to Habermas's 'Constitutional Democracy,'" *Political Theory*, 795. Honig asks, "In what sense can the people be said to have free authorship if they are required to approach the constitution as their forebears did, with the same standards and from the same perspective, even if also permittedly, 'in a critical fashion?' ... "In what sense can they be said to be

of law and the rule of the people”—as well as Habermas’ co-originality thesis which argues that both the rule of law and the rule of the people developed “simultaneously” and depend on one another for legitimation.¹⁷ Honig argues that some Constitutions deny democratic agency, which is necessary for real democratic practice.¹⁸ By placing herself within the historical context of the 2000 presidential election, where the Supreme Court—not the voters—ultimately decided the election results, Honig’s interpretation of constitutionalism is directly related to participatory democracy. Especially, in the conclusion of her essay when she describes the “notwithstanding clause” of the Canadian constitution, which “allows provinces to opt out of constitutionally binding decisions for five years, subject to local majority approval.”¹⁹ That is, the Canadian constitution allows privileges the people over the law itself—allowing for more participatory democracy.

Honig admits she is not the only contemporary theorist writing on the problems of constitutionalism and democracy. Barber addresses this issue, somewhat more clearly, in his essay “Does Democracy need Foundations?” His answer is definitively “no,” because even countries with long-standing constitutions require “spontaneity, flexibility, autonomy and commonality,”²⁰ to experience democracy fully. These concepts are not generally associated with the rigid structure explicitly written into most constitutions, creating the potential for conflict with people who want to change their constitution. Barber responds by stating that even within a government ruled by a constitution, people still have to have democratic agency. “Democracy is for the living, and the living are

politically free if they understand themselves to be bound to a progressive temporality in and out of which constitutional democracy in its full, unconflicted expression is required to unfold.”

¹⁷ Ibid, 793.

¹⁸ Ibid, 800-801.

¹⁹ Ibid., 801.

²⁰ Benjamin Barber, “Does Democracy Need Foundations?” in *Democracy and Difference: Contesting the Boundaries of the Political*, 355.

always democratically empowered to change their founding democratic constitution.”²¹

In other words, if people find that their democratic constitution is constraining, they can and should use democracy to unbind themselves.²² Following this analysis, if people find that the United States Constitution is constraining their democratic participation, they must participate in actions to change the Constitution to allow it to encourage greater participation. For example, if the problem is that the constitution’s representative system only allows for people to participate in the system by voting for representatives, then they should vote for representatives that will struggle to change the constitution to allow for more diverse forms of participation.

A more participatory system is one that would encourage more diverse forms of engaging in democracy. However it is important to understand that not all “participatory” systems are democratic. Some, such as consensus process, are more problematic for democracy in the long term than a lackluster voter turnout. Others—notably Iris Marion Young’s conception of “communicative democracy”—provide a useful outline for what a truly participatory democracy would look like. This chapter then has two goals: to analyze various theories of “participatory democracy” and to provide a theoretical critique of consensus process.

Rousseau and the Social Contract: Exploring Possible Solutions

When I began this project, my central worry vis-à-vis consensus process was simple: individual concerns and goals were almost always sacrificed to the collective. That is, the decision making structure—voting by unanimous consent—does not allow for individuals to object to the growing “consensus” of the group. Minority rights have no

²¹ Ibid., 356.

place in a consensus process based system. This is why I disagree so fervently with Jean-Jacques Rousseau, whose concept of democracy is similar to consensus process because it centers on the community and implies unanimity. By focusing on the community, Rousseau was also interested in individual rights versus the collective; however, his conclusion is:

to find a form of association which will defend the person and goods of each member with the collective force of all, and under which each individual, which uniting himself with the others, obeys no one but himself, and remains as free as before.²³

His “solution” is to endorse the collective over the individual through the social contract; however Rousseau argues that merging the individual with the collective will provide for the retention of individual rights and equality for everyone.²⁴ His interpretation of equality does not have positive connotations; when one gives over his rights to the community, equality is achieved only because “it is in no one’s interest to make the conditions onerous for others.”²⁵ In other words, people are equal only because it would be detrimental to the community if there were any sort of hierarchy.

Rousseau sees the state of nature as the absence of a common judge, much like Locke.²⁶ Rousseau claims that unless individuals give up all rights to the collective, they will still demand the right to judge others, which would either nullify the social contract or create tyranny.²⁷ The loss of individual rights is problematic; however, Rousseau

²² Ibid.,357. Barber states, “...democracy produces itself. Democracy is the regime within which the struggle for democracy finds legitimacy.”

²³ Jean-Jacques Rousseau, *The Social Contract*, (New York: Penguin Books, 1968), 60.

²⁴ Ibid.,60.

²⁵ Ibid.

²⁶ Ibid, 61.

²⁷ Ibid.

claims that that loss is nominal in comparison with what he gains.²⁸ “What man loses by the social contract is his natural liberty and the absolute right to anything that tempts him and that he can take; what he gains by the social contract is civil liberty and the legal right of property in what he possesses.” Civil liberties, in Rousseau’s social contract, are bound by the “general will”²⁹—a concept that makes Rousseau’s social contract theory participatory, but also highly anti-democratic.

Rousseau, like other participatory democracy theorists, denounces representative democracy. He states that, “...the moment a people adopts representatives it is no longer free; it no longer exists.”³⁰ Instead he offers a scheme where authority rests in the “general will” which is defined as “the will of the body of the people” and “an act of sovereignty [which] constitutes law.”³¹ Since those definitions are vague, Rousseau offers a more structured account of how the general will is obtained.

From the deliberations of a people properly informed, provided its members do not have any communication among themselves, the great number of small differences will always produce a general will and the decision will always be good.³²

Therefore, for something to constitute the general will, people must be educated enough to understand the issues, they must talk to one another; however, they must not develop factions.³³ At face value, it appears that Rousseau is advocating unanimity; however,

²⁸ Ibid., 64-65. Rousseau states later “instead of alienation, they have profitably exchanged an uncertain and precarious life for a better and more secure one; they have exchanged natural independence for freedom, the power to injure others for the enjoyment of their own security; they have exchanged their own strength which others might overcome for a right which the social union makes invincible,” 77.

²⁹ Ibid., 65.

³⁰ Ibid., 143. Barber also mentions this in *Strong Democracy* adding, “Representation is incompatible with freedom because it delegates and thus alienates political will at the cost of genuine self government and autonomy.” 145.

³¹ Ibid., 70.

³² Ibid., 73.

³³ Ibid.

in a footnote he states: “for the will to be general, it does not have to be unanimous; but all the votes, must be counted. Any formal exclusion destroys its universality.”³⁴

Rousseau further complicates the general will by stating that “the general will...should spring from all for it to apply to all...” implying unanimity.³⁵

Rousseau’s version of participatory democracy has been largely criticized as, “simultaneously providing the origins of democracy and the origins of totalitarianism, [because] under the general will everyone is equal, but the government also has unlimited power.”³⁶ Barber rejects Rousseau’s social contract theory because, “in subordinating participation in a greater whole to identification with that whole and autonomy and self-legislation to unity and group self-realization, unitary democracy becomes conformist, collectivist, and often even coercive.”³⁷ Additionally, Barber notes, because Rousseau’s theory is so well known critics often reject participatory democracy outright leaving no room for alternatives.

[They] generally envision only one ideal type of pure democracy, which is then made to embrace such distinct variants as participationism, majoritarian tyranny, consensualism, totalism, communitarianism, and various theories of the General Will. ... Direct democratic strategies are thus made guilty by association and dismissed as imprudent, risky to freedom or worse.³⁸

This is particularly problematic because it justifies continuing with the status quo of a specific configuration of representative democracy with only limited participation.

However, luckily for those who agree with Rousseau that representative democracy is faulty, there are other theories of participatory democracy.

³⁴ Ibid.,70.

³⁵ Ibid., 75.

³⁶ Jack R. Censer and Lynn Hunt, *Liberty, Equality and Fraternity: Exploring the French Revolution*, (University Park, Penn: Pennsylvania State University Press, 2001), 37.

³⁷ *Strong Democracy*, 148.

³⁸ Ibid.,96.

Barber: An Alternative Participatory Democracy?

While incessantly stressing the differences between his conception of democracy and Rousseau's unitary democracy, Barber provides one of the most complete plans for a more participatory democracy. Barber's *Strong Democracy* is a thorough critique of false "democracies;" but it is also a solution-oriented agenda for creating real democracies. One of the key differences between Rousseau, representative democracy and Barber's conception of strong democracy is the relationship between community and participation.

Rousseau idealizes community and limits the degree one can participate in a government oriented toward the general will; there are no individual rights and there can be no factions. Representative democracies, on the other hand, value limited participation (namely, the vote) and degrade community to pluralist interest groups and congressional boundary lines. Barber thoughtfully states that neither community without participation nor participation without community is acceptable. "Community without participation merely rationalizes collectivism, giving it an aura of legitimacy. Participation without community merely rationalizes individualism, giving it the aura of democracy."³⁹ Barber's strong democracy, on the other hand, links the two concepts through "citizenship"⁴⁰ and writes of their relationship: "Community grows out of participation and at the same time makes participation possible."⁴¹

Merely redefining the term "citizenship" is not Barber's main objective. His real goals are noted in a 12-point plan for creating a more participatory democracy. This plan includes "neighborhood assemblies" with "local legislative competence," "informal lay

³⁹ Ibid.

⁴⁰ Ibid.

justice,” “a national initiative and referendum process...on congressional legislation,” and “universal citizen service.”⁴² This plan, in full, provides people with more opportunities to be engaged in their communities and more chances to participate in politics. While on the one hand Barber’s strong democracy is the practical application of the merging of participation and community into the greater concept of citizenship, on the other hand it creates possible openings for tyranny.

First, Barber’s plan includes delegating some legislative power to neighborhood assemblies. He describes these groups as “extragovernmental bodies [that] sprung up in middle-class urban neighborhoods” that “[originated] in a concern over crime.”⁴³ What he fails to mention here is that these neighborhoods, particularly those with in gated communities were often highly discriminatory and had written covenants preventing certain racial, ethnic or religious groups from living within them.⁴⁴ Providing neighborhood groups with full legislative power would only increase neighborhood segregation. Barber acknowledges this problem later when briefly discussing neighborhood schools.

The neighborhood school may harbor racism and be a monument to parochialism—which is why voucher advocates oppose it—but it also endows a community with a heart and gives youngsters their first inkling of what it means to be a neighbor and a citizen.⁴⁵

Neither a school nor a community that “harbors racism” teaches children how to be good neighbors and good citizens. However, this is not Barber’s main point. His focus is on encouraging participation and people are more likely to participate if they have a personal

⁴¹ Ibid., 152.

⁴² Ibid., 307.

⁴³ Ibid., 269.

connection or concern with a situation. Participation can be effective without being endowed with full legislative ability, which is where the potential problems lie. For example, several public schools in DC are operating at below 50% capacity; however, the communities surrounding them have taken an active role in making sure that the schools remain open.⁴⁶ These community advocates are avoiding harboring racism and are participating in democracy without having full legislative power.

Another problem with Barber's concept of strong democracy is his advocacy for an experiment in "informal lay justice by an engaged local citizenry."⁴⁷ Unfortunately, Barber never fully describes how informal lay justice would operate, however it can be taken to mean that community members would have the capacity to convict and determine sentences for "criminals" within the community. Barber may criticize Rousseau for advocating a "false democracy;" however, it is hard to see how "informal lay justice" is democratic when paired with the neighborhood assemblies with legislative power. Neighborhoods often have their own sets of covenants and rules, with "informal lay justice" powerful groups within the neighborhoods could arbitrarily enforce those rules and target minority groups. It is not very difficult to see how "informal lay justice" could lead to vigilantism, although Barber pretends to think that the local police could prevent that from happening.⁴⁸ Local police, however, are often understaffed and busy with other, more pressing, concerns to effectively prevent vigilantism.

⁴⁴ Interview with Candace Sullivan, who worked to desegregate gated communities in the 1970s. Summer 2000.

⁴⁵ Ibid., 306.

⁴⁶ Interview with Karen Zamperini, a federal contractor with the Army Corps of Engineers working in the District of Columbia Public School system. October, 2002.

⁴⁷ Ibid., 307.

⁴⁸ Ibid., 304.

There are many aspects of Barber's strong democracy that provide hope for those that want to see a more participatory democracy. For one, he emphasizes the importance of "strong democratic talk" which encompasses listening. This is vastly different from a representative system where, "it is far easier for representatives to speak for us than to listen for us."⁴⁹ Barber's conception of strong democratic talk is more complex and is more multifaceted. It ranges from "the articulation of interests; bargaining and exchange" to "community-building as the creation of public interests, common goods, and active citizens."⁵⁰ While "strong democratic talk" sounds nice, it is only one part of Barber's overall program. Since, that program includes at least two problematic parts—neighborhood assemblies with legislative power and informal lay justice—his strong democracy proposal must be rejected, or at least highly modified.

Fishkin: Failed Experiments in Deliberative Democracy

Both Barber and Fishkin advocate using interactive technology which would allow for greater forms of participation, such as immediate voting on a referendum at home.⁵¹ Fishkin, however, stresses that while this technology allows for greater participation it may not always be democratic.⁵² "If a simple vote of mass publics after the nightly news were the only prerequisite for new legislation, there would be few impediments to tyranny of the majority once the public was aroused."⁵³ This type of tyranny of the majority would violate Fishkin's concept of political equality, which is necessary for democracy to function effectively. He defines "political equality" as a

⁴⁹ Ibid.,174.

⁵⁰ Ibid.,178-179.

⁵¹ Ibid.,275. see also Fishkin, *Democracy and Deliberation*, 21. In both of these sections, they talk about the Warner-Amex Qube, which according to Fishkin is "a television system that enables people to vote in their homes." 21.

⁵² His substantive argument appears much later, when he notes that he prizes deliberation over participation, 53.

three-step process: “formal equality granting equal weight to people’s preferences,” “guarantees that the political process has not been interfered with by irrelevant factors,” and “adequate opportunities for voters to form preferences.”⁵⁴ The evening news may emphasize only one side of the issue perhaps preferring the side that gives more advertising money. Additionally, an immediate vote after the evening news does not give the public enough time to deliberate on the issue.

Acknowledging these problems, Fishkin argues for a representative sampling system or a method of what he calls, “deliberative opinion polls.”⁵⁵ These polls would be conducted with small groups that meet face-to-face and “will be expected to come to their decisions through mutual discussion and debate.”⁵⁶ This seems like an effective way to avoid the tyranny of the majority scenario that Fishkin earlier feared.

Fishkin states that, “deliberative opinion polls offer direct democracy among a group of politically equal participants who, as a microcosm of the society, represent or stand for the deliberations of the whole.”⁵⁷ There is a catch, though. Those “politically equal participants” must have a certain degree of education and skills to have the ability to deliberate effectively.⁵⁸ Fishkin attempts to substantiate his argument by showing that through deliberation, people become more “knowledgeable and sophisticated.”⁵⁹ However, as he states later, it is “utopian” to believe that “the mass public can become deliberative” which is why he proposes the deliberative opinion poll.⁶⁰

⁵³ Ibid., 21.

⁵⁴ Ibid., 31.

⁵⁵ Ibid., 22-23.

⁵⁶ Ibid., 93.

⁵⁷ Ibid.

⁵⁸ Ibid., 31.

⁵⁹ Ibid., 84.

⁶⁰ Ibid.

Ultimately, although Fishkin is critical of the current American system, his “deliberative opinion poll” proposal does not create a more participatory democracy. It only creates a mechanism where the selected individuals discuss possible solutions to contentious current issues. It may be a decent short-term solution to the lack of deliberation in the mass media; however, it is unlikely to increase overall participation. Participation increases when people have a direct connection to a problem, as in the earlier example of community advocates fighting the closure of their neighborhood schools. Participation does not increase simply because a selected group of people discuss issues.

Unanimity and Minority Rights: Consensus Process vs. Other Options for a More Participatory Democracy

Fishkin and Barber both examine types of participatory and deliberative democracy; however, neither offers particularly viable solutions. There is another example of a form of democracy that is both somewhat participatory and somewhat deliberative. It is known as consensus process. While others have referred to what I know as consensus process as unitary democracy, the term consensus process is a far better description of both the theoretical and the practical aspects of this type of “democracy.” My working definition of consensus process is a form of participatory democracy centered on deliberation, where the final decision is unanimous. In the next chapter, I will discuss the practical problems of using consensus process. Below I will discuss four theoretical problems of consensus process: why unanimity is an unrealistic goal, why minority rights are stifled, why there is a “choice” of coercion or the status quo in decision making, and why conflict is avoided.

One of the most important attributes of consensus process is that decisions must be unanimous—that is, every member of the collective must agree to the final decision—in order for it to be instituted as policy. Generally speaking, this requires homogeneity, as alternative perspectives do not lend themselves to unanimous decisions. While I will discuss how this is problematic from a practical perspective later, the goal of unanimity is also difficult to support from a theoretical angle.

Although he dismisses Locke's argument against unanimity as "commonplace," Sheldon Wolin uses Locke's language and logic to argue against unanimity.⁶¹ Wolin writes, "Unanimity is an impossible basis of action because 'the Infirmities of Health and Avocations of Business...will necessarily keep many away from the publick Assembly.'"⁶² As "commonplace" as this may be, it was Locke's basis for rejecting unanimous decision making in favor of majority rule. In any group, important decisions must be made in a timely manner; waiting until every member of the community is present to take a vote simply is impractical. Furthermore, for Locke, the implications for choosing a consensus based decision-making scheme over majority rule are even more drastic. Locke argues that if a community does not use majority rule, "they can not act as one body, and consequently [the community] will be immediately dissolved."⁶³

Therefore, unanimity is not just impractical it is also highly problematic. Seyla Benhabib argues that in most "radical participatory democratic theories" the goal of

⁶¹ Sheldon S. Wolin, "Fugitive Democracy" in *Democracy and Difference: Contesting the Boundaries of the Political* ed. Seyla Benhabib (Princeton, New Jersey: Princeton University Press, 1996), 40. Below I will refer to the book itself as *Democracy and Difference*. Wolin later tries to legitimate homogeneity by "reinterpreting" it as solidarity. (44) I find this rationale, useless and misguided; however, I have already written at length about solidarity in my December 2001 essay "Shared Hope: Solidarity in the Anti-Corporate Globalization Movement."

⁶² Ibid., 40.

⁶³ John Locke, "Second Treatise on Civil Government," in *Social Contract*, (New York: Oxford University Press, 1962), 58.

unanimity “silences dissent [while] curtailing minority viewpoints.”⁶⁴ Silencing dissent means limiting participation. Curtailing minority viewpoints means stifling deliberation.⁶⁵ Following Benhabib’s analysis here, it is hard to see how consensus process is either participatory or deliberative since it explicitly advocates unanimity as a goal.

Benhabib is not the only author to reject unanimity. Chantal Mouffe states that unanimity and its related concept, homogeneity, are “fictitious and based on acts of exclusion.”⁶⁶ Unlike Benhabib, Mouffe does not explicitly state that she favors majority rule. Instead, she argues that only through embracing pluralism—which she defines as “the end of the substantive idea of the good life”—can one experience democracy.⁶⁷ Putting her larger proposal aside, her strongest argument against proponents of a consensus-like process is that “conflicts and confrontations” are necessary for democracy to function.⁶⁸ I will address the importance of conflict more completely later; however, at this point it is important to note that the goal of unanimity implies a lack of conflict.

I have shown that unanimity and its sister concept homogeneity are hoaxes. Since unanimity is the ultimate goal of all political discourse in consensus process, showing that unanimity is unrealistic largely delegitimizes the process itself. However, consensus process is more than just the process of voting on policies. As a so-called participatory and deliberative democracy, there is a period of debate before there is consent on an issue. During this debate period, an important problem arises: Since the ultimate goal of consensus is unanimity, what happens to those who disagree with the policy?

⁶⁴ Selya Benhabib, “Toward a Deliberative Model of Democratic Legitimacy” in *Democracy and Difference*, 77.

⁶⁵ Ibid.

⁶⁶ Chantal Mouffe, “Democracy, Power and the Political,” in *Democracy and Difference*, 246.

⁶⁷ Ibid.

⁶⁸ Ibid., 255.

Jane J. Mansbridge discusses this problem best in her book, *Beyond Adversary Democracy*. She writes:

In a consensual system, the minority is, in a sense eliminated. ...Its objections go unrecorded. Indeed, if those in the minority are intimidated, cannot give their reasons convincingly, or do not care enough to make a scene, they may never voice their objections.⁶⁹

Obviously the lack of minority rights is a problem because it creates an atmosphere in which consensus is contrived not deliberated upon. Without the inclusion of minority viewpoints, consensus process is participatory for only those that agree with the majority opinion during the deliberation period itself. Carol Gould, in criticizing Habermas, makes a similar observation.⁷⁰ “There are, for example, those who do not or cannot speak in public, who from inarticulateness, fear, habit or oppression are removed from participation in public life.”⁷¹ A problem like this casts doubt on the potential for any deliberative democracy to be effective; however, Iris Marion Young claims that this is not necessarily the case and offers a few important solutions to encourage greater participation and fuller deliberation.

Young states that often those in the minority in a deliberative democracy, such as consensus process are those that are minorities to begin with. She argues that these groups are excluded from full participation because proponents of consensus process ignore their speech patterns.

In many formal situations the better-educated white middle-class people, moreover, often act as though they have the right to speak and that their words

⁶⁹ Jane J. Mansbridge, *Beyond Adversary Democracy*, (Chicago: University of Chicago Press, 1983), 170. Referred to below as *Beyond Adversary Democracy*.

⁷⁰ Carol C. Gould, “Diversity and Democracy: Representing Differences,” in *Democracy and Difference*, 174. She states that there is a difficulty “with respect to Habermas’s characterization of discourse as having a built-in criterion of consensus as its ultimate and ongoing aim. Not only does the discussion aim at agreement, it aims at the total agreement of all those who could possibly be affected by the adoption of the norm that is the object of the agreement.”

⁷¹ *Ibid.*, 175-176.

carry authority, whereas those of other groups often feel intimidated by the argument requirements and the formality of rules of parliamentary procedure, so they don't speak, or speak only in a way that those in charge find "disruptive."⁷²

With this in mind, Young rejects deliberative democracy—which she suggests, “assumes unity”—in favor of “communicative democracy.”⁷³ The importance of this articulation of “communicative democracy” will be fully explored later in Chapter 3.

Consensus Process and Conflict: Stagnation or Manipulation

Dealing with conflicts within the debate and decision making process illustrates another problem with consensus process. On a superficial level consensus process attempts to alleviate all conflicts through an appeal to unanimity. In one of his more poignant moments Barber shows how ridiculous this is: “the paradox of consensus remains: if one claims that the condition of unanimity and consensus that politics wishes to achieve by art already exists by nature, then politics loses its purpose and becomes superfluous.”⁷⁴ In other words, conflict is necessary for politics. And it is especially necessary for democracy. Conflict attracts attention to important issues and is often a precursor to change. Conflict encourages participation. Conflict encourages deliberation.⁷⁵ Although consensus process may strive to avoid conflict, tension arises during deliberation and it must be resolved. With the goal of unanimity in mind, conflict in consensus process leads to manipulation or stagnation, not participation and deliberation.

⁷² Iris Marion Young, “Communication and the Other: Beyond Deliberative Democracy,” in *Democracy and Difference*, 124. I will explore this concept, in greater depth from a practical perspective in the next chapter.

⁷³ *Ibid.*, 132. “The ideal of communicative democracy includes more than deliberative democracy, because it recognizes that when political dialogue aims at solving collective problems, it justly requires a plurality of perspectives, speaking styles, and ways of expressing the particularity of social situations as well as the general applicability of principles,” 132.

⁷⁴ *Strong Democracy*, 128.

⁷⁵ *Ibid.* An example of this in action: highly contested political races. People are more interested in knowing the issues that separate the candidates and more interested in voting, if there is intense conflict. The recent Maryland gubernatorial debate between U.S. Representative Robert Ehrlich and Lt. Governor

Mansbridge accurately describes this problem when she states: “When individual interests are in irresolvable conflict, a consensus requirement guarantees either deadlock in favor of the status quo or social pressure on dissenters to go along.”⁷⁶ In other words, although advocates of consensus process claim that it is a participatory democracy there is a great deal of manipulation or “social coercion” involved in the decision making experience.⁷⁷ In a later essay, Mansbridge attempts to legitimate coercion as necessary for democracies to survive. She argues “democracies need coercion primarily to take action without overly privileging the status quo.”⁷⁸ This assessment stems from an acknowledgement that sometimes people cannot agree, even through deliberation. Therefore, in order to avoid stagnation, democracy must “act, by coercing some to go along with the others.”⁷⁹ She claims, legitimately, that unanimity privileges the status quo, those that want change—particularly those from minority groups—must be willing and able to coerce others.⁸⁰

In the same article, Mansbridge argues another side and proposes that “oppositional discourses and oppositional cultures” must challenge coercion because it is never fully legitimate.⁸¹ This addendum makes Mansbridge’s argument more palatable. However, it does not erase the earlier claim that groups using consensus process have to select from two poor choices—stagnation or manipulation—in decision making. As I will show later in Chapter 2, when an oppositional discourse challenges the coercion implicit in consensus process, the only other option is to return to the status quo. Put

Kathleen Kennedy Townsend is a fabulous example of conflict between candidates garnering extensive coverage and interest.

⁷⁶ *Beyond Adversary Democracy*, 31-32.

⁷⁷ *Ibid.*, 201.

⁷⁸ Jane Mansbridge, “Using Power/Fighting Power: The Polity,” in *Democracy and Difference*, 47.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*, 48 and 56.

simply, when conflict exists, consensus process does not allow a third way that could provide a method of shifting policy without manipulating some members of the polity.

A Real Participatory and Deliberative Democracy?

Since consensus process, stifles dissent, injures minorities, and sets up a dichotomy of stagnation or manipulation when conflict arises, there appears to be no substantive reason to call it participatory, deliberative or democratic, even in theory. Why then are so many radical participatory groups using it as a governing structure when other truly participatory and deliberative possibilities exist?

Arguably, these radical participatory groups want to veer so far away from hierarchical structure of representative democracy so a process that values participation and strives for a collective spirit proves appealing. However, appealing as it may be, it does not work. The participation is limited and the collective spirit represents exactly what Madison feared. It is the epitome of tyranny of the majority as minorities are almost completely prevented from both participating and deliberating in the process. These radical participatory groups should reject consensus process altogether and look elsewhere.

While I will discuss alternatives to consensus process in depth in Chapter 3, the simplest alternative is similar to what Benhabib proposes—a deliberative democracy that ends in a vote along the guidelines of majority rule. In rejecting consensus process, Joshua Cohen expresses how this could work.

...Even an ideal deliberative procedure will not, in general, produce consensus. But even if there is disagreement, and the decision is made by majority rule, participants may appeal to considerations that are quite generally recognized as having considerable weight, and as a suitable basis for collective choice, even among people who disagree about the right result: when participants confine their

⁸¹ Ibid., 59-60.

argument to such reasons, majority support itself will commonly could as reason for accepting the decision as legitimate.⁸²

This is a solid and reasonable alternative to consensus process because it not only envisions a decision making process that is less problematic than consensus process, but it additionally fends off attacks of illegitimacy. I want to stress that voting by majority rule does not make the process more deliberative or even necessarily more participatory. After all, representatives vote by majority rule and rarely provide ample time for deliberation. However, majority rule does not explicitly exclude minority perspectives as the unanimity-centered consensus process does.

Furthermore, as shown above, merely allowing for deliberation does not mean every voice is heard and valued. I agree that alternative modes of speech must be allowed into the political discourse in order for any democracy to be deliberative. I have briefly noted Young's analysis that the process of deliberation often privileges certain types of speech and thus alienates many political participants. While I will discuss her scenario for encouraging more diverse speech during deliberation in depth in Chapter 3, I will note now that it is necessary to reduce that privilege in order to have a system where the democratic process is more deliberative and participatory. It should be instituted to save American democracy.

⁸² Joshua Cohen, "Procedure and Substance in Deliberative Democracy," in *Democracy and Difference*, 100.

Chapter 2: Practical Consensus?

Ten people are sitting in a circle discussing finding an office for the small group of which they are all members. People raise their hands calmly and wait for their chance to speak. The meeting chairperson, known as a facilitator, calls on those individuals one by one. The discussion is fast-paced with each individual's comment building upon the comments of the speaker before. After about 10 minutes, the group unanimously decides to delegate its power to three individuals who will contact property owners they know and ask about the cost of renting an office space. They agree to return to the group at the next meeting to present their results. The meeting adjourns. This is a true story of a recent meeting of the DC Independent Media Center and it represents the ideal of small group consensus process—a form of decision-making where everyone participates and decisions are made unanimously. However, consensus process does not always work as this way.

In the previous chapter, I evaluated several major theoretical problems with consensus process: the problem of minority rights in relation to unanimity, the “choice” of coercion or the status quo in decision making, and the role of conflict in politics. My goal in this chapter is to show how consensus process in practice often elucidates many of these theoretical problems. Through the definition of “membership” to the agenda setting process to actual debate and decision-making, consensus process in practice is just as manipulative, hierarchical and anti-deliberative as many theorists have proposed.

A Description of Consensus Process

Before analyzing the problems within many facets of consensus process it is important to have an idea of how a meeting operates. The best brief interpretation of

consensus process comes from a chart created by Saint and Lawson, which I have only slightly revised.

Preconsensus: 1) Determine group membership, 2) Understand the meaning of consensus, 3) Agree on group purpose, 4) Set standards for interpersonal behavior.

Stage 1: 1) State the proposal, 2) Clarify the proposal, 3) State concerns, 4) 1st call for consensus (read: unanimous decision)...if no consensus...

Stage 2: 1) List all concerns, 2) Resolve concerns, 3) 2nd call for consensus, 4) Evaluate group purpose and values, 5) 3rd call for consensus, 6) Evaluate individual motives, 7) Final call for consensus...if no consensus...

Stage 3: 1) Contract for more time, 2) Presenter withdraws proposal, 3) Concerned members withdraw or stand aside, 4) Conduct straw poll, 5) Send proposal to a subgroup, 6) Create community building, 7) Conduct supermajority vote, 8) Exclude members.⁸³

Small Groups: Membership and Growth

Consensus process is used as a political organizing tool primarily for small groups, usually with less than 50 individuals.⁸⁴ However, most “how-to” guides on consensus process stress that not all small groups can use consensus. The Center for Conflict Resolution (CCR) notes seven “group conditions that support consensus.” They are: “unity of purpose, equal access to power, autonomy of the group from external hierarchical structures, time, a willingness in the group to attend to process, a willingness

⁸³ Stephen Saint and James R. Lawson, *Rules for Reaching Consensus: A Modern Approach to Decision Making* (San Diego: Pfeiffer & Company, 1994) unnumbered page directly preceding page 1. Referred to below as: *Rules for Reaching Consensus*.

in the group to attend to attitudes and a willingness in the group to learn and practice skills.”⁸⁵ The CCR argues that groups that attempt to use consensus process without these conditions will fail.⁸⁶ For example, because most workplaces and organizations do not live in a bubble where power structures or hierarchies do not exist, they are excluded from using consensus process. Many groups also do not have endless amounts of time that they can spend debating an issue. The only groups able to reach consensus on a regular basis, Mansbridge argues, are groups of friends because they hold “total respect” for each other and “have common interests.”⁸⁷ These groups of friends immediately uphold several of the characteristics CCR calls require for consensus to work: friendship is nonhierarchical and friends are more likely to listen closely to each other. However, even with groups comprised of close friends, many of the negative characteristics of consensus process still appear.

Mansbridge notes that small groups, especially groups of friends and other close associates “promote conformity and conflict avoidance, producing surface unanimity while masking a genuine opposition of interests.”⁸⁸ She relates two different accounts that make consensus process look very similar to the interactions of a high school clique. The first, in her study of a small town that uses consensus process, citizens of Selby worried about the way they would be treated in everyday social affairs if they disagreed

⁸⁴ There is a method for using consensus process with large groups. It is known as the spokescouncil model and will be addressed below.

⁸⁵ Center for Conflict Resolution, *Building United Judgment: A Handbook for Consensus Decision Making*, (Fellowship for Intentional Community, 1981) 8-9. Referred to below as *Building United Judgment*.

⁸⁶ Other books address similar conditions. For instance argue that in addition to agreeing on the group’s purpose, the group must also “set standards for interpersonal behavior,” 24.

⁸⁷ *Beyond Adversary Democracy*, 9-10.

⁸⁸ *Ibid.*, 282. Saint and Lawson claim that: “Consensus does not mean unanimity or 100 percent agreement on everything by everybody. Consensus is not conformity,” 4. However, since they also write on page 70: “We are on the threshold of a new age, a new era, a new civilization,” it is difficult to take their argument seriously. Saint and Lawson are simply too optimistic about consensus process and the effect it could have

with the majority in the town meeting.⁸⁹ The second, comes from Helpline, a non-profit organization with multifaceted service groups, “Ruth found her friendship with her roommate imperiled by the conflict between their two service groups; she was afraid that her friend would never speak to her again.”⁹⁰ Even within groups that fit CCR and Mansbridge’s definition of groups capable of using consensus process, the undemocratic problems of conformity and conflict avoidance appear.

The problem of membership definition also troubles consensus process. As an alternative to the rigidity of representative democracy, many small groups committed to consensus are also dedicated to open membership.⁹¹ Open membership is best described by Saint and Lawson when they articulate how a group should define who can participate. “The group should include members representing those affected by the decision, those implementing the decision, and those supporting the implementation.”⁹² Open membership means that anyone can walk into the meeting and immediately participate in the decision making process—even if they do not fully understand the process itself. This standard, altogether disregards the conditions set by CCR and Mansbridge, as participants who feel that they are affected by the decision the group makes, may not agree with the group’s purpose and may hinder the group from reaching any decision. For instance, if a group declared purpose is to promote a vegan diet and members decide that they should picket outside of a local McDonald’s because it serves

on the world as a whole. Perhaps, I am too cynical but I believe that Mansbridge, by far, has the better analysis of consensus process as conformist and as promoting unanimity.

⁸⁹ Ibid., 283.

⁹⁰ Ibid.

⁹¹ This observation is based on my experience in the anti-corporate globalization movement where organizing groups such as the Mobilization for Global Justice and the DC IMC announced their meetings and encouraged “everyone” to come and participate.

⁹² *Rules for Reaching*, 20. This sounds very similar to Habermas’ ideal speech situation, which as I mentioned earlier, even Fishkin criticizes as “utopian.”

meat products, the owner of that McDonald's will obviously be affected by the group's decision. If this group promotes open membership, the owner can participate in the consensus process and refuse to agree with the majority's decision. This would prevent unanimity and would likely stifle the group's ability to move ahead with its plans.

This problem, however, is not limited to small groups that have an open membership. Groups that begin as close friends can change rapidly as new people are interested in joining the group. This growth can create different problems, as people are less concerned with the social implications of their actions, as in the case of Ruth above, and more concerned with maintaining the group. Groups experiencing growth often have problems with finding a unity of purpose as well as trusting one another.⁹³ CCR writes that new members should "feel wanted and welcomed" but that the older members of the group may not be able to "give them the necessary time and support."⁹⁴ As Mansbridge observes, new members of a group have less power than older members and participate less in the process.⁹⁵ "Newcomers took a while to become familiar with the system of making decisions, to gather the confidence to try to influence decisions, and to get to a point in their work where they had the time and interest to become involved in the larger process."⁹⁶ Additionally new members may object to fundamental goals of the group making older members consider them a "threat to group stability."⁹⁷ Returning to the vegan group scenario I proposed above, the addition of the McDonald's owner clearly has the potential of destabilizing the group. In a situation like this, the vegan group is

⁹³ *Beyond Adversary Democracy*, 291.

⁹⁴ *Building United Judgment*, 94.

⁹⁵ *Beyond Adversary Democracy*, 187.

⁹⁶ *Ibid.*

⁹⁷ *Building United Judgment*, 94. After an exhausting meeting on gender issues within the DC IMC, a new female member objected to the posting of the "Women's List of Demands" because she had never experienced any patriarchal behavior in the DC IMC.

unlikely to get a unanimous decision on picketing the McDonald's and may have to substitute consensus process for other options.

The two possible substitutes are intensified social pressure or the institution of adversary procedures. Many...end up using social pressure to bring minorities into line because invoking adversary procedures would require recognizing that the nature of their group had changed.⁹⁸

Groups experiencing growth, then, have the option of engaging in manipulation or abandoning consensus process altogether thereby returning to majority rule. This choice makes it difficult to see why consensus process is considered a “modern approach to decision making.”⁹⁹

Hierarchies in Consensus Process: Agenda Setting and Assigned Roles

Consensus process is supposed to be non-hierarchical. However, in practice determining the agenda for meetings and the assigned roles, such as a facilitator and the “vibes watcher,” create de facto hierarchies that undermine the process itself. The first example of problematic power structures occurs during the creation of the agenda. Saint and Lawson write: “The agenda should be developed in advance by group members and reviewed at the beginning of the meeting for any additions or deletions.”¹⁰⁰ This advance group can determine which proposals occur in the early part of the meeting where most people are attentive and which proposals occur at the end of the meeting where people have started to leave or have lost interest.¹⁰¹ The stringently pro-consensus process group CCR even analyzes the potential for a hierarchy. They write, “if the whole group participates in the ordering [of the agenda], the power and control will be distributed

⁹⁸ *Beyond Adversary Democracy*, 291.

⁹⁹ This is the subtitle of Saint and Lawson's book *Rules for Reaching Consensus*.

¹⁰⁰ *Rules for Reaching Consensus*, 11.

¹⁰¹ *Building United Judgment*, 42-43. Here CCR suggests several methods of creating the agenda ranging from: “saving some big items for later on to maintain interest” to [starting] with difficult, divisive items and [finishing] with more unifying and agreeable ones.”

among the group.”¹⁰² However, in practice having the entire group participate in the agenda creation process creates a “talking about talking about” the proposals scenario, which often wastes time, and disillusioned would-be participants. Groups that choose to operate using consensus process must choose between having a selected group create the agenda or waste hours of potential decision-making time deciding on the order of the agenda.¹⁰³

Another example of hierarchies in consensus process is the assigned roles group members perform during the meeting. The two most problematic assigned roles are the facilitator and the “vibes watcher.” The facilitator is similar to a chairperson, while the “vibes watcher” is responsible for taking into account the emotion of the group.¹⁰⁴ The roles may be different; however, both often require making value judgments that impede the full participation that consensus process claims to uphold.¹⁰⁵

Regardless of the decision-making process, most groups have a chairperson who is responsible for running the meeting. In groups that operate using majority-rule, the chairperson is often elected to hold that position. Groups that use consensus process, however, often have a rotating facilitator who is usually a member of the group. In addition to running the meeting, the facilitator has many more responsibilities. “The facilitator’s job is to support everyone to do their best thinking. To do this, the facilitator encourages full participation, promotes mutual understanding and cultivates shared responsibility.”¹⁰⁶ Although the facilitator has an obligation to allow all speakers

¹⁰² Ibid., 43.

¹⁰³ Sam Kaner et.al., *Facilitator’s Guide to Participatory Decision-Making*, (Montpelier, Vermont: New Society Publishers, 1996), 65. Kaner is talking about “tracking” here, but the same thing occurs during a full group agenda setting time. Referred to below as: *Facilitator’s Guide*.

¹⁰⁴ *Building United Judgment*, 47.

¹⁰⁵ The value judgment idea comes from, *Facilitator’s Guide*, xiii.

¹⁰⁶ Ibid., 32.

regardless of their perspective the opportunity to state their opinion, as a member of the group he is never a non-biased observer.¹⁰⁷ This gives the facilitator an extremely powerful position within the group. He has the ability to determine which speakers have the best perspectives—or the perspectives most similar to his own—and give those speakers more time to talk. Likewise, facilitators are more likely to call on group members who share the same opinions that they do, therefore limiting participation.

CCR asserts that “the facilitator should remain neutral and not participate in hot debates,”¹⁰⁸ but that rarely happens when the facilitator is a member of the group. In order to make the facilitator a more neutral observer and, in some cases, a mediator, the facilitator should not be a member of the group. The facilitator would still be in a power position; however, she would have less of an incentive to prevent speakers with alternative perspectives from speaking. Allowing for more diverse speakers would create more potential for full participation than consensus process as currently practiced does.¹⁰⁹

The vibes watcher is another group member holding a power position within the group. According to CCR:

The vibes watcher pays attention to the emotional climate of the meeting and communicates his or her observations to the group when it seems necessary. “Hidden agendas” and unsurfaced conflicts can often be spotted early when someone is watching for them.¹¹⁰

This task is completed in practice by the vibes watcher yelling “vibes watch” at another group member whenever a proposal becomes entrenched in heated debate and group members begin to verbally attack each other. Through completing this task effectively, the vibes watcher could increase participation by encouraging group members to discuss

¹⁰⁷ Ibid., 60.

¹⁰⁸ *Building United Judgment*, 53.

¹⁰⁹ This will be more fully explained in Chapter 3.

the issue thoroughly without getting angry at one another. However the vibes watcher, like the facilitator is a biased individual, she can subjectively determine which side to yell at. For example, if a group is discussing sponsoring a party and the vibes watcher is in favor of the party she could yell “vibes watch” at a group member speaking out against the party. This would likely stifle the debate and give the upper hand to the pro-party perspective.

A vibes watcher can only be a nonpartisan observer of the debate by not being a member of the group. In that case the vibes watcher would be capable of preventing individuals from verbally attacking one another without taking sides. A nonpartisan vibes watcher would be able to allow for greater deliberation and more inclusive democratic practice.

Unequal Participation and Privileged Speaking Styles: Gender and Class

I have shown above how certain individuals holding power positions within the group can privilege certain perspectives over others within consensus process. However, the problem of unequal participation is not limited to the actions of the group facilitator or the vibes watcher. “It’s a rare group in which each member is equally involved in each meeting. Different degrees of interest, information, or styles of communication will result in different levels of input during meetings.”¹¹⁰ While levels of interest are unavoidable, differences in access to information and privileging certain styles of communication over others creates a power dynamic that runs contrary to the full participation ideal of consensus process. Far more problematic is that this power dynamic is often linked to inequalities in society. As noted in Chapter 1, certain speaking styles

¹¹⁰ Ibid., 47.

¹¹¹ Ibid., 88.

are sadly considered more acceptable in debates than others. Furthermore, individuals from more privileged backgrounds are often given more credibility than those with backgrounds from segments of society historically given second-class status.

While they attempt to create scenarios to equalize participation, such as rotating the assigned roles, sitting in a circle and limiting the number of times individuals can speak, even CCR admits that some problems may be more difficult to resolve.¹¹² “Perhaps women speak less in your group because they have been taught to be unassertive, or because they have unconsciously realized that when they do speak, their contributions carry less weight than those of male members.”¹¹³ Mansbridge’s analysis of the role of gender in participation in Helpline is highly perspicacious. She shows that although Helpline had a “comparatively strong interest in women...derived from the national strength of the women’s liberation movement” there were still very serious examples of unequal participation based on gender.¹¹⁴ “Women tended to talk and to attend meetings slightly less often than the men, were less satisfied with the decisions at Helpline, and perceived their own power as lower.”¹¹⁵ Some of the reasons for this unequal participation, Mansbridge found, were that the women were more likely to have an “interruptible career orientation” and the female leadership was more likely to be considered “bitchy.”¹¹⁶

Although Mansbridge’s research is from the 1970s, in my experience, little has changed. In October 2001, the women of the DC IMC came together to discuss the

¹¹² Ibid. I have already discussed rotating assigned roles. Additionally, I’m opposed to limiting the number of times an individual can speak at the meeting because this impedes full participation.

¹¹³ Ibid. Although this book was written in the early 80s, this problem exists in every group I have participated in using consensus process.

¹¹⁴ *Beyond Adversary Democracy*, 191.

¹¹⁵ Ibid., 191-192.

¹¹⁶ Ibid., 193.

gender inequalities we had experienced while working with that “participatory democracy.” A two part list was created: the first section dealt with examples of gender inequalities, while the second was a list of demands we hoped would create more balanced participation. Some of the examples in the first section relate specifically to projects within the DC IMC, however, many of them are very similar to Mansbridge’s observations about Helpline.

Also noted were the countless women who came to one general meeting then never came back, some of whom had vocalized their dislike of the male power dynamic at play. ...A woman told the group that she had done a gender tally of who spoke at a general meeting this past spring, and the numbers were: 78 times that men spoke to 6 times that women spoke, even though there were roughly equal numbers of both at the meeting.¹¹⁷

Research into other contemporary groups using consensus process with gender inequalities shows that the DC IMC Women’s List was not unique.¹¹⁸

While as a white-middle class female, I have had the most experience with gender inequalities, inequalities based on race and class also exist in consensus process.

Although, I have seen examples of racism within consensus process oriented groups, these examples are not documented in the same manner as the Women’s List was—that is, the accounts of racism are not listed in a easily accessible location and were often ignored comments during a meeting.¹¹⁹ Unfortunately, Mansbridge’s analysis of race is also limited because she “believed the important disabilities in participation to derive

¹¹⁷ DC IMC Women’s Meeting Notes, October 1, 2001. Found at: <http://lists.indymedia.org/mailman/public/imc-dc/2002-March/004434.html> on August 1, 2002.

¹¹⁸ See my paper “Another World is Possible? Sexism in the Anti-Corporate Globalization Movement,” which was presented in Spring 2002 to the St. Mary’s College Women’s Studies LLC Conference.

¹¹⁹ One example of this was in the fall of 2000 a black woman attending a DC IMC meeting being held in a private residence. She was the only person of color at the meeting. She introduced herself as a documentary filmmaker and she had brought a copy of a documentary she had made on the Free Mumia movement. She stated that she was willing to allow her documentary to be used for an IMC fundraising project, but a white male exclaimed that he had heard the documentary wasn’t very good and fundraising was not on the agenda. She left shortly after that and never returned.

from class, not race.”¹²⁰ Thus, her analysis of inequalities in participation based on class differences is far more complete. In her interactions with the three working class and non-college educated members of Helpline, she observed that they “were a great deal less likely than their co-workers to speak at meetings, attend meetings, be perceived as powerful, feel powerful, or feel satisfied with the decisions at Helpline.”¹²¹ Her interviews with the working-class members are even more telling as they describe why they cannot participate as readily as the middle-class educated people can. The most prevalent reason is simply that they cannot communicate using the same words and speaking techniques.¹²² Without the same language and rhetorical skills, working class members are both alienated and limited in their ability to communicate during meetings. In this case, sitting in a circle or limiting participation by those that speak often will not give impetus to individuals who feel that they cannot participate as readily.

When There is No Consensus: Problems with Stage 2 and Stage 3

Stages 2 and 3 in Saint and Lawson’s chart only occur when there is an impasse and a proposal does not have immediate unanimous support from the group. In this situation, the most serious crisis of consensus process from Chapter 1—that it leads to either stagnation or manipulation—occurs. When at least one member of a group dissents from the majority opinion, that member has options to express dissent: standing aside, blocking the proposal or leaving the group. Additionally, the group has the option of excluding the dissenter from the group or falling back on a majority rule scheme. Each of these options has frightening implications and each serves to show how consensus process does not work.

¹²⁰ *Beyond Adversary Democracy*, 195.

¹²¹ *Ibid.*, 199.

When a group member disagrees with a proposal, standing aside is the least confrontational option she has. According to Saint and Lawson, “Group members stand aside when they have concerns with a proposal, but they can live with it.”¹²³ They explain that standing aside is different from abstaining in a majority rule decision-making group because, “people may abstain for numerous reasons (i.e. ignorance, ambivalence, or political posture), but standing aside is an option only for people with concerns.”¹²⁴ Concerns then must be related to the outcome of the proposal itself. In the above example of the McDonalds owner, she could chose to “stand aside”—that is allow the vegan group to picket outside the McDonalds—but have her concerns about the effect of picketing noted in the group’s minutes. Standing aside in this case, is merely an acknowledgement that not all the group members agree that the proposal will have the best outcome. It is not a full recognition of the minority viewpoints because the concerns of those who “stand aside” are unfortunately rarely recorded in the group’s minutes and the concerns are not addressed at a later time.

There is another more problematic way of defining standing aside. Kaner’s definition, “Stand Aside: I don’t like this, but I don’t want to hold up the group”¹²⁵ is an assertion that unanimity does not exist. The McDonalds owner would not like the group picketing outside of her restaurant, but by standing aside, would let the group move forward with its proposal. “Standing aside” regardless of how it is defined, epitomizes individual sacrifice for the collective.

¹²² Ibid., 200-201.

¹²³ *Rules for Consensus*, 34.

¹²⁴ Ibid.

¹²⁵ *Facilitator’s Guide*, 212.

The opposite of standing aside is one of the most controversial aspects of consensus process: blocking.¹²⁶

Blocking consensus...occurs when one or a few individuals opposes an otherwise agreed-upon decision that has been developed through full group participation. After time and energy have been invested in discussion, debate, persuasion, careful listening, impassioned argument, and other explorative and persuasive interaction, after serious attempts to understand the issue have resulted in agreement by almost all of the group, then a holdout can be called "blocking."¹²⁷

There are several interesting things to note here: "full group participation" as discussed above is a fallacy. The two appearances of "persuasion" in this quotation imply manipulation. Furthermore, calling the person who disagrees with the group a "holdout" shows the level of disrespect attached to individuals who refuse to yield to the collective opinion of the group.

In a slightly ironic twist, those who advocate using consensus process cannot reach a unanimous decision as to whether blocking should be a part of the process. Saint and Lawson completely ignore blocking, where as CCR includes both a pro-blocking essay and an anti-blocking essay.¹²⁸ The main reason blocking is controversial largely because it gives an individual the power to determine the group's decision. Since so much of consensus process is about abdicating the self to the group, blocking is perhaps the one outlet of individuality that exists. However, as CCR notes, "often those who block consensus are made to feel guilty for slowing down the process or causing

¹²⁶ *Building United Judgment*, 27.

¹²⁷ *Ibid.*, 29.

¹²⁸ *Ibid.*, 33-37. Additionally they include an essay entitled, "Our History: A Case Study of Blocking Issues," where they discuss why they included both opinions. They note during debate over the blocking issue "...things got scary. Chel [pro-blocking] thought long and hard and just about decided to leave the group over the blocking issue. ...Meanwhile, Elaine [anti-blocking] was nearing a similar conclusion to leave the group," 29. In the end, they simply included both perspectives and explained blocking, without reaching a consensus as to whether blocking was valuable.

difficulty for the rest of the group.”¹²⁹ They continue, explaining the manipulative qualities inherent in consensus process: “The larger group may intimidate the minority by making them the center of attention and showering them with arguments about why they are wrong.”¹³⁰ While they later note that this behavior runs contrary to the “respect” that members deserve in consensus process, the fact that they use the word “often” to describe the practice of intimidation shows the lack of respect that usually exists when blocking is mentioned.¹³¹

Furthermore, a group member who declares that they are blocking consensus (“blocker”) may be completely ignored by the facilitator. In another example of the methods in which a facilitator can abuse their power, he has the ability to decide if the blocker is acting appropriately. After asking the blocker to “state their specific objections” to the proposal, the facilitator can “state as objectively as possible that it is his sense that the group has listened as well as it can, but the person’s concerns are not appropriate.”¹³² In a case like this, the blocker would probably wish to leave the group because the facilitator has already made the decision that the blocker can be excluded from the group. Saint and Lawson describe the process of an individual deciding to leave the group and/or the group deciding that an individual should be excluded from the group as following:

If members realize they are at dramatic odds with the group, they may want to exclude themselves and allow the group to proceed. The group out of legitimate concern for its own health, may choose to exclude members it feels are destructive. It is important to remember that the group has the final responsibility for determining which concerns are germane to the decision at hand. Individuals

¹²⁹ Ibid., 32.

¹³⁰ Ibid.

¹³¹ Ibid.

¹³² The Training/Action Affinity Group of Movement for a New Society, from *Building Social Change Communities*, qtd. in *Building United Judgment*, 37.

have the responsibility of making a good case for each concern, but the time comes when the group must come first.¹³³

This is yet another example of individuals sacrificing themselves to the group or being forced to make that sacrifice.

The final example of how consensus process breaks down during points of intense conflict is the final alternative of reverting back to majority rule. One of the first sections in *Building United Judgment* is called “The Inspirational Part: Majority Rule vs. Consensus.” Here they argue the typical pro-consensus line of better decision-making through consensus process, more participation and less of a “hierarchy of power.”¹³⁴ However, even CCR explains that some groups that typically use consensus process revert back to majority rule decision-making when faced with difficult decisions. This is used, “when consensus fails to produce a decision quickly enough for the needs of the group.”¹³⁵ There are many different approaches a group that regularly uses consensus process can take to reverting back to majority rule decision-making. They can use a simple majority; however, it is more likely that they will use something more like a supermajority. Saint and Lawson declare that, “A vote requiring 66 to 90 percent majority for passage could approximate consensus if the group has exhausted its ability to cooperate.”¹³⁶ An approximate consensus is not consensus, however. It is majority (or super-majority) rule. And if consensus is a better decision-making process than majority rule, why does it need to resort back to majority rule decision-making when decisions are more difficult? The answer is simple: consensus process does not work.

¹³³ *Rules for Reaching Consensus*, 49.

¹³⁴ *Building United Judgment*, 4-7.

¹³⁵ *Building United Judgment*, 100.

¹³⁶ *Rules for Reaching Consensus*, 48.

Large Group Consensus Process as Representative Democracy

Consensus process within a small group has been shown to be a decision-making process filled with problems. It is not the only type of consensus process that is used. In some circumstances, particularly in the anti-corporate globalization, a larger scale version of consensus process must be used to accommodate many more people. In the case of the anti-corporate globalization movement, planning for a massive demonstration involves more than 50 people. Planning involves the participation of hundreds if not thousands of planners. In this situation, full participation is altogether impossible. Adherents of consensus process have created a mechanism, called the spokescouncil model for use with larger groups. CCR refers to this as a “representative method.”¹³⁷

It works like this: small groups, known as affinity groups of “eight to 15 people” send a representative, “known as a ‘spoke’” to the spokescouncil meeting.¹³⁸ The spoke receives a proposal at the spokes meeting and returns to the affinity group to reach consensus on the proposal. The spoke then returns to the spokescouncil meeting “with feedback from their groups and acceptance or rejection of the proposal.”¹³⁹ There are opportunities to block proposals within the small groups, whose spoke then represents the block during the spokescouncil meeting.¹⁴⁰

For example, each year thousands of people plan to come to Washington, DC to protest meetings of the International Monetary Fund (IMF) and World Bank. These people are broken down into affinity groups who each send a spoke to the spokescouncil meeting. One of the potential proposals at the spokescouncil meeting could be to have a

¹³⁷ *Building United Judgment*, 99.

¹³⁸ *Ibid.*, 99-100.

¹³⁹ *Ibid.*

¹⁴⁰ *Ibid.*

mass demonstration beginning in front of the IMF headquarters at 9am on Saturday. The spoke would return to her affinity group to reach consensus on the proposal. If one affinity group cannot reach consensus on 9am and instead chooses to push for 10am, their spoke must represent that opinion in the spokescouncil meeting. If another affinity group decides to push for a mass demonstration beginning at Freedom Plaza and still another affinity group pushes for a mass demonstration on Friday, then the original proposal has three possible changes. Each time a change is approved the spoke must return to her affinity group to reach consensus.¹⁴¹

Given the significant amount of time spent running between affinity groups and the spokescouncil, it is easy to see why large group consensus process would be cumbersome. CCR however expresses the positive perspective. “This process is long and arduous, but it ensures that decisions represent input from everyone in the group. Reaching a decision sometimes takes many hours,” but according to CCR, “people who have used this method have generally found it worth the trouble.”¹⁴² This seems unlikely. Since consensus process within a small group does not ensure input from all participants, it is difficult to see why it would suddenly become more participatory (“everyone”) with more participants.

The larger problem with the spokescouncil model is that consensus process is largely a rejection of representative democracy. The spokes may be slightly more accountable to their affinity group constituents than members of Congress are to the voters, but the spokescouncil model is still representative. When the final vote is taken

¹⁴¹ Ibid.

¹⁴² Ibid.

within the spokescouncil, only the spokes participate. The other “participants” in the affinity groups can only hope that their spoke represents their views accurately.

It is a scathing indictment, but participants in consensus process can only hope for a number of things. They can only hope that conflict can be avoided. They can only hope that minority viewpoints will be fully deliberated upon. They can only hope that the facilitator and the vibes watcher will not engage in partisan politics. They can only hope that everyone will agree with a proposal. But hoping that consensus process will happen exactly as it theoretically should does not make for a solid alternative to representative democracy.

Chapter 3: Democratic Conclusions

I began Chapter 1 with an analysis of the decline of American participation in democracy. Because the United States is a representative democracy, that decline in participation is largely based on the readily available statistics that show a pronounced decrease in voter turnout. I briefly discussed some of the theories that attempt to account for this dramatic shift in participation. The most appealing theory on why this decline exists belonged to Barber, who argued that the lack of participation was caused by representative democracy itself. In this chapter I will return to representative democracy and some recent schemes for increasing participation within it and I will also reevaluate various participatory approaches. My conclusion will show that by ridding these some of these participatory theories of the anti-democratic components, new options for democracy can be created.

Can Representative Democracy be Reformed?

Lisa Jane Disch thoughtfully suggests a new reason for the decline in American democracy; she blames the two-party system and the various ways in which it became the American political system. For Disch, the two party system is “an electoral duopoly that locks out competition from alternative parties, mobilizes less than half of the electorate, and emphasizes national parties and elections over state and local organizations.”¹⁴³ Furthermore, she argues that the structure of the two-party system has marginalized other types of democratic activities leaving voting for one major party candidate or the other as the only method of “legitimate, rational” participation.¹⁴⁴ But participation has dropped because the choice between only two candidates makes it difficult to find a candidate

¹⁴³ Lisa Jane Disch, *The Tyranny of the Two-Party System*, (New York: Columbia University Press, 2002), 57.

who will really represent the views of the voter. Disch asks pointedly, “why should it be ‘rational’ to cast a major-party vote for a candidate who has no intention of representing you, whereas to cast a third-party vote for a candidate who has no chance of winning is deemed ‘wasted?’”¹⁴⁵ It is important to note that Disch is not challenging representative democracy here. The two-party system fails to give voters enough options to find representatives that will support their views, but in Disch’s view, the representative system itself is not necessarily flawed.

Instead of focusing on the problem of representation as alienating, as Barber does, Disch proposes giving voters more choices at the ballot box through fusion. Fusion is a scheme where third parties can share candidates with major parties on the ballot. This option would potentially increase voter participation and end the demobilization many Americans feel.¹⁴⁶ However, fusion as a representative democracy reform method, would not allow people the opportunity make democratic decisions themselves. Fusion is not a participatory democracy approach.

On the whole, Disch seems to dismiss participatory democracy because it “[exhibits] a preoccupation with self-government that...overshadows political opposition.”¹⁴⁷ After listing many of these participatory democracy proposals, such as those by Fishkin and Barber, Disch asks: “how will you turn out the people?”¹⁴⁸ However, she later states: “It is as if citizens who are uninspired by the charade of representative government would flock to the new age agora on the strength of the infinitely more rewarding (albeit more time-consuming) practice of citizenship

¹⁴⁴ Ibid, 81.

¹⁴⁵ Ibid., 8.

¹⁴⁶ Ibid., 109.

¹⁴⁷ Ibid., 121.

[participatory democracy] demands.”¹⁴⁹ This statement shows two things: Disch acknowledges that for many people representative democracy is not the most satisfying example of democracy and participatory democracy is largely a much more enticing option. Fusion may increase voting options and perhaps increase opposition, but it will never allow be as fulfilling as participatory democracy.

Can Consensus Process Be Reformed? Or Improving Communication Problems

Representative democracy is certainly simpler than participatory democracy. Individuals in a representative system can merely go to the ballot box and claim that they have been good citizens and have “participated” in the democratic process. Participatory democracy requires much more; it requires citizens to take full responsibility for the decisions they make because those decisions become policies. This is largely why participatory democracy is more fulfilling for individuals than representative democracy.

I have struggled to formulate a mechanism to help understand that not all participatory schemes are participatory democracies. This is largely because I have been working with the idea that in order for a participatory process to be considered democratic it must value all patterns of communication and allow conflict/dissent to thrive. I briefly mentioned Iris Marion Young’s “communicative democracy” earlier as an improvement on deliberative democracy. Her communicative democracy has several distinguishing features, which would limit the lack of participation by those in the minority.

First, she argues for greeting, which would make people feel more comfortable in participating. Young notes that greetings “bring people together warmly, seeing

¹⁴⁸ Ibid., 107.

¹⁴⁹ Ibid.

conditions for amicability: smiles, handshakes, hugs, the giving and taking of food and drink.”¹⁵⁰ Second, she proposes including rhetoric, which would connect people’s emotions to the speaker and make the discussion less boring.¹⁵¹ Finally, she proposes including storytelling. This is the most important of the three ways to include minorities in the discourse, because it is something everyone can participate in.¹⁵² Young notes, allowing people to tell stories of their own personal experience, not only encourages participation, but encourages those in the majority to see a multiplicity of perspectives. “Narrative also contributes to political argument by the social knowledge it offers of how social segments view one another’s actions and what are the likely effects of policies and actions on people in different social locations.”¹⁵³ Thus, Young’s proposal adds greater depth to the possibility for a truly participatory democracy.

Following Young, I believe that participatory democracy must not privilege certain types of communication over others. A hierarchy of speech where the words of “better educated white middle class people”¹⁵⁴—or any other privileged group—are more valued than the words of others creates a version of elitism, not much different from our current representative system where the hierarchy is based on money. Democracy should not be elitist. Consensus process, on the other hand, often is very elitist. I discussed in Chapter 2, using both Mansbridge’s observations and my own, how consensus process fails to value all forms of communication. In-house facilitators who play off of existing power dynamics within the group often exacerbate this problem by carefully selecting individuals to speak and occasionally cutting off those who do not have the same

¹⁵⁰ Iris Marion Young, “Communication and the Other: Beyond Deliberative Democracy,” in *Democracy and Difference*, 129.

¹⁵¹ Ibid.

¹⁵² Ibid., 132.

knowledge of conventional speaking techniques as others. While consensus process could be improved by having outside facilitators moderate discussion, valuing all types of communication must be done by the group as a whole.¹⁵⁵ In order to accomplish this, groups could constantly reevaluate themselves and make a solid commitment to not base decisions on the method of communication alone.

Can Consensus Process Be Reformed? Or, Rejecting Unanimity

In chapter 1, I looked at theorists, including Benhabib, who charge consensus process with being anti-democratic because it privileges unanimity over conflict and thus, stifles dissent. Having rejected “radical participatory democratic theories” by refusing to support unanimity, Benhabib offers an alternative method of advocating deliberative democracy. At first, she offers support for majority rule because it allows decisions to be reevaluated and revised.

...in many instances majority rule is a fair and rational decision procedure, not because legitimacy resides in numbers but because if a majority of people are convinced at one point on the basis of reasons formulated as closely as possible as a result of a process of discursive deliberation that conclusion A is the right thing to do, then this conclusion can remain valid until challenged by good reasons by some other group.¹⁵⁶

However, Benhabib’s deliberative democracy does not simply stop with majority rule. She also advocates an “opposition party,” similar to a parliamentary opposition party that would alleviate concerns of tyranny of the majority by scrutinizing the majority opinion.¹⁵⁷ Furthermore, she rejects the concept of one deliberative body that makes all the decisions as impossible in modern society instead favoring “a plurality of modes of

¹⁵³ Ibid.

¹⁵⁴ Ibid., 124.

¹⁵⁵ *Building United Judgment*, 89.

¹⁵⁶ Benhabib, “Toward a Deliberative Model of Democratic Legitimacy,” in *Democracy and Difference*, 72.

¹⁵⁷ Ibid, 72.

association” such as “citizens initiatives, social movements, voluntary associations, and consciousness-raising groups.”¹⁵⁸ Benhabib’s argument is more far reaching than small groups using consensus process; however, her proposals are important to groups using consensus process. Following Benhabib, small groups should use majority rule and the minority perspective should hold the majority accountable for their actions. Large groups using consensus, such as the spokescouncil model, seem absurd because they attempt “mass assembly” when they should be an “interlocking net” to achieve a “public conversation.”¹⁵⁹

The Difficulty of Instituting Change

In chapter 2, I showed in practice how “blockers” were often prevented from making their objections known by being alienated from the group or expelled from the group. Participatory democracy requires an opportunity for dissenters to air their concerns with developing policy and have those concerns documented. Participatory democracy then, requires decisions made through majority rule. In chapter 2, I noted that many groups that use consensus process have a majority rule fallback. Instituting majority rule in these consensus process based groups would not be that difficult since a precedent already exists. However, other groups still hold that consensus process is the best alternative to representative democracy. These groups use the standard concerns with tyranny of the majority as a basis for rejecting majority rule.

There is an incorrect assumption that on the one hand majority rule will necessarily lead to tyranny of the majority, while, on the other consensus process will necessarily avoid such tyranny through deliberation and unanimity. However, in majority

¹⁵⁸ Ibid., 72-73.

¹⁵⁹ Ibid, 73-74.

rule based systems the minority opinion is allowed to exist. During debate on a piece of legislation, group members can disagree with the majority. Members in the minority can speak out against the majority in debate without fear that they are leading to the destruction of the group. Finally, when a vote is taken on a piece of legislation it is clear that there was opposition if there are votes against it.

On the other hand, in consensus process a minority opinion is often stifled the moment it is uttered. Group members with a minority perspective on a piece of legislation are hushed in debate for fear of conflict. Those with minority opinions are forced to relinquish individual responsibility to the collective by standing aside or face intense scrutiny or even dismissal from the group if they block the legislation. In consensus process when a “vote” is taken minority opinions are often not even documented. Tyranny of the majority already exists therefore, not only as a possibility of majority rule, but as an intrinsic part of consensus process. The only way to make consensus process less tyrannical is to push it in the direction of majority rule.

It would not be difficult for groups interested in turning from the anti-democratic consensus process towards a truly participatory democracy to make that shift. They would simply have to make an honorable commitment to valuing all types of speech and rejecting unanimity in favor of a majority rule scheme where dissenters can object to the policy and have that objection well documented in case the policy needs to be revised in the future. While these shifts are small enough to easily be changed, they do represent a dramatic turn away from consensus process toward a new more participatory democracy.

It is difficult to imagine these participatory democracy ideas implemented on the large scale initially. For instance, although voting turnout has dramatically decreased in

the United States, I do not believe that this country is ready to experience this type of participatory democracy on the nation state level just yet. Instead, this practice could begin in small groups where a diverse population could be exposed to them. While I think many of Barber's proposals for creating participatory democracy in the United States would be extremely detrimental (especially allowing "informal lay justice" and an "internal voucher system"), he does suggest that participatory democracy should begin in neighborhoods and workplaces.¹⁶⁰

Disch criticizes Barber and other participatory theorists because they fail to answer the important question, "how will you turn out the people."¹⁶¹ However, most people simply have a deeper and more personal connection to their neighborhoods than their Congressional representatives. The issues that they would discuss in these smaller arenas would be ones that concern them directly. If experiments in participatory democracy began in the neighborhoods people would gain experience in the art of deliberation in an already comfortable arena. Additionally, students should experience participatory democracy as part of their education system because they will someday practice it fully within their communities.

Rounding the circle

In September 2001, I began this project before a DC IMC meeting. Throughout the spring and summer of 2002, when I was actively engaged in the research and writing of this project, I avoided DC IMC meetings. A few members were aware that I was working on this project and periodically asked me for updates, but on the whole I was ignored. In late August 2002, I attended my first meeting in over six months. During the

¹⁶⁰ Barber, *Strong Democracy*, 307.

¹⁶¹ Disch, *The Tyranny of the Two Party System*, 107.

announcement time I informed the group that I wanted to present my argument that consensus process was anti-democratic in a forum for the community. In order to make the forum more balanced, I asked if anyone would be willing to present the alternative perspective—that is, state why consensus process is democratic. This announcement was posted over a listserv that has hundreds of members. So far, I have received no offers to take me up on the challenge.

Some people within the DC IMC have suggested that they would be willing to look into a new approach for decision making because they are not dedicated to using consensus process. In recent months as my analysis has become more complete, the discussions on switching from consensus process to majority rule have become more substantial, but the group has not yet decided to formally switch over. Perhaps after reading my argument they will be ready to move toward a truly participatory democracy. Since this project began with that in mind, I would be overjoyed.

