Conflicting Preferences: Politics and Morality

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Like the rest of the world, Blacksburg has had its share of conflicts in the public arena. As a member of the county school board for over five years I have had to help navigate some of those conflicts. I will recount one in some detail, and another in less detail, for the lessons they provide. I think these lessons prove relevant for the matters at hand.

Before I was elected to the school board in November of 1995, the school board had already been considering what to do about a vastly overcrowded middle school in downtown Blacksburg, that was built some 50 years ago as a high school. The tentative plan, at that time, was to buy land and build a new middle school, designed specifically for middle school students. It would take a trained historian of considerable patience to trace the in's and out's of the controversy in the following five years, but let me mention the highlights.

There was soon a movement to keep the school downtown by renovating and expanding the current structure, for a variety of reasons: avoid sprawl, retain the integrity of the downtown social structure, possibly save money. I don't wish to debate, or re-debate the issues here, but only lay out the options and some of the considerations, as they appeared along the way.

This option gained considerable support from citizens outside of the schools, but soon there was a backlash from parents concerned about subjecting their children to construction on-site, and from educators wanting a facility designed for middle-schoolers, rather than cobbled together from an old high school.

There was hope for a compromise, when it was suggested that perhaps a new middle school facility could be built on the back of the current site, and the current facility torn down.

Now we had *three* options: new building on a new site, old building on the old site, and new building on the old site. I thought we at least had exhausted all the options when my daughter one day reminded me we hadn't yet considered: old building on a new site—Moving the current building! Of course, there had to be 2^n possibilities! Well *that* was never seriously proposed, but we were not finished with the options.

A new demographic study predicted explosive growth in the Blacksburg area, raising questions about whether the high school might itself become overcrowded in the near future. This led to discussion of whether a new high school should be built, and then the old high school converted to a middle school. This could be done while the middle school students remained at the old middle school, to avoid the problem of construction and education trying to co-exist.

But if we were to trust the new demographic projections, they were suggesting we would need an awfully big middle school—perhaps larger than a middle school ought to be. So we began considering having two middle schools. This would allow us to retain a school downtown, and have reasonable sized middle schools, and deal with crowding throughout the secondary level.

Of course, now we are talking about a pretty expensive project—building a high school and renovating two schools as middle schools. Not only that, but so much was predicated on the surprising demographic projections that we had them done by another

firm, more carefully, who decided that growth would not be as much as predicted, nor would it bring as many *children* as predicted. So some people began taking the original options seriously again.

So now we had 5 options:

1) new MS, new site
2) renovated and expanded MS, current ms site
3) new MS, current MS site
4) new HS, renovated MS at old HS site
5) new HS, renovated MS at old HS site and renovated MS at current ms site.

No doubt you can think of more options. And why not, because *more* options is better, right? From the perspective of individual freedom, more options are better—who among us wouldn't want more choices?

But from the perspective of the politics of public choice, more options are problematic. Take the five options we have generated here. All of them are good options, and have much to be said in their behalf. Indeed, each option had its supporters. While this is an oversimplification, let's suppose each option has an equal number of supporters. That turns out to be a politician's nightmare. What are the chances of getting support to move ahead with doing something? Not good. Any proposal will be opposed by 80% of the voters!

Blacksburg, I became fond of saying, was the victim of too many options. Paralysis set in. In fact, at some point fairly early in the process the school board decided to proceed with a building project in another part of the county, not because it was more pressing, but because it was not divisive.

Moral 1: Increasing the number of options is not necessarily good.

Since getting on the school board I have experimented with new ways of communicating with constituents. I began using e-mail in February of 1996 to communicate by sending out a semi-regular newsletter about school issues. I began by compiling a mailing list of 300 addresses, and in the five years since then the mailing list has increased to over 1000. I was interested in doing more to find out what I could about my constituents' preferences. So, I thought I could use e-mail to get opinions from others, as well as sharing my own views. And all of this was cost-free!

In an ideal system, all citizens would express their views freely and clearly. Standard utilitarian or cost-benefit accounts of decision-making generally assume we can just know what the benefits or costs are, and in an ideal democracy we would just know how many support and how many oppose a given course of action. But the reality of decision-making is not that simple. We can take votes, or survey voters, but those methods have costs, and they are limited to information from voters who care the most about the outcome. And when we do make the effort to get feedback about a course of action, we are inclined to discount views of those who didn't, for whatever reason, take the trouble to express them. One of the obvious limitations of my e-mail feedback system is that it is limited to those who have e-mail—indeed, to those whose e-mail addresses I happen to know. The most convenient method of gathering e-mail addresses was from the Virginia Tech phone directory. That is no random-sampling of the community. Nevertheless, with that in mind, I have assumed that more feedback is better than less, even if it is not random.

Moral 2: All known forms of practical feedback are partial.
(and all known forms of impartial feedback are impractical.)

Thus, politicians are generally stuck having to make judgements about popularity among conflicting preferences with inadequate information. Politicians can pass the buck by holding a special referendum on an issue; or they can make a guess and, if it is too far off base, let the next election be the referendum.

But suppose we have a set of options, and a feedback system that is good enough (in our judgement). What do we do about "too many options"? At the point at which we "only" had the original three options, I surveyed my constituents, asking that they *rank* their preferences. If people are willing to settle for their "second-best", then we have a chance of getting an option that is not, at least, strongly opposed by a majority of voters. This solution works only if there are still not *too* many options. I.e., it works for three options, if first and second preferences are randomly distributed. But if there are five options, with random preference-distribution, no option would get more than 40% consent. Only by going to third-best could you solve the problem now.

Ideally, we would want to know not only an ordinal ranking of preferences, but even a cardinal ranking—so we know *how much* someone prefers one option over another. But, practically speaking, that seems unattainable. Apart from some rough qualitative comments, people don't in fact have an articulate vocabulary of cardinal ranking—certainly not one that could be used in making interpersonal comparisons.

Moral 3: Ordinal rankings can help build consent for an option when there are too many options.

The middle-school conflict was finally resolved, about a year ago, when the school board and the board of supervisors, who hold the power of the purse, agreed to build one new middle school in Blacksburg, on a new site (--the original plan). Different agreements had been reached at earlier stages in the dispute, but I think I can call this agreement "final" since we broke ground for the project in August of 2000, and we are now well under way.

(One way in which this case study has direct relevance to the topic of this conference has often been overlooked: The new middle school will have several soccer fields, developed jointly with the Town of Blacksburg. This should remove much of the pressure from that quarter for using Brown's Farm for additional soccer fields.)

Did that option have the most support among the various possibilities? Frankly, I have no idea. A year ago, the board of supervisors set a maximum amount of debt they were willing to incur over the course of the next several years for the sake of completing two school projects. The option chosen fit within that budget and addressed the most pressing need. Making demographic projections for Blacksburg has turned out to be tremendously complicated. The nationally-known firm that has been working for us on this issue for the last three years says that this has been the most difficult job they've had. It could be that once the options considered had been given price-tags, this option had the most support.

Moral 4: To the extent that preferences depend on cost and demographic projections (or, assumptions), they become almost unreal.

A set of hypothetical preferences, conditional on various assumptions, does not really constitute a preference that can be set or weighed against supposedly conflicting (sets of) hypothetical preferences. It is this sort of unreality that often leads politicians to make their own judgements, rather than trying to discern and weigh the conflicting preferences of constituents. Of course, when one's own judgements turn out to be hypothetical upon various unknowable assumptions, it is tempting to resign. But, as we are fond of saying, this is what we are paid the big bucks for doing, so we make a decision (perhaps better called a "choice") and cast our votes. You then pray you haven't done something stupid.

And on this score, I have to confess that seven heads are better than one (seven being the number of school board members). I have a great deal of confidence in my deliberative abilities, but experience has shown me the wisdom of Aristotle's claim (*Politics* III, 11):

> "For the many, who are not as individuals excellent men, nevertheless can, when they have come together, be better than the few best people, not individually but collectively, just as feasts to which many contribute are better than feasts provided at one person's expense. For being many, each of them can have some part of virtue and practical wisdom…." (1281a41-1281b4)

But sometimes conflicting preferences can lead to a sort of conflict that is not obviously amenable to resolution by majority-rule. These kinds of conflicts are familiar to those who deal with environmental issues, as well as a number of other kinds of issues in the political sphere. The kinds of cases I have in mind are ones in which those on one side view the opposition as wrong-headed, or even morally wrong. In these cases, it is not simply a matter of conflicting *preferences*, since some parties to the dispute do not want their views represented as *mere* preferences.

The second example of conflict from my school board experiences that I want to recount, in less detail, illustrates this. Blacksburg High School has been called the Indians for several decades. A year and a half ago a Virginia Tech History professor of Indian ancestry published an impressive op-ed piece in the *Roanoke Times* decrying this as demeaning to Indians. I had never thought about this—having grown up in Cleveland, rooting against all odds for the Indians. I brought copies of this to our next school board meeting, only to be faced with TV news cameras and a group calling themselves the Coalition for Indian Concerns ready to protest. Should we change the Indian mascot?

This is a very complex issue, and after many months of process and deliberation the school board has finally addressed it. I won't spend time discussing the complexity, except in a few respects. Most people would like to see this as a matter of conflicting preferences—the Indian coalition and their supporters prefer a change, many others prefer no change. This would be a fairly simple case to resolve if it were simply conflicting preferences. But the coalition does not see its position as a preference. They see it as a moral issue, rather like the civil rights movement.

I don't wish to get into the question of whether it *is* a moral issue, but rather I want to focus on the complications raised by *treating* it as a moral issue. This case of the Indian mascot is not rare across the country, but its value for our discussion is clear, since

many cases get presented as moral issues—abortion, genetic engineering, pollution, preserving open space, etc. Should moral positions override mere preferences?

One of the things that became clear to me in hearing people advocate their views on the mascot issues was how little influence they had on one another. And I think this is a common phenomenon in public discourse about issues like abortion or the environment. People rarely manage, and indeed rarely try, to convince their opponents. They fall into a rhetoric that they find emotionally satisfying, but rarely stretch themselves to try to figure out what might influence someone on the other side. Sometimes (perhaps, often) advocates for the environment, or for changing the mascot, or for ending abortion, find themselves in the minority. It becomes clear that they will not win their case if it is assessed as a mere conflict of preferences. So, they play the morality card.

By saying "So they play the morality card" I sound more cynical than I should. I make it sound like morality is a tactical ploy, and I'm sure many people of good faith do not see or use it that way. My main training is as a moral philosopher, and I am not inclined to be cynical about morality. But my experience in politics has made me wary of the role that morality sometimes plays in public discourse. I think it is best to try to keep issues in public discourse from being construed as moral. Let me try to say why.

Calling an issue "moral" seems to excuse a person from having to convince other people to agree with their position on the issue. They think that others fail to agree with them, not because the advocate is insufficiently convincing, but because the opponent is corrupt. Morality becomes a sort of club used in place of convincing reasons to defend one's position.

Now, of course, we moral philosophers generally see morality as itself a kind of reasoned discourse, not an alternative to reasoned discourse. But that's not how it generally functions in public discussion. By criticizing public moralizers, here, I don't mean to be praising their opponents. Their opponents—let's call them the populists—are no better at reasoned discourse. But at least they don't claim some pride of place over their opponents.

Anyone who reads letters to the editor, as I do, or attends public discussions of political issues, as I must, knows how poor the quality of public discussion is. As an example, when a high school-based group reported to the school board on its deliberations about the mascot issue, and I asked them what they saw as the strongest arguments in favor of retaining the Indian mascot, the two "reasons" they gave were that the clear majority of people favored keeping the mascot, and the cost of changing the mascot. It was as though they didn't even understand what would count as a "reason" in this discussion. (Cost could be counted as a reason of sorts, except that they had been specifically asked to not focus on that in their deliberations.)

Calling an issue "moral" also tends to put everyone on the defensive. This immediately makes everyone more intractable. At a recent convention of the National School Boards Association I attended a talk called "Minimizing Your Defensiveness." It was a good talk, though not well-attended. The speaker explained that he used to call it "Minimizing Defensiveness," and got a big turn-out whenever he gave it. But he said it turned out that 90% of the people who attended wanted to learn how to minimize *other* people's defensiveness. His point was that the only defensiveness we can control is our own. But we certainly can, and do, increase defensiveness by framing an issue morally.

What should we make of the fact that a small group can make a moral argument and basically fail to convince any of the opponents? Of course, there is the impressive precedent of the civil rights movement, which is often invoked as an example of a case in which (we now all would admit that) the minority was right even though the majority remained unconvinced. But, at least in that case, the minority managed to convince the Supreme Court, key agencies in the federal government, and eventually the Congress. In other words, the responsibility to convince was not abdicated.

So, perhaps the school board should take on the role that the Federal Government took on in the civil rights era—making changes despite the opposition of state and local agencies and much of the public. What worries me about taking on this activist role is that, however moralistic it wants to be, an elected board is ultimately subject to populist control—through the next election. Of course, there is room for the moralistic elected official that makes the right decision and risks defeat at the polls. But what worries me is an elected board using its power to make moralistic decisions without anyone seeing a responsibility to convince others, and then a subsequent elected board using its power to undo that moralistic decision. Morality then becomes a tool of power, rather than a responsibility of reasoned engagement. I think we see these kinds of power-plays on environmental issues at the federal level when there is a change of administrations.

Perhaps my point is that there is a difference between morality in the private sphere and morality in the public sphere. I am much more skeptical of the value of moral discourse in the public sphere, because it too easily becomes a substitute for the search for common ground and compromise that is essential to public policy. Indeed, to a person who has staked out a moral position, "compromise", which has a positive connotation in the public sphere, takes on the negative connotation of "compromising one's principles".

What makes compromise work in the public sphere is generally a balance of power between the conflicting parties—each sees the need of giving something to get anything. When the conflict is between popular preferences and a moralistic minority position, there is no balance of power, and no common ground for seeking a solution.

Moral 5: Try to keep morals out of the discussion.

But doesn't this risk the oppression or subordination of the interests of a minority, who may have no tools for getting others to compromise? The answer is that, of course it does—and we have to be aware of that danger. My only point has been that it is also worth being equally aware of the danger on the other side—the danger of too quickly accepting a transformation of the discussion into a moral one. Because then the otherwise useful mechanisms of politics work much less well.

So I am an advocate of "Socratic" politics--trying to change people's hearts at the level of preliminary discussion. Then, once all the consciousness-raising work has been adequately done, we can proceed with politics-as-usual at the level of decision-making.

What about the role of "leadership" in public discourse and public policy. Aren't leaders the ones who see the moral positions and stand by them despite unpopularity, for the sake of eventually bringing the majority around to seeing the issue properly? And I have to admit that they are—but only as a last resort. For I think the best leaders are ones who help people find ways to discuss issues and raise consciousnesses at preliminary stages. I don't think moralists make the best leaders. They are more concerned with

doing the right thing, than with helping to find a process that *might - lead - people* to do the right thing. It is, perhaps, an issue between means and ends. Oddly, moralistic leaders are quick to judge that the end justifies the means--making the right decision justifies doing this in opposition to the populace. Whereas populist leaders think the means are built into the end. A decision that is made in the face of popular opposition is inherently unstable, and destabilizing of the process.

Moral 6: Try to find means for resolving issues that are politically sustainable in the long-run.

This does not rule out taking an unpopular moral stand. But it does urge reluctance to do so. The common invocation of the civil rights movement as a model for other moralized disputes, such as the mascot issue, or perhaps issues about the environment, turns out to be inappropriate in light of this moral. The lever for the ultimate success of the civil rights movement was not a politician willing to take a moralistic but unpopular stance. It was a Supreme Court willing to take a moralistic but unpopular stance. That stance was sustainable in the long-run because Supreme Court justices are appointed for life. A Supreme Court decision is not necessarily sustainable forever—because justices do eventually die, and get replaced by a political process. But that generally takes much longer, allowing much more opportunity for consciousness-es to be raised in the meantime. And also, precedent plays a huge role in Supreme Court decisions, so there is a disinclination to overturn past decisions. Consider, for example, the abortion issue. Even though a majority of the current court might well like to overturn Roe v. Wade—they just can't bring themselves to, as good justices.

So it is interesting that our political system has built into it a sort of anchor for morality to come into play, and be isolated from politics. But it is not one that comes into play as often as some might like. And some—the strict constructionists—think it shouldn't come into play even here.

Such are my reflections--as a politician and moral philosopher. Perhaps the reflections embody the wisdom of experience. Aristotle says (*Nicomachean Ethics* VI, 11):

> Therefore we ought to attend to the unproven sayings and opinions of wise and experienced older men, as much as to demonstrations, for experience has given such men an eye with which they can see correctly. (1143b10-12)

Or perhaps my reflections are jaded by the corruption of politics. That is for the public to decide. Or is it, rather, for the few, here, to decide? In any case, it's not for *me* to decide.

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